

SUMMER CLASSIFICATION

<u>Class</u>	<u>A.D.T. (average daily traffic)</u> <u>Vehicles per Day</u>
1	over 10,000
2	5,000 - 10,000
3	1,000 - 5,000
4	500 - 1,000
5	100 - 500
6 *	10 - 100
7 *	0 - 10
8	a Highway, typically without a constructed road but for which maintenance responsibilities exist for such things as danger tree removal and drainage, and which may also have other improvements to maintain such as pedestrian and bicycle paths.

*Roads Classed 6 or 7 with heavy industrial use will be increased one Class in RIMS.

Winter Classification is generally based on but not limited to the following:

WINTER CLASSIFICATION

<u>Class</u>	<u>Definition</u>
A	high volume traffic (over 5,000 winter average daily traffic count) or commuter routes and certain expressways and Freeways through mountain passes, as determined by the Province. They are heavy commuter traffic routes extended to include the bulk of vehicles commuting daily to a center and cut-off where traffic drops below 2,500 <u>winter</u> average daily traffic count. Very high volume ski hill and commuter routes.
B	all trunk and main routes (or portion thereof as designated by the Province) not included in Class A, with a cut-off traffic volume of 1,000 winter average daily traffic count. Lower volume ski hill and commuter routes.
C	all school bus routes and industrial (truck) traffic routes (more than 25% trucks) not included in Class A and B.
D	all other regularly maintained winter routes.
E	all other irregularly maintained winter routes.
F	roads not maintained in the winter, or not open, or not maintained by the Minister.

HRP Landmark Report

2011-06-13 02:25 PM

Sorted by Highway Name

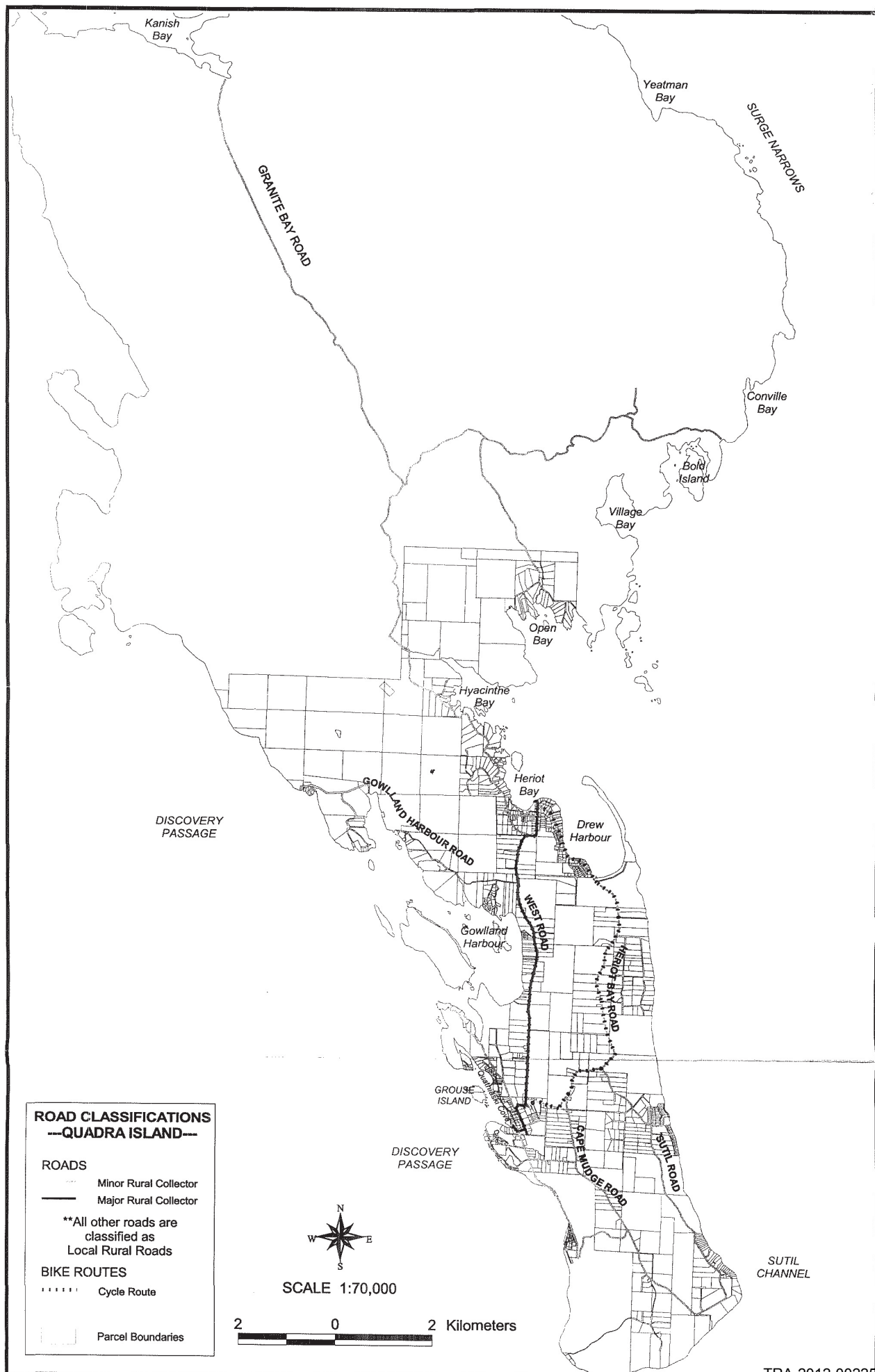
IDIR\MGOODHEL

Service Area: 03 - North Island

AMA: 03-B - Campbell River Area

Sub Area: 03-B-Q - Quadra Island

		<u>Road Class</u>	<u>Distance from</u>		<u>RFI Dir</u>	<u>RFI Length</u>
			<u>Start</u>	<u>Previous</u>		
03-B-Q-01258	WALCAN ROAD				N	0.356
657400	SHORE (HWM)		0.000	0.000		
657500	WALCAN PRIVATE ROAD	7D	0.356	0.356		
03-B-Q-00193	WALKER ROAD				E	0.807
635300	NOLE ROAD		0.000	0.000		
635400	CAPE MUDGE ROAD	8F	0.590	0.590		
635500	EAST END OF ROAD	7D	0.807	0.217		
03-B-Q-00191	WEST ROAD				N	6.767
640700	HERIOT BAY ROAD		0.000	0.000		
640750	INDUSTRIAL WAY	3C	0.955	0.955		
640800	RAYDON ROAD	3C	3.573	2.618		
640900	GOWLLAND HARBOUR RD	3C	4.773	1.200		
641000	HYACINTHE BAY ROAD	3C	5.826	1.053		
641100	MACKLIN ROAD	3C	6.234	0.408		
641200	CRAMER/SCHOONER ROAD	3C	6.439	0.205		
641300	BULL ROAD	3C	6.538	0.099		
641350	HERIOT ROAD	3C	6.610	0.072		
641400	HERIOT BAY ROAD	3C	6.737	0.127		
641500	HOTEL ROAD	3C	6.767	0.030		



Mike Proudfoot
District Manager, Transportation
Vancouver Island District

May 21, 2002
Courtenay Area Office
550 Comox Road
Courtenay BC V9N 3P6
Tel: 250-334-6954
Fax: 250-334-1291

File: ~~152-20/RDCS~~

146-20/RDCS

**Re: Letter of Agreement
Regional District of Comox-Strathcona**

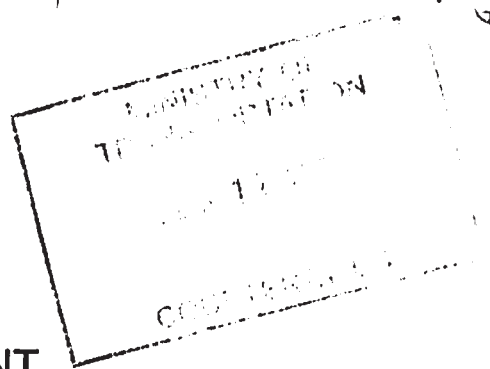
Attached is an executed copy of the Agreement, applicable to areas I & J of the Regional District of Comox-Strathcona, for your information.



Peter Wightman
Operations Manager
e-mail: peter.wightman@gems8.gov.bc.ca

PW
Attachment

cc: Dan Olson, Area Manager
Doug Wright, Area Manager
Bob Hall, District Technician
Jerry Leet, Development Technician
Lane MacDonald, Development Technician
Dave Edgar, Sr. Transportation Planning Engineer
Rob Howat, Provincial Approving Officer



LETTER OF AGREEMENT

between

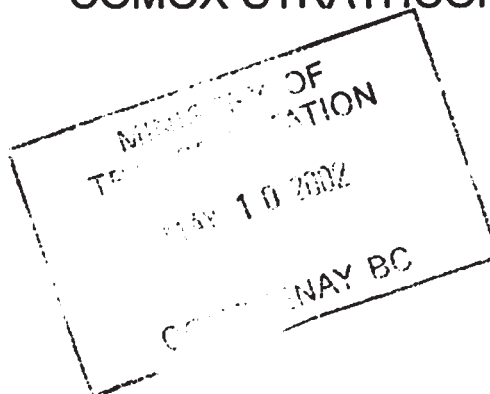
**THE MINISTRY OF TRANSPORTATION
(MoT)**

and

**THE REGIONAL DISTRICT OF COMOX-STRATHCONA
(RDC-S)**

SUBJECT:

**ROAD STANDARDS, CLASSIFICATION AND MoT/RDC-S
CONSULTATIVE PROCESS FOR THAT PORTION OF THE
NORTH ISLAND AREA OF MINISTRY OF
TRANSPORTATION LOCATED WITHIN ELECTORAL
AREAS 'I' AND 'J' OF THE REGIONAL DISTRICT OF
COMOX-STRATHCONA**



LETTER OF AGREEMENT

BETWEEN:

The Regional District of Comox-Strathcona
350 – 17th Street
Courtenay, B.C. V9N 1Y4
(hereinafter called the "Regional District");

AND:

Ministry of Transportation
North Island Area
550 Comox Road
Courtenay, B.C. V9N 3P6
(hereinafter called "MoT");

Regarding road standards, classification and a MoT /Regional District consultative process for that portion of the North Island District of Ministry of Transportation located within Electoral Areas 'I' and 'J' of the Regional District of Comox-Strathcona.

Signatories



Operations Manager
North Island Area
Ministry of Transportation

Date:

April 17/02



Chairperson
Regional District of Comox-Strathcona

Date:

April 29/02

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A. PURPOSE

The purpose of this agreement is:

1. To establish an ongoing consultative process between the agencies.
2. To establish an agreement on road standards and road classifications within Electoral Areas 'I' and 'J' of the Regional District that reflects the rural character of the Islands and is satisfactory to Ministry of Transportation and;
3. To establish a procedure for the designation of scenic/heritage roads and bicycle route plans within Electoral Areas 'I' and 'J' of the Regional District.

B. OBJECTIVES

1. To establish a functional classification of rural roadways which:
 - a) classifies rural island roads recognizing the relative importance of their role in servicing traffic between ferry linkages and major destinations on an island, and relates the classification to the road's importance and role in serving through traffic or providing access to land;
 - b) ensures all rural settlement areas, resource areas, recreational areas, commercial areas and other activity areas are provided with safe rural road service based on the level of traffic generating activity and rural traffic volumes;
 - c) classifies routes to maintain a safe and efficient relationship between the needs of road users and the users of adjacent land;
 - d) ensures that appropriate planning and design standards are used as agreed upon.
2. To establish the road standards for new roads, including new subdivision roads, and for existing roads when upgrading is required.
3. To establish scenic/heritage road designations for unique and valued roadways, and the process to be followed when improvements are to be undertaken.
4. To establish cycle route plans and roadway standards to accommodate safe cycling.
5. To establish a regular consultative process between the agencies on issues of common interest such as rehabilitation and maintenance programs and new road site-specific consultation.
6. To develop and agree upon cycle route plans and scenic/heritage designations to supplement this agreement.

C. CONSULTATIVE PROCESS

The Ministry of Transportation and the Regional District agree to the establishment of a consultative process to foster common understanding and hereby agree to facilitate the process by arranging meetings between respective staff, appropriate Regional Directors, Regional District Committees and/or the community as required.

To facilitate ongoing dialogue the consultative process will be fostered through:

- An annual meeting of Ministry of Transportation staff and Regional District planning staff held in the fall at the call of the General Manager, Development Services of the Regional District to review with Ministry of Transportation staff any current issues such as proposed upgrading and maintenance programs and classification of proposed new subdivision roads. Prior to this meeting being held, Regional District staff shall consult with the Electoral Area 'I' and 'J' Regional Directors regarding any issues affecting the Island communities.
- Routine exchange of information regarding specific concerns between the Regional District as represented by its local planning staff and Ministry of Transportation local staff as represented by the District's Highways Manager and/or their Area Managers.
- To recognize the Electoral Area Advisory Planning Commissions and/or Local Island Safety Advisory Committees as being the advisory groups to make recommendations to the Regional District through the Electoral Area Director and Ministry of Transportation as specific issues arise and to assist in the development of bicycle route and Heritage/Scenic route plans. Special meetings may be requested by either the Regional District or the Ministry of Transportation, as specific issues arise.
- Jointly reviewing the road classification networks and road standards every five years from the date of this agreement.
- Discussion in 2002 and 2003 of bicycle routes and Scenic/Heritage route designations.
- Ministry of Transportation routinely consulting with the Regional District prior to upgrading of designated scenic historic routes. Regional District staff shall advise and discuss details of any planned upgrades with the Electoral Area 'I' and 'J' Regional Directors.

D. ROAD CLASSIFICATIONS AND BICYCLE AND SCENIC/HERITAGE ROUTE DESIGNATION

1. Road Classifications of Island Roads

A hierarchy of road classes for the Cortes, Quadra and Read Islands is set out in the Island-specific maps attached to this document (Appendix A). All other roads on the remaining islands within Electoral Areas 'I' and 'J' shall be classified as being local rural roads. Where any addition of roads are planned, or where

there are planned changes in current road classifications, beyond a local rural road standard the Regional District shall be consulted and the Electoral Area Director will be provided an opportunity to review and comment on the proposed changes.

The designated area for purposes of road classification and standards are Electoral Areas 'I' and 'J' of the Regional District of Comox-Strathcona.

The agreed to nomenclature used for road classes in this document is as follows:

- Secondary Highway
- Major Rural Collector
- Minor Rural Collector
- Local Rural Road

The road standard for the applicable classifications as set out in Section E will be applied for new roads, including subdivisions and to existing roads when being upgraded.

2. Cycle Route Plans

Beyond the preliminary cycle routes identified in Appendix A, the Regional District will prepare a more detailed cycle route plan for Electoral Areas 'I' and 'J'. Consultation on these proposals will occur with the Ministry of Transportation.

A negotiated agreement on the cycle route plan is to be achieved between the Regional District and the Ministry of Transportation by December 2003 and will subsequently form a component of this Letter of Understanding (Proposed Appendix B).

The agreed-to cycle plan will be forwarded to Ministry of Transportation for reference.

