



File: 76915-20/D730149

Water Licence(s): 1001836, 1001837, 1001838, 1001839, 1001940, 1000316

May 24, 2019

Via Email: bmartin@crd.bc.ca

Ben Martin, Senior Project Engineer
Capital Regional District
625 Fisgard Street
Victoria, British Columbia
V8W 2S6

Dear Ben Martin:

Re: Order for Decommissioning of Gardom Pond Dam

Enclosed is an Engineer's Order issued under Section 93(2)(d) of the Water Sustainability Act (WSA), which sets out the conditions for the decommissioning of the Gardom Pond Dam.

For these purposes, a suitably qualified person might include engineering professionals with experience with dam construction and dam removal, and a qualified Environmental Monitor might be a registered professional biologist with experience with stream channel restoration and protection of the stream environment.

The Capital Regional District (CRD) has committed to working closely with First Nations on selection of a qualified Archaeological Monitor.


The current six land improvement purpose water licences held on Gardom Pond have not been abandoned. This office understands that due to a financial arrangement between the current water licence holders, once the decommission work has been completed then a WSA application will be made to transfer five of the water licences to the CRD. Once the five water licences have been transferred to the CRD then the CRD will make a WSA application to abandon all six water licences currently on Gardom Pond. The reason for this water licence process is to address the WSA's Section 122 in that liability of owner for damage remains.

Ben Martin, Senior Project Engineer

Any appeal from this Order must be made in accordance with Section 105 of the WSA and must (1) be in writing, (2) include grounds for the appeal as well as the remedy being sought, (3) be delivered to the Environmental Appeal Board within 30 days of delivery of notice of this Order to you, (4) by delivery of the notice of appeal to the Environmental Appeal Board office on the 4th Floor, 747 Fort Street, PO Box 9425 Stn Prov Govt, Victoria, BC V8V 9V1, by ordinary mail, registered or certified mail, courier, or by leaving a copy at the Board's office during normal business hours, and (5) be accompanied by a filing fee of \$25, payable to the Minister of Finance.

You are also reminded that Section 105 of the WSA states that an appeal does not act as a stay or suspend the operation of the Order being appealed unless the appeal board orders otherwise.

Yours truly,



Pat Lapcevic
Assistant Water Manager

Attachments: Engineer's Order dated May 24, 2019

ENGINEER'S ORDER

SECTION 93 OF THE *WATER SUSTAINABILITY ACT*

WHEREAS Capital Regional District (CRD) acting as a current water licence (C109506) holder and the agent for the five water licence (C109507, C109510, C109511, C111318 and C111639) holders on Gardom Pond located on North Pender Island,

AND WHEREAS on March 6, 2019, the CRD made an application to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) to decommission Gardom Pond Dam;

AND WHEREAS an application has not been made by the six current water licence holders on Gardom Pond to abandon the six water licences (C109506- CRD, C109507 – [REDACTED], C109510- [REDACTED], C109511 – [REDACTED], C111318- [REDACTED] and C111639 – Twan Developments Ltd) to store water for land improvement purpose;

AND WHEREAS under Section 17 of the Dam Safety Regulation, the Regional Dam Safety Officer has accepted the Gardom Pond Dam decommission plan attached to the CRD letter dated March 6th 2019;

THEREFORE, I, Patricia Lapcevic, Assistant Water Manager exercising the powers of an Engineer, HEREBY ORDER the CRD to decommission the Gardom Pond Dam and give permission to work within the Unnamed Stream flowing out of Gardom Pond with the following conditions:

1. Work is to be completed in a timely manner under supervision of a suitably qualified person,
2. The Dam Safety Officer is to be notified by the CRD at least 30 days before the onsite decommissioning work is started,
3. Work is to be completed before September 30, 2019 during the period May 25 to September 30,
4. A work is to be monitored by a qualified Environmental Monitor, and a Construction Environmental Protection Plan (CEPP) is to be submitted to this office BEFORE on site work is started. The CEPP is to be implemented when required,
5. A qualified Archaeological Monitor is to be on site during the period when any ground associated with the decommissioning is disturbed. The Monitor is to prepare a report on

- the archaeological monitoring of the work and a copy of the report is to be forwarded to this office within 60 days of substantial completion of the work,
6. An Archaeological Chance Find Procedure (CFP) prepared by a qualified person is to be prepared and a copy submitted to this office BEFORE on site work is started. This procedure is to be implemented if there is an archaeological finding,
 7. All disturbed areas are to be stabilized,
 8. The work is to be suspended if discharge of sediments cannot be controlled,
 9. The stream banks and bed shall be protected from erosion by adequately designed and constructed rock riprap bank protection,
 10. The dam owner shall exercise reasonable care is to avoid damaging land, works, trees, or other property; and shall make full compensation to the owners for damage or loss resulting from construction, maintenance, use, operation, or failure of the works,
 11. Any change in and about a stream must be designed, constructed, and maintained in such a manner that the change does not pose a significant danger to life, property, or the environment,
 12. The dam owner must while making the change in and about the stream:
 - i. maintain water quality;
 - ii. maintain stream channel integrity;
 - iii. maintain surface and sub-surface drainage systems and flows;
 - iv. conserve wildlife habitat, including riparian vegetation;
 - v. protect fish habitat and fish passage;
 - vi. prevent erosion, mass wasting, siltation; and
 - vii. prevent degradation to water quality at the intake of existing water supplies authorized under the Water Act,
 13. A brief letter report on the decommissioning work that includes photographs of the work, sketch of work completed and monitoring plan is to be submitted within 60 days of substantial completion of the work.

Dated at Nanaimo, British Columbia, this 24th day of May, 2019.



Pat Lapcevic
Assistant Water Manager, exercising the powers of an Engineer under the
Water Sustainability Act