

APPENDIX 9

SUMMARY OF NVCA'S CONCERNS AND ENGINEER'S COMMENTS

(Prior to April 6, 2021 as included in the April 6 and May 28 PowerPoint Presentations by the Engineer)

APPENDIX D

HOW EXPRESSED CONCERNS OF NVCA HAVE BEEN/WILL BE ADDRESSED AS PROJECT MOVES FORWARD

Acronyms:

KSAL - K. Smart Assoc. Ltd. (Kenn Smart)

Twp - Township of Springwater

PR - Preliminary Report

FR - Final Report

RSES - RiverStone Environmental Solutions (Al Shaw)

NER - Natural Environment Report

PDV - Present Day Value

Concern #	NVCA CONCERN Specifics	KSAL RESPONSES			KSAL COMMENTS
		Given Already	To Also be in PR	To Also be in FR	
NVCA Staff Report, April 2018					
1	Use matting to move equipment	Yes	Acknowledge	Specifics Then	KSAL final report specifications will address use of matting
2	NVCA staff to consider/advise/review options to use for spoil disposal	Acknowledge	Yes	Yes	KSAL prefer to cast on each side. NVCA has not stated a preference.
3	NVCA staff to consider/advise re enhancements to use	Acknowledge	Yes	Yes	KSAL, NVCA, RSES to finalize. NVCA has not stated preferences.
4	EIS to be done to avoid, mitigate, and possibly offset	Done	Acknowledge	Implement	RSES prepared NER to address NVCA concerns as conveyed
5	P.Eng. to confirm no adverse flooding	Yes	Yes	Yes	KSAL can confirm no adverse flooding but will provide more detail
6	Have A Fluvial Geomorphologist (FG) review	Yes	No	No	KSAL disagree re applicability of use of a FG
7	Need detailed plans re footprints, erosion, restoration, etc.	Yes	No	Yes	KSAL will include in FR. Some preliminary data has already been given.
8	Need landowners permission and agency approvals	Yes	Acknowledge	Will address	Work cannot occur until landowner and agency concerns are addressed. RSES are pursuing agency concerns now. Input from MECP and DFO will be given/sent to NVCA
9	Staffs understanding of costs to NVCA - \$10,000 net for a \$200,000 project and \$1,500/\$2,000 every 10 to 15 years	Yes	Prelim data will be given	Final data	Current estimate is \$300,000, current PDV of maintenance is \$75,000 for 100 years (wetland areas share 10% prior to damages). Final assessments can only be set out in FR.

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NVCA CONCERN		KSAL RESPONSES			KSAL COMMENTS
Concern #	Specifics	Given Already	To Also be in PR	To Also be in FR	
NVCA Staff Report, July 2020 after review of NER					
10	Consider compensation, land purchase options	Yes	Acknowledge	Acknowledge	Already addressed in Scoping Report. Other options are not cost beneficial.
11	Consider changes in flood depth	Yes	Acknowledge	Acknowledge	River flood depths will not change
12	Construction footprints required	Yes	Acknowledge	Will be Included	Prelim drawings can be given now, but final drawings only come with FR
13	Discuss uncertainty in forecast water level lowering	Yes	Yes	Yes	No uncertainty. GPS survey has been done
14	Consider phased approach	Yes	No Need	No Need	Will be only the one phase - at the Swaley
15	Consider law aspect/legality of doing work	Yes	Yes	Yes	Drainage Act requires existing drains to be maintained. "Law" has been considered
16	Concerns 4 to 8 are repeated	See	Responses	Given	Already In this Table
17	Multiple concerns re doing work at River end	Yes	Yes	Yes	No work to be done at River end
18	Sedimentation from upstream watershed	Yes	Yes	Yes	Minimal sedimentation is occurring now and is expected in future. Sediment facility/deeper pool can be included
19	Section 28 permit application and enclosures will be necessary	Yes	Acknowledge	Acknowledge	Permit & enclosures are addressed after final report is adopted as a bylaw. Discussions occurring now are intended to facilitate the permit
20	Provide for monitoring program	Yes	Yes	Yes	NVCA, RSES & KSAL to continue to work towards finalizing this prior to FR
21	What is DFO classification?	Yes	Yes	Yes	Not classified but DFO will be asked to confirm