It is recognized that the approved plan, for the designated cycle routes, may trigger adjustment of the shoulder standards for new roads and for existing roads when they are to be upgraded as indicated in Section E. The requirements for safely accommodating cyclists will be recognized when prioritizing roads for upgrading.

3. Scenic / Heritage Route Designation

At this time it is recognized that there are no designated scenic heritage roads on the Islands, however, if any roads are identified as being candidates for this designation Ministry of Transportation and the Regional District shall initiate discussions regarding possible designation. These discussions shall be based on the criteria of the candidate road(s) possessing unique and significant scenic/heritage values.

E. ROAD STANDARDS FOR ISLAND ROADS

It is recognized that road standards in Electoral Areas 'I' and 'J' of the Regional District have been adjusted in response to the Regional District's objective to maintain the rural character of the islands and in recognition of the size of islands and their unique character and the need for a gentler approach in harmony with the lands. However, the standards must recognize a requirement for safe transportation facilities.

The standards to be utilized for construction on each of the road classifications are outlined in the following paragraphs and table.

NOTE: Where the Regional District and the Ministry of Transportation identify a need for cycling facilities, as established by the agreed to cycle route plan, the standards for shoulders may be adjusted as noted in the footnotes in the road standards table which follows. (Refer to Figure 1: Island Road Standards)

1(a) Secondary Highway

At this time there are no roads of this classification within the agreement area.

The road in this class typically carries substantially higher volumes of traffic at higher speeds than a major rural collector road.

This classification will have a paved travel-way width of 6.7 m except on crest and horizontal curves where a 7.3 m width will apply.

A 1.5 m paved width on each side of the travel way will provide for cycling, pedestrian and emergency parking use.

The bicycle route plan will incorporate all sections classified as secondary highway as an element in the cycle plan.

Posted speed shall not exceed 80 km/hr.

1(b) Major Rural Collector

This classification of road applies to those roads as shown in green in Appendix A.

This classification of road will have a paved travel-way width of 6.7 m except on crest and horizontal curves where a 7.3 m top paved width will apply.

A 0.6 m paved shoulder on each side will be provided.

The bicycle route plan will designate road sections requiring adjustment of the shoulder width to safely accommodate cycling demands. The constructed top

width for each bicycle shoulder lane will be 1.2 metres on both sides in recognition of safety and travel demand requirements, as designated in the specific Island cycle route plan.

The posted speed shall not exceed 60 km/hr.

1(c) Minor Rural Collector

This classification of road applies to those roads as shown in yellow in Schedule A.

This classification of road will have a paved top width of 6.1 m.

Paved shoulders are not required unless identified in the cycle route plan. The bicycle route plan will designate road sections requiring adjustment of the shoulder width to safely accommodate cycling demands. Constructed top width for each bicycle shoulder lane will be 1.2 m on both sides in recognition of safety and travel demand requirements, as designated in the specific Island cycle route plan.

The posted speed shall not exceed 50 km/hr.

1(d) Local Rural Road

Unless a road is specifically classified otherwise, all roads within the agreement area shall be classified as local rural road.

This classification applies to most new roads in small subdivisions.

This classification of road will have a paved top width of 5.5 m.

The posted speed may be in the range of 30 to 50 km/hr.

2(a) Illustrative Cross-Sections by Road Standards

The Island road standards (Figure 1) and illustrative cross-sections (Figure 2) are shown on the following pages. It is understood that variation of this cross-section may be required to accommodate utilities, topography and safety considerations.

2(b) Height and Clearance Zones

Height of vegetation within the brushing and utility zone shall be controlled to maintain sight distance on curves and intersection sight triangles for traffic safety reasons.

Figure 1

ISLAND ROAD STANDARDS

Island Road Nomenclature	R/W Width	Design Speed	Cleared Width*	Driving Lanes	Constructed (Top Width)	Surfaced Shoulder Standard	Gravel Shoulder	Cycle Lanes
Local Rural Road	20 m (66.0')	50 km/hr	13.9 m (45.6')	5.5 m (18.0')	6.7 m (22.0')	Not Required	0.6 m	No Lanes
Minor Rural Collector	20 m (66.0')	50 km/hr	14.5 m (47.6')	6.1 m (20.0')	7.3 m (24.0')	Not Required	0.6 m	2 Lanes**
Major Rural Collector	20 m (66.0')	60 km/hr	15.6 m (51.1')	6.7 m (22.0') or 7.3 m (24.0') crest/curve	9.1 m (29.8') or 9.7 m (31. 8') crest/curve	0.6 m/lane	0.6 m	2 Lanes***
Secondary Highway****	25 m (80.0')	80 km/hr	18.1 m (59.4')	6.7 m (22.0') or 7.3 m (24.0') crest/curve	10.3 m (34.8') or 10.9 m (33. 8') crest/curve	1.5 m/lane (4.9')	0.6 m	2 Lanes

* Cleared width may vary depending on topographic features.

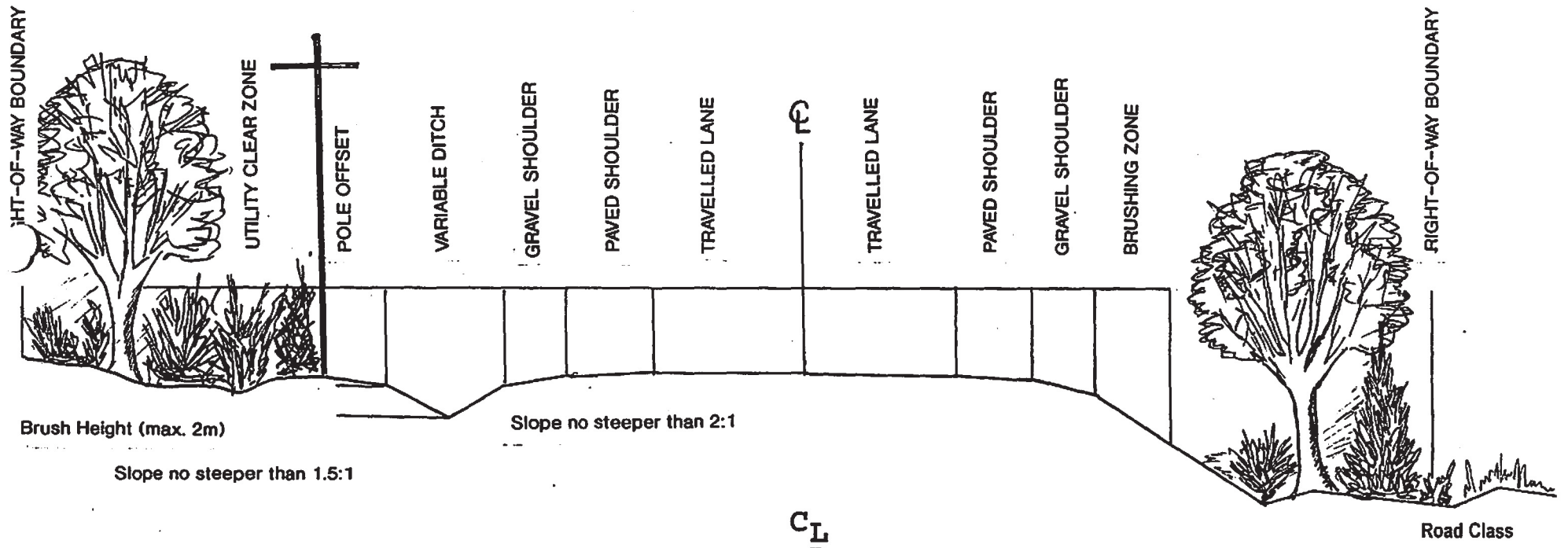
** Constructed top width for each bicycle shoulder lane will be 1.2 metres on both sides for each section as designated in an Island Specific Cycle route plan.

*** Constructed top width for each bicycle shoulder lane will be 1.2 metres on both sides for each section as designated in an Island Specific Cycle route plan.

**** There are no roads currently classified as "Secondary Highway" within the agreement area.

Figure 2

TYPICAL CROSS SECTION
(METRIC)



2.75	0.6	MIN WIDTH 2.1	0.6	0	2.75	2.75	0	0.6	2.0		Local Rural
2.75	0.6	MIN WIDTH 2.1	0.6	0	3.05	3.05	0	0.6	2.0		Minor Rural
2.75	0.6	MIN WIDTH 2.1	0.6	0.6*	3.35 Curves 3.65	3.35 Curves 3.65	0.6*	0.6	2.0		Major Rural
2.75	0.6	MIN WIDTH 2.1	0.6	1.5	3.35 Curves 3.65	3.35 Curves 3.65	1.5	0.6	2.0		Secondary Highway

- NOTE:
- Dimensions in metres
 - Required ditch width will vary depending upon the depth of ditch required for drainage; i.e. the desirable width of 3.0 m would have to be increased should the drainage requirements dictate a ditch depth greater than 0.6 m.
 - *Designation as cycle route increases shoulder width to 1.2m
 - Right-of-way width 20m for all classes except secondary highway with a width of 25m

Roadside vegetation will be retained where possible unless it becomes a hazard to public safety or interferes with utility or drainage requirements. Trees will be permitted to encroach within the road right-of-way if they do not interfere with hydro and telephone services, or where utility poles will not be within a right-of-way. The brushing zone will be a minimum of 2.0 m from the shoulder. The height clearance area for utilities will be 2.75 m beyond the utility pole to meet Worker's Compensation Board requirements. Low brush up to 2.0 m in height is allowed in the utility clearance area except at intersection sight triangles (including driveways).

The clearing width for construction will be only to the width required to contain the roadworks and utilities. Trees and brush can be retained beyond this width.

Maintenance programs for brush cutting will be discussed as part of the yearly consultative process.

2(c) Ditches

The ditch, one or both sides as required, would typically be designed for a depth of 0.6 m with a back slope of 2:1 and side slope of 3:1. This would require 3.0 m of width to accommodate such a ditch configuration.

The side slopes of ditches may be steeper in order to minimize the clearance width up to a maximum back slope of 1.5:1 and maximum side slope of 2:1 where safety and geotechnical engineering concerns do not prevail. It is understood that some ditches may be required to be larger due to greater flow rates of drainage.

Proposed and existing ditch systems entering fresh water lakes used for potable water supply are of special concern. The Ministry of Transportation will advise the Regional District of proposed drainage works in proximity of fresh water lakes or of plans for drainage of wetlands which may have ground water recharge value.

F. UTILITY PERMITS

Ministry of Transportation will put a condition in a new utility permit requiring that the applicant must notify the Regional District of his/her intentions (for information only).

APPENDIX A

ROAD CLASSIFICATIONS

Maintenance Contracts can be found at the following link:

http://www.th.gov.bc.ca/BCHighways/contracts/maintenance/Schedule_21_Maintenance_Specifications.pdf

06^S-XS-R-2-6-9-12-24-34-46-M-6

SUBDIVISION PLAN OF PART OF THE SOUTHERLY 27.6 ACRES
OF THE FRACTIONAL NW. 1/4 OF LOT 220 SAYWARD DISTRICT

PLAN 45470

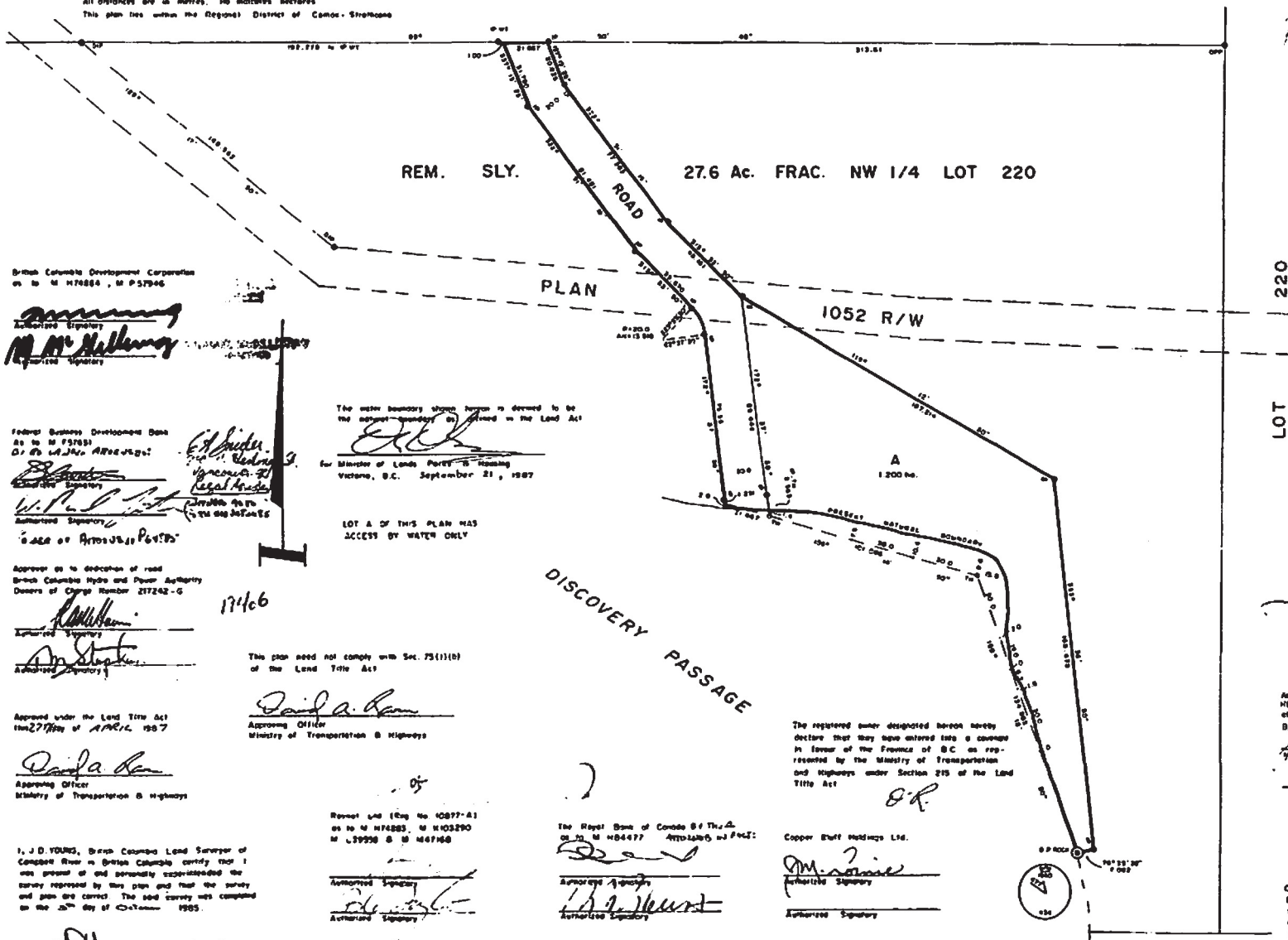
SCALE 1:1250

LEGEND

Bearings are Astronomic and are derived from Plan 1052 R/W
 @ DPP indicates Standard Pipe Post found @ TP indicates Traverse Hub
 @ QP indicates Iron Survey Post found @ IP indicates Iron Survey Post set
 @ P ROCK indicates Standard Rock Post found
 All distances are in metres. No indicates bearings
 This plan lies within the Regional District of Comox-Strathcona

S8370Y
JdB

Decoded in the Land Title
Office at Victoria, B.C.
this 25 day of September 1987



British Columbia Development Corporation
as to M H76864, M P57946

[Signature]
Authorized Signatory

Federal Business Development Bank
as to M P57631

as to M H76864, M P57946

[Signature]
Authorized Signatory

Approved as to dedication of road
British Columbia Hydro and Power Authority
Deputy of Charge Number 217242-G

[Signature]
Authorized Signatory

Approved under the Land Title Act
this 27th day of APRIL 1987

[Signature]
Approving Officer
Ministry of Transportation & Highways

I, J.D. YOUNG, British Columbia Land Surveyor of
Comox Strathcona in British Columbia certify that I
was present at and personally supervised the
survey represented by this plan and that the survey
and plan are correct. The said survey was completed
on the 27th day of October 1985.

