From:

Malcolm, Russell ENV:EX

Sent:

Thursday, April 8, 2010 9:25 AM

To:

Ryan-Wilson, Kathryn ENV:EX Morrison, Ken ENV:EX

Subject:

RE: Sooke Mountain

Kathryn

I have looked at the file and this is a longstanding issue. Even though our old key map shows it as part of Harbour View Road it is not part of this road through the park. The road was covered by PUP back in the late 1970's and early 80's which seems to indicate that it is a "park road" but I will have to check to determine this for sure. I think the roads were created when the park was logged in the 1950's. Lots of confusing correspondence on this on file so will get back to you on this once I know for sure what has happened. I want to talk to Ken about this before we give an opinion and we may need confirmation from MOT and the District of Sooke.

From: Ryan-Wilson, Kathryn ENV:EX Sent: Thursday, April 8, 2010 8:41 AM

To: Atherton, Ian ENV:EX; Malcolm, Russell ENV:EX

Subject: Sooke Mountain

Importance: High

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I need to draft a Ministers letter in response to a complaint and I need to know if Harbour View Road ends at the CRD Regional park. Is the old road that runs through the regional park and into Sooke Mountain Provincial Park classified as a road?

Do you have a map you can send me that shows boundaries and roads with the names of the roads on it?

Thanks

Kathryn Ryan-Wilson Juan de Fuca/Goldstream Area Supervisor Parks and Protected Areas Ministry of Environment Phone: 1-250-391-2317

From:

Malcolm, Russell ENV:EX

Sent:

Thursday, April 8, 2010 9:40 AM

To:

Ryan-Wilson, Kathryn ENV:EX

Cc:

Morrison, Ken ENV:EX; Macdonald, Andy M ENV:EX

Subject:

RE: Sooke Mountain

Yes I will send you a history from the Green File. The entire park was logged in exchange for getting other park properties including Matheson Lake, Montague Harbour and Princess Margaret Parks. Quite interesting really and would be extremely contentious if it was done today.

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To: Malcolm, Russell ENV:EX

Cc: Morrison, Ken ENV:EX; Macdonald, Andy M ENV:EX

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Importance: High

Page 2 MOE-2011-00117

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Parks and Protected Areas Ministry of Environment Phone: 1-250-391-2317

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Kathryn Ryan-Wilson
Juan de Fuca/Goldstream Area Supervisor
Parks and Protected Areas
Ministry of Environment
Phone: 1-250-391-2317

From:

Malcolm, Russell ENV:EX

Sent: To: Thursday, April 8, 2010 9:57 AM Ryan-Wilson, Kathryn ENV:EX

Subject:

FW: Sooke Mountain History

Below

From: Russell.Malcolm@gov.bc.ca [mailto:Russell.Malcolm@gov.bc.ca]

Sent: Thursday, April 8, 2010 9:55 AM

To: Malcolm, Russell ENV:EX

Subject:



20100408095520.p df

HISTORY OF SOOKE MOUNTAIN PARK

2.3	v 2
June 6,1928	OLC 602 establishes Park
June 23, 19 2 8 -	Park established over Lots 63-73 inclusive, Otter District containing 1446 acres 01C 686/28
Dec. 14, 1940 -	Sooke Mountain Park (Lassified as Class B Park
July 27, 1956 -	Lots 66, 72 and 73 comprising 334 acres were deleted from the Park in a timber exchange for Sections 43 and 47, Metchosin District and Section 76, Sooke District (Matheson Lake Park)
April 1, 1958 -	Timber cutting rights on Lots 68, 69, 70 and 71 exchanged for Lots 1, 2, 3 and 4, Cowichan District (Portland Island - Princess Margaret Marine Park) and Lot 35, Cowichan District (Montague Harbour Marine Park)
April 27, 1959 -	Timber cutting rights on Lots 63, 64 and 65 exchanged for Lot 33, Sayward District, Rebecca Spit Marine Park and fractional Section 16, Texada Island District, Harwood Point
* .	Park (cancelled and made a Regional District Park)
June 9, 1959 -	Timber cutting rights on Lot 67 exchanged for Lot 191, Malahat District (portion of Koksilah River Park)

Note: All of the timber rights to Sooke Mountain Park have been exchanged.

From:

Malcolm, Russell ENV:EX

Sent:

Thursday, April 8, 2010 2:47 PM

To: Cc: Ryan-Wilson, Kathryn ENV:EX Morrison, Ken ENV:EX

Subject:

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Thanks

Kathryn Ryan-Wilson Juan de Fuca/Goldstream Area Supervisor Parks and Protected Areas Ministry of Environment Phone: 1-250-391-2317

From:

Malcolm, Russell ENV:EX

Sent:

Thursday, April 8, 2010 4:00 PM

To:

Ryan-Wilson, Kathryn ENV:EX

Subject:

RE: Sooke Mountain and Harbour View Road

This is good Kathryn. I will mark this down in the Green File in case it comes up again.

From: Ryan-Wilson, Kathryn ENV:EX Sent: Thursday, April 8, 2010 3:31 PM

To: Malcolm, Russell ENV:EX **Cc:** Macdonald, Andy M ENV:EX

Subject: RE: Sooke Mountain and Harbour View Road

I have just spoken with Lynn Wilson, planner for CRD who was following up on this same question for me. Just to add to your email and for file.

Lynn said that Harbour View Road does end at the Regional Parking lot. There is a right of way that goes slightly to the left and just ends in the bushes but for all intent and purposes, it ends at the Parking lot.

Brad Drew is the CRD Facilities Coordinator and he contacted MoT who confirmed that no public money went into building this road beyond the regional parking lot. It was privately constructed for logging. It is not a section 4 road and has no official name although colloquially is called Harbour View Rd for lack of calling it anything else. So CRD says it is owned by the Regional and Provincial Park.

Thanks for helping with this Russ.

Kathryn

From: Malcolm, Russell ENV:EX

Sent: Thursday, April 8, 2010 2:55 PM **To:** Ryan-Wilson, Kathryn ENV:EX

Subject: RE: Sooke Mountain and Harbour View Road

I haven't done a status on the Regional Park but it doesn't go into the Provincial Park.

From: Ryan-Wilson, Kathryn ENV:EX Sent: Thursday, April 8, 2010 2:50 PM

To: Malcolm, Russell ENV:EX

Cc: Macdonald, Andy M ENV:EX; Morrison, Ken ENV:EX Subject: FYI: Sooke Mountain and Harbour View Road

Thanks Russ.

Just to clarify. When you say Harbour View Road ends at the Park, you mean at the Regional Park...not the Provincial Park.

Kathryn

From: Malcolm, Russell ENV:EX

Sent: Thursday, April 8, 2010 2:47 PM **To:** Ryan-Wilson, Kathryn ENV:EX

Cc: Morrison, Ken ENV:EX **Subject:** RE: Sooke Mountain

Page 9 MOE-2011-00117 Juan de Fuca/Goldstream Area Supervisor Parks and Protected Areas Ministry of Environment Phone: 1-250-391-2317

From:

Ryan-Wilson, Kathryn ENV:EX

Sent:

Wednesday, April 14, 2010 1:18 PM

To:

Macdonald, Andy M ENV:EX

Subject:

FW: Charters river in Sooke Mountain Provincial Park

Hi Andy

See attached photos of bridge at the second Charters river crossing in Sooke Mountain Provincial Park

- 1. I have deemed this old bridge a safety hazard.
- 2. I have touched base with Tom Rutherford for DFO's perspective (see email below) .
- CRD has offered to lend us a machine at no cost to remove the logs and place them as barriers.
- 4. I will be going up tomorrow to place caution flagging tape with a closed sign and will put a warning on our website.
- 5. The Off Road users put in a trail off to the lower side which will allow hikers to cross below the bridge. Although this is an illegal trail, it is already in place.
- 6. I do not anticipate putting in foot or vehicle bridges.
- 7. I will need to order another two signs with 'Caution bridge out' and possibly one checker board sign that I will nail to the largest log barrier.
- 8. May be public complaints as there appears to be visitors who are using this as a crossing. (It looked like motorized dirt bike tracks on bridge which is an illegal activity)

Kathryn

From: Ryan-Wilson, Kathryn ENV:EX Sent: Wednesday, April 14, 2010 1:00 PM

To: 'Tom.Rutherford@dfo-mpo.gc.ca'

Subject: Charters river in Sooke Mountain Provincial Park

Hi Tom

I have a bridge crossing on Charters river in Sooke Mountain Provincial Park which is a safety hazard and I would like to remove it (see photos). CRD has offered the use of a machine to pull the logs. Could you let me know if you have any concerns/requirements about this area?









P4130161JPG

P4130162.JPG

P4130163JPG

P4130167JPG

Thanks

Kathryn Ryan-Wilson Area Supervisor

Juan De Fuca Area (Goldstream)

Parks and Protected Areas

Ministry of Environment

2930 Trans Canada Hwy

Victoria, BC, V9B 6H6

Phone: 1-250-391-2317

Fax: (250) 478-9211

From: Sent: Lynn Wilson [lwilson@crd.bc.ca] Thursday, April 8, 2010 3:34 PM

To:

Ryan-Wilson, Kathryn ENV:EX

Subject:

RE: Sooke Mountain: BC Parks boundary signs

Sounds good Kathryn. I think it would be good for you and your supervisor to meet with them at some point, if just to establish a relationship. We can work on this after next week's site visit if you'd like.

Lynn

From: Ryan-Wilson, Kathryn ENV:EX [mailto:Kathryn.RyanWilson@gov.bc.ca]

Sent: Thursday, April 08, 2010 8:22 AM

To: Lynn Wilson

Subject: RE: Sooke Mountain: BC Parks boundary signs

Hi Lvnn

S. 13

Kathryn

From: Lynn Wilson [mailto:lwilson@crd.bc.ca]
Sent: Wednesday, April 7, 2010 1:06 PM

To: Ryan-Wilson, Kathryn ENV:EX

Subject: RE: Sooke Mountain: BC Parks boundary signs

S. 13, S. 16

Lynn

From: Ryan-Wilson, Kathryn ENV:EX [mailto:Kathryn.RyanWilson@gov.bc.ca]

Sent: Wednesday, April 07, 2010 12:21 PM

To: Lynn Wilson

Subject: RE: Sooke Mountain: BC Parks boundary signs

Yes, the 14th works for me.

Kathryn Ryan-Wilson Area Supervisor Juan De Fuca Area (Goldstream) Parks and Protected Areas Ministry of Environment Phone: 1-250-391-2317 Fax: (250) 478-9211

Kathryn.RyanWilson@gov.bc.ca

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Thank you.

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Thank you.

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To:

Malcolm, Russell ENV:EX Macdonald, Andy M ENV:EX

Subject:

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Macdonald, Andy M ENV:EX

Sent:

Thursday, April 8, 2010 2:34 PM

To:

Malcolm, Russell ENV:EX; Ryan-Wilson, Kathryn ENV:EX

Cc: Subject: Morrison, Ken ENV:EX RE: Sooke Mountain

Thanks for your help Russ...this kind of history can really help us shed some light on addressing the issues of today.

Andy Macdonald

Section Head - South Island

BC Parks

Ministry of Environment - West Coast Sub Region

Phone: (250) 751-3170 Fax: (250) 751-3208

Andy.M. Macdonald@gov.bc.ca

From: Malcolm, Russell ENV:EX

Sent: Thursday, April 8, 2010 9:40 AM **To:** Ryan-Wilson, Kathryn ENV:EX

Cc: Morrison, Ken ENV:EX; Macdonald, Andy M ENV:EX

Subject: RE: Sooke Mountain

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Cc: Morrison, Ken ENV:EX
Subject: RE: Sooke Mountain

From:

Lynn Wilson [lwilson@crd.bc.ca]

Sent: To: Friday, April 9, 2010 12:36 PM Ryan-Wilson, Kathryn ENV:EX

Subject:

FW: Sooke Mountain and Harbour View Road

Hi Kathryn:

Yes, from our understanding, what you've captured in my phone message is accurate.

