

Day Two - Track Two

Thursday, March 23rd, 2017

2:00 p.m. – 2:30 p.m.

Litigation Related to Failed Stream Restoration Projects – It is Closer than You Think

Presenter: Brad Fairley, Stantec Consulting Ltd.

Biography



Brad Fairley has 35 years of experience in water resources management. He has spent time in both the public and private sector. The last 15 years of his career have focused exclusively on stream restoration. He has managed more than 60 stream restoration projects across Canada and the US.

Abstract

We have a long history of failed stream restoration projects. It is not uncommon to visit a project that was constructed a couple of years ago and find a head cut working its way up the restored reach. It is also common to have significant damage to a project shortly after completion during an extreme rainfall event. To date many of these issues have been addressed under the contractor's warranty, paid for by the owner or completely ignored. However, with DFO requiring a Letter of Credit more frequently there will be increasing scrutiny of the success of newly constructed stream restoration projects. This presentation will explore the risk of litigation using some examples from the US where it has now become common for the owner to seek damages from the designer, the contractor or both after a failure. The presentation will also provide some ideas on how designers and contractors can manage the risk.

Learning Objectives

1. The audience will gain a better understanding of how regulatory agencies are holding permit holders for stream restoration projects more accountable;
2. The audience will gain a better understanding of how a failed stream restoration project creates risk of litigation for the designer and the contractor; and
3. The audience will be provided with some strategies to mitigate the risk of litigation.