[Signature]
B.C.L.S.

The water boundary shown herein is deemed to be
the correct boundary as shown in the Land Act

for Minister of Lands, Part 16 Planning
Victoria, B.C. September 21, 1987

LOT A OF THIS PLAN HAS
ACCESS BY WATER ONLY

This plan need not comply with Sec. 75(1)(b)
of the Land Title Act

[Signature]
Approving Officer
Ministry of Transportation & Highways

Revised and (Reg. No. 10877-A1)
as to M H76864, M H76865
M L39958 & M H67168

[Signature]
Authorized Signatory

The Royal Bank of Canada B.C. Trust
as to M H64477, M H64478, M H64479

[Signature]
Authorized Signatory

The registered owner designated herein hereby
declare that they have entered into a conveyance
in favour of the Province of B.C. as rep-
resented by the Ministry of Transportation
and Highways under Section 215 of the Land
Title Act

Copper Bluff Holdings Ltd.

[Signature]
Authorized Signatory

Report No. 1 (Reg. No. 10877-A1)

as to M H64477, M H64478, M H64479

[Signature]
Authorized Signatory

As to M H64481
HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF BRITISH COLUMBIA
By *[Signature]*
Minister of Agriculture and Fisheries

CHEALD YOUNG & ASSOCIATES
B.C. LAND SURVEYORS
NO. 4 - 1330 ELAM STREET
CAMPELL RIVER, B.C.
V9W 3A6

FILE 85050

[Signature]
Mory & Copeland
L.W. (F.R.S. & F.R.S. (B.C.))

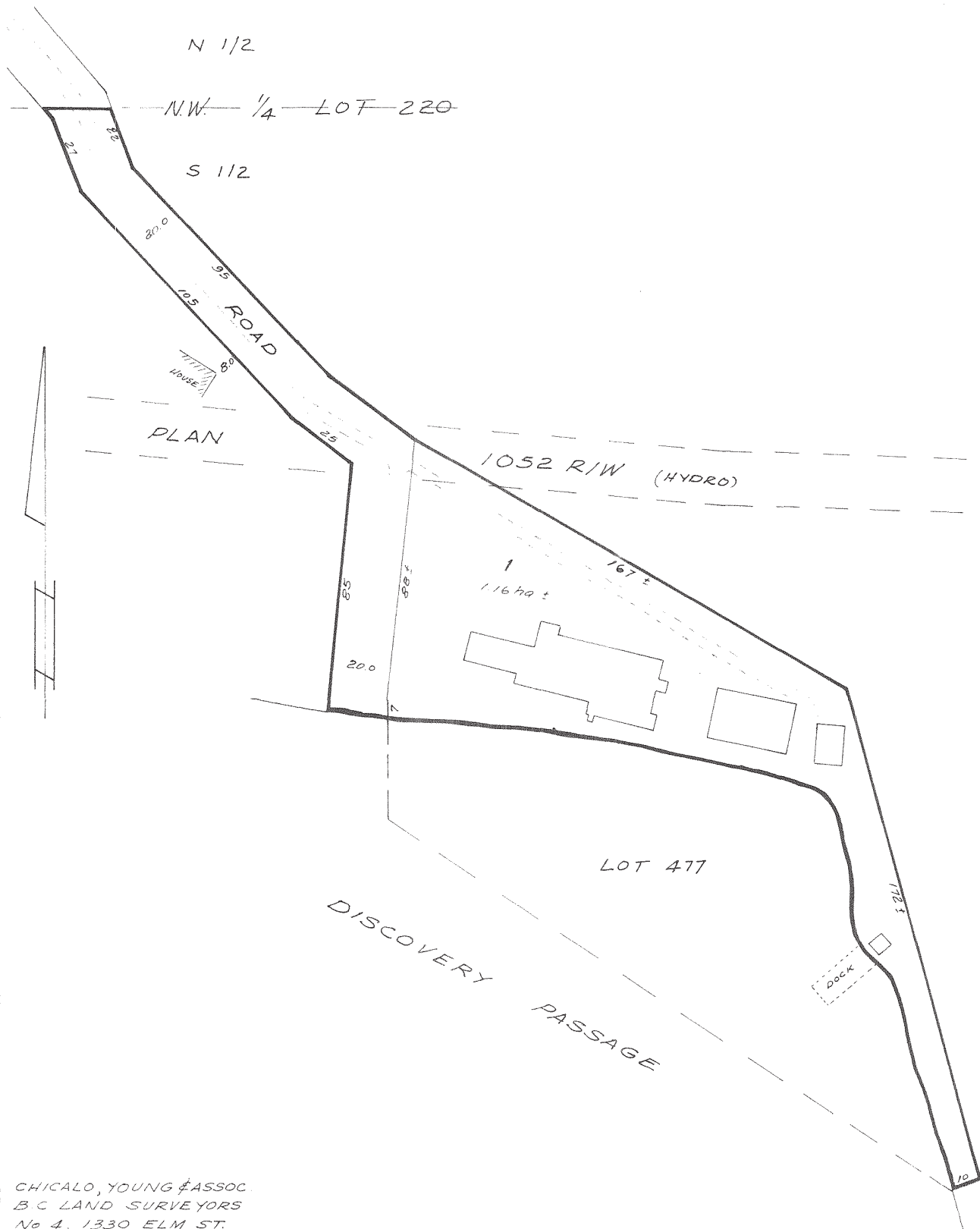
TRA-2012-00225

Pages 20 through 25 redacted for the following reasons:

S3

PROPOSED SUBDIVISION OF PART
OF THE S. 1/2 OF THE N.W. 1/4
D.L. 220, SAYWARD DISTRICT

Scale 1:1250



CHICALO, YOUNG & ASSOC.
B.C. LAND SURVEYORS
No 4, 1330 ELM ST.
CAMPBELL RIVER, B.C.
V9W 3A6

85050

64-21-78-5190 T
64-21-78-5420 F

950 Cumberland Road,
Courtenay, B.C.
V9N 2E4

May 26, 1986

McVee, Shook, Wickham and Bishop
906 Island Highway
Campbell River, B.C.
V9W 2C3

Dear Sirs:

Re: Part of the Sly 27.6 acres of the Fr. NW 1/4 of Lot 220, Sayward
District

On inspection of the statement of titles and final plan, we find many mortgage holders involved.

Before the Approving Officer will sign a covenant, it must have all mortgage-holders involved in the title block of the covenant and sign as third-fourth-fifth part or sign a priority document consent page which is added to the said covenant.

A small point - could you also remove the address for Minister of Transportation & Highways in the part "of the second part".

Yours truly,

W.R. Ball
District Highways Manager

MFB/cmo

M.F. Butler
Subdivision Technician

McVea, Shook, Wickham & Bishop

Barristers & Solicitors, Notaries Public

Michael A. McVea, B.A., LL.B.
Sidney S. Shook, B.A., LL.B.
Daniel A. J. Wickham, B.A., LL.B.
Thomas J. Bishop, B.A., LL.B.
Ian C. Morley, B. Comm., LL.B.

Telephone (604) 287-8355

906 Island Highway
Campbell River, B.C. V9W 2C3

Our File #16,651
May 22, 1986

Ministry of Transportation & Highways,
950 Cumberland Road,
Courtenay, B.C.
V9N 2E4

ATTENTION: Approving Officer

Dear Sir:

Re: Subdivision Plan of Part of the Southerly 27.6 acres
of the Fractional NW 1/4 of Lot 220, Sayward District,
Your File No. 64-21-78-5190

May we please have a reply to our letter of April 11th, 1986, now
that over six weeks have passed.

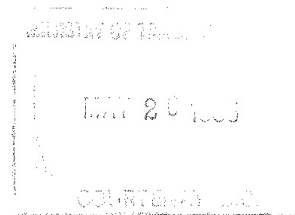
Yours very truly,

McVEA, SHOOK, WICKHAM & BISHOP

PER: 

DAN A.J. WICKHAM

DAJW:lvb
c.c. Copper Bluff Holdings Ltd.
Attention: Jim Lornie



To: COURTENAY.DIST (HWY640)
Cc: NANAIMO.REGION (HWY600)
From: NANAIMO.REGION (HWY600) Posted: Thu 24-Apr-86 14:11 PST Sys 21 (22)

Subject: 64 5190

STRICT HIGHWAY MANAGER
COURTENAY

RE: PROPOSED SD OF S 1/2 OF NW 1/4 OF DL 220
SAYWARD DISTRICT

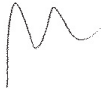
REPLY TO YOUR LETTER OF APRIL 18, 1986,

WE WILL REQUIRE A STATE OF TITLE CERTIFICATE TO DETERMINE THE MORTGAGES.

THE MORTGAGES WILL HAVE TO BE INCLUDED IN THE COVENANT.

IN THE GRANTED CLAUSE OF COVENANT, IT SAYS "...THE REGIONAL OFFICE AT
950 CUMBERLAND ROAD, IN THE CITY OF COURTENAY" IS INCORRECT.

RAVEN
.O
./CS

A handwritten signature, possibly reading 'M', is located in the lower-left area of the page.

McVea, Shook, Wickham & Bishop

Barristers & Solicitors, Notaries Public

Michael A. McVea, B.A., LL.B.
Sidney S. Shook, B.A., LL.B.
Daniel A. J. Wickham, B.A., LL.B.
Thomas J. Bishop, B.A., LL.B.
Ian C. Morley, B. Comm., LL.B.

Telephone (604) 287-8355

906 Island Highway
Campbell River, B.C. V9W 2C3

Our File #16,651
April 11, 1986

Ministry of Transportation & Highways,
950 Cumberland Road,
Courtenay, B.C.
V9N 2E4

ATTENTION: Approving Officer

Dear Sir:

Re: Subdivision Plan of Part of the Southerly 27.6 acres of the
Fractional NW 1/4 of Lot 220, Sayward District,
Your File No. 64-21-78-5190

We enclose a Restrictive Covenant, duly executed by our clients, and drawn in accordance with the requirements of your Department.

We have noted your requirement that the Restrictive Covenant state that the land shall not be put to such use as to require access other than water. No doubt your field officers have advised you that the property in question is already served by private road access. Our clients are prepared to bind themselves, and any future owners of the property, with a Restrictive Covenant whereby they agree not to require public road access to the property in question. This is contained in the Restrictive Covenant. We believe that this will serve the same purpose as your condition in your preliminary layout approval, yet it more accurately describes the particular situation with this property. We are advised that you wish to avoid any future demand that public road access be provided. Surely the Restrictive Covenant avoids this.

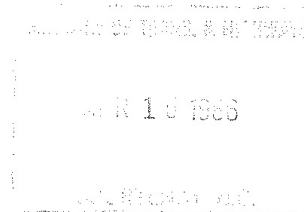
Please telephone me if you wish to discuss this matter, as it is our hope to have this Subdivision Plan and Restrictive Covenant registered as quickly as possible.

Yours very truly,

McVEA, SHOOK, WICKHAM & BISHOP

PER: 

DAN A. J. WICKHAM
DAJW:lvb
Encls.



64-21-78-5190

950 Cumberland Road,
Courtenay, B.C.
V9N 2E4

April 7, 1986

Chicalo, Young & Assoc.
4 - 1330 Elm St.
Campbell River, B.C.
V9W 3A6

Dear Sir:

Re: S $\frac{1}{2}$ of NW $\frac{1}{4}$, DL 220, Sayward District

Please be advised our Ministry has granted a 180 day extension of
approval.

Yours truly,

W.R. Ball
District Highways Manager

DRB/cmo
cc: D.A. Raven
RDOCS
McVea, Shook, Wickham & Bishop

D.R. Bowen
Engineering Assistant

64-21-78-5190

950 Cumberland Road,
Courtenay, B.C.
V9N 2E4

April 18, 1986

Chicalo, Young and Assoc.
4 - 1330 Elm St.
Campbell River, B.C.
V9W 3A6

Dear Sir:

Re: S $\frac{1}{2}$ of NW $\frac{1}{4}$, DL 220, Sayward District

Please find enclosed original covenant document to hold
until the linens and final letters are complete.

Yours truly,

W.R. Ball
District Highways Manager

DRB/cmo
cc: D.A. Raven - please review
this covenant and advise of OK (copy)

D.R. Bowen
Engineering Assistant

64-21-78-5190

950 Cumberland Road,
Courtenay, B.C.
V9N 2E4

March 17, 1986

McVea, Shook, Wickham & Bishop
906 Island Highway
Campbell River, B.C.
V9W 2C3

Dear Sir:

Re: S 1/2 of NW 1/4, DL 220, Sayward District

Please find covenant document returned as it was incomplete.

We require covenant to cover item (e) enclosed and outlined in yellow. We will require the owners to sign the covenant and submit a copy of the state of title certificate.

The signature block where the Approving Officer is to sign is also incomplete.

Yours truly,

W.E. Ball
District Highways Manager

DRB/cmo
cc; D.A. Raven

D.R. Bowen
Engineering Assistant

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and improvement, water and irrigation districts:

NATURE OF INTEREST: Restrictive Covenant

MARKET VALUE Nominal

HEREWITH FEES OF

Legal Description, if not shown in instrument:

Address of person presenting application:
McVea, Shook, Wickham & Bishop
Barristers & Solicitors
906 Island Highway
Campbell River, B.C. V9W 2C3
287-8355

Applicant

THIS RESTRICTIVE COVENANT, made the day of March, 1986.

BETWEEN:

COPPER BLUFF HOLDINGS LTD. (Incorporation No. 158,854), a body corporate, duly incorporated under the laws of the Province of British Columbia, and having a mailing address of Box 146, Heriot Bay, Quadra Island, in the Province of British Columbia, VOP 1H0,

(hereinafter referred to as "the Grantor")
OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, AS REPRESENTED BY THE HONOURABLE MINISTER OF HIGHWAYS AND TRANSPORTATION, having a regional office at 950 Cumberland Road, in the City of Courtenay, in the Province of British Columbia, V9N 2E4,

(hereinafter referred to as "the Grantee")
OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner of Lot A shown on a subdivision plan of Part of the Southerly 27.6 acres of the Fractional North West 1/4 of Lot 220, Sayward District (the "Property") certified correct by J.D. Young, B.C.L.S., on the 9th day of October, 1985, a copy of which is attached and referred to as Schedule "A".