When Brad Drew hears back from Bob Webb of MOT, I'll let you know what he says about the road.

Lynn

From: Brad Drew

Sent: Friday, April 09, 2010 12:11 PM

To: Lynn Wilson

Subject: RE: Sooke Mountain and Harbour View Road

I confirm the information below is accurate to my understanding.

Bob Webb, MOT, was adamant about no public money having been spent on those lands (now S2S lands). This was a key point many years ago since the one owner outside of the Seraphim ownership, wanted the province to declare the road a public road so that he might develop his land. I remember Bob saying over my dead body is the province on the hook for that road.

I called Bob Webb this morning to reconfirm our discussions of about 9 years ago. I am raising it again since I feel it is a pivotal point to the public access debate.

Also, I have some subdivision papers to discuss with you that might help to support this point.....discussion at your convenience.

Brad

From: Lynn Wilson

Sent: Friday, April 09, 2010 11:23 AM

To: Brad Drew

Subject: FW: Sooke Mountain and Harbour View Road

Hi Brad:

Can you confirm if what I told Kathryn is correct, as she relays below?

Thanks,

Lynn

From: Ryan-Wilson, Kathryn ENV:EX [mailto:Kathryn.RyanWilson@gov.bc.ca]

Sent: Friday, April 09, 2010 10:35 AM

To: Lynn Wilson

Subject: Sooke Mountain and Harbour View Road

From:

Ryan-Wilson, Kathryn ENV:EX

Sent:

Tuesday, April 6, 2010 1:12 PM Macdonald, Andy M ENV:EX

To: Subject:

Sooke Mountain bridge crossing history

The park was originally used as a destination wilderness area by the Canadian Pacific Railway Company, with a lodge at Shield Lake. Hence the need for bridge crossings.

Kathryn Ryan-Wilson Area Supervisor Juan De Fuca Area (Goldstream) Parks and Protected Areas Ministry of Environment 2930 Trans Canada Hwy Victoria, BC, V9B 6H6

Phone: 1-250-391-2317 Fax: (250) 478-9211

July 9th., 1948.

Logging Road Right-of-Kay through Sooke Kountain

Park.

NAME OF BUILDING

During a recent trip into Jocke Mountain Park I had occasion to examin the work done by the various logging compenies who hold road hight-of-May Permits through the Park.

Although there are three Right-of-Eny P.U.P's, the two issued in the name of Valleau & Sons (P.U.P. #165 & #181) are short sections of road leading off rom the main road, covered by P.U., #30, issued to Mr. G. E. Bernard. Wills the road built by Mesers. Valleau & Sons is by no means a "park" road, it is about the best that can be expected of a logging company. The Right-of-May clearing was kept within the allowed by feet width and the slash, although not properly disposed of, is not too bad. By the latter I infer that it may not be feasable to oblige the Commony to hand all the slash away unless carefully supervised, and I believe that more damage than good will result by obliging them to burn on the spot.

one built up to and through the Park, I noticed an undue and apparently unnecessary amount of buspass. The Hight-of-say ?.U.?.
#39 allowed a width of 66 feet which in some places has been exceeded by 30 or more feet, often all on one side of the road. Also the present end of the road just below the E. & N. boundary in Lot 65 is slashed in a broad I and used as a loading area and turn around. Despite the fact that Mr. Dernard owns the timber just north of the boundary where a good loading area could have been easily made.

This latter abuse of the Park use Ferrit seems to indicate a careless attitude towards the privilege of access through the Park. The trespess along the remainder of the Right-of-Ray was explained by the Panger as being the wanderings of the fallers without a definite road location to follow. While not condoning this trespess, it can serve now as an indication of the need for greater supervision over the operation of logging in and near Park areas, and more specific requirements and conditions laid down in the future P.U.P. for Right-of-Ray.

I agree with the Hanger that prosecution can serve no useful purpose at this point, the question of responsability for supervision of park eress is not quite clear, but we most certainly should request that Mr. Bernard explain his action and especially explain how and to what extent he intends to clear up the remaining slash.

With regard to this also, I consider that a very mild and uncatisfactory attempt has been made at disposing of it. I understand becover, that S.22 has recently taken out a burning permit and intends to continue to dispose of the slash, but I feel sure that his ideas of piling and burning are not as antensive, nor as careful, as we would like to see it done.

In addition to the trespans S. 22 has also erected a ramp and has created a corrow pit within the Park, beyond his Right of May, without parallelon.

In view of the above, I recomment that S 22 be selvised that he has and still is exceeding the rights granted his under P.P.P. # 39 and that we expect his, by carefully piling and burning the remaining slave, to repair as much as possible the excess damage he has caused.

D. M. Trew, Asst. Forester, Parks Division.

DETTAC

Doft file = 12
Filo:0152111 (P.U.P., 139)
051467

ct. 13, 1949

Memorandum to:

Mr. E. G. Oldham, Forester, Parks & Recreation Division.

Re: Inspection of Slash Disposal on Bernard's

Logging Right-of-Way in Sooke

Mountain Park

On the advice of S.22 that he had completed the required slash disposal along his Right-of-Way through Scoke Mountain Park, I have just made in inspection of his work.

From the southern Park Boundary in the vicinity of the Charter's Creek Crossing, to a point in the vicinity of the junction of Valleau's roads P.J.P.145 and 181, the slash has been disposed of in a satisfactory manner. In the vicinity of Charter's Creek the disposal has been exceptionally go d and over the remainder of this first section of road it has been as good as could be expected.

Fowever, from Valleau's road junction north to the EaN Boundary, slash disposal has been carried out in a very careless manner and has resulted in the death or damage of several standing trees. There is evidence of some attempt to pile or bunch the logs along the edge of the road, but not only was this done very haphazardly, but the fire has been allowed to spread to several standing trees mentioned above, which seems to indicate little or no supervision of the burning.

- As I have indicated in previous reports, this whole trouble states from the lack of adequate supervision from the start and which has been evidenced all through the clean-up process. In view of this, I recommend that \$22 be relieved of further slash disposal work, but that his deposit of \$41.90 be forfeited and applied to the final cleaning up which will be required when the Park is open to the public. In addition, it is suggested that a new P.U.P. be issued \$22 allowing him to haul logs through the Park but under the relieving special conditions.
 - (a) That no standing trees or shrubs whatsoever must be cut or damaged within the park area under any circumstances and for any use except with written permission of the Forest Officer.
 - Rote: S.22 added to his previous trespass by cutting an attractive cedar on the creek to build a culvert when cedar was available elsewhere on his property.
- (b) That no trucks or other equipment must be driven or parked off the present road Right-of-Way, said Right-of-Way being confined to 40 feet in total width.
- Note: S.22 has widered his Right-of-Way in several places for gravel pits and loading points, most of which, are in trespass of the original 66 feet Right-of-Way and generally were not necessary if he had really considered park values.
- (c) No gravel to be taken from park area except with written permission of Forest Officer.
- (d) Any logs or equipment dropped along the Right-of-Way must be removed as soon as possible and at least within two weeks, with a minimum of damage to adjacent trees or shrubs.
- (e) Any infractions to the conditions of this permit will cause suspension of the permit and the road will be closed to hauling antil such time as the matter is sattled to the satisfaction of the Forest Officer or the necessary court action taken to obtain enforcement of Clause 2.

The same conditions as above should be applied to the Valleau and Scn Logging Co. P.U.P.145 if and when it is renewed.

The above conditions will not interfere with the legitimate use of the road, but will prevent S.22 rather loose interpretation of the conditions as previously laid down.

> D. H. Trew, Asst. Forester.

July 12th., 1948.

Application for logging in Sooke Ht. Park

Mr. E. G. Oldham

Following the application made to you by Mr. C.H. Radford of Marm Logging Co. Ltd., to log timber in Sooke Mountain Park, I made the examination of the area on June 28th.

The timber in question, mostly found in Lots 73 and 66, is actually a separate unit in the park and has in itself no park value except that it is an unmarred part of the scenery as viewed from Sooke Mountain. The Marm Logging Co. are logging all timber on Charters Creek, along the south boundary of Lots 72 and 75 and hence the view from Sooke Mountain to the south-east is already overlooking a logged off area.

The rock knoll in Lot 66 is mostly barren and dry, and no different from the numerous rock knolls that protonde throughout the Sook hill area.

The present road leading into the main park area (a private logging road) does not pass in sight of the valley or timber in Lot 73.

Therefore the timber in Lot 73 and the southern half of Lot 66 is a separate part of the park from the main park area, and disposal of this timber would not affect the recreational value of the remainder of the park.

However, it is important in this case to also consider possible public reaction to the logging. In this respect it should be noted that

S. 22

who was instrumental in having the park created, has a summer home on a knoll south of the park overlooking the valley to be logged. While

S. 22

pointed member of any Park Board, his interest in the preservation of the area is very geniine, to the point even that he has bought and is protecting from destruction, lots adjacent to the park. It was thought that if there was to be any public objection to the logging, that

S. 22

would be the most logical person to object.

I found S.22 to have a very logical and broad outlook on the subject. He mentioned the existance of certain minor attractions in the timbered area in question and concluded that while he was not alverse to allowing the logging of timber in non-recreational areas, he did think that we should not allow the logging of the timber in question. His opinion was not entirely based on the fact that it would partly destroy the scenic view from his summer home opposite the valley.

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File: 0181467

Memorandum to:

Mr. E.G. Oldham, Forester, Parks & Recreation Division.

Re: Sooke Mountain Park - Application for P.U.P. - G.E.Bernard

From S.22 letter of Deptember 27, 1951, I understand that his desires are as follows:

- 1. To construct a road through Lots 66 and 73,80 chains long and 1 chain wide, containing 8 acres, more or less, and approximately 320 M.B.M. of fir and cedar.
 - 2. To purchase the 320 M.B.M. of fir and cedar.
- 3. To construct a road around the south shore of Shields Lake in Lot 65, 60 chains long and I chain wide, containing 6 acres, more or less, and approximately 240 M.B.M. of fir.
 - 4. To purchase the 240 M.B.M. of fir.
- 5. The right to cut a strip of timber 600 feet wide, south of the read around Shields Lake, in Lot 65 and 63, a total of 2400 M.B.M. more or less, and purchase same.
- 6. To leave all the timber north of the proposed road around Shields Lake between the lake and the road, amount depending on the location of the road.

In summary, the request is for a sale of approximately 3 million feet of fir and cedar and the right to build about 2 miles of road within the Sooke Mountain Park.

From information gleaned from the files, I understand that our relations with Mr. Bernard have not been satisfactory as could be desired in reference to P.U.P. 39 and 239. Mr. D.M.Trew is strong

n emphasizing S.22 lack of proper supervision from which stemmed unnecessary trespass both in timber and borrow pits, uncalled for scarring and killing of standing timber from improper slash disposal and general disrespect for park property.

