



TOWNSHIP OF NORTH HURON

REPORT

Item No.

REPORT TO: Reeve Vincent and Members of Council
PREPARED BY: Jeff Molenhuis, Director of Public Works
DATE: 06/03/2017
SUBJECT: Howson Dam Species at Risk Phase 1 Report Update
ATTACHMENTS: None

RECOMMENDATION:

THAT the Council of the Township of North Huron hereby receive the report Howson Dam Species at Risk Phase 1 Report for information purposes.

EXECUTIVE SUMMARY

At the November 7th, 2016 Council meeting, the following resolution was passed:

THAT the Council of the Township of North Huron hereby direct staff pending discussion with the Ministry of Natural Resources and Forestry regarding the Species at Risk, to prepare an RFP document to conduct a Dam Safety Assessment to determine the feasibility of an application under LRIA for approvals with the Ministry of Natural Resources and Forestry.

Staff held discussions with the Ministry in November. The Ministry recommended submission of a Phase 1 – Information Gathering application to assess feasibility of SAR permitting.

At the December 5th, 2016 Council meeting, the following resolution was passed:

THAT the Council of the Township of North Huron hereby direct the Director of Public Works to proceed with the Phase 1 of the MNRF Species at Risk application, and proceed with the RFP document to conduct a Dam Safety Assessment to determine the feasibility of an application under LRIA following formal response from the Ministry.

The purpose of this report is to provide an update on the application process with the Ministry, which includes submission of a twenty-five (25) page application by NRSI, who is the sub-consultant retained to perform this task. The documents were submitted to the Ministry during the week of February 13th.

DISCUSSION

In late 2015 and as part of the 2016 Budget process, Council gave staff direction to proceed with an Environmental Assessment to gain an understanding the opportunities and constraints for the general options to repair, rehabilitate or remove the structure. After identifying the SAR species through the EA field investigation, it is prudent to understand the potential impact the species may have on MNRF permitting for any potential project construction work. Following Council direction, staff engaged the consultant, NRSI, to submit the first phase of the permitting process to the Ministry for SAR species to have a better understanding of potential constraints.

NRSI is an environmental consultant with specific experience with SAR species, including consulting with the Ministry on permitting requirements according to the legislation under the Endangered Species Act. The first phase of the application is an Information Gathering Form (IGF), which is submitted to the Ministry outlining potential construction work anticipated as part of the project, as well as extensive review and summary of potential impact to the SAR species. If the review is favourable and there is minimal or no impact to the Species at Risk, the Ministry may respond with what's called a Letter of Advice, which would essentially allow the work to proceed with the understanding that there would be no or minimal impact the Species at Risk identified.

The IGF application was submitted during the week of February 13th. The form was submitted to the Ministry addressing the option to repair the existing dam structure. The proposed works to repair the Howson Dam were outlined to include potential for raising of the headpond water levels so as to capture potential outcomes that may arise.

Assuming that MNRF permits these repairs through the issuance of a Letter of Advice, per the motion the Township will complete a structural assessment of the dam to ensure that the structure can be rehabilitated according to Ministry permitting requirements under LRIA taking into consideration Dam Safety.

It is unclear as to the timing of response from the Ministry for the IGF. Should Council wish to proceed with a Request for Proposal for Dam Safety Analysis in advance of understanding the potential impacts SAR species may have on MNRF permitting, in the interest of time, they could choose to direct staff to do so by adding the following motion to the Resolution.

“AND FURTHER THAT the Council of the Township of North Huron hereby direct Staff to initiate and issue the RFP for Dam Safety Analysis in advance of the formal response from the Ministry with respect to the SAR species”

This may be in the best interest of time for the project for staff to prepare the document, issue it publically for bid and have results back to Council for consideration of award so that the process for the two (understanding LRIA and SAR impacts on permitting) are running staggered but concurrent.

Both LRIA and SAR permitting impacts are key to understanding the opportunities and constraints of repair and rehabilitation of the dam structure. The EA process originally undertaken had asked for desktop review of permitting requirements and basic analysis of permit feasibility. However, within the first public session and commenting period, there was very strong support for the rehabilitation/repair options. As such, the recommendation came forward to pause the EA, undertake more detailed analysis/review specific to rehabilitation/repair through Dam Safety Assessment and gain a more thorough understanding of SAR permitting constraints.

Howson Dam Committee Request

At the February 21st Council meeting, there was discussion amongst the Council group in relation to a request to make the Howson Dam Committee a Committee of Council. There was no direction given to staff to report back on the matter. Additional correspondence was submitted to Council prior to the March 6th meeting from the Howson Dam Committee Chair Rennie Alexander. The

correspondence is within the Council Correspondence section of the meeting agenda. The correspondence again asks Council to be made a Committee of Council so that the Dam Committee could support Township staff in submitting the SAR application. The content of this report confirms that the IGF was submitted to the Ministry during the week of February 13th. We do not have a specific timeline to receive comments back from the Ministry.

For the Dam Safety item, given the technical nature and strong liability potential, it is recommended that this work be performed by someone with Professional Liability Insurance operating under a Certificate of Authorization and a Professional Engineering License from the PEO, the regulatory body for practising engineering in the Province of Ontario, in order to appropriately mitigate any potential risk to the Township in relation to determination of Dam Safety. Issuing the Request for Proposals to conduct Dam Safety Analysis is the next sequence in the process. It is not anticipated at this time that the Dam Committee would have direct involvement in this process.

In the future, Council may wish to create a committee to perform specific tasks once the preferred alternative is known.

FINANCIAL IMPACT

The Dam Safety Analysis component is anticipated to cost in the range of \$50,000-\$80,000, as previously reported. It could be scoped in a stepped format to allow the Township to review at certain stages of the process, and determine as how best to proceed considering Council's desire. The Phase 1 IGF form submission for Species at Risk is \$5,500. The original EA was awarded based on approximately \$90,000 of fees to GSS.

FUTURE CONSIDERATIONS

The remainder of the EA may be considered pending the results of these two components, or Council may wish to pursue alternate direction pending the results. These results will also serve to inform the EA process, or support the direction of work, whichever Council wishes to proceed with.

RELATIONSHIP TO STRATEGIC PLAN

Goal 3 the Township is healthy and safe. Goal 4 the administration is fiscally responsible and strives for operational excellence.



Jeff Molenhuis, Director of Public Works



Sharon Chambers, CAO