B. The Grantor wishes to subdivide the Property.

C. The Grantee requires a restrictive covenant registered over the said Lot A as a condition of approving the subdivision.

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the premises and the sum of Ten (\$10.00) Dollars, now paid by the Grantee to the Grantor (the receipt and sufficiency whereof is hereby acknowledged by the Grantor), the Grantor hereby covenants with the Grantee that the Grantor, and all persons deriving title from it and its successors and assigns, will at all times hereafter not require public road access to Lot A shown on a subdivision plan of the Property, a copy of which is attached as Schedule "A".

It is the intent of the parties that this restrictive covenant shall run with and be binding upon the Grantor and all subsequent registered owners of the said Lot A, and the benefit shall enure to the Grantee, with full power to enforce the observance and performance of the said covenant.

It is expressly agreed that the restrictive covenant hereinbefore contained shall be read and held as made by, and imposed upon, the respective parties hereto, their respective successors and assigns. Wherever the singular or masculine is used the same shall be construed as meaning the plural, feminine or body politic or corporation where the context or the parties hereto so require.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL of COPPER BLUFF HOLDINGS)
LTD. was hereunto affixed in the presence of:)
)
)

Authorized Signatory

This is the instrument creating the restrictive)
by the registered Owner referred to herein)
and shown in the Copy of the print of Plan)
annexed hereto and initialled by me:)
)
)

Approving Officer of the Department of)
Transportation and Highways)

... must found
 ... indicates ...
 ... District of ...

SCHEDULE "A"

REM. SLY.

27 Ac. FRAC. NW 1/4 LOT 220

PLAN

1052 R/W

A
 1200 ha

LOT 4 OF THIS PLAN HAS
 ACCESS BY WATER ONLY

DISCOVERY PASS GE

... the Queen ...
 ... Province of ...

Authorized Signature

Authorized Signature

4. Access by Water Only

In certain circumstances a subdivision may be approved with access by water only. In these cases the subdivision will usually be remote from the public road system at large.

Subject to local conditions or location, the following conditions must be met:

- (a) all lots must be waterfront lots.
- (b) the requirements of Section 75(1)(b) of the Land Title Act must be met and such roads shall extend for the depth of the adjoining lots and shall meet the "upland common lot" described in (c) below. Such road allowances shall be located and cleared to such a degree as to make them useable for boat landing and haul-up and pedestrian access.
- (c) There shall be an "upland common lot" of 40 m minimum width connecting all upland boundaries of the waterfront lots which common lot must be cleared and maintained cleared. It shall be in common ownership of all the lot owners with a common responsibility to all. It shall act as a fire break in either direction and as a means of pedestrian access between lots and between road allowances dedicated under Section 75(1)(b). In consideration of the eventual creation of such common lot into a public road allowance if outside road access reaches the subdivision the approving officer shall consider the nature of the terrain involved and if natural obstacles to such eventual use are extreme then the subdivision may not be approved for such reason. If any part of the parent parcel remains upland from the common lot it must be hooked to a waterfront line lot to meet (a) above..
- (d) If considered necessary by the Approving Officer the developer shall be required to provide a waterfront lot with public road access across the lake or inlet and such lot shall contain a boat launching ramp and parking facility for all owners to launch and park one boat and trailer and such lot shall be in common ownership to all the lot owners in the "water access only" subdivision.
- (e) Each lot in the subdivision shall have a Restrictive Covenant placed upon it, worded to indicate that the land shall not be put to such use as to require access by other than water. Such "use as to require access by other than water" shall include use of the land to require outside services such as any commercial services, power, water sewer, telephone, schools, fire service or public roads.

In some cases the subdivision may clearly be against public interest because excessive public costs may follow (e.g. history of demand to extend public road system to area of subdivision, possible demand for ferry service, etc.). These cases should be referred to Headquarters for direction.

THIS INDENTURE and everything herein contained shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals on the date first above written.

SIGNED, SEALED AND DELIVERED by the)
Grantor, in the presence of:)

Name

STE 304 RR#3 COURTENAY

Address

STE 304 RR#3 COURTENAY

INSTRUMENT MAN

Occupation

DOUGLAS FIELD

"This is the instrument creating the condition of covenant entered into under Section 215 of the Land Title Act by the registered owners referred to herein and shown on the print of the Plan annexed hereto and initialled by me."

David A. Rasmussen
APPROVING OFFICER

To: COURTENAY.DIST (HWY640)
Cc: NANAIMO.REGION (HWY600)
From: NANAIMO.REGION (HWY600) Posted: Thu 13-Mar-86 11:11 PST Sys 21 (18)

Subject: SUBDIVISION

DISTRICT HIGHWAY MANAGER
COURTENAY

RE: Sub. of S1/2 of N.W.1/4 D.L. 220,
Sayward District.

Our file: R6-64-21-78-5190

Grant a further 180 day extension to the P.L.A.

Please provide copy of P.L.A. letter for our files. Thanks.

D. A. Raven
Reg. App. Off.
DFA/cm

McVea, Shook, Wickham & Bishop

Barristers & Solicitors, Notaries Public

Michael A. McVea, B.A., LL.B.
Sidney S. Shook, B.A., LL.B.
Daniel A. J. Wickham, B.A., LL.B.
Thomas J. Bishop, B.A., LL.B.
Ian C. Morley, B. Comm., LL.B.

Telephone (604) 287-8355

906 Island Highway
Campbell River, B.C. V9W 2C3

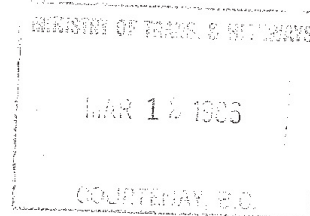
March 11, 1986

File No. 16,651

Ministry of Transportation and Highways
950 Cumberland Road
Courtenay, B.C. V9N 2E4

Attention: Mr. Butler

Dear Sirs:



RE: Your File 64-21-78-5190

We are solicitors for Copper Bluff Holdings Ltd. and as such are in receipt of a copy of your letter of July 26, 1985 to Chicalo, Young & Associates regarding the subdivision of S 1/2 of N.W. 1/4, D.L. 220, Sayward District.

We have prepared, and enclose herewith the requested restrictive covenant, for perusal and subsequent execution by your ministry.

We look forward to the return of the enclosed, duly executed, or alternatively if there are any amendments, would you be kind enough to telephone the writer.

Yours very truly,

McVEA, SHOOK, WICKHAM & BISHOP

:tj
Encl.

Per: 

M

Regional Director Highways
Nanaimo, B.C.

950 Cumberland Road, Courtenay, B.C.
March 6, 1986

Attn: D.A. Raven
Regional Approving Officer

64-21-78-5190

Re: S $\frac{1}{2}$ of NW $\frac{1}{4}$, DL 220, Sayward District

The applicant has requested a 180 day extension of approval. We have
no objections.

W.R. Ball
District Highways Manager

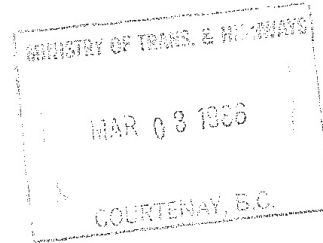
DRB/cmo

D.R. Bowen
Engineering Assistant

Regional District of Comox-Strathcona

4795 HEADQUARTERS ROAD, P.O. BOX 3370, COURTENAY, B.C. V9N 5N5
COURTENAY • telephone 334-4452 CAMPBELL RIVER • telephone 287-9612

February 25th, 1986



Ministry of Transportation and Highways
950 Cumberland Road
Courtenay, B.C. V9N 2E4

Dear Sir:

Re: South $\frac{1}{2}$ of Northwest $\frac{1}{4}$, District Lot 220, Sayward District - File 5190

Please be advised that we have no further objections to this subdivision proceeding.
The applicant has agreed to allow the realignment of the zoning boundaries
with the proposed lot.

Yours truly,

Brodie Porter
Assistant Planner

BP:aj

MEMBER MUNICIPALITIES: Campbell River • Comox • Courtenay • Cumberland • Sayward
Gold River • Tahsis • Zeballias

ELECTORAL AREAS: A - Baynes Sound - Islands • B - Comox North • C - Black Creek - Puntledge • D - Oyster Bay - Buttle Lake • E - Quinsam
F - North Campbell River • G - West Coast - Nootka • H - Sayward - Bloedel • I - Cortes • J - Coast - Discovery



Chicalo, Young & Assoc.
4 - 1330 Elm St.
Campbell River, B.C.
V9W 3A6

YOUR FILE 85050
OUR FILE 64-21-78-5190
DATE July 26, 1985

Dear Sir:

Proposed subdivision of S $\frac{1}{2}$ of NW $\frac{1}{4}$, DL 220, Sayward District.

Your proposal for a 1 lot subdivision has received preliminary layout approval by the

Ministry of Transportation and Highways, subject to the following conditions:

- 1) Subdivision approved by water access only to be noted on the final plan.
- 2) A restrictive covenant stating the land shall not be put to such use as to require access other than water.
- 3) Partial relief of the strict provisions of Sec. 75 1(b) of the LTA with one - 20 m access to the water. Require a statutory declaration and proper plan notation.
- 4) No road construction at this time.
- 5) Revising the one curve to a 30 m radius.
- 6) A final letter from the RDOCS re: correction of the industrial zone line to include all of proposed Lot 1 and proof of water.
- 7) TX 55.

Submission of Final Plans to be accompanied by a current Tax Certificate (TX 55), together with a plan examination fee of \$25. plus \$25. per lot created by the plan and made payable in the form of a cheque to the Minister of Finance.

The approval granted is only for the general layout of the subdivision and is valid for 180 days from this date. However, if at any time there is a change in legislation, regulations or bylaws this preliminary layout approval is automatically cancelled.

DRB/cmo
cc: D.A. Raven
RDOCS
MHO

Very truly yours,

W.R. Ball
District Highways Manager,

Ministry of Transportation and Highways

scale 1:1250

N 1/2

NW 1/4 LOT 220

S 1/2



Ministry of Transportation and Highways

REPORT ON PRELIMINARY SUBDIVISION

DATE... July 10, 1985
DISTRICT FILE NO. 64-21-78-5190
DATE DISTRICT RECEIVED June 26, 1985.

HIGHWAY DISTRICT Courtenay REGIONAL DISTRICT/MUNICIPALITY Comox/Strathcona
REGIONAL FILE NO. R6-64-21-78 REFERENCE/DATE
ROAD NAME ROUTE NO. Walcan Road (private)
LEGAL DESCRIPTION S½ of the NW ¼, DL 220, Sayward District
NAME OF APPLICANT Walcan
NAME OF AGENT Chicalo, Young & Assoc.
LOCATED on km N S E W OF Quadra Island
TOPOGRAPHIC DESCRIPTION fairly flat
REPORTED BEFORE AS ZONING/LUC/DEVELOPMENT PERMIT/ACCESS/SUBDIVISION?
OUTCOME REFERENCE DATE
PRESENT LAND USE? fish processing plant
PROPOSED LAND USE? fish processing plant
PRESENT ZONING? industrial
CONFORM WITH REGIONAL CONFORM WITH COMMUNITY
PLAN? yes PLAN? yes IN ALR? no SPEED ZONE
STREET SYSTEM ADEQUATE FOR ADDITIONAL TRAFFIC? yes OFF-STREET PARKING OK? yes
SECONDARY STREET SYSTEM EXIST? no REQUIRE FRONTAGE WIDENING? no
ACCESS ALL CONFLICT LOCATION PIPE-LINE
75(1) (b) (c) OK LOTS? yes LINE? no COMMON LOT? no CROSSING? no
RR CROSSING? no FRONTAGE RULE? no ACCESS BY WATER? yes EASEMENT? no
PARCEL SIZE OK REQUIRE COMM.
REQUIRE COMM. WATER? no BY ZONING? yes SEWAGE DISPOSAL? OK SEWER? no
ROAD/LAND DRAINAGE OK? yes COVENANT? yes EROSION? no LANDSLIP? no FLOODING? no
ROCKFALL? no SNOWSLIDE? no WILDLIFE? no ROAD CLOSURE? no IF YES, CONTINUE
STATUS OF ACCESS CONSTRUCTED TO STANDARD
IS ROAD REQUIRED FOR NETWORK? HOW WAS ROAD CREATED?
WHY DOES APPLICANT WANT CLOSURE? DID CROWN PAY FOR ROAD?
WHY VEST AND NOT LEASE? IF ALTERNATE EXISTS, DID CROWN PAY FOR IT?
WHAT BENEFIT TO APPLICANT?
CERTIFICATE OF ENCUMBRANCE CERTIFICATE OF TITLE
COMMENTS:

- this S/D is to separate the fish processing plant off from the two residences.
- the access in is via a private road which would be extremely costly to upgrade to our standard. We have stated we will not accept the road in its present state.
- access to water has been satisfied, partially.
- the curve down to the water access to be revised to a 30 m radius.
- the industrial zone to be revised to conform with the subdivision.
- the internal road is constructed to our standard from the north property line to the beach, with a 16 ft gravel top.
- the water access situation has been tentatively approved by Victoria.

We recommend approval with:

- 1) Subdivision approved by water access only to be noted on the final plan.
- 2) A restrictive covenant stating the land shall not be put to such use as to require access other than water.

.../2

- 3) Partial relief of the strict provisions of Sec. 75 1(b) of the LTA with one - 20 m access to the water. Require a statutory declaration and proper plan notation.

NOTE: There is approx. 700 m of waterfront which would require 2 - 20 m accesses to water.

- 4) No road construction at this time.
- 5) Revising the one curve to a 30 m radius.
- 6) A final letter from the RDOCS re: correction of the industrial zone line to include all of proposed lot 1 and proof of water.
- 7) TX 55.

DRB/cmo

W.R. Ball
District Highways Manager

To: COURTENAY.DIST (HWY640)
Cc: NANAIMO.REGION (HWY600)
From: NANAIMO.REGION (HWY600) Posted: Mon 22-July-85 15:16 PDT Sys 20 (15)

Subject: SUBDIVISOIN

District Highway Manager
Courtenay

Re: Sub of S 1/2 of the N.W. 1/4, D.L. 220, Sayward District.

Our file: R6-64-21-78-5190

Grant P.L.A. for 1 lot subject to:

A. Items 1 and 2 noted in H235P dated July 10th., 1985.

(2-7)
D. F. Anderson
Reg. App. Tech.

950 Cumberland Road, Courtenay, B.C.

July 18, 1985

Regional Director Highways
Nanaimo, B.C.

Attn: D.A. Raven
Regional Approving Officer

64-21-78-5190

Re: S $\frac{1}{2}$ of NW $\frac{1}{4}$, DL 220, Sayward District

The length of the private road which goes from Hyacinthe Bay Road to the Walcan's Plant is approx. 3.5 miles.

We have enclosed a letter from Mr. A.E. Rhodds which states "we would be prepared to consider S/D by water access only".