In reference to S 22 application for a new P.U.P. September 27, 1951, I can make the following comments:

- 1. By granting the P.U.P., the Parks and Recreation Division would gain road access to a section of the park hitherto inaccessible by road.
- 2. S.22 appears congenial and anxious to preserve park features but lacks supervision of his operators. With proper supervision there is a good possibility that some satisfactory operation could be carried out.
- 3. Logging and a logging road around Shields Lake would undoubtedly destroy any recreational value that there is, at least for many years to come.
- 4. There are quite a number of openings and clearing in this country so that logging would probably give no increase in game populations and might prove a detrimental factor by destroying cover. This is a subject which might well be investigated as this country reportedly receives fairly heavy use in the hunting season with good results.
- 5. A permit to build a road through lots 66 and 73 will definitely cause the demudation of land around Grass Lake. A refusal of the permit would give us some control over Lots 62, 172 and 170, lots we do not own, but which I imagine have definite recreational value.
 - 6. Lots 62, 172 and 170 were formerly owned or controlled by 8.22 and the Alpine Club.
- 7. Lots 62 and 172 were offered as a gift to the Parks and Recreation Division but with such severe stipulations as to prove unnacceptable.

From the above discussion, I would recommend that no P.U.P. be issued under any circumstances. If this is not possible we should be prepared to bear the expense of close supervision and survey of the project even to, and including, the last detail. If this is not possible we will have to accept the type of logging in our park that is carried on elsewhere on Crown land. With this attitude I imagine Mr. Bernard would be as satisfactory an operator as any other.

If the refusal to issue a P.U.P. appears harsh or contrary to better judgement, I would suggest that the area south of Shield Lake be

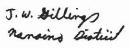
definitely protected against logging and, as a possible compromise, I would suggest the possibility of logging in Lot 66 and 73 along the proposed road.

I do not feel that I have sufficient knowledge of the area other than from maps, files and photographs. to give further information but I do feel that a repetition of P.U.P. #39 would not be in the best interests of the public.

67. mainal.

G.F. Macnab, Reconnaissance & Inventory Section, Parks & Recreation Division

GFM: af





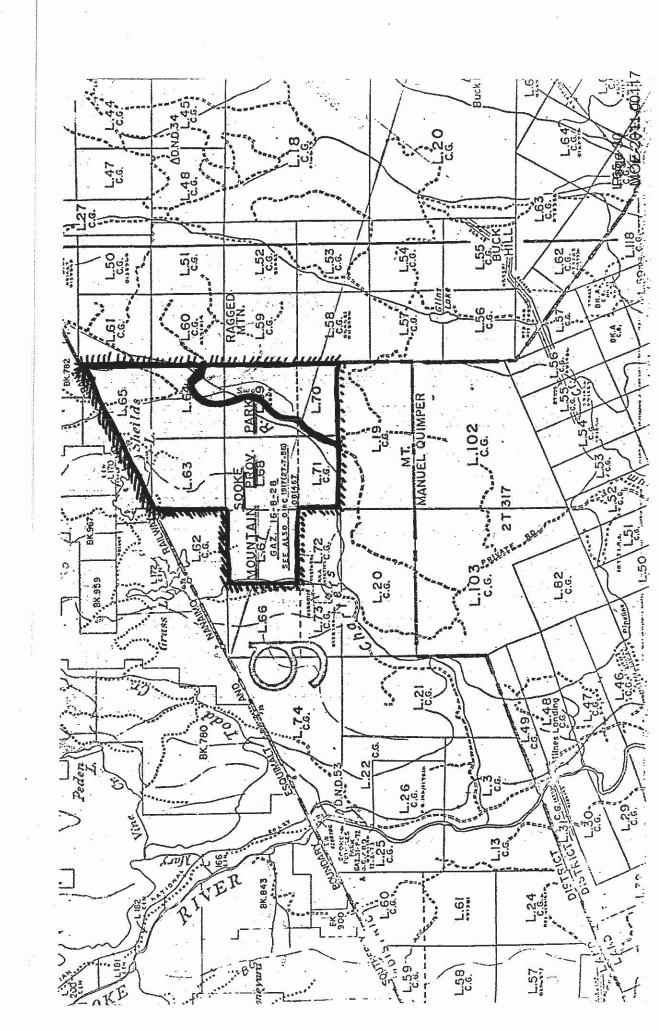
PROVINCE OF BRITISH COLUMBIA DEPARTMENT OF RECREATION AND CONSERVATION

JUL 25 1974

PARK USE PERMIT

Annual fee, \$ 25.00	No680		
Expires November 31st, 1974	Valid in Sake Mountain P		
Subject to the terms and conditions contained herein, I	permission is hereby granted to		
Dale Arden Log Hauling Limi			
(hereinafter called the "Permittee"), of Milnes Land	ing Post Office, B.C.		
to use park lands more particularly described as follows: pight of war curreing and fit at			
70 and 71 shown by blue and to re-open	old scores med in Int 64 to fot 5		
shown in red on the attached map.			
· · · ·			
situated in Scote Mountain	.79		
on the attached plan, for the purpose of gaining acc	ess to a timber limit and hauling		
logs over a park road			
but for no other purposes, for a period of Size (6)	months		
commencing June 1st ,	19 <u>74</u>		
1. The Permittee shall pay to the Crown, annually, in a	dvance, a permit fee of \$25.00 for 5 mon		
2. This permit is subject to the provisions of the Park	Act and regulations nursuant thereto, and the Permit		
shall observe and comply with said Act and regulations.	ret and regulations pursuant moreos, and die retini		
3. This permit is not transferable.	* a a		
4. At expiry of this permit, title to all improvements co			
shall revert to and remain in the Crown in right of the Pr	ovince, and the Permittee shall not be entitled to		
compensation therefor.			
5. This permit is not valid until signed by the Permittee	and accompanied by a current official receipt.		
This permit may be cancelled or modified by the Mir	ister.		
7. FURTHER CONDITIONS ATTACHED			
<u></u>			
	Andrews .		
	·		
	For the Minister of Recreation and Conservation.		
In consideration of the privilege granted herein, I hereby of this permit and to relinquish and peaceably surrender p mentioned above at the expiration or cancellation of this per	ossession of the premises and all rights and privileg		
Date			
ADDRESS POR PARTY.	Permittee.		

- 7. No cl. iges, improvements or additions other than normal maintenance shall be made without prior approval of the Director, Parks Branch or his replicantative.
- 8. The Minister, Department of Recreation and Conservation reserves the right to grant rights-of-way through, or over, the permit area to other parties on such terms and conditions as the Minister deems advisable, on the proviso that such authorization granted to others shall not be used in such a way as to impede or obstruct the use granted in this Permit.
- 9. The Minister, Department of Recreation and Conservation, reserves the right of access over and along the right-of-way area for use by employees and agents of the Crown and for the use of vehicles thereon.
- 10. The prevention and suppression of forest fires shall be in accordance with the Forest Act.
- 11. No damage or removal of timber or shrubs in the permit area shall occur beyond that which is necessary for clearing of the old logging road except by written permission of the Director, Parks Branch or his representative.
- 12. All slash and debris created in connection with this permit shall be piled and burned to the satisfaction of the Director, Parks Branch or his representative.
- 13. All operations within the park boundaries be restricted to the road.
- 14. No gravel to be removed from the Park except by written permission of the Director, Parks Branch or his representative.
- 15. Permittee shall maintain permit area in a neat and tidy condition to the satisfaction of the Director, Parks Branch or his representative.
- 16. Permittee must install or construct an adequate culvert or bridge for any watercourse the road crosses for maximum flow of water.
- 17. Permittee shall take all precautions to prevent earth or debris from damming or otherwise obstructing the free flow of water on any watercourse.
- 18. Permittee shall take all precautions to prevent the silting of any watercourse the road crosses.
- 19. Permittee shall restore access road to natural conditions at conclusion of this operation by removing all traces of bulldozer work and removal of any culverts or bridges to the satisfaction of the Director, Parks Branch or his representative.
- 20. It is the Permittee's responsibility to notify the Parks Branch, Department of Recreation and Conservation of any change in the Permittee's mailing address.





British Columbia Forest Products Limit

1050 West Perider Street, Vancouver, British Columbia, VSE, 203 Telephone (604) 665-3921 / Telex 04-51166 / Cable BEFORPHOD

May 21,1975

Mr.R. Ahrens, R.P.F., Director of Parks, Department of Recreation and Conservation, Parliament Buildings, Victoria, B.C. V8W 2Y9.

Dear Sir:

We have made a submission to the Timberland Appraiser to de-certify our Bernard Tree Farm No. 6, at Sooke, B.C. It is conceivable that this property will, subsequently, be sold for its real estate potential and access will be required from the public highway. I would appreciate knowledge from you whether the Park Use Permit through Sooke Mountain Park Would atill through Sooke Mountain Park would still be granted by your d Club Department in such a case, at least until a public highway is established to the entire property.

Yours very truly,

BRITISH COLUMBIA FOREST PRODUCTS LIMITED

W.G.Burch, R.P.F.

General Manager-Timberlands

WGB:rb

P.U.P. #39

File: 2-6-1-3

SEP 8 1975

Victoria, B.C. September 3, 1975

Mr. W. G. Burch, R.P.F. General Manager - Timberlands British Columbia Forest Products Limited 1050 West Pender Street Vancouver, B.C.

Dear Mr. Burch:

RE: Socke Mountain Park - P.U.P. #39

This is in reply to your letter dated May 21, 1975 and further to ours of June 27th, both pertaining to extension of the subject Park Use Permit.

Following consideration of the above matter it is the conclusion of this Pranch that Park Use Permit #39 should be processed by established procedure. A Park Use Permit is issued to allow a specific activity within a Provincial Park. When that activity no longer is to be conducted the Park Use Permit normally is cancelled.

In the case under consideration, P.U.P. #39 was issued "for the purpose of logging road right-of-way 40 feet in width BUT FOR NO OTHER PURPOSES." As long as access through Socke Mountain Park is necessary to the specified B.C.F.P. logging operation it is intended, at this time, to continue to renew P.U.P. #39 on a year-to-year basis. However, if the logging operation ceases or the holding changes ownership it will be necessary, by regulation, to terminate the Park Use Permit. Application for subsequent use of this park land for other purposes will have to be assessed on its own merits.

We regret, therefore that the issuance of a Park Use Permit to a future purchaser of a property cannot be guaranteed.

Yours very truly,

Parks Branch T.E. Lee, Director

R. Lowpey Chief of Management

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Province of British Columbia

Ministry of Recreation and Conservation

PARKS BRANCH

1019 Wharf Street Victoria British Columbia V8W 2Y9

387-6491.

YOUR FILE

CURFILE 2-6-1-3 4-3

April 14, 1978

S. 22

Subject: Sooke Mountain Provincial Park - Access Road

Our Deputy Minister has asked that I reply to your recent letter pertaining to the road leading to Sooke Mountain Provincial Park.

Inasmuch as the maintenance of the roadbed and right-of-way which you identify come under the jurisdiction of the Ministry of Highways and Public Works, I have taken the liberty of forwarding your letter, for appropriate action, to that Ministry. I have also instructed the officer responsible for Sooke Mountain Park to monitor the park area against unauthorized tree cutting within the park itself.

Thank you for taking the time to bring this matter to our attention.