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Concern #	NVCA CONCERN Specifics	KSAL RESPONSES			KSAL COMMENTS
		Given Already	To Also be in PR	To Also be in FR	
NVCA Staff Report, November 2020 (Following KSAL response to July 2020 Report)					
22	Acquire lands instead for phosphorous sink purpose	Yes	No Need	No Need	KSAL reviewed data from Twp and NVCA and spoke to a developer's consultant. This "idea" should apply to Willow Creek lands, not Swaley lands.
23	Why did Scope of Work change?	Yes	No Need	No Need	See section on Evolution. Scope has changed in order to provide lowering with less impacts. Scope is consistent with what NER addresses.
24	Concern work may still be done at River end	Yes	Yes	Yes	KSAL agreed to drop idea of work at River end completely since Downey to have a repair
25	Could there be a future phase where Swaley is joined to Downey directly as discussed back in 2017/2018?	Yes	Acknowledge	Acknowledge	KSAL have advised such may now not be possible due to costs/benefits and environment. If ever to be considered, it will have to be a full new study.
26	Could just doing 400m of Swaley work accomplish what is required?	Yes	No Need	No Need	KSAL answered "no"
27	Concerns in Items 6, 7, 8, 12, 17, 20 & 21 are repeated	See	Responses	Given	Already In this Table
28	Why has maintenance frequency changed?	Yes	Acknowledge	Final forecast to be given	KSAL have reviewed experience with existing Swaley and Downey and have revised initial forecasts given the work widths proposed
29	Other NVCA data such as for Walleye and Brook Lamprey have not been addressed	Yes	Acknowledge	Acknowledge	RSES did discuss Walleye with MNRF. RSES did a Terms of Reference and start up meeting with NVCA. Nonetheless, RSES will review any new data from NVCA and will address
30	Preparation of an NER is no guarantee of project being ultimately approved	Yes	Acknowledge	Acknowledge	KSAL & Twp understood that if NER found no adverse impacts, NVCA would work with us. If all is considered, i.e. history, NER report, work by KSAL to reduce project, the justification to approve project is there or can be found to be there

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ADDRESSED AS PROJECT MOVES FORWARD – Cont’d

Concern #	NVCA CONCERN Specifics	KSAL RESPONSES			KSAL COMMENTS
		Given Already	To Also be in PR	To Also be in FR	
31	Deeper channel work may identify concerns not in the NER	Yes	No Need	No Need	NER did already consider that barge methods may have to be used.
32	Concern re the "channel colonizing" comments by RSES	Yes	No Need	No Need	KSAL's suggested construction and maintenance work will minimize/avoid colonizing
33	Concern re changes in forest cover	Yes	Acknowledge	Acknowledge	KSAL & RSES agree possible changes in rate of loss of forest cover will be nil to minimal with deletion of work at River end
<u>NVCA Letter of March 10, 2021 to KSAL</u>					
34	Changes in proposal to now do no work at River end and to do 950m of work at Swaley end are sufficiently different from data presented to Board in Feb. 2018 that a new presentation to the Board is necessary in order to obtain support from the Board	Yes	Will Acknowledge	Will Acknowledge	At an April 6, 2021 virtual meeting, KSAL and Twp confirmed the intention to appear before the Board
35	NER to be revised as necessary to show sufficient mitigation, enhancement, offsetting, etc. are proposed to demonstrate no net less to the natural heritage system	Yes	Yes	Yes	RSES and NVCA to discuss further data to include in NER and the PR by KSAL
36	Past and future monitoring are to be addressed	Yes	Yes	Yes	Comments to concern #20 can be repeated
37	Concerns 5, 7 and 8 are repeated	See	Responses	Given	Already In this Table