W.R. Ball
District Highways Manager

DRE/cmo
encl.

D.R. Bowen
Engineering Assistant

May 9, 1985

Mr. J. M. Lornie,
Walcan Seafood Ltd.,
Box 146,
Heriot Bay, British Columbia
VOP 1H0

Dear Mr. Lornie:

RE: Morte Lake Road.


Please recall our meeting and your letter of April 2, 1985 regarding Morte Lake Road.

The main point you left me with is whether or not the Ministry would consider allowing Copper Bluff Holdings to subdivide off a four acre parcel from the original twenty-eight acre parcel without requiring Morte Lake Road to be upgraded to ministry standards and dedicated as a public road. Under the special circumstances the Ministry would not object to this understanding and would be prepared to consider a subdivision by "water access only".

I appreciate your desire for some tax relief on Morte Lake Road, but this matter is outside this Ministry's jurisdiction and I would suggest you discuss this matter with the Ministry of Finance.

If you have any further questions or wish to make application to subdivide, please contact Mr. Ball, District Highways Manager in Courtenay.

Yours very truly,



A. E. Rhodes,
Acting Deputy Minister.

REW/mb

PREP. BY APPROVALS PLANNING OFFICE

→ bcc - District Highways Manager, Courtenay.
bcc - Regional Approving Officer, Nanaimo.

To: COURTENAY.DIST (HWY640)
Cc: NANAIMO.REGION (HWY600)
From: NANAIMO.REGION (HWY600) Posted: Tue 16-July-85 11:26 PDT Sys 20 (19)

Subject: R6 64 21 78 5190

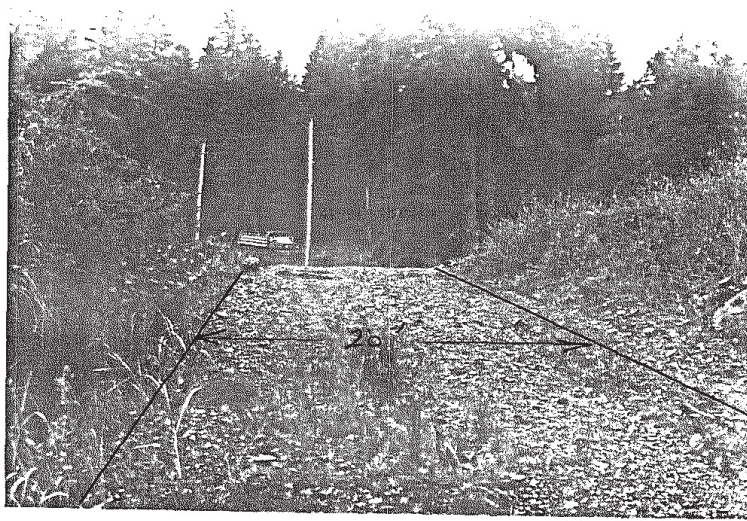
DISTRICT HIGHWAY MANAGER
COURTENAY

RE: SUBD OF S 1/2 OF THE NW 1/2 DL
220, SAYWARD DISTRICT

PLEASE ADVISE:

1. DISTANCE OF PRIVATE ROAD?
2. PLEASE FORWARD CORRESPONDENCE THAT INDICATES TENTATIVE APPROVAL BY VICTORIA.

D.A. RAVEN
REGIONAL APPROVING OFFICER



Access to Water



Access Road.



Province of
British Columbia

Ministry of
Health

Director
Upper Island Health District
480 Cumberland Road
Courtenay, British Columbia
V9N 2C4
Phone: (604) 334-3141

BRANCH OFFICES:

Alert Bay
Campbell River
Comox

Port Hardy
Gold River
Zeballos

Tahsis
Port McNeill
Port Alice

July 4, 1985

Ministry of Transportation
and Highways
950 Cumberland Road
Courtenay, B.C.
V9N 2E4

Environmental Health,
Upper Island Health Unit,
151F Dogwood Street,
Campbell River, B.C.,
V9W 6B9

Your File: 64-21-78-5190

Attention: Mr. W.R. Ball
District Highways Manager

Dear Mr. Ball:

Re: S 1/2 of NW 1/4 DL 220, Sayward District

Based on the information received, we have no objection to this proposal.

Yours truly

Roy W. Berggren, C.P.H.I.(C)
Public Health Inspector



YOUR FILE

OUR FILE 64-21-78-5190

950 Cumberland Road,
Courtenay, B.C.
V9N 2E4

June 26, 1985

Medical Health Officer
480 Cumberland Road,
Courtenay, B.C.
V9N 5M6

Dear Sir:

Re: S $\frac{1}{2}$ of NW $\frac{1}{4}$, DL 220, Sayward District

Enclosed is a copy of a sketch of the above noted proposed subdivision. I would be grateful if you would examine this from the view point of your regulations and policies and give me your comments accordingly so I may advise the Approving Officer.

In order to expedite the processing of the application I would be grateful if you could reply within ten days.

Purpose of S/D is to separate the Walcan cannery buildings off from the balance of the property.

we have no objection
July 2/85
Ans

Yours Truly,

W.R. Ball
District Highways ManagerMFB/DRB/co
encl.

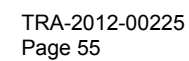
c.c. RDOCS

D.A. Raven - for your pre-knowledge

Ken Brandon - will probably be approved by "Access by water only" for the one lot and the road in will not be a part of this proposal.

2/2
M.F. Butler/Subdivision
Technician
D.R. Bowen/Engineering
Assistant

2 lots.



64-02-13
COPPER BLUFF HOLDINGS LTD

Box 146

HERIOT BAY B.C.

VOP 1H0

NOV 14 1984

ANSWERED.....
NOTED.....
DATE.....

RECEIVED

MINISTRY OF TRANSPORTATION
VICTORIA B.C.

November 1, 1984.

Ministry of Transportation and Highways
Parliament Buildings
Victoria B.C.

V8V 1X4.

Dear Mr Fraser:

Re: Special Use Permit # 10189 and Special Use Permit # 10195.
File # 64 - 02 - 13/369417.

It has been seventeen months since we received your letter through our M.L.A. Mr Colin Gabelmann. The public use of the S.U.P. has not subsided; it has increased noticeably. Copper Bluff Holdings Ltd is not only burdened with the daily upkeep of the road, but is charged annual rental fees and taxes. This situation cannot continue. It is an extreme financial drain on our company.

I have tentative plans to be in Victoria on Friday, ~~November 23, 1984~~. If possible I would appreciate a meeting with one of your executive assistants to explain the situation. Thank you.

Sincerely
WALCAN SEAFOOD LTD

J M Lornie
J M Lornie

376125

December 4, 1984

File: 64-02-13/376125

Mr. J. M. Lornie,
Walcan Seafood Limited
Copper Bluff Holdings Limited
Box 146
Heriot Bay, British Columbia
VOP 1H0

Dear Mr. Lornie:

Re: Morte Lake Road

I wish to acknowledge your letter dated November 1, 1984 concerning Morte Lake Road in which you refer to previous correspondence on the matter of my Ministry assuming jurisdiction over this facility.

I am advised that the road is too narrow and poorly drained to be safely maintained by Ministry equipment, that the right-of-way is not defined or cleared, and that the slopes are steep and there are several blind corners.

This situation existed in May 1983 and while maintenance has been done, no significant improvements have been made. It has also been brought to my attention that your operation is the primary year round user of the road and that while occasionally people from the Salmon Enhancement project enter the area their frequency does not justify public road designation.

In situations of this kind, I would expect that if I assumed responsibility for the road in its present conditions, demands for upgrading would soon be made and I am unable to justify the use of public money on a road which is of use to predominantly one small group only.

The requirement of upgrading as outlined in my previous correspondence is a prior condition to my assuming responsibility for Morte Lake Road.

Yours very truly,

ORIGINAL SIGNED BY

Alex V. Fraser,
Minister.

cc: Mr. Colin Gabelmann,
M.L.A. - North Island

bcc: Regional Director, Highways - NANAIMO
District Highways Manager - COURTENAY

DRP/sw

PREPARED BY THE DIRECTOR OF HIGHWAY PLANNING AND TRAFFIC

Our File: (Refer to Legal Description)

Your File: 5190Ministry of Transportation & Highways,
950 Cumberland Road,
Courtenay, B.C. V9N 2E4Application Fee Paid: _____
(Amount)

Receipt No.: _____

Proposed Subdivision; Legal Description: 5 1/2 OF NW 1/4 OF
DL 220, SATWAD DISTRICTArea of Parent Parcel: _____ # Lots Required: 1Approximate Lot Sizes: 1.16 HA Surveyor: CHICAGO

	YES	NO	COMMENT
Agricultural Land Reserve	_____	<input checked="" type="checkbox"/>	_____
Community Water	_____	<input checked="" type="checkbox"/>	_____
Flood Plain	_____	<input checked="" type="checkbox"/>	_____
Other	_____	_____	_____

REQUIREMENTSSettlement Plan: RURAL Zoning: I-1 & RU-1
(Designation) (Zone)Electoral Area: 5 Subdivision By-law No.: 494District: _____ Min. or Average Lot Size: 4000 M²
IN I-1 Frontage Requirement: 1:3RECOMMENDATIONApprove as Submitted: _____ Approve Subject to Comments: ☒ Reject: _____COMMENTSSUBDIVISION DESIGN_____ Payment of Application Fee. ☒ Compliance with lot size & frontage requirements._____ A restrictive covenant being registered against remainder, restricting
subdivision to _____

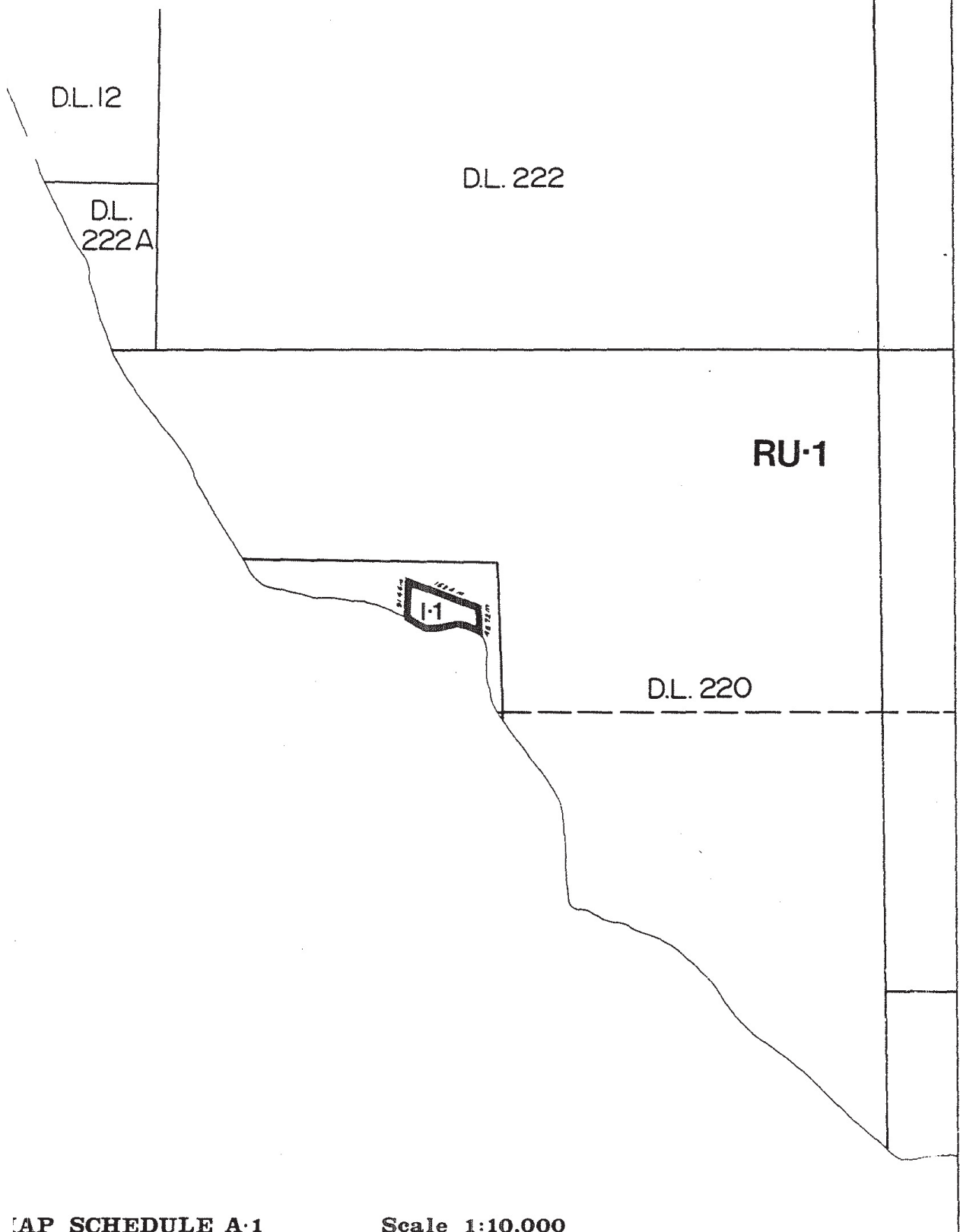
_____ Park dedication of 5% of parent lot-contact Regional District for site selection.

☒ Other: THE I-1 ZONING BOUNDARIES AND THE PROPOSED
LOT LINES DO NOT COINCIDE. THE APPLICANT SHOULD
ALTER ZONING BOUNDARIES OR PROPOSED LOT LINES
TO REFLECT USE OF PROPERTY AND DESIRED LOT BOUNDARY.
SEE ATTACHED ZONING MAPWORKS AND SERVICES

_____ Water hook-up to each lot created _____ Payment of development cost charges

_____ Approval of all plans and specifications by Regional District Engineer prior
to commencement of works; and_____ Approval by Regional District Engineer of works and services installed and
tested☒ A Notarized Declaration being submitted to the Regional District certifying
that an adequate daily supply of water exists on all lots created.Other: _____

_____DATE JULY 2/85Signature Bartlett



MAP SCHEDULE A-1

Scale 1:10,000

June 26, 1985

Medical Health Officer
480 Cumberland Road,
Courtenay, B.C.
V9N 2M6

S $\frac{1}{2}$ of NW $\frac{1}{4}$, DL 220, Sayward District

Purpose of S/D is to separate the Walcan cannery buildings off from the balance of the property.

RDOCS

D.A. Raven --for your pre-knowledge

Ken Brandon - will probably be approved by "Access by water only" for the one lot and the road in will not be a part of this proposal.

Chicalo, Young & Associates
B.C. Land Surveyors

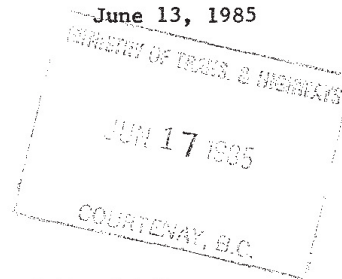
Telephone: 287-4865
287-2932

JACK E. CHICALO, B.C.L.S.
J. DON YOUNG, B.C.L.S.
ROD P. JUSTICE, B.C.L.S.