Yours very truly,

T.E. Lee, Director.

cc J.W. Gillings J. D.M. Carruthers

MB:LH

APR 18 1978

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MOE-2011-00117

D'in





Province of British Columbia DEPARTMENT OF RECREATION AND CONSERVATION

PARK USE PERMIT

Annual fee, \$50.00_	No. 39
Expires. May 31, 1979	Valid in <u>Sooke Mountain</u> Park
Subject to the terms and conditions contained herein, British Columbia Forest Products	permission is hereby granted to
May 25	Pender St., Vancouver, B.C. V6E 2X3
	logging right-of-way crossing Lots
64, 65, 69, 70 and 71. Otter Distri	1954
	1307
situated in Sooke Mountain	
on the attached plan, for the purpose of logging roa	d right-of way 40 feet in width
but for no other purposes, for a period of one (1)	year
commencingJune 1	ALCOHOL: West
29° 11° 11° 12° 12° 11° 12° 11° 12° 12° 12	advance, a permit fee of\$50.00
	Act and regulations pursuant thereto, and the Permittee
3. This permit is not transferable.	
	constructed or installed under permission contained herein
shall revert to and remain in the Crown in right of the I	#0.34 #04-94 AND STATE STATE OF THE STATE OF
compensation therefor.	
5. This permit is not valid until signed by the Permitte	
6. This permit may be cancelled or modified by the M	
(FURTHER CONDITIONS ATT	TACHED)
	,
Ÿ.	David A Townells
In consideration of the privilege granted herein. I hereb	For the Minister of Recreation and Conservation.
of this permit and to relinquish and peaceably surrender prentioned above at the expiration or cancellation of this per	y agree to observe and abide by the terms and conditions possession of the premises and all rights and privileges mits british Councils Facest Freducts Limited
Date MAY 26, 1978	My Sunbake
P.B. 6 o	VICE PRESIDENT Permittee.
	COM Sken

FURTHER CONDITIONS TO P.U.P. #39

- 7. It is "one Permittee's responsibility to notify the Parks Branch, Ministry of Recreation and Conservation, 1019 Wharf Street, Victoria, B.C. V8W 2Y9, of any change in the Permittee's mailing address.
- 8. It is the Permittee's responsibility to reapply to the Parks Branch for the continuation of this Park Use Permit one (1) month before the expiry date of the Permit. All Park Use Permits not reapplied for by the expiry date, will be terminated.
 - 0
- 9. The Permittee shall at all times indemnify and save harmless the Government of the Province of British Columbia against claims or damages to any third party in the Permit area resulting from any willful act, or omission, or negligence on the part of the Permittee or breach by the Permittee of any of the terms or conditions of this Permit.
- 10. The Permittee shall comply in full with the Forest Act and Regulations, and all other applicable statutes for the Permit area.
- The prevention and suppression of forest fires shall be in accordance with the Forest Act.
- 12. The Permittee shall, at all times, at his own expense, maintain the Permit area in a neat and orderly condition to the satisfaction of the District Superintendent*.
- 13. All garbage, slash, brush and debris created in connection with this permit shall be disposed of to the satisfaction of the District Superintendent*.
- 14. The District Superintendent* shall be contacted one week prior to commencement of operations for approval of all upgrading and maintenance work planned for the road and bridges.
- 15. No trees or shrubs shall be cut or damaged within the Park without prior written approval of the District Superintendent*.
- 16. a) No buildings or structures shall be constructed or installed within the
 - b) No logs or equipment are to be deposted along the right-of-way. In case of accidents, all logs or machinery will be removed within a two-week period with a maximum of care given to adjacent trees or shrubs.
 - c) Any infractions will cause suspension of the Permit and road will be closed to hauling until such time as the matter is settled to the satisfaction of the District Superintendent* or the necessary action taken to obtain enforcement of Clause 2.
- 17. All operations within the Park boundaries are restricted to the road.
- 18. Permittee shall take all precautions to prevent earth or debris from damming or otherwise obstructing the free flow of water on any watercourse.
- 19. No gravel shall be extracted from the road right-of-way and no borrow pits shall be established within the Park.
- 20. The Permittee shall exercise all due caution and shall take all proper action to prevent damage to Crown property and shall pay the Crown for any damage to the property of the Crown resulting from uses under this Permit.
- The public shall have free access to the Permit area at all times provided that such access does not impede or obstruct the uses granted by virtue of this permit.

. . . /2

- 22. The minister, Ministry of Recreation and Conservation, reserves the right to access over and along the right-of-way for use by employees and agents of the Crown and for the use of vehicles thereon.
- 23. On termination of this permit the road shall be graded, ditched, culverts cleared and left in a condition to the satisfaction of the District Superintendent*.
- 24. The annual Permit fee is subject to revision as set by the Lieutenant-Governor-in-Council.

*District Superintendent 2930 Trans Canada Hwy. R. R. #6 Victoria, B.C. V8X 3X2 Telephone: 478-8341/2

Deputy. Murster of Kocreation + Conservation 1019 Wharf St. VICTORIA, BC

The continuation of Harbour View Road at Saseenos, nea Sooke, leads to Sooko Mountain Park. It is quite a scenic and pleasant road leading into bomesty unsported country.

The road itself has been allowed to deterior. are until it is now but only for very robust Velicles, but at one tun it was Surfaced. 9, is now at a stage where it would be more servicable as a graded gravel toad if anyone would take the responsibility of ordering work done on it.

My more w gent reason for writing is that, over Service. the wunter, there has been a gradually increasing humber of amateur loggers harvesting the newer growth of Alder and Fig - I presume for Sale to city purchasers. The operation is so very crudely done and the culturing so completely hundred to a few yards from the road that the whole area has become unsightly. It left as it is it will be a problem for many years, The tops Not from the trees has all been thrown by the toadside and undeed has a many Cases been left strewn over the road for the next vehicle orner to clear out of his way.

Any of the roads dordened by brurate property.

would not be allowed to oper into such a state.

But in this case only public property seems to be modered and I gather that no one department will take too bonsibility for initiating action.

The Parks Department use it as Then access; it is The access to The Forest look, our on wir. manner Quimber, The Capital Region have a water Catchment Area. Probably, of all the service departments the Department of Highways is the only one not involved.

Could you please initiate some action by any or all of the departments involved and have a patrol on the road to one or two week-ends tiel the amateur loggers are discouraged or otherwise deser with. And, could a road crew or a grader give a little time to the road surface!

Yours truly.

S 22

E Ten est

Ministry of Lands, Parks and Housing

PARKS AND OUTDOOR RECREATION DIVISION VICTORIA, B.C.

MEMORANDUM

To: Mr. J.W. Gillings Regional Director Vancouver Island Region

81-03-31 Date:

File: 2-6-1-3

Re: Road Access Through Sooke Mountain Park - Attached Correspondence

Mr. H.J. Denne of Taproot Investments Limited has contacted this office concerning the attached correspondence.

As noted, it is their desire to ascertain the status of the road through Sooke Mountain Park to the northerly block of the two parcels which they are proposing to purchase from BCFP. It is their intention to initially develop the southerly portion into a large lot subdivision for homesites but at present they have not indicated any plans for the northern portion which includes three lakes.

It would appear that access to Sooke Mountain Park is by private road at present. Conceivably, upon subdivision, portions of this road may be dedicated as public but this would not necessarily guarantee future access to the park.

Taproot Investments Limited would like to know:

is there any legality to the existing road through i) the park which would give them access to their northern parcel

No. Roadin Open. Vo. Legeley.

ii) if not, does historical public use of this road provide them with any right of access through the park

if not, would we consider granting a Park Use Permit iii) or dedicating a portion of the park as public road to ensure their access.

Would you please investigate this access issue and advise this office of your recommendations so that Mr. Velay can respond to their inquiry. They have asked for a response by April 10.

Additionally Mr. Denne suggested that portions of the northerly parcel (around Crabapple Lake, etc.) are more suitable for park status than the present land within Sooke Mountain Park. He indicated a willingness to possibly exchange some portions if it was desirable and if they follow through on their purchase plans.

Ken W. Baker Acting Manager Operations Program Disensed by

Place & K. Boden

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MOF-20: MOE-2011-00117

ACHTEM ALEXANDER

barristers and solicitors

ELLIS D. J. ACHTÉM RAI STON S. ALEXANDER MIGHALL S. GREENE DEREK A. BRINDLE PARRICK J. DELISEY TIMOTHY E. DUNLORD

EIGHTH FLOOR - BANK OF COMMERCE BUILDING DOUGLAS AND VIEW STREETS
P.O. BOX 667 VIGTORIA, BRITISH COLUMBIA V&W 2P3
TELEPHONE (604) 388-4444 TELEX 049-7308

Our File:

March 31st, 1981

MR. CHARLES VELAY,
Director of Operations,
Parks & Recreation,
Ministry of Lands, Parks & Housing,
1019 Wharf Street,
VICTORIA, B.C.

Dear Sir:

re: Proposed Road Access through Sooke Mountain Provincial Park

We are solicitors to Taproot Investments Ltd., which Company is contemplating the purchase from British Columbia Forest Products of certain lands in the Sooke Land District, the Otter Land District, and the Malahat Land District. These lands are more particularly shown outlined in red on a sketch of the area attached hereto. It is evident from a perusal of the sketch that the two parcels being the subject matter of our discussions are separated by the Sooke Mountain Provincial Park and we are writing at this time to enquire as to whether the road shown in green on the Plan of the lands attached through the Sooke Mountain Provincial Park is indeed a public thoroughfare and that our Clients may rely upon the continued use and access through the Sooke Mountain Provincial Park to fully utilize the two parcels of land.

We would accordingly appreciate your reviewing

/2....

Contact: U.S. Danné

MR. CHARLES VELAY Page 2 March 31st, 1981

your records to determine the nature of the road dedication through the Sooke Mountain Provincial Park, as that road is indicated on the sketch plan attached, and advising us at your earliest opportunity as to whether the proposed access will be in fact available to our Clients.

We would appreciate your early attention to this matter as our Clients purchase of the lands is contingent upon satisfactory evidence that access to the Northerly parcel is available in the manner indicated.

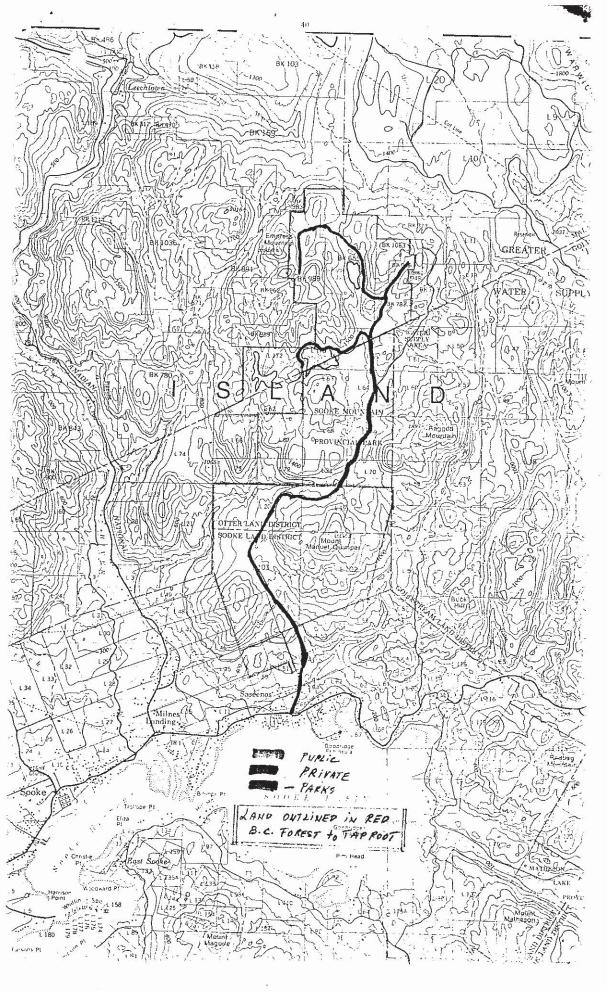
Should you have any questions arising from the foregoing we trust you will not hesitate to contact the writer.

Yours truly, ACHTEM ALEXANDER per;

RALSTON S. ALEXANDER

RSA/jjr enc.

c.c. - Taproot Investments Ltd.



Page 43 MOE-2011-00117



Ministry of Lands, Parks and Housing

PARKS AND OUTDOOR RECREATION DIVISION

MEMORANDUM

To: Ken W. Baker Acting Manager

Operations Program

Date: 81/04/03

File: 2-6-1-3

Re: Road Access Through Sooke Mountain Park

Reference is made to your memorandum dated March 31, 1981 on the above subject.

