



**REPORT TO ELECTORAL AREA COMMITTEE
MEETING OF WEDNESDAY, JANUARY 9, 2019**

SUBJECT **Gardom Pond Dam Update**

ISSUE

To provide an update on the Gardom Pond dam decommissioning effort.

BACKGROUND

The Capital Regional District (CRD) is 1 of 6 water licence holders (WLH's) tied to lands adjacent to Gardom Pond on Pender Island. The CRD property there is held as part of the Pender Island Parks and Recreation Service. The WLH's have been advised by the provincial Dam Safety Officer that the Gardom Pond dam, which is classified as "high consequence" in the event of a failure, is in poor condition and remedial works are required. The Dam Safety Officer appointed the CRD to be responsible to rectify the situation.

In response to this directive, CRD staff have taken a leadership role in providing strategic counsel and building consensus amongst the WLH's, development and evaluation of options and liaising with the Dam Safety Officer in an effort to reach a resolution.

Below is a chronological summary of recent relevant project milestones:

1. At its October 12, 2016 meeting, the CRD Board provided approval for a rehabilitation approach for Gardom Pond dam that involved a loan authorization bylaw to cover the costs of delivering the project.
2. A meeting with the WLH's was held on Pender Island on December 2, 2016 to present this option and seek consensus. At that meeting the Chair of the Pender Island Parks and Recreation Committee (PIPRC) indicated that on November 27, 2016, the PIPRC passed a motion to request the Electoral Area Director for the Southern Gulf Islands bring forward to the Board an additional option of decommissioning (naturalizing) the dam for the referendum.
3. Subsequently, CRD staff met with Provincial staff from the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) to review the potential for naturalization of the pond. Naturalization of the pond would involve lowering the pond water level in a controlled manner and re-establishing an outlet at the original discharge stream bed. The existing road, Gardom Lane, would be maintained.
4. Through the first half of 2017 CRD staff communicated with the WLH's regarding a Legal Joint Works Agreement to have the dam decommissioned. This agreement was fully executed at the end of June 2017.
5. The CRD identified and applied for grant funding through the National Disaster Mitigation Program (NDMP) to support the decommissioning effort. Funding in the amount of \$460,000 was announced for this project on December 17, 2018.

CRD staff considered several design options that would result in the lower water level required to decommission the dam. Staff worked with the impacted landowners and also discussed the requirements with the Provincial Dam Safety Officer. As a result, in December 2018, staff secured an agreement with one property owner to grant access for construction of the stream outlet which historically contained the stream outlet on that property.

The schedule for project execution involves a tender issue in May with construction to take place in July and August, 2018.

FINANCIAL IMPLICATIONS

At this point staff are optimistic that the project costs will be fully covered by the funding from the NDMP and \$100,000 from the Community Works Fund that was approved by the Board in April 2017. The detailed engineering design will be developed in early 2019 that will lead to a more accurate estimate of the construction costs. Potential costs yet to be determined may include mitigation of impacts to property, fire protection and environmental measures but these are not expected to be significant amounts.

RISK IMPLICATIONS

Funding deadlines require the decommissioning to occur in 2019. At this point staff are confident that this can be achieved.

The CRD, as holder of a water licence, has statutory obligations under Section 31 of the *Water Sustainability Act*. As a result, the CRD, along with the other WLH's, would be responsible for a failure of the dam. By decommissioning, or naturalizing the dam, the CRD is ultimately able to abandon the water licence and thus eliminate any statutory obligations arising from the regulatory authority.

Risks associated with this issue have been included in the CRD Corporate Risk Registry. The risk level will drop from moderate to low / non-existent at the completion of this project.

CONCLUSION

Discussions with the water licence holders over the risk and condition of the dam have been ongoing for many years. The Dam Safety Officer requires that the WLH's address the dam safety issues identified with the Gardom Pond dam. The WLH's have agreed to decommission the dam which mitigates current and future risk and satisfies statutory obligations.

RECOMMENDATION

That the Electoral Area Services Committee recommend to the Capital Regional District Board:

That this staff report be received for information.

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