SUITE 4, 1330 ELM STREET
CAMPBELL RIVER, B.C.
V9W 3A6

Please Quote File No. 85050

Ministry of Transportation & Highways
950 Cumberland Road
Courtenay, B.C.



Dear Sirs:

Re: Proposed Subdivision of Part of the S 1/2
of the N.W. 1/4, D.L. 220, Sayward Dist.

Enclosed please find 7 prints of the above proposal which I submit for preliminary layout approval. The purpose of the subdivision is to separate the Cannery from the parent lot. It is my understanding that my client has tentative permission to create this lot with access by water only since the lot does not have public access.

The cannery has an approved sewage disposal system.

Yours truly,


J.D. Young, B.C.L.S.

JDY/bob
Encl. 7 prints



Province of
British Columbia

Ministry of
Transportation
and Highways

REGIONAL OFFICE
3260 Norwell Drive
NANAIMO, B.C.,
V9T 1X5

Phone: 758-3991

April 28, 1987

YOUR FILE
OUR FILE R6-64-21-78-5420

CHICALO, YOUNG & ASSOC.
B.C. Land Surveyors
No. 4 - 1330 Elm Street
Campbell River, B.C.
V9W 3A6

APR 29 1987
10:28 AM

Dear Sir:

Re: Part of the Southerly 27.6 acres of the Fr. NW $\frac{1}{4}$ of Lot 220,
Sayward District.

Returned herewith, please find: 1 mylar, Covenant Document and TX55

for the above-noted subdivision, which has been approved under the
Land Title Act. Please note that subdivision must be registered
in the Land Titles Office, within 60 days of the date of approval.

Yours truly,


D. A. Rayen
Regional Approving Officer

DAR/cm
Attach.

cc: District Highway Manager - COURTENAY

Copy of approved plan attached. Please advise referral
agencies of our approval.

cc/ROOCS
MHO

Chris
recom only

H 467 83/07

COPY

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and improvement, water and irrigation districts:

NATURE OF INTEREST:

Restrictive Covenant

MARKET VALUE:

Nominal

HEREWITH FEES OF: \$

Address of person presenting application:

McVea, Shook, Wickham & Bishop,

Barristers & Solicitors,

906 Island Highway,

Campbell River, B.C.

V9W 2C3

287-8355

Applicant

THIS RESTRICTIVE COVENANT made the 2 day of February 1989

BETWEEN:

COPPER BLUFF HOLDINGS LTD., (Incorporation No. 158,854),
a body corporate, duly incorporated under the laws of the
Province of British Columbia, and having a mailing address
of Box 146, Heriot Bay, Quadra Island, in the Province of
British Columbia, VOP 1H0,

(Hereinafter referred to as "the Grantor")
OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, as represented by the MINISTRY OF
TRANSPORTATION AND HIGHWAYS,

(Hereinafter referred to as "the Grantee")
OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner of Lot A shown on a subdivision plan of
Part of the Southerly 27.6 acres of the Fractional North West Quarter of Lot 220,
Sayward District, (the "Property") certified correct by J.D.

ok

Young, B.C.L.S., on the 9th day of October, 1985, a copy of which is attached and referred to as Schedule "A".

B. The Grantor wishes to subdivide the Property.

C. The Grantee requires a Restrictive Covenant registered over the said Lot A as a condition of approving the subdivision, pursuant to Section 215 of the Land Title Act.

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the premises and the sum of TEN (\$10.00) DOLLARS, now paid by the Grantee to the Grantor (the receipt and sufficiency whereof is hereby acknowledged by the Grantor), the Grantor hereby covenants with the Grantee that the Grantor, and all persons deriving title from it and its successors and assigns, will at all times hereafter not require public road access to Lot A shown on a subdivision plan of the Property, a copy of which is attached as Schedule "A".

It is the intent of the parties that this Restrictive Covenant shall run with and be binding upon the Grantor and all subsequent registered owners of the said Lot A, and the benefit shall enure to the Grantee, with full power to enforce the observance and performance of the said covenant.

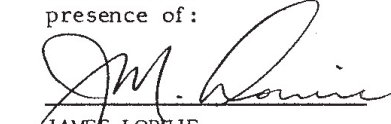
It is expressly agreed that the Restrictive Covenant hereinbefore contained shall be read and held as made by, and imposed upon, the respective parties hereto, their respective successors and assigns. Wherever the singular or masculine is used the same shall be construed as meaning the plural, feminine or body politic or corporation where the context or the parties hereto so require.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and

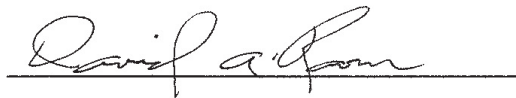
DR.

seals the day and year first above written.

The Corporate Seal of
COPPER BLUFF HOLDINGS LTD.
was hereunto affixed in the
presence of:


JAMES LORNIE,
AUTHORIZED SIGNATORY

This is the instrument creating the Restrictive Covenant entered into pursuant
to Section 215 of the Land Title Act by the registered owner referred to herein
and shown on the copy of the print of plan annexed hereto and initialled by
me:



THE MEMORANDUM REFERRED TO HEREIN AS
TO ENCUMBRANCES, LIENS AND INTERESTS

NATURE OF CHARGE:	VICTORIA LAND TITLE OFFICE REGISTRATION NUMBER:	PARTICULARS, IF ANY:
Mortgage	H84477	Registered 5.10.79

C O N S E N T

The undersigned, The Royal Bank of Canada, being the holder of an encumbrance, or being entitled to a lien or interest referred to in the memorandum above, for valuable consideration, hereby consents to the granting of the within Restrictive Covenant and agrees that same shall be binding upon, and take priority over, its interests in, or charge upon, the lands of the Grantor.

IN WITNESS WHEREOF THE ROYAL BANK OF CANADA has caused these presents to be executed by its duly authorized Attorneys at Vancouver, British Columbia, this 25th day of June, 1986.

SIGNED, SEALED AND DELIVERED
in the presence of:

THE ROYAL BANK OF CANADA
By its Attorneys:

APPROVED FOR SIGNATURE	<i>Dunitha Hallquist</i> DUNITA HALLQUIST 1055 WEST GEORGIA VANCOUVER, B.C. SECRETARY
------------------------------	---

R. J. WHEATLEY
MANAGER, COMMERCIAL PROJECTS

J. B. JACK
J. B. JACK
SR. ASST. MANAGER
COMMERCIAL LENDING

(As to both signatures)

OK

STATUTORY DECLARATION OF ATTORNEYS AND CERTIFICATE OF ACKNOWLEDGMENT
OF TRANSFEROR

We, ROBERT JEFFREY WHEATLEY
of the City of Vancouver
solemnly declare that:

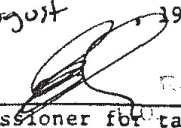
and JAMES BUCHANAN JACK
in British Columbia, severally

1. We are the attorneys for The Royal Bank of Canada under a power of attorney filed under the Land Title Act.
2. We are the persons who subscribed the name of The Royal Bank of Canada and our names in the annexed instrument as a transferor.
3. At the time of the execution of the instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada. The Royal Bank of Canada is legally entitled to hold and dispose of land in British Columbia and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. We know the contents of the instrument and subscribed the name of The Royal Bank of Canada to it voluntarily as the free act and deed of The Royal Bank of Canada.

And we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

SEVERALLY DECLARED before me at)
Vancouver)
in British)
Columbia, this 25th day of August)
1986; AND I CERTIFY that on the said)
day and at the said place the above)
named attorneys who are personally)
known to me, appeared before me and)
acknowledged to me that they are the)
persons mentioned in the annexed instrument as attorneys of the
transferor, that their names are subscribed to it, that they know the
contents of the instrument and executed it voluntarily and are of the
age of 19 years or more.

In testimony of which I set my hand at Vancouver, in
British Columbia this 25th day of August, 1986.


A Commissioner for taking Affidavits for
British Columbia 1855 WEST 32ND AVENUE
VANCOUVER B.C. V6L 2C1
BARRISTER & SOLICITOR



NATURE OF CHARGE:	VICTORIA LAND TITLE OFFICE	PARTICULARS,
	REGISTRATION NUMBER:	IF ANY:

Registered

The undersigned, RoyNat Inc., being the holder of an encumbrance, or being entitled to a lien or interest referred to in the memorandum above, for valuable consideration, hereby consents to the granting of the within Restrictive Covenant and agrees that same shall be binding upon, and take priority over, its interests in, or charge upon, the lands of the Grantor.

7 day of ~~June~~, 1986. officers CALGARY ALBERTA

ROYNAT INC.

~~By its Attorneys:~~

B. G. Taylor

[Handwritten signature]

A Notary Public in and for the Province of Alberta
A Commissioner for taking affidavits within Alberta

ACKNOWLEDGEMENT OF OFFICER OF A CORPORATION

I, Brian G. Taylor, of Calgary, Alberta, Assistant Vice-President of the ROYNAT INC. make oath and say as follows:-

1. That the paper-writing hereto annexed ~~and marked "A"~~ is a true copy of a consent given and executed by the said ROYNAT INC.
2. That I, as Assistant Vice-President, of the said Corporation, being duly authorized so to do, did affix the seal of the said Corporation to the said consent, did sign the said consent as Assistant Vice-President of the said Corporation, and did duly deliver the said consent as the act and deed of the said Corporation on the 7th day of July, 1986.
3. That the head office or chief place of business of the said Corporation in Alberta is situate at Calgary, in the said Province.

SWORN BEFORE ME THIS]

29th day of September 1986.]

Margaret A. Currie]
A Notary Public in and for the
Province of Alberta]

B. G. Taylor

OK.

THE MEMORANDUM REFERRED TO HEREIN AS
TO ENCUMBRANCES, LIENS AND INTERESTS

NATURE OF CHARGE:	VICTORIA LAND TITLE OFFICE REGISTRATION NUMBER:	PARTICULARS, IF ANY:
Mortgage	H74884	Registered
Mortgage	P57946	30/8/79 08/07/85

C O N S E N T

The undersigned, BRITISH COLUMBIA DEVELOPMENT CORPORATION, being the holder of an encumbrance, or being entitled to a lien or interest referred to in the memorandum above, for valuable consideration, hereby consents to the granting of the within Restrictive Covenant and agrees that same shall be binding upon, and take priority over, its interests in, or charge upon, the lands of the Grantor.

IN WITNESS WHEREOF the common seal of THE BRITISH COLUMBIA
DEVELOPMENT CORPORATION has been duly affixed hereto in the
presence of its officers duly authorized in that behalf the

2 day of February, 1989.

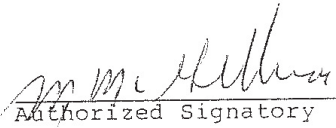
The Common Seal of the
BRITISH COLUMBIA DEVELOPMENT
CORPORATION was hereunto
affixed in the presence of:

JAMES G.T. WONG
VICE PRESIDENT

c/s


Authorized Signatory

MICHAEL MCGILLIVRAY
CHAIRMAN


Authorized Signatory

ok

THE MEMORANDUM REFERRED TO HEREIN AS
TO ENCUMBRANCES, LIENS AND INTERESTS

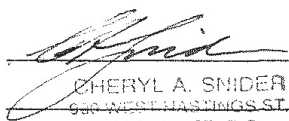
NATURE OF CHARGE:	VICTORIA LAND TITLE OFFICE REGISTRATION NUMBER:	PARTICULARS, IF ANY:
Mortgage	F57651	Registered 29/06/77

C O N S E N T

The undersigned, FEDERAL BUSINESS DEVELOPMENT BANK, being the holder of an encumbrance, or being entitled to a lien or interest referred to in the memorandum above, for valuable consideration, hereby consents to the granting of the within Restrictive Covenant and agrees that same shall be binding upon, and take priority over, its interests in, or charge upon, the lands of the Grantor.

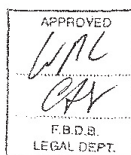
IN WITNESS WHEREOF FEDERAL BUSINESS DEVELOPMENT BANK has caused these presents to be executed by its duly authorized Attorneys at Vancouver, British Columbia, this 26th day of March, 1987.


SIGNED, SEALED AND DELIVERED)
in the presence of:)


CHERYL A. SNIDER
600 WEST HASTINGS ST.
VANCOUVER, B.C.
LEGAL ASSISTANT)

(As to both signatures))

FEDERAL BUSINESS DEVELOPMENT BANK
By its Attorneys




DALE M. CARTER
DISTRICT GENERAL MANAGER
Power of Attorney R17741

1/7.1-3

OK

STATUTORY DECLARATION WHERE ATTORNEY IS NOT
A CORPORATION AND
CERTIFICATE OF ACKNOWLEDGMENT OF TRANSFEROR

DALE M. CARTER
DISTRICT GENERAL MANAGER

I,
of Vancouver, British Columbia, do solemnly declare that:

1. I am the attorney for Federal Business Development Bank under a power of attorney filed under the Land Title Act.
2. I am the person who subscribed the name of Federal Business Development Bank and my name in the instrument as transferor.
3. At the time of execution of the instrument the power of attorney had not been revoked by or on behalf of Federal Business Development Bank, that Federal Business Development Bank is legally entitled to hold and dispose of land in British Columbia, and I had not received any notice of information of the bankruptcy or dissolution of Federal Business Development Bank.
4. I know the contents of the instrument and subscribed the name of Federal Business Development Bank to it voluntarily as the free act of the transferor.


And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

SEVERALLY DECLARED before me today at)
Vancouver, in the Province of British)
Columbia, AND I CERTIFY that today, at)
Vancouver, in the Province of British)
Columbia, the above named attorney who)
is personally known to me, appeared)


DALE M. CARTER
DISTRICT GENERAL MANAGER

before me and acknowledged to me that he/she is the person mentioned in the instrument as attorney of a transferor, that his/her name is subscribed to it, that he/she knows the contents of the instrument and executed it voluntarily, and is of the age of 19 years or more.

In testimony of which I set my hand at Vancouver, British Columbia,
this 26th day of March , 1987.


A Commissioner for taking Affi-
davits within British Columbia
CHERYL A. SNIDER

THE MEMORANDUM REFERRED TO HEREIN AS
TO ENCUMBRANCES, LIENS AND INTERESTS

NATURE OF CHARGE:	VICTORIA LAND TITLE OFFICE REGISTRATION NUMBER:	PARTICULARS, IF ANY:
Mortgage	H84487	Registered 5/10/79

C O N S E N T

The undersigned, HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, being the holder of an encumbrance, or being entitled to a lien or interest referred to in the memorandum above, for valuable consideration, hereby consents to the granting of the within Restrictive Covenant and agrees that same shall be binding upon, and take priority over, its interests in, or charge upon, the lands of the Grantor.

IN WITNESS WHEREOF HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, has caused these presents to be executed by its duly authorized Attorneys at _____, British Columbia, this _____ day of _____, 1987.