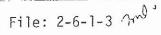
- 1. Access to and through the park is by a B.C.F.P. logging road. The Company is authorized by P.U.P. #39 to use and maintain that section through the park.
- 2. Although low in our acquisition priority, Shields Lake should be added to the park and therefore, any subdivision in its vicinity should not be encouraged.
- 3. The park is of regional rather than provincial significance and a transfer of the lands to the Regional District should be considered.

J. W. Gillings

Regional Director

GAF/md

white die was from



81-04-22

Mr. Ralston S. Alexander Achtem Alexander Barristers & Solicitors P. O. Box 667 Victoria, B.C. V8W 2P3

Dear Mr. Ralston:

Re: Road Access Through Sooke Mountain Provincial Park

In response to your March 31, 1981 letter inquiring about the status of the road through Sooke Mountain Provincial Park, I am pleased to advise you of the following information.

- The road in question is not a dedicated highway administered by the Ministry of Transportation and Highways under the Highways Act. It is, in fact, a park road under the jurisdiction of this Ministry and the Park Act.
- As you are no doubt aware the present owner of the parcels immediately north and south of the park, B. C. Forest Products Limited, have been issued Park Use Permit No. 39 for the use and maintenance of the road in question for the purpose of transporting logs.
- 3) If B. C. Forest Products Limited were to sell the parcels adjacent to Sooke Mountain Provincial Park, they would no longer require Park Use Permit No. 39 and therefore the Permit would be terminated. The Permit could not be transferred to the new owners. Section 27 of the Park Act states "A park use permit is not transferable".
- 4) If the new owners of the property in question wished to obtain authorization to utilize the road this Ministry would be prepared to review their application. This review would consider such factors as the intended volume, and type of use, the applicants willingness to assume all costs associated with upgrading and maintenance of the road and their acceptance of the fact that the permit does not guarantee permanent and exclusive use of the road.

/2



Page 45 MOE-2011-00117

q.h.

I would encourage your clients, if they intend to go ahead with the purchase of the parcels now owned by B. C. Forest Products, to investigate alternative access routes around the Park if they wish to secure a permanent road connection between the two parcels. Possibly the access road to the west of the Park, can be utilized if they were connected within Lot 20 of the southern parcel of B. C. Forest Products holdings.

By copy of this letter I am advising our Resource Management Section of our Planning and Design Branch of this matter. If, in the future, your clients wish to apply for a Park Use Permit would you kindly have them address their application to Mr. G. Trachuk, Director, Planning and Design Branch, Parks and Outdoor Recreation Division, for their consideration.

Yours very truly,

C.J. Velay, Director

Operations Branch

Parks & Outdoor Recreation Division

KWB:BH

cc: G. Trachuk

J.W. Gillings √

B. Price

Th:

81-03-31 2-6-1-3

Re: Road Access Through Sooke Mountain Park - Attached
Correspondence

Mr. H.J. Denne of Taproot Investments Limited has contacted this office concerning the attached correspondence.

As noted, it is their desire to ascertain the status of the road through Sooke Mountain Park to the northerly block of the two parcels which they are proposing to purchase from POFP. It is their intention to initially develop the southerly portion into a large lot subdivision for homesites but at present they have not indicated any plans for the northern portion which includes three lakes.

It would appear that access to Sonke Mountain Park is by private road at present. Conceivably, upon subdivision, portions of this road may be dedicated as public but this would not necessarily guarantee future access to the park.

Taproot Investments Limited would like to know:

- is there any legality to the existing road through the park which would give them access to their Nonorthern parcel
- if not, does historical public use of this road provide them with any right of access through the park
- ifi) if not, would we consider granting a Park Use Permit or dedicating a portion of the park as public road to ensure their access.

Would you please investigate this access issue and advise this office of your recommendations so that Mr. Velay can respond to their inquiry. They have asked for a response by April 10.

Additionally Mr. Denne suggested that portions of the northerly parcel (around Crabapple Lake, etc.) are more suitable for park status than the present land within Sooke Mountain Park. He indicated a willingness to possibly exchange some portions if it was desirable and if they follow through on their purchase plans.

1950

Ken W. Baker Acting Manager Operations Program

KWB/jr

2.8.

Therwin Industria, hed. Access Resid. - 40 Lot 60 BCFP.

TELEPHONE CONTERSATION: W/JOE GILLINGS 2:45 pm

1) NO LEGAL ACCESS

2) NO HISTORIC RIGHTS 3) ECFP WILL PREABLY GIVE UP PUP.

PORD - WILL CONSIDER TOWANCE OF PUP TO TATROOT

DEPLED AND ON THE OWNER OF THE OWNER OW

387-6491

2-6-1-3 3-4-3

April 14, 1978

S. 22

Dear Mr. McAdam:

Subject: Sooke Mountain Provincial Park - Access Road

Our Deputy Minister has asked that I reply to your recent letter pertaining to the road leading to Sooke Mountain Provincial Park.

Inasmuch as the maintenance of the roadbed and right-of-way which you identify come under the jurisdiction of the Ministry of Highways and Public Works, I have taken the liberty of forwarding your letter, for appropriate action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, to that Ministry. I have also instructed the officer responsible for action, the park itself.

Thank you for taking the time to bring this matter to our attention.

Yours very truly,

T.E. Lee

cc J.W. Gillings D.M. Carruthers

MB:LH J



Ministry of Lands, Parks and Housing

PARKS AND OUTDOOR RECREATION DIVISION



Mr. J.W. Gillings
Regional Director
Vancouver Island Region

Date: 83 01 20

File: 2-6-1-3

planning.

Re: Sooke Mountain Provincial Park

A copy of your proposed land exchange around Shields, Grass and Crabapple Lakes has been brought to my attention. Here are my thoughts on the proposal.

The recreational opportunities of this area have in the past been seriously underestimated, traded away and desecrated. It is encouraging that there may be an opportunity to salvage something yet.

There is every evidence (and expectation), that western communities of the Capital Region are growing (urbanizing) at an increasingly rapid pace. These lakes have the same outdoor recreation significance to the future population of that area and the whole Capital Region as the Thetis Lakes have today.

Your apparent proposal to exchange the Southern 323 hectares of parkland for 315 hectares of private land enclosing Grass, Shields and Crabapple Lakes has a lot of merit. But when the exchange is accomplished the regional district should probably administer it.

Geo. A. Broome, Coordinator

Regional & Community Parks Program

OUTDOOR RECREATION BRANCH

GAB: IPD bcgeu

Sip. M.

JAN 24, 1983

Page 49

To: D.M. Carruthers
District Manager

Malahat District

Date: 83/03/11

File: 2-6-1-3-24

Re: Sooke Mountain Park - Access Road

Road through Sec 103, Sooke District and Sec 19 and Sec 20, Otter District - private road

- -original road built by Eric Bernard, owner of Section 103, Section 19 and 20
- -B.C. Forest Products bought property from Bernard in 1959 and upgraded the road
- -B.C. Forest Products sold properties to Taproot Estates Ltd. in 1981 (road included in purchase)
- -B.C. Forest Products have filed a 'lis pendens' charge against Taproot's property Feb. 10, 1983

Road through Section 52, Sooke District

- -public road ends at gate, 516 metres north of the southern boundary of Section 52, Sooke District
- -public road is the extension of Harbour View Road
- -there is a dedicated road right-of-way on Subdivision Plan 2434, which locates the road between Blocks 14 and Blocks 15, Plan 2434 and travels to the mid-line of Section 52, Sooke District
- -the road used as access does not lie on dedicated road allowance on Subdivision Plan 2434, in Section 52

Doug Carter Park Resources Section

DC/nl

SCALE 1":660' 5.103 82 of W. B# 18 173.9240 D.D. 528119-I 5.52 48.80 A. 12.00 A. 12.00A 12:00Å. 11.54A 39·42A. BY 15 S

1.M. Sherwin Ltd.

1833 HOLLYWOOD CRESCENT VICTORIA, BRITISH COLUMBIA CANADA V8S 1J2 PHONE (Area 604) 598-1421

△ March 30, 1983

The Hon. Alex Fraser Minister of Highways Parliament Buildings Victoria, B.C. V8V 1X4

Dear Mr. Minister:

DEC - 5 1991

MALAHAT DISTRICT

Access to a 1000 acre Class B park with lakes and streams, 10 miles air line from the Parliament Buildings, Victoria, B.C., has been closed to the public by the erection of a gate by private parties.

The park is greatly used by the residents of Sooke and Victoria in summer by reason of its lakes, and by hunters, hikers and others in winter.

Although prisoners from William Head Penitentiary have worked on the access road in recent years, the road was originally built to log a private tree farm, in recent years held by B.C. Forest Products Ltd.

B.C. Forest Products Ltd. permitted public use of this road, no doubt out of respect for:

- The greatly reduced tax treatment it received under the tree farm amendaments to the Taxation Act (particularly old Section 30 of this Act) applying to private tree farms.
- 2. A general policy of government to require forest operators to leave unused roads open to the public.

The majority of the merchantable timber having been gutted out, B.C. Forest Products Ltd. has apparently sold the property to some Calgary property interests who are rumoured to be in financial difficulties.

The use of prisoners on the road may well make this a public road; however, for the sake of argument, let us assume that this is not the case, in which case the following provides a simple answer:

- 1. Original grants from the Crown provided for assumption of land for roads.
- 2. Addemonstrated needs for access is clearly apparent in the existing use of this park by the public.

ietween political action, physical action and P.U.P. Situation gate was not acplace Page 52 Situation gate was not acplace MOE-2011-00/11/2016

- By the simple act of gazetting, this existing road can become an undisputed public road. (I.M. Sherwin Ltd. in 1966 had a public road taken through some of its other lands by the Highways Department to service a private business, let alone a public need, all without compensation, as is the Highway Department's right.)
- I. M. Sherwin Ltd.'s particular interest is that in recent years, Lot 59~Gold-stream, which it owns, has used this access road by way of Connecting Park Use permits.

The only actual legal access which Lot 59 Goldstream has is the original Settlers' Road going back to 1912, when sheep farming was the principal settler enterprise.

The history of this road is as follows.

A serviceable, well used public trail existed as far back as 1912 right through the valley and this trail had been upgraded to a point that it was possible to take an automobile through from Sooke via Glinz Lake to Goldstream by 1930. This road shows clearly on Federal Government Air Photo A 3321 #6 taken 5 May, 1931, obtainable from the National Photo Archives, Ottawa. The trail from Sooke through to Goldstream was variously known as Settlers' Road, Beatty Johnston Road, Horne's Road, Glinz Lake Road, Kirby's Road and no doubt other names.

This road connected with several other trails and roads that serviced various settlers who were in the area prior to and during World War I, many of them sheep farming and cutting cedar poles.

This date has a bearing on the status of this road since the trail and road existed prior to the Crown Grant of the various sections, and long before the grant of Lot 56 and Lot 57 to Leonard and Arnold Glinz.

There are, in fact, four categories of public highways or reads.

- 1. By dedication by notice in the Gazette.
- 2. By dedication during sub-division.
- 3. By expenditure of Government money generally shown in the road register.
- 4. A public road, whether trail or road, a public way of convenience as access to lands not serviced by maintained highways. This road may have been constructed by private funds, be an old mining road or trail, a road put in by some forest operation; it is a public way that is in existence and as such is an encumbrance on the vacant Crown land and the land surface is not in the nature of unoccupied land and is therefore not available under the Land Act for disposition. It is not a private road unless there is some documentation whereby the Crown restricted the road to private use (a rare circumstance).

The first three categories of roads generally can be determined from examination of readily available records, although in the writer's experience the Road Register does not always show records of monies. This is often due to road name change or the use of a multiplicity of names. This same applies to gazetted roads and to gazetted closures.

