

**CONFIDENTIAL MINUTES
COLLIERY DAMS TECHNICAL COMMITTEE
THURSDAY, 2013-DEC-05 AT 1:00 P.M.
BOARD ROOM, SERVICE & RESOURCE CENTRE, 411 DUNSMUIR STREET**

PRESENT:

Snuneymuxw First Nation:

Paul Silvey
Chris Good

Golder Associates:

Herb Hawson, Director of Special Projects
Bruce Downing, Principal

City of Nanaimo:

Toby Seward, Director, Social & Protective Services

Colliery Dam Park Preservation Society:

Jeff Solomon
Geraldine Collins
Bill Heathcote
Lorne Gale
Leon Cake

Katherine Gordon, Facilitator
Holly Pirozzini, Recording Secretary

1. Call to Order

The meeting was called to order at 1:00 p.m.

2. Introductions

The facilitator asked all present to introduce themselves and she reminded the group of the tasks before them, noting several key points to begin the discussion:

- The Technical Committee reports to the Executive Committee, which reports to the Policy Group.
- This is an evolving process over the next 2.5 months to complete this work by Feb. 28.
- Her job is to support the Committee in the relationship to build trust and have collaboration for the outcome, and to foster integrity of this process.
- The mandate and timeline are demanding and will require commitment and good communication.
- If time is spent today on communication and commitment to timelines and goals to meet, guarantee this will save time in the end.
- Suggested goal of reaching a consensus on the next steps and who is doing what by the end of today.

It was also noted that it would be good for the group to discuss how to approach disagreements in due course.

3. Review of Committee Tasks

The Council Report from the meeting held 2013-Oct-21 (Staff Recommendation 4. below) was reviewed:

Direct the Technical Committee to focus on outcomes that only involve remediating the existing dams using the following phased approach:

Phase 1 Review and verify the existing data and direct additional data collection as necessary.

Phase 2 Develop options(s) for remediating the existing dams that will satisfy the requirements of the Dam Safety Section of the Ministry of Forests, Lands, and Natural Resources.

Phase 3 Develop plans for short-term physical alterations to the dams in 2014 to provide the necessary time to carry out the long-term strategy (if required).

Agreed: The wording in Phase 1 should not include the words “and verify”. The Committee will not undertake verification of the existing data.

4. Group Expectations of Process, Issues, Roles

Facilitator - Requested each party to summarize their objectives, expectations, limitations, and decision-making processes.

City of Nanaimo (CoN) stated that the City’s perspective is Council’s direction, which is to remediate in place the dams and provided the following six objectives:

- safety of people who live/work below the Colliery Dams;
- meets the Dam Safety Section requirements;
- meets the goals of SFN, Colliery Dam Park Preservation Society and the community;
- addresses Fisheries/ecology issues;
- cost-effective solutions; and
- short-term improvements to dams are completed in 2014 (and long-term, if possible) and dam improvements are completed in 2015.

Agreed: Staff will distribute the CoN objectives to the other members of the Technical Committee.

Question: What is Golder Associates’ involvement is in this process? Golder Associates (GA) responded that they are reviewing the structural engineering of the dams (review of environmental and fisheries may come later if the Technical Committee recommends that).

GA stated that its role is to assist in providing for the group the tools to make a decision with respect to the technical issues that exist in remediating the dams.

Agreed: Notes of the Technical Committee meetings will have questions recorded without names attributed. Approach to format of minutes to be reviewed – will be confidential. Facilitator will prepare a public summary for the Committee’s

approval, to be used in public communication. Also, the group will have to approve what the Facilitator can say to the media (see communications, below).

Colliery Dam Park Preservation Society (CDPPS) stated that its objective is to retain the dams in the least affected state, for the least expenditure while satisfying the required safety standards.

Concern was expressed about using the word “least” in this objective as it may have a contradictory effect since the desired solution may not necessarily be the cheapest.

CDPPS stated that it would be willing to change the wording of its objective to a solution that is least intrusive or minimally invasive, cost effective and that meets the Dam Safety Branch requirements.

SFN stated that its main concerns are Treaty rights, fisheries and environmental considerations.

Agreed: That the objective of this Committee could be clarified at the beginning of the next meeting as there is 95% consensus with the wording.

The suggested objective is:

To find an environmentally, minimally invasive, cost and time-effective solution while satisfying Dam Safety standards.

CDPPS stated that there should also be a reference to fisheries included in the group’s objective.

Agreed: The facilitator will circulate draft wording of the objective discussed by the Committee for review at the next meeting.

Question: What is the City’s perspective of what Council will be looking for. What are the factors?

CoN advised that there isn’t a dollar figure tied to the solution, but the more cost-effective the solutions is, the easier it will be to get it done and move forward.

Question: Was \$2.5 million set aside for this project and what portion has been spent?