SIGNED, SEALED AND DELIVERED)
in the presence of:)

Jan Burleau)
WITNESS)

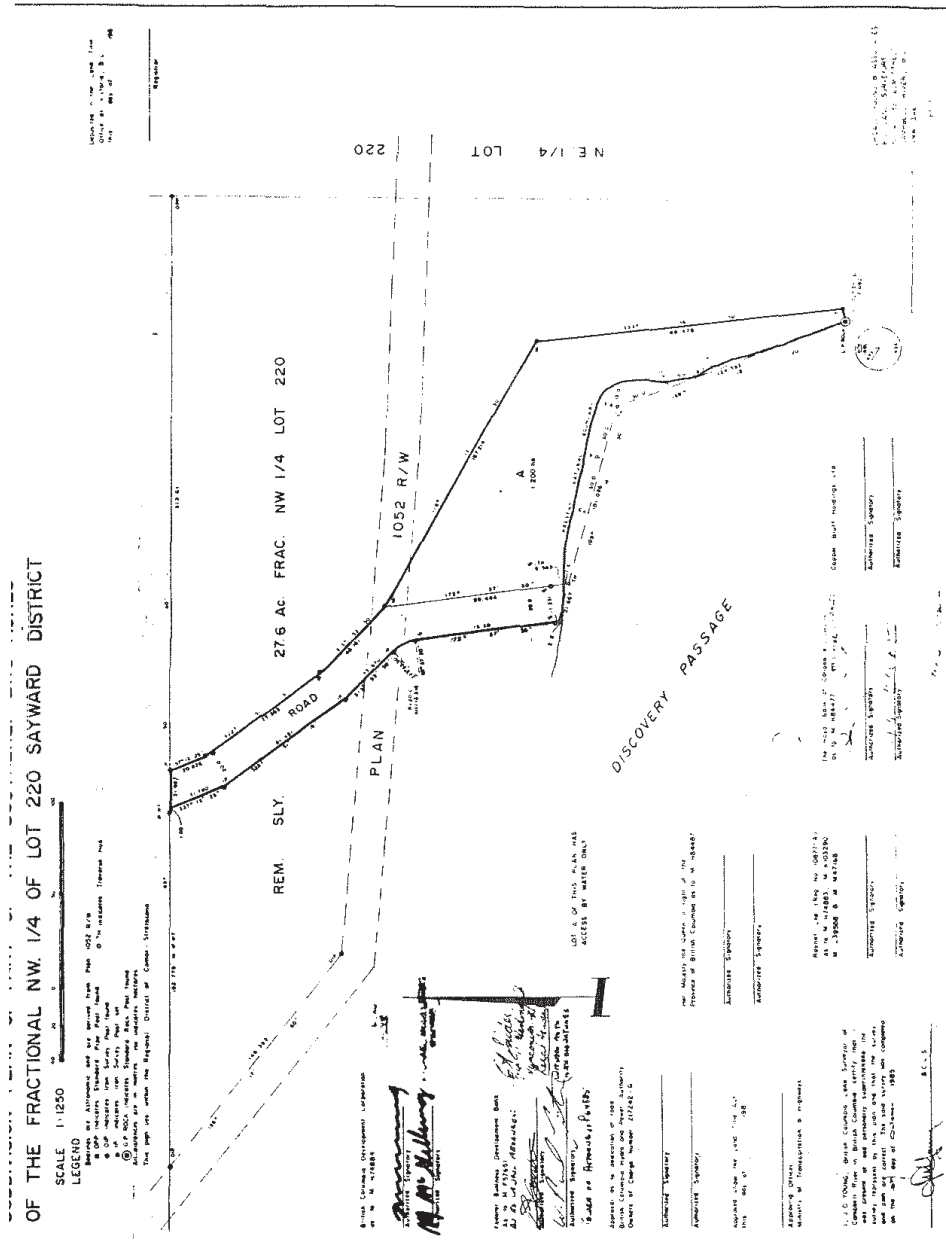
(As to both signatures))

HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA
By its Attorneys:

John L. Savage
MINISTER OF AGRICULTURE AND FISHERIES

1/7.1-3

ok.



W.R.

COPPER BLUFF HOLDINGS LTD.

T O

HER MAJESTY THE QUEEN IN
RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, as rep-
resented by the MINISTER
OF ENVIRONMENT,

RESTRICTIVE COVENANT

McVEA, SHOOK, WICKHAM & BISHOP,
BARRISTERS & SOLICITORS,
906 ISLAND HIGHWAY,
CAMPBELL RIVER, B.C.
V9W 2C3 287-8355

FILE NO. 16,651 DAJW



Province of
British Columbia

Ministry of
Transportation
and Highways

Regional Office
3260 Norwell Drive
Nanaimo, B.C. V9T 1X5
Phone: 758-3991

January 8, 1987

YOUR FILE
R6 64 21 78 5420
OUR FILE

McVea, Shook, Wickham and Public
Barristers and Solicitors
P.O. Box 1537
Victoria, B.C.

Attention: Dan Wickham

Dear Sir:

Re: S/D Plan of Pt of S 27.6
Acres of the Fract. NW 1/4 of Lot
220, Sayward District

Returned herewith please find 3 covenant documents together with 1
paper print of subdivision forwarded as requested.

I understand you will amend covenant and return same to this office.


D.A. Raven
Regional Approving Officer

DFA/cs

attach.

cc: District Highway Manager - Courtenay



Ministry of Transportation and Highways

REPORT ON FINAL

DATE May 26, 1986
DISTRICT FILE NO. 64-21-78-5420
DATE DISTRICT REC'D.

SUBDIVISION

Comox-
Strathcona

HIGHWAY DISTRICT 64 REGIONAL DISTRICT MUNICIPALITY Held for
REGIONAL FILE NO. R6-64-21-78 REFERENCE/DATE
ROAD NAME/ROUTE NO. Walcan Road complete

LEGAL DESCRIPTION Pt of the Sly 27.6 acres of the Fr. NW 1/4 of Lot 220, Sayward
Dist.

LOCATED on km N S E W OF Quadra Island

REPORTED ON BEFORE AS ZONING /LUC /DEVELOPMENT PERMIT /ACCESS /SUBDIVISION
WHAT WAS THE OUTCOME? REFERENCE/DATE 4.

PLA REFERENCE 64-21-78-5190

..... NO PLA. THEREFORE COMPLETED FORM H235P IS ATTACHED

WORKS INSTALLED OR BONDED? APPROVALS/PERMITS IN HAND?

NAME/ADDRESS OF APPLICANT Copper Bluff Holdings Ltd.

AGENT Chicalo, Young & Associates

ATTACHED: (PLEASE CHECK/INDICATE QUANTITY AND COMPLETE WHERE APPLICABLE)

<input checked="" type="checkbox"/> TX 55	<input checked="" type="checkbox"/> COVENANT
<input type="checkbox"/> I.D. TAX CERTIFICATE	<input type="checkbox"/> EASEMENT
<input type="checkbox"/> TRANSPARENCY	<input checked="" type="checkbox"/> APPROVAL FEE AMOUNT? <u>\$80.00</u>
<input checked="" type="checkbox"/> MYLAR	RECEIPT NO. ? <u>357132-H</u>
<input type="checkbox"/> PAPER PRINT	<input type="checkbox"/> STATE OF TITLE CERTIFICATE
<input checked="" type="checkbox"/> 75 (1) (b)(c) DECLARATION	

COMMENTS

- stat dec. re: access to water.
- letter from RDOCS re: water.
- covenant re: no road access.
- road construction OK.
- recommend for approval.
- please return to Chicalo, Young & Assoc.

MFB/cmo

W.R. Ball

DISTRICT HIGHWAYS MANAGER

TO DISTRICT HIGHWAYS MANAGER DATE
REGIONAL FILE NO.

ENDORSED

PLAN(S) RETURNED: APPROVED RE-APPROVED NOT APPROVED 75 (1)(b)(c)

ALSO ATTACHED

COMMENTS

REGIONAL APPROVING OFFICER

Ministry of Transportation and Highways

0827/16

REPORT ON FINAL

DATE May 26 1986
DISTRICT FILE NO. 64-21-78-5420
DATE DISTRICT REC'D.....

SUBDIVISION

Comox-
Strathcona

HIGHWAY DISTRICT 64 REGIONAL DISTRICT Strathcona MUNICIPALITY Held for

REGIONAL FILE NO. R6-64-21-78 REFERENCE/DATE

ROAD NAME/ROUTE NO. Walcan Road

LEGAL DESCRIPTION Pt of the Sly 27.6 acres of the Fr. NW 1/4 of Lot 220, Sayward

Dist.

LOCATED on km N S E W OF Quadra Island

REPORTED ON BEFORE AS ZONING /LUC /DEVELOPMENT PERMIT..... /ACCESS/SUBDIVISION

WHAT WAS THE OUTCOME? REFERENCE/DATE

PLA REFERENCE 64-21-78-5190

..... NO PLA. THEREFORE COMPLETED FORM H235P IS ATTACHED

WORKS INSTALLED OR BONDED? APPROVALS/PERMITS IN HAND?

NAME/ADDRESS OF APPLICANT Copper Bluff Holdings Ltd.

AGENT Chicalo, Young & Associates

ATTACHED: (PLEASE CHECK/INDICATE QUANTITY AND COMPLETE WHERE APPLICABLE)

<input checked="" type="checkbox"/> TX 55	<input checked="" type="checkbox"/> COVENANT
<input type="checkbox"/> I.D. TAX CERTIFICATE	<input type="checkbox"/> EASEMENT
<input type="checkbox"/> TRANSPARENCY	<input checked="" type="checkbox"/> APPROVAL FEE AMOUNT? <u>\$80.00</u>
<input checked="" type="checkbox"/> MYLAR	RECEIPT NO. ? <u>357132-H</u>
<input type="checkbox"/> PAPER PRINT	<input type="checkbox"/> STATE OF TITLE CERTIFICATE
<input checked="" type="checkbox"/> 75 (1) (b)(c) DECLARATION	

COMMENTS

- stat dec. re: access to water.
- letter from RDOCS re: water.
- covenant re: no road access.
- road construction OK.
- recommend for approval.
- please return to Chicalo, Young & Assoc.

MFB/cmo

W.R. Ball

DISTRICT HIGHWAYS MANAGER

TO DISTRICT HIGHWAYS MANAGER DATE
REGIONAL FILE NO.

PLAN(S) RETURNED: APPROVED RE-APPROVED NOT APPROVED 75 (1)(b)(c)
ENDORSED

ALSO ATTACHED

COMMENTS

REGIONAL APPROVING OFFICER

64-21-78-5190 T

64-21-78-5420 F ←

950 Cumberland Road,
Courtenay, B.C.
V9N 2E4

May 26, 1986

McVea, Shook, Wiskham and Bishop
906 Island Highway
Campbell River, B.C.
V9W 2G3

Dear Sirs:

Re: Part of the Sly 27.6 acres of the Fr. SW 1/4 of Lot 220, Sayward
District

On inspection of the statement of titles and final plan, we find many
mortgage holders involved.

Before the Approving Officer will sign a covenant, it must have all
mortgage-holders involved in the title block of the covenant and sign
as third-fourth-fifth part or sign a priority document consent page which
is added to the said covenant.

A small point - could you also remove the address for Minister of
Transportation & Highways in the part "of the second part".

Yours truly,

W.R. Ball
District Highways Manager

MEB/cmo

M.F. Butler
Subdivision Technician

Regional District of Comox-Strathcona

4795 HEADQUARTERS ROAD, P.O. BOX 3370, COURTENAY, B.C. V9N 5N5
COURTENAY • telephone 334-4452 CAMPBELL RIVER • telephone 287-9612

May 7th, 1986

Ministry of Transportation
and Highways
950 Cumberland Road
Courtenay, B.C. V9N 2E4

Dear Sir:

Re: S½ of NW¼ of D.L.220, Sayward District - File 5190

This letter is to advise you that we are satisfied that there is an adequate daily supply of potable water on the lots to be created.

Yours truly,



Brodie Porter
Assistant Planner

BP:aj



MEMBER MUNICIPALITIES: Campbell River • Comox • Courtenay • Cumberland • Sayward
Gold River • Tahsis • Zeballias

ELECTORAL AREAS: A - Baynes Sound - Islands • B - Comox North • C - Black Creek - Puntledge • D - Oyster Bay - Buttle Lake • E - Quinsam
F - North Campbell River • G - West Coast - Nootka • H - Sayward - Bloedel • I - Cortes • J - Coast - Discovery

Chicalo, Young & Associates
B.C. Land Surveyors

Telephone: 287-4865
287-2932

JACK E. CHICALO, B.C.L.S.
J. DON YOUNG, B.C.L.S.
ROD P. JUSTICE, B.C.L.S.
W.G. LAMMERTS, B.C.L.S.

SUITE 4, 1330 ELM STREET
CAMPBELL RIVER, B.C.
V9W 3A6

OUR FILE: 85050

May 13, 1986

YOUR FILE: 5190

Ministry of Transportation & Hwys.
830 Cumberland Road.,
Courtenay, B.C.

Re: Subdivision Plan of Part of the Southerly 27.6
Acres of the fractional NW. $\frac{1}{2}$ of Lot 220
Sayward

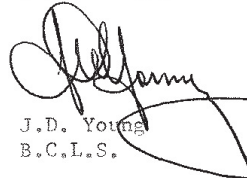
Your file: 5190

Dear Sir:

Please find enclosed herewith the following for final
approval:

- (1) Original Mylar and 2 paper prints
- (2) Cheque for \$80.00
- (3) Statutory Declaration regarding Sec. 75 (1)(b)
- (4) Restrictive Covenant regarding access by water.
- (5) Tax Clearance Certificate

Yours truly,


J.D. Young
B.C.L.S.

cap

enc:

5420 F
\$80.00
35-1132-H

COPY

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and improvement, water and irrigation districts:

NATURE OF INTEREST:
Restrictive Covenant

MARKET VALUE:
Nominal

HEREWITH FEES OF: \$

Address of person presenting application:
McVea, Shook, Wickham & Bishop,
Barristers & Solicitors,
906 Island Highway,
Campbell River, B.C.
V9W 2C3

287-8355

Applicant

THIS RESTRICTIVE COVENANT made the ____ day of _____, 1986

BETWEEN:

COPPER BLUFF HOLDINGS LTD., (Incorporation No. 158,854),
a body corporate, duly incorporated under the laws of the
Province of British Columbia, and having a mailing address
of Box 146, Heriot Bay, Quadra Island, in the Province of
British Columbia, VOP 1H0,

(Hereinafter referred to as "the Grantor")
OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, as represented by the MINISTRY OF
TRANSPORTATION AND HIGHWAYS,

(Hereinafter referred to as "the Grantee")
OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner of Lot A shown on a subdivision plan of Part of the Southerly 27.6 acres of the Fractional North West Quarter of Lot 220, Sayward District, (the "Property") certified correct by J.D.

Young, B.C.L.S., on the 9th day of October, 1985, a copy of which is attached and referred to as Schedule "A".

B. The Grantor wishes to subdivide the Property.

C. The Grantee requires a Restrictive Covenant registered over the said Lot A as a condition of approving the subdivision, pursuant to Section 215 of the Land Title Act.