The fourth category of road or trail can only be determined by archival study, physical evidence on the ground, and evidence of early settlers. It is, in general, a reasonable presumption that a grant of land presumed a road or trail of convenience and by and large this is the case. Often after the passage of years it is difficult to locate the access, however in the Glinz Lake case, topography has determined the location within close limits and the trail and road have been travelled by settlers, prospectors, hunters and the like for 75 years, and the location is well marked. It also shows clearly on the 1931 air photos. Other practical considerations determined the location of the road. Kirby's Shingle Mill stood on the lake and the road provided access to the lake, as the old maps show. This was many years before the grant to the Glinz brothers, Leonard and Arnold Glinz, of Lot 56 and Lot 57.

Whilst Lot 59 owned by I. M. Sherwin Ltd. has by historic right the use of this legal right of way through Glinz Lake, its use would be highly disturbing to the use of the YMCA Camp Thunderbird and a totally unnecessary nuisance.

Pernaps even more disturbing, unless this matter is resolved, the only legal access for the public to this 1000 acre provincial park is by way of this right of way.

The solution to all this is clear and simple and costs nothing but a small administrative effort. The writer respectfully suggests the following:

- 1. The Highways Department gazette the existing road from Hardour View road to and through the 1000 acre park as per plan in red attached (it's : Class B park so this presents no difficulties).
- 2. The public now would have access to the park, and I.M. Sherwin Ltd. sould have alternate access to the new public road.
- 3. [.M. Sherwin Ltd. acknowledges it will not request any improvements to the existing road, unless it is prepared to pay for them, and releases any claim for maintenance of the Glinz Lake Road access.
- 4. The Highways Department gazeties the Blinz Lake Road Phoses.

Whilst some initial reluctance might be experienced from the Water Board, it should be pointed out that diligent archival study reveals several public roads exist through the Water Board that should be extinguished, and that the opening of the Sooke Mountain Park road as a public road will remove their necessity and facilitate the closing of these other roads.

..... 4

Trusting that this above course of action, which will hurt no-one, help everyone, and above all, not cost the taxpayers a penny, may have the benefit of your particular interest with a view to its speedy implementation, particularly before the summer weather arises and the public is denied the use of its accustomed recreational area.

Yours respectfully,

I.M. SHERWIN LTD.

Ian M. Sherwin

President

IMS/jd

Attach.

P.S. You have our undertaking not to request improvement if this road is gazetted.

Greater Victoria Water District

TELEPHONE 478-1715

479 ISLAND HIGHWA!

VICTURIA, B.C. V9B 1H7

December 13, 1989 Our File: 4 - 20a 14 - 40e

BY FAX

Mr. W. C. Shaw, Zone Manager Malahat South, B. C. Parks

Dear Sir:

Re: Gates on GVWD Property (Harbourview Road area)

Reference is made to your inquiry about the gates which have been erected on the property owned by the Greater Victoria Water District which is accessed by Harbourview Road.

The District owns Lot 8, Block 15 of Sections 52 & 53, Sooke District, Plan 2434 and Parcel "A" (D.D.42849-I) of Block 18 of Sections 52 & 53, Sooke District, Plan 2434, eproperties are located at the end of Harbourview Road.

At the location where Harbourview Road abuts the District's property, the publicly gazetted portion of the road ends. All roads and trails beyond this point are within the District's property and are private logging roads. A gate at the District's southern boundary controlled the access into this network of roads for many years.

In the mid 1980's, the company which owned approximately 1400 acres of land to the north of the District's holdings obtained permission to haul logs through the GVWD property and to have a key to the gate. This company (variously called Taproot Developments and Acadia Heights Developments) had a gatekeeper living in a trailer at the entrance to the District's property during the time that logging was in progress. Eventually, the company lost their property to the bank and it has recently been accuired by Seraphim Investments Ltd.

- 7 -

The company which originally owned the northern lands, left the gate open and unattended after forfeiting the property to the banks, and eventually the gate was vandalized. Recently, the District inspected its property and found that the property was being subjected to a great deal of abuse. Trees were being cut down and truckloads of garbage dumped. It was also evident that the Seraphim property to the north was also being subjected to the same sort of abuse.

The District contacted Seraphim Investments Ltd. and found they also were concerned with the damage being done to their property. As a result, the District repaired the gate which had been at its southern property boundary, and erected a new gate at its northern property boundary. Both of these gates are located within the District's property.

Keys have been given to the Sooke Detachment of the RCMP and the Sooke Fire Chief. One key has also been given to an electronics technician who maintains a repeater station for CHEK-TV on Mount Manuel Quimper. The District would be pleased to provide a key to your Branch so that it may have access to Sooke Mountain Provincial Park, on the understanding that the gates on the District's property are to be kept closed and locked while any of your personnel are inside the area.

If there is any other information I may provide for you, please do not hesitate to contact me.

Yours very truly,

K. N. Pleasance, P. Eng. Chief Commissioner

I.M. Sherwin Ltd.

1863 HOLLYWOOD CRESCENT VICTORIA, BRITISH COLUMBIA CANADA V8S 1J2 PHONE (Area 604) 598-1421

Memo to Mr. Ben Jatkowski. Victoria Fish and Game Protective Association From Ian M. Sherwin 28 May 1991

I want to congratulate you and the 10,000 members of your allied organizations for taking up this matter of the restriction of public access to Sooke Mountain Park and particularly Shields, Grassy and possibly Crabbapple Lakes

As we enter an economy where we become more dependent on the service sector, including tourism and recreation, the defence and repair of these historic rights of access becomes something that should concern everyone. As a forest land owner, developing a telecommunications site or Teleport on my 158 acre property, L59 Ragged Mountain, I clearly have a vested interest in your success as well as considerable local knowledge.

Over the last forty years I have owned many thousands of acres of forest lands all over the coast. In consequence Thave had a lot to do with right of way problems from both sides of the fence, and at your request I have written this rambling work to put in writing what I think might be of use in this case. I make no appology for the rambling nature since without understanding the background it is very easy for people to bluff and stone -wall in these right-of-way matters.

I have leads on a lot more information, however this should get us started.

Sincerely,

Ian M. Sherwi

MTN\GENERAL\ROAD4 DRAFT1

DEC - 5 1991

MALAHAT DISTRICT

PROTECTION OF HERITAGE PUBLIC ACCESS...SOUTHERN VANCOUVER ISLAND Background paper May 1991 Ian M. Sherwin Ist Draft

Much of the confusion and contradiction in the administration of public access has resulted from failure to understand the nature and origin of existing public access. This has resulted in the illegal physical obstruction of still existing rights-of-way which were created for the use of individual members of the public as well as the public collectively. Many of these public access routes were lawfully created by individuals on what was then vacant crown land.

The fact that the Crown Provincial may have permitted delegated authorities to obstruct rights-of-way, or failed to pursue those who have obstructed rights-of-way, does not by itself extinguish a right-of-way since squatters' rights are not recognized in B.C. as such, and the obstruction is nothing more than an act of squatting. Even a notice of closure must give effective and equitable notice, not just "so called legal" notice.

With the advent of the Charter of Rights, another weapon might well arise to challenge the extinguishment of the INDIVIDUAL'S heritage right to use a public right-of-way.

The history of B.C. clearly indicates that whilst some public roads were created for a well defined public collective purpose, many others were created as commons to enhance the communications freedom of individuals both to serve their personal needs and their lawful enterprises and interests. As an ancient individual freedom, they should arguably be protected by the charter since they are a clearly well defined freedom of exercise, not a simple piece of property.

In order to clearly understand how these rights arose, why they are well defined and why they often, through ignorance or design, are ignored in many modern records it is useful to have some general background.

GENERAL BACKGROUND

The land acts of the Crown Colony of Vancouver Island and later the land acts of British Columbia prohibited any new grant of land from including any areas that were already occupied. This prohibition or exemption applied regardless of the wording of the apparent grant of land and its survey. They were statute barred.

This was not legalistic hair splitting but a practical necessity that resulted from the lack of reliable surveys in the greater portion of the territory, and to ensure that no trail, road or access was inadvertently blocked. It ensured that any existing public trail or road survived the grant.

Of equal importance, the occupation and land use of a hundred years ago was not as visible nor permanent as that of today. A trapper or shepherd's shack or a driving for cattle or sheep could easily be missed and a pack trail could be a bear trail (and often was and still is in the Bella Coola). Even wagon roads would be interrupted by travel on a beach, or gravel bar or open level rock. This situation existed at Long Beach on the West Coast until the 40's for instance.

Of similar importance was periodic use (which continues today). A forest crop may be harvested several times, many years apart, yet it is still a continuous use. This same applies to placer "sniping" in which a free miner will return to work fissures in stream beds after a period of years. Hunting and trapping whether for commercial or recreational use, follows this same pattern and in fact is today a recognized part of game husbandry.

Given the state of uncertainty as to surveys and land use, and the importance of not granting the same rights to more than one party, the simple solution was to bar by statute the grant of occupied land.

Occupation might be a prior grant of land or an existing public way, trail or driving in the case of sheep or cattle or similar use or occupation, regardless of whether surveyed and regardless of whether public or of private creation

Being statute barred it was not necessary to recite such an exception on the grant. Regardless of the apparent grant a pre-existing occupancy was exempted from the grant as if the grant had never been made..

To better inform those receiving grants various administrative attempts were made to define these exceptions, sometimes creating more confusion than they solved and the debate continues to this day (witness 1976 department memo)

To double ensure the above for the last 100 or so years, the Crown on the face of the title has reserved the right to take back 5 percent of the property without compensation for roads trails, canals and even the materials to build them.

The exception of old trails, roads, drivings and similar occupancy made great commonsense since it prevented the country and its resources being locked up by later grants. This is still public policy specifically expressed during the intervening years by the right-of-way provisions of the forest act, the highways act and the railways act. In fact it may be seen to have been strengthened to the extent that provision is now made for the taking, in many cases without compensation, of lands for both public or private rights-of-way,

This is not "theory." The author is in no doubt about this having suffered under both situations in past years; in one instance without even notice, let alone compensation; on another occasion land was taken from I.M.SHERWIN LTD to provide merely a more convenient road to a proposed processing plant even though alternate routes, slightly more expensive were available.

That the Supreme Court of B.C. today still endorses this as a prudent and lawful public policy is demonstated in Piccirillo B.C.(1988) 22 B.C.L.R (2d) p.1

In the above case, a right-of-way was taken without compensation by the Minister of Forests under sections 91, 92 and 102 in order that Weyerhauser Canada Ltd might more conveniently remove timber whilst at the same time access would be provided for recreational access for the general public as well as fire and pest control.

It is perhaps useful at this time to also mention that starting with the earliest settlement, the Crown retained ownership of all gold and silver and the Crown reserved the right to re enter any lands for the finding or mining of these valuable substances. It also reserved the right to permit or authorize private individuals to search on its behalf, and to take such lands on behalf of the Crownas might facilitate the Crown's winning of these metals. In certain areas such as military reserves, ecological reserves, watersheds and the like, the Crown has withdrawn the authority of other parties to search for these Crown materials.

This withdrawal of authority to search for metals or minerals by individuals does not by itself, however, cancel any pre-existing public road which was formerly created incidental to a search for minerals, since this is now a historic public occupancy.

Hand placer panning is now authorized in all areas and even free miners are to to an extent recreational, so that more than a few people have an interest in preserving heritage access, as have hunters, fishermen, naturalists, bird watchers and believe it or not radio amateurs and perhaps a hundred more.

This brings us to Southern Vancouver Island, once part of the Crown Colony of Vancouver Island and its dependencies, and subsequently merged with the Crown Colony of British Columbia.