CoN responded that \$2.5 million was the reserves in last year’s budget and that \$1.2 million has theoretically been spent.

Facilitator - Whatever solution is come up with, it will have to meet with the Dam Safety and Department of Fisheries and Oceans (DFO) standards. In the action plan, the Technical Committee will need to get a clear sense of what the current requirements are.

GA suggested that the risk be understood/quantified first and then bring it to a level that society will accept. Their approach would be to cost effectively bring the risk down to an acceptable level for an international body (i.e. find the most cost-effective and rational solution). The City doesn’t know where it sits in the risk, so the risk needs to be assessed and quantified. It is not necessary to bring it to a zero level of risk, but to an acceptable level by the Dam Safety Branch. As required they will integrate with their fisheries experts before bringing a structural design forward and will give consideration to the environment

and habitat around the dams. Also added that the Dam Safety Branch is amenable to solutions if you can make a reasonable case.

The SFN stated that protocol, process and procedure are important to them so this initial discussion is necessary.

5. Communications:

The facilitator noted that consensus on communications is vital to the success of the group and the work it is undertaking. That includes internal, external to third parties, and to the media.

CDPPS believes it has a sense of the pulse of the community and has an understanding of how people feel about the park, as well as the background / experience and studies on the issue, so would be comfortable communicating directly with the media about those issues. CDPPS offered to provide background information to GA (and to other Technical Committee members) and suggestions for solving the problem.

GA believes that discussions with the media should be through one contact person for the Committee.

CoN advised that there is a bi-weekly phone conversation with representatives from the Dam Safety Branch to keep the lines of communication open and to provide progress reports.

Discussion occurred regarding:

- Need a congruent/similar message distributed to the media so that some information is shared with the community.
- One spokesman for the whole Committee.

Agreed: That there is one contact for the whole Committee and that the Facilitator take that role and that this be reassessed in a few months. Facilitator will only use messaging approved by the Committee.

Facilitator - Clarified that the Technical Committee will report to the Executive Committee, which is Paul Silvey (SFN) and Ted Swabey (CoN) who report to their respective Councils.

Agreed: That the Technical Committee will report to the Executive Committee in writing.

CoN committed to ensuring Golder has all background information, including a table of contents of all documents which will be shared with the Technical Committee.

6. Action Planning

Facilitator - Asked GA to clarify the steps they will be going through?

GA responded that they could bring Bill Roberds who is a risk assessment expert, to the next meeting and that he could develop a risk model so the Committee has a clear understanding of what GA is proposing. Risk assessment is a different way of

approaching a dam safety review/assessment. The advantage is that GA will distance itself from the community by taking a different approach from the previous engineers involved in this issue. How the risk assessment fits into Phases 1, 2 and 3 has not been determined yet. Bill Roberds may not be available until Dec.17, but he could attend a meeting after that date.

CoN expressed concern that the process will be delayed unless both the risk assessment and design steps (remediate the dams in place) are run concurrently because the risk assessment has to be accepted by the Dam Safety Branch.

GA stated that the risk assessment is quantitative and backed up by an analysis. Will need to provide the Dam Safety Branch with risk assessment framework and try to receive its support. GA committed to continuing with the structural engineering design at the same time as a risk assessment. A preliminary risk assessment and options could be in place by February, 2014.

CDPPS stated that assessing the risk may change the dam classification. Suggested that GA present the risk assessment to the Dam Safety Branch when they are prepared to do this.

GA stated that it could design remediation options to meet the risk of failure.

SFN advised that the Dam Safety Branch has committed to work with SFN.

Facilitator – Would GA be ready to provide what its next steps are to the Committee by Friday, Dec. 13?

GA responded that it will provide comments on how we could move forward and will be up-to-speed with information on this issue by that date.

CDPPS stated that they trust Golder and its expertise and the Committee should give them the opportunity to pursue the risk assessment option. GA reiterated that it will present how this works first.

Agreed next steps:

- **City staff to ensure GA has all documents, including an index.**
- **Distribute Draft Confidential minutes to the Committee.**
- **Finalize minutes and develop a public summary.**
- **Confirm objectives for the Committee.**
- **Find a meeting date for after Dec. 17 and include Lorne Gale through phone or Skype.**
- **Invite Bill Roberds, Golder Assoc., to attend the meeting after Dec. 17 to present information on risk assessment of the dams.**
- **Hold the Dec. 13 date for another meeting, in the event that Golder Associates has reviewed the documentation and will be prepared to meet on that date.**

Facilitator - Encouraged everyone to speak, be respectful of everyone's points of view and remember that everyone has a common goal.

7. Scheduling

SFN advised that its commitment in this Committee may not be full time and that this may be the last meeting they attend, depending on the agenda for each meeting and whether productive progress is being made by the group. They will consider this on a meeting by meeting basis.

8. Conclusion:

The meeting concluded at 4:00 p.m.