The first settler independent of the Hudsons Bay Company in the territory which is now described as British Columbia was Captain Walter Colquhoun Grant at Sooke. Timber shipment and sawmilling began at a very early period in Sooke and in 1853 Sir James Douglas ordered the building of the first highway in what was to become British Columbia, this is the road between Victoria and Sooke.

With the Leechtown Gold rush of the 1860's a variety of mining roads and trails traversed the area north of the Sooke settlements and west of Colwood Farm.

With extensive sheep raising, the area had a network of occupied used public roads or drivings as early as the 1880s. In addition horses were used for pole logging and road building, with hand held scrapers not unlike an open ended wheel barrow without a wheel. Since these roads were prior to most of the land grants, they exist today in law and may be described as a vital yet neglected part of the recreational heritage of Southern Vancouver Island.

These roads are possible to relocate with some success, since they tended to follow certain criteria...level grade..dry ..therefore edge of valley at bottom of hillside but not too rocky since horses wanted some earth for protection of hooves whilst the cart required a bottom for the wheels.

Old sheep drivings can be located using some of the same criteria as roads however they could use open rock to reach forageavoiding steep fall offs if possible..no ledge higher than a sheep can jump..when in a flock. One has only to look at the areas of forage and find the obvious routes between. Cattle drivings by contrast almost always followed wet bottom lands and draws.

Trails are less easy to identify since a pack train could detour around obstacles from time to time, however they often were blazed and although the blazes grow over in a hundred years, they can be sawn out carefully and the original blaze identified. (An old blaze is, after a hundred years just a slight black vertical line on a fir tree in the Sooke area). Trails tended to incorporate patches of grass as feed for mules and horses as well as water which was vital. For this reason they tended to follow good ground near creeks. Even a small pond with a hay meadow was the old equivalent of a gas station for horses so almost all ponds or meadows had trails to them.

The importance which the colonial government gave to public roads is perhaps best indicated by the first Road Act passed by the B.C. House of Assembly in 1860 which compelled all residents over the age of eighteen to work six days on public highways every year or pay a tax of six shillings and threepence in lieu.

Since most settlers were living off the land and had little cash they chose the work option and naturally put pressure to be able to work on their own access roads in every way they knew how. The result of this was that every common way became a public road in practice and in law. No one objected to a public road before the days of automobile traffic and every single settler seemed bent on creating one to serve the purpose of the settler and his INDIVIDUAL interests.

The Government of B.C. expanded the original legislation to permit settlers to work off their land taxes by working on public roads and this system was still in great use until the 1940's.

In addition to settlers, so called free miners were permitted to count road and trail building as part of their assessment work required to hold mining claims or leases. Similar arrangements were made for the construction of flumes and water systems for mines. The approval of work on these public ways was handled by the gold commissioners who issued certificates of work upon filing of an affidavit by the free miner. In the early days, the Gold Commissioners were a part of the Treasury and held great powers of administration (Gold Commissioner Brew actually purchased cannon and shot and put together an army of sorts to restor order in the Chilcotin Goldfields)

In the matter of working off land taxes in the early days, the settlers, for want of any highways officials, would file with the nearest government agent or provincial collector. In short all manner of officials were authorizing the building of public roads and trails as this was clearly in the public interest.

As the colony and later province, became more settled the Department of Lands and Works took on these duties and they are now done by the Department of Highways on a much more regular basis with a kept road register etc., however these old roads and trails which are not in the road register are still in existence. Since these were recognized INDIVIDUAL rights to a common, the province in general practice has observed the law of equity in this regard.

The Department of Highways, as a rough and ready rule, holds that" if public money has been spent on a road. it is a public road." The Department has held this position many times in forcing access to watercourses, lakes etc. and taking action to enforce the reopening of old government roads. (In Lillooet about five years ago the Ombudsman, siding with a land owner who was obstructing an old cattle driving, lost out in a court action by the Highways Department, as well he deserved to do.)

From the first days of settlement until today government in all its branches has worked to create access and to protect access both for public and private purpose and government has resisted those who would obstruct access.

Crease, the first Attorney General, in his memoirs, said "I have patterned the laws of the colony after those of England". Indeed, he did and in these he embraced the attitudes to law and equity as prevailed in England in the middle of the last century.

A fundamental part of that attitude and law was that malefactors and transgressors were dealt with harshly. Since malefactors (vandals) could be dealt with harshly it was possible for innocent individuals to enjoy considerable freedom without causing social problems, and this attitude was reflected in the laws and customs in regard to packroads paths and ancient ways.

This attitude made practical the creation and maintenance of all manner of public access, which in turn greatly enhanced the benefits to all individuals of society with minimum disturbance to private land owners in the husbandry of their lands. This is why this ideal was adopted as public policy in what is now B.C.

In the main this is still overwhelmingly the thrust of public policy in B.C. today. This is a valuable public freedom, but like all freedoms, it must be constantly defended.

Private owners and other groups, including official bodies will attempt to erode these long established freedoms, usually through ignorance.

Dealing now with the specific area of Sooke Mountain Park, the area has a long access history.

Firstly, this area was on or very close to the Leechtown mining road which ran from near the intersection of the present Sooke Highway and Humpback Road, thence westerly through the north part of Section 18 Goldstream and then into Section 48 Goldstream (from old survey field notes) then northwesterly towards Leechtown. This road was started in the 1860's and then parts were used for logging in the twenties and thirties. In these years Settlers Road crossed this road in L48.

Sooke Mountain Jakes were on the Leech River trail and had been a watering spot for pack horses.

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Socke Mountain Jakes were on the Leech River trail and had been a watering spot and subject to the been much involved with mining on Vancouver to the trail prior to World War 1 so that it must still have been in use at that time.

I am now uncertain if he meant both Crabbapple and Shields, but I know he was much involved with Shields Lake. Crabbapple seems the more reasonable, and signs of a trail in that direction appear in 1931 air photos. The E and N boundary traverse Field Book A 85 should be searched between mile post 4 and 5.5 for possible record (I think this is under Island Railway)

Survey field notes done in September 1894 show two trails heading north on either side of what was to become known as Glinz Lake. These trails show on the field notes of the boundary between L56 and 57 Goldstream. The trail is shown to carry on northward where it is recorded on the field notes of the boundary of L53 and L58 Goldstream and again more northerly on the south boundary of L51. A further notation in the field notes of the west boundary of L60 Goldstream suggests that the trail hooked around and followed somewhat the present logging road toward Crabbapple and Shields Lake. Another spur of this road went through the mid point of the east boundary of L59 (Ragged Mountain) thence westerly. Another spur ran south of L59 and a branch entered L59 at mid point of the south boundary. The 1894 field notes also show a trail running roughly east west cutting the west boundary of L58 and running into what is now Sooke Mountain Park. This east west trail also shows on the 1931 air photos, and appears to cross Settlers Road and curve southerly to come out near the present Carlson and Page property L65 I will refer to this trail or road as the Fredrickson-Vietch Cross Road It is quite clear from survey records that a public trail existed running northward From Sooke Lake Road through what is now known as Glinz Lake Valley and onward to north of Ragged Mountain, and that this trail has existed since at least September 1894 or almost one hundred years, and forty four years before the grant of L56 and L57 to in 1938.

The grant of land to S.22 specifically exempted roads and trails from the grant on the face of the grant, so that the long established road through these properties was clearly exempted.

All the other grants of land in the Glinz Valley were after 1894 and the same situation applies..that is to say the existing road was exempted.

s.22 owned L59 Ragged Mountain, remembered travelling this road in 1912 on his way to their property. At that time he remembered a small steam sawmill on the east side of the road near the south boundary of L52 and almost opposite the access to their property L59. This suggests that the trail had become a reasonable haul road by 1912. This was a tie mill cutting railway ties (probably for the Grand Trunk Pacific, later CNR, which was then being built through Sooke).

had copper claims partly on L59 and used trail building as assessment work. Doubtless many others did in the early days and a search of old mining claims would seem worthwhile since some rich outcrops were located.

S.22 of the Sooke Museum related to S.22 in account of Rupert Soule of Sooke Road to the effect that a road through to Goldstream came out near Ma Millers by the Vietch Homestead and was called Settlers Road.

Other sources described the road as Hornes Road, Beatty Johnston Road, and Kirby's Road (after a shingle mill operator) The Beatty Johnson name was associated with the northern fork ofthis road which connected with the Sooke Lake Road and which crossed the old Leech River Road in L48,

S.22 bought wood in Colwood in the thirties. S.22 was probably S.22 who logged along Settlers Road

Pioneer Sooke In 1981 S. 22 homestead S. 22 (Vietch Creek) residents, S. 22 was nearby at what is now the S.22 property. built S. 22 the log cabin on Settlers Road in which they lived most of their lives. This log cabin was on L53 north of what is now Glinz Lake Both were familiar with the and other settlers in the valley and how the trail had been built in stages up the valley such that by 1910, from two places on Sooke Road thence via what is now called Glinz Lake, a well travelled trail went on to Goldstream and Leechtown and thence up-Island.

They were also very clear in their minds that a good road well travelled by automobiles had been created right through to Goldstream by 1930 to 1931 at the latest and that this road was a public road. S 22 owned L 53 so he would clearly know without any shadow of doubt. This road was the short route up Island used by automobiles. It connected the Sooke Road with the Sooke Lake Road and thence via Sooke Lake and Shawnigan Lake to Cobble Hill and Duncan. This was BEFORE the seaside route up the Malahat was built or the so called Shawnigan cut off.

This road shows clearly on Federal Government air photos of the area. The photo is roll no A3321 photo no 5 and 6, flown 5 May 1931.

The history and the air photos clearly indicate that beyond any doubt the old Sooke/ Goldstream Road via the Glinz Lake Valley is a long standing public road known as Settlers Road and as such is the heritage access to Sooke Mountain Park.

Additional proof that Settlers Road was and is still a public Road are a variety of documents in the provincial archives. To quote a few;

- A . Letter Hibberson Timber on behalf of Mr Bell dated July 23 1936 and government rangers report on 18 Sept 1936. Timber sale X 20427 folio 6 quote" Bell with 5 other men who have been on road work ..have repaired 1.1/4 miles of road to area adjacent. (L53) which is only economic way out...two miles haul to main road (this is north of Glinz property which was NOT YET AT THAT DATE CROWN GRANTED) In short in 1936 they had been working on the public road which ran right through the Glinz/ YMCA property and at least as far as section 53.
- B. Letter 11 Aug 1939 X23720 folio 21 in which Mr. W.T. Straith (lawyer and legislator and using letterhead of legislative assembly, no doubt pulling rank) writes to Mr. Manning or Mr. Orchard (Deputy and Asst. Deputy of Forests) requesting that Forestry stop S.22 proposed logging operation on government property north of YMCA property and whose logs must come through road through YMCA property. Straith claims this will hurt water levels. Subsequent letter folio 26 Comptroller of Water rights says government engineers after inspection are of opinion that the logging of this timber will not harm, and government goes ahead with timber sale. The letter incidently, in lawyer Straith's own hand confirms that government men worked on the trails!

Clearly if this had been anything other than a public road and the YMCA had the right to close Settlers road, this letter would not have been necessary.

- C. Forest Rangers Map Dec 30 1942 File X 23720 folio 82 Showing clearly SETTLERS ROAD so labled running from L53 throughL52, 51, L48 and SE corner of L27 Goldstream
- D. Forest Rangers report X 44840 25 Oct 1948 folio 11 "logs will have to be swung across canyon to existing road through section 53"
- E. Forest Rangers report 7 June 58 X59852 Folio 30
 65 cents per Ccf allowed for maintenance of one mile of existing road running southward through L 58 and L57 (This is Settlers Road)
- F. Forest Rangers report X88477 26 April 1962
 75 cents per Ccf allowed for maintenance of 1.5 miles of existing road running southward through L58 and L57 (This is Settlers Road)

In addition to all this, in 1954 the YMCA decided to log their property at Glinz Lake and advertised in the Victoria papers for interested parties. The writer, on behalf of Dalziel Lumber, picked up a descriptive package on the timber, and inquired of the solicitor for the YMCA as to the status of the road running north through the property and was advised by the solicitor for the YMCA that it was public and that care must be taken not to damage or interfere with this road.

RESTORING PUBLIC ACCESS TO SOOKE MOUNTAIN PARK

EXTENDING HARBOUR VIEW ROAD

In the late forties and fifties S.22 built an excellent road as an extension of Harbour View Road. To distinguish this from Settlers Road which was public, the government reference maps were marked PRIVATE ROAD.

and to loggers on a payment basis of so much per thousand board measure of logs hauled. Since costs of road were allowed in calculating government stumpage for timber sales that were taken out this way, it might be argued that some portion of government funds were in fact paid on this road.

Largely because Eric Bernard provided access so readily, and the road was in such good shape, the public use of Settlers Road declined.

sold the property to B.C.Forest Products Ltd who kept it as a private Tree Farm for about 15 years, and by so doing received a very major tax reduction. Its lands were assessed at 10 percent of their actual value and taxed accordingly. During this period the public were allowed to use this access without hindrance, and as many as thirty cars a day would travel to Shields Lake.

Certainly government funds were spent on this road when prisoners from the provincial forestry camps worked on the road in the 1970s.

B.C.F.P sold the property in about 1980 to Calgary investors who began a major subdivision. Permits were very slow and the project went broke in the depression of the early 80s and the receiver then logged off all the timber in a very foolish and unattractive manner. The road to Shields Lake was left in poor shape but still passable to 4 by 4s

The property is now rumoured to be held for Phillipine or Singapore Investors and the passage to this road is barred with a locked gate, the key to which is held by the water board who hold a property at the entrance through which the road runs. The public is denied access to Sooke Mountain Park which is clearly contrary to public policy.

the existing old Bernard Road a public road right through to Shields Lake. This could be done without any compensation whatever arising, and could be done in a few days. The road need not be greatly improved since 4 by 4 access will do for the moment.

At the same time certain existing old logging roads could be gazetted public to serve the the other land owners whose legal access is now Settlers Road. This would remove a nuisance to the Y.M.C.A.

The southern and eastern parts of Sooke Mountain Park were clear cut logged when the government traded the timber for Matheson Lake Park in the 1950s and have absolutely no park value now or in the future.. If the Government improved the road, this land could be sold off for enough to not only pay for the road but perhaps buy back Crabbapple Lake and parts of Shields and Grass Lakes

HISTORIC ACCESS SETTLERS ROAD

If, for some unknown reason, the simple course of extending Harbour View Road is stalled, it becomes neccessary to work with the public access now existing, but which has fallen into neglect.

Consideration should be given therefore to restoration of Settlers Road as a direct access to Sooke Mountain Park. This could be done in several ways. Perhaps by volunteer work parties if government wont help, bulldozers and backhoes might be lent for the work and even good 4by 4s can make quite a trail. The grades are allready in, and in the main require only clearing. This after all, is how these roads were built years ago, before everyone expected government to do everything.

The alternative routes would seem as follows;

1. Repair Settlers Road to approximately the middle of L58 (one mile) then restore the Fredrickson Cross Road westward to Sook Mountain Park to intersect the old Bernard Main Road one mile. Restore the Old Bernard road as required to reach Shields Lake 1.5 miles . If this were made a public road, the cost of the road could probably be more than recovered by selling off a large logged off level area which is of no use for park. Perhaps it could become a valuable golf course developement which is badly needed according to the papers, but which no one seems to want as a neighbour.

This alternative would be the shortest and easiest and above all would be independent of the Water Board.

- 2. Repair the Fredrickson/ Vietch Cross Road from Sooke Road to its point of intersection with Settlers Road two miles. ..then proceed as in 1. above
- 3 Repair Settlers Road north two miles past Ragged Mountain, thence along old road which appears to follow location of old Leech River Trail northwesterly one mile, thence southeasterly along old road to intersect Bernards Old mainline one half mile, thence one half mile to Shields Lake.

An additional alternative would be to resurect the Leech River Road.

FINAL NOTE

s.22 then Mayor of Victoria was very much concerned from his archival legal studies that the residents of Sooke had a prior right of diversion of the Sooke River water, which they subrogated upon the undertaking of the Corporation of the City of Victoria that it would, if requested, provide them freely with water. If this is correct it would render completely uneccessary the maintenance of the very inferior Charters Creek supply. Sooke residents are entitled to first class water and Harbourview road and its extension in addition to providing access to the park, could also provide an easy route for a pipeline to provide Sooke residents with first class water from the Victoria watershed.

...STORY OF SOOKE MOUNTAIN PARK

June 23, 19 2 8	••	Park established over Lots 63-73 inclusive, Otter District containing 1446 acres OlC 686/28
Dec. 14, 1940	_	Sooke Mountain Park reclassified as Class B Park
July 27, 1956	-	Lots 66, 72 and 73 comprising 334 acres were deleted from the Park in a timber exchange for Sections 43 and 47, Metchosin District and Section 76, Sooke District (Matheson Lake Park)
April 1, 1958	-	Timber cutting rights on Lots 68, 69, 70 and 71 exchanged for Lots 1, 2, 3 and 4, Cowichan District (Portland Island - Princess Margaret Marine Park) and Lot 35, Cowichan District (Montague Harbour Marine Park)
April 27, 1959	-	Timber cutting rights on Lots 63, 64 and 65 exchanged for Lot 33, Sayward District, Rebecca Spit Marine Park and fractional Section 16, Texada Island District, Harwood Point Park (cancelled and made a Regional District Park)
June 9, 1959	-	Timber cutting rights on Lot 67 exchanged for Lot 191, Malahat District (portion of Koksilah River Park)
Note: All of the	timber	r rights to Sooke Mountain Park have been exchanged.
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Page 70 redacted for the following reason:

S. 14



Province of British Columbia

MINISTRY OF ENVIRONMENT, LANDS AND PARKS



Sout' Coast Region
Male District
2930 . .ans-Canada Highway
Victoria

British Columbia V9B 5T9

Telephone: (604) '387-4363

Arnie Habetler, Parks Administrator Capital Regional District Parks 490 Atkins Road Victoria, BC V9B 2Z8 April 26, 1993
File: 145800 30/0009 DUP801

(40200 -09240-30/RD03 /0009)

Dear Arnie

Re: Sooke Mountain Provincial Park

As discussed, April 23, 1993 S. 22 an adjacent landowner to Sooke Mountain Provincial Park has repeatedly expressed (letters attached) his concern over the potential loss of access to his properties during the impending transfer of this park to the CRD.

As a result of his inquiries

S. 14

S. 16, S. 14

Based on this new information could you please indicate the CRD's position on this issue.

Sincerely,

G. David Chater District Manager

GDC/svg

attachments

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DeProy, Joyce CSNR:EX

From:

Malcolm, Russell ENV:EX

Sent: To: Thursday, April 8, 2010 4:00 PM Ryan-Wilson, Kathryn ENV:EX

Subject:

RE: Sooke Mountain and Harbour View Road

This is good Kathryn. I will mark this down in the Green File in case it comes up again.

From: Ryan-Wilson, Kathryn ENV:EX Sent: Thursday, April 8, 2010 3:31 PM

To: Malcolm, Russell ENV:EX **Cc:** Macdonald, Andy M ENV:EX

Subject: RE: Sooke Mountain and Harbour View Road

I have just spoken with Lynn Wilson, planner for CRD who was following up on this same question for me. Just to add to your email and for file.

Lynn said that Harbour View Road does end at the Regional Parking lot. There is a right of way that goes slightly to the left and just ends in the bushes but for all intent and purposes, it ends at the Parking lot.

Brad Drew is the CRD Facilities Coordinator and he contacted MoT who confirmed that no public money went into building this road beyond the regional parking lot. It was privately constructed for logging. It is not a section 4 road and has no official name although colloquially is called Harbour View Rd for lack of calling it anything else. So CRD says it is owned by the Regional and Provincial Park.

Thanks for helping with this Russ.

Kathryn

From: Malcolm, Russell ENV:EX

Sent: Thursday, April 8, 2010 2:55 PM **To:** Ryan-Wilson, Kathryn ENV:EX

Subject: RE: Sooke Mountain and Harbour View Road

I haven't done a status on the Regional Park but it doesn't go into the Provincial Park.

From: Ryan-Wilson, Kathryn ENV:EX Sent: Thursday, April 8, 2010 2:50 PM

To: Malcolm, Russell ENV:EX

Cc: Macdonald, Andy M ENV:EX; Morrison, Ken ENV:EX Subject: FYI: Sooke Mountain and Harbour View Road

Thanks Russ.

Just to clarify. When you say Harbour View Road ends at the Park, you mean at the Regional Park...not the Provincial Park.

Kathryn

From: Malcolm, Russell ENV:EX

Sent: Thursday, April 8, 2010 2:47 PM **To:** Ryan-Wilson, Kathryn ENV:EX

Cc: Morrison, Ken ENV:EX **Subject:** RE: Sooke Mountain

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Kathryn

Based on the information we have on file we don't believe this is a road. It was created under PUP for temporary access and this was followed up with temporary access PUP's for access through the park later in the early 1980's. I think the CRD maps are correct showing Harbour View Road ending at the Park. The Park was created in 1928 with no road access and there has never been a legal road through it.

Russ

From: Ryan-Wilson, Kathryn ENV:EX Sent: Thursday, April 8, 2010 2:27 PM

To: Malcolm, Russell ENV:EX **Subject:** RE: Sooke Mountain

Hi

Thanks and please let me know as soon as you can. I need to get the Ministers letter done and sent tomorrow. The only map that I have found is on the CRD website. It shows Harbour View ending at the Regional Park but it does not show any road continuing on into the parks. I'm not sure how legal or thorough the map is. Kathryn

From: Malcolm, Russell ENV:EX

Sent: Thursday, April 8, 2010 9:25 AM **To:** Ryan-Wilson, Kathryn ENV:EX

Cc: Morrison, Ken ENV:EX **Subject:** RE: Sooke Mountain

Kathryn

I have looked at the file and this is a longstanding issue. Even though our old key map shows it as part of Harbour View Road it is not part of this road through the park. The road was covered by PUP back in the late 1970's and early 80's which seems to indicate that it is a "park road" but I will have to check to determine this for sure. I think the roads were created when the park was logged in the 1950's. Lots of confusing correspondence on this on file so will get back to you on this once I know for sure what has happened. I want to talk to Ken about this before we give an opinion and we may need confirmation from MOT and the District of Sooke.

Russ

From: Ryan-Wilson, Kathryn ENV:EX Sent: Thursday, April 8, 2010 8:41 AM

To: Atherton, Ian ENV:EX; Malcolm, Russell ENV:EX

Subject: Sooke Mountain **Importance:** High

Hi

I need to draft a Ministers letter in response to a complaint and I need to know if Harbour View Road ends at the CRD Regional park. Is the old road that runs through the regional park and into Sooke Mountain Provincial Park classified as a road?

Do you have a map you can send me that shows boundaries and roads with the names of the roads on it?

Thanks

Kathryn Ryan-Wilson

Juan de Fuca/Goldstream Area Supervisor Parks and Protected Areas Ministry of Environment Phone: 1-250-391-2317 Kathryn.RyanWilson@gov.bc.ca