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the premises and the sum of TEN (\$10.00) DOLLARS, now paid by the Grantee to the Grantor (the receipt and sufficiency whereof is hereby acknowledged by the Grantor), the Grantor hereby covenants with the Grantee that the Grantor, and all persons deriving title from it and its successors and assigns, will at all times hereafter not require public road access to Lot A shown on a subdivision plan of the Property, a copy of which is attached as Schedule "A".

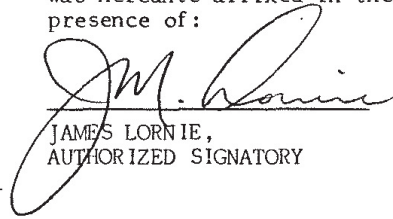
It is the intent of the parties that this Restrictive Covenant shall run with and be binding upon the Grantor and all subsequent registered owners of the said Lot A, and the benefit shall enure to the Grantee, with full power to enforce the observance and performance of the said covenant.

It is expressly agreed that the Restrictive Covenant hereinbefore contained shall be read and held as made by, and imposed upon, the respective parties hereto, their respective successors and assigns. Wherever the singular or masculine is used the same shall be construed as meaning the plural, feminine or body politic or corporation where the context or the parties hereto so require.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and

seals the day and year first above written.

The Corporate Seal of
COPPER BLUFF HOLDINGS LTD.
was hereunto affixed in the
presence of:


JAMES LORNIE,
AUTHORIZED SIGNATORY

This is the instrument creating the Restrictive Covenant entered into pursuant
to Section 215 of the Land Title Act by the registered owner referred to herein
and shown on the copy of the print of plan annexed hereto and initialled by
me:

THE MEMORANDUM REFERRED TO HEREIN AS
TO ENCUMBRANCES, LIENS AND INTERESTS

NATURE OF CHARGE:	VICTORIA LAND TITLE OFFICE REGISTRATION NUMBER:	PARTICULARS, IF ANY:
Mortgage	H84477	Registered 5.10.79

C O N S E N T

The undersigned, The Royal Bank of Canada, being the holder of an encumbrance, or being entitled to a lien or interest referred to in the memorandum above, for valuable consideration, hereby consents to the granting of the within Restrictive Covenant and agrees that same shall be binding upon, and take priority over, its interests in, or charge upon, the lands of the Grantor.

IN WITNESS WHEREOF THE ROYAL BANK OF CANADA has caused these presents to be executed by its duly authorized Attorneys at Vancouver, British Columbia, this 25th day of ~~June~~ August, 1986.

SIGNED, SEALED AND DELIVERED
in the presence of:

THE ROYAL BANK OF CANADA
By its Attorneys:

APPROVED	<i>Dunira Hallquist</i>
FOR	
SIGNATURE	DUNIRA HALLQUIST 1055 WEST GEORGIA VANCOUVER, B.C. SECRETARY

R. J. WHEATLEY
MANAGER, COMMERCIAL PROJECTS

J. B. JACK
SR. ASST. MANAGER
COMMERCIAL LENDING

(As to both signatures)

STATUTORY DECLARATION OF ATTORNEYS AND CERTIFICATE OF ACKNOWLEDGMENT
OF TRANSFEROR

We, ROBERT JEFFREY WHEATLEY and JAMES BUCHANAN JACK
of the City of Vancouver in British Columbia, severally
solemnly declare that:

1. We are the attorneys for The Royal Bank of Canada under a power of attorney filed under the Land Title Act.
2. We are the persons who subscribed the name of The Royal Bank of Canada and our names in the annexed instrument as a transferor.
3. At the time of the execution of the instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada. The Royal Bank of Canada is legally entitled to hold and dispose of land in British Columbia and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. We know the contents of the instrument and subscribed the name of The Royal Bank of Canada to it voluntarily as the free act and deed of The Royal Bank of Canada.

And we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

SEVERALLY DECLARED before me at)
"Vancouver" in British)
Columbia, this 25th day of August)
1986; AND I CERTIFY that on the said)
day and at the said place the above)
named attorneys who are personally)
known to me, appeared before me and)
acknowledged to me that they are the)
persons mentioned in the annexed instrument as attorneys of the
transferor, that their names are subscribed to it, that they know the
contents of the instrument and executed it voluntarily and are of the
age of 19 years or more.

In testimony of which I set my hand at Vancouver, in
British Columbia this 25th day of August, 1986.

A Commissioner for taking Affidavits for
British Columbia 1055 WEST 10th AVENUE
VANCOUVER, B.C. V6H 1A5
BARRISTER & SOLICITOR

THE MEMORANDUM REFERRED TO HEREIN AS
TO ENCUMBRANCES, LIENS AND INTERESTS

NATURE OF CHARGE: VICTORIA LAND TITLE OFFICE PARTICULARS,
REGISTRATION NUMBER: IF ANY:

Mortgage

Registered

C O N S E N T

The undersigned, RoyNat Inc., being the holder of an encumbrance, or being entitled to a lien or interest referred to in the memorandum above, for valuable consideration, hereby consents to the granting of the within Restrictive Covenant and agrees that same shall be binding upon, and take priority over, its interests in, or charge upon, the lands of the Grantor.

IN WITNESS WHEREOF ROYNAT INC. has caused these presents to be executed under seal by its duly authorized Attorneys at Vancouver, British Columbia, this 7 day of July, 1986. officers CALGARY ALBERTA

SIGNED, SEALED AND DELIVERED
in the presence of:

ROYNAT INC.

By its Attorneys:

B. G. Taylor

[Signature]

This is the consent referred to in Affidavit of Brian G. Taylor
SWORN before me this 29th day of September A.D., 1986.

Margaret A. Curran
A Notary Public in and for the Province of Alberta
A Commissioner for taking affidavits within Alberta

ACKNOWLEDGEMENT OF OFFICER OF A CORPORATION

I, Brian G. Taylor, of Calgary, Alberta, Assistant Vice-President of the ROYNAT INC. make oath and say as follows:-

1. That the paper-writing hereto annexed ~~and marked "A"~~ is a true copy of a consent given and executed by the said ROYNAT INC.
2. That I, as Assistant Vice-President, of the said Corporation, being duly authorized so to do, did affix the seal of the said Corporation to the said consent, did sign the said consent as Assistant Vice-President of the said Corporation, and did duly deliver the said consent as the act and deed of the said Corporation on the 7th day of July, 1986.
3. That the head office or chief place of business of the said Corporation in Alberta is situate at Calgary, in the said Province.

SWORN BEFORE ME THIS]
29th day of September 1986.]
Margaret A. Currie]
A Notary Public in and for the]
Province of Alberta

B.G. Taylor

विष्णु भक्तः

NE 1/4 LOT 220

UNCLAS//FORN DISSEM LIES
to...
in...
UNCLAS//FORN DISSEM

TRA-2012-00225
Page 89

COPPER BLUFF HOLDINGS LTD.

T O

HER MAJESTY THE QUEEN IN
RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, as rep-
resented by the MINISTER
OF ENVIRONMENT,

RESTRICTIVE COVENANT

McVEA, SHOOK, WICKHAM & BISHOP,
BARRISTERS & SOLICITORS,
906 ISLAND HIGHWAY,
CAMPBELL RIVER, B.C.
V9W 2C3 287-8355

FILE NO. 16,651 DAJW

McVea, Shook, Wickham & Bishop

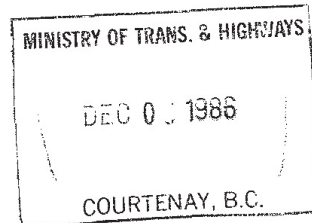
Barristers & Solicitors, Notaries Public

Michael A. McVea, B.A., LL.B.
Sidney S. Shook, B.A., LL.B.
Daniel A. J. Wickham, B.A., LL.B.
Thomas J. Bishop, B.A., LL.B.
Ian C. Morley, B. Comm., LL.B.

Telephone (604) 287-8355
906 Island Highway
Campbell River, B.C. V9W 2C3

Our File #16,651
October 28, 1986

Ministry of Transportation & Highways,
950 Cumberland Road,
Courtenay, B.C.
V9N 2E4



ATTENTION: M.F. Butler,
Subdivision Technician

Dear Sir:

Re: Your File Nos. 64-21-78-5190 T and 64-21-78-5420 F --
Pt. of Sly. 27.6 acres, of Fr. NW 1/4 Lot 220, Sayward District

In accordance with your telephone request made to my secretary yesterday, we enclose a new first page of the Restrictive Covenant for the above described property. We have deleted the reference to "Minister of Environment" and substituted in its place "MINISTRY OF TRANSPORTATION AND HIGHWAYS".

We trust the registration of the Subdivision Plan and Restrictive Covenant can now proceed.

Yours very truly,

McVEA, SHOOK, WICKHAM & BISHOP

PER: 

DAN A. J. WICKHAM
DAJW:Lvb
Encl.

FORM 17
(Section 151, 152 (1), 220)
APPLICATION

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and improvement, water and irrigation districts:

NATURE OF INTEREST: Restrictive Covenant

MARKET VALUE: Nominal

HEREWITH FEES OF: \$

Legal Description, if not shown
in instrument:

Address of person presenting application:
McVea, Shook, Wickham & Bishop,
Barristers & Solicitors,
906 Island Highway,
Campbell River, B.C.
V9W 2C3 287-8355

Applicant

THIS RESTRICTIVE COVENANT made the / day of June, 1986,

BETWEEN:

COPPER BLUFF HOLDINGS LTD., (Incorporation No. 158,854),
a body corporate, duly incorporated under the laws of the
Province of British Columbia, and having a mailing address
of Box 146, Heriot Bay, Quadra Island, in the Province of
British Columbia, VOP 1H0,

(Hereinafter referred to as "the Grantor")
OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, as represented by the MINISTER OF ENVIRONMENT

(Hereinafter referred to as "the Grantee")
OF THE SECOND PART

WHEREAS:

A. The Grantor is the registered owner of Lot A shown on a subdivision plan of Part of the Southerly 27.6 acres of the Fractional North West Quarter of Lot 220, Sayward District, (the "Property") certified correct by J.D.

64-20-125-8

MINISTRY OF TRANSPORTATION AND HIGHWAYS
ASSIGNMENT

MINISTER'S OFFICE
PRIORITY

File No. 64-01-13

Letter No. 384278

Letter Date June 6/86

Letter From Hon. H. Curtis

Subject Walcan Seafood Ltd. Heriot Bay, Morte Lake Rd

☐ Letter to Minister

☐ Letter From Minister

Assigned to P. Carr Date June 16/86

* Acknowledged by _____

Transferred to _____

Final Reply Drafted by _____

Date Final Reply sent to Minister's Office _____ Date Final Reply Mailed _____

Remarks June 16, 1986

Copies to: REGIONAL DIRECTOR, HIGHWAYS (NANAIMO)
DISTRICT HIGHWAYS MANAGER (COURTENAY)
DIRECTOR OF MAINTENANCE SERVICES

FOR YOUR INFORMATION AND REFERENCE.

P. J. CARR
EXECUTIVE DIRECTOR,
OPERATIONAL SERVICES

From ASSISTANT DEPUTY MINISTER
(OPERATIONS)

* NOTE: ACKNOWLEDGMENT OR REPLY MUST BE PREPARED WITHIN 10 DAYS
OF RECEIVING LETTER.

H.7A (Rev. 83/01)



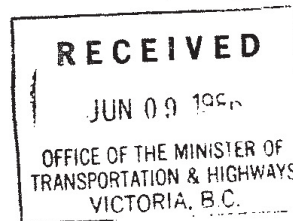
RECEIVED
MINISTRY OF TRANSPORTATION & HIGHWAYS
VICTORIA, B.C.

June 6, 1986

64-01-13

1986

Mr. J. M. Lornie,
Secretary-Treasurer
Walcan Seafood Ltd.
Heriot Bay, British Columbia
VOP 2H0



Dear Mr. Lornie:

Further to my letter to you of February 3, 1986, the investigation I referred to has been completed and I am able to respond to your concerns about the assessment and taxation of Morte Lake Road on Quadra Island.

As you know, it has been the provincial government's long-standing position that roads (other than highways), public roads and designated petroleum and natural gas development roads, should be assessed, at their actual value, for property tax purposes. This is clearly indicated by the specific inclusion of "roads" in the Assessment Act definition of improvements and by the fact that the assessment roll now includes at least 725 roads and bridges valued at over \$130 million.

The transfer of tenure from the Ministry of Forests to the Ministry of Lands, Parks and Housing referred to in your letter is occurring because of the non-forestry use of this road. All Ministry of Forests tenures which are for non-forest use are being transferred to the Ministry of Lands, Parks & Housing due to an agreement between these ministries.

Officials in the Ministry of Finance discussed the effect of this tenure rollover with the Area Assessor in Courtenay, British Columbia. I understand this change will not alter the assessability and taxability of the road since you will still be considered the paramount occupier and user of the road.

As paramount occupier and user of the road your company falls within the definition of 'owner' contained in the Assessment Act and as such is assessable and taxable for the road under existing legislation.

.../2

384278

m.w. Atm/np

Mr. J. M. Lornie
Page 2
June 6, 1986

The only way to eliminate the assessment and taxation of this road is to abandon your tenure over the road. However, this would likely affect your ability to maintain the road and may not be desirable from a business point of view.

The alternative of making Morte Lake Road a public road is not feasible. Correspondence received from the Minister of Transportation and Highways indicates that the cost to upgrade and maintain the road would be significant and the expenditure is not considered justifiable at this time.

The reference in my previous letter to a declaration of non-ownership is applicable to road permits only, as suggested in your letter of February 3, 1986. Information available to me at that time led me to believe it might apply to your tenure which is by Special Use Permit. However, after further investigation to clarify this matter, Ministry staff have determined that such a declaration is issued only for road permits and not for Special Use Permits. I regret any inconvenience the information provided to you in February 1986 may have caused.

I trust my response clarifies that the current assessment and taxation of Morte Lake Road is correct and can only be changed through the Assessment Appeal process.

Thank you for writing and providing this opportunity to respond to your concerns.

Yours truly,

Original signed by
HUGH A. CURTIS

Hugh A. Curtis
Minister

cc: ✓ Honourable A. V. Fraser
Minister of Transportation and Highways

Honourable John H. Heinrich
Minister of Forests

Honourable Jack J. Kempf
Minister of Lands, Parks and Housing



MEMORANDUM

To: Honourable Hugh A. Curtis
Minister of Finance
BUILDINGS

Date: March 10, 1986
H.Q. 64-01-13/382185
R-3943

RECEIVED

MINISTRY OF TRANSPORTATION & HIGHWAYS
VICTORIA, B.C.

MAR 11 1986

ANSWERED

ROUTED

Re: Walcan Seafood Limited
Morte Lake Road - Quadra Island

This is in response to correspondence you sent to me on February 3, 1986.

It is not my intention to make this a public road. If my ministry accepted this road in its present condition there would likely be demands to upgrade and maintain it. However, to upgrade to a minimum maintainable standard would be costly and at this time, the expenditure is not considered justifiable.


Alex V. Fraser
Minister

peh

MINISTER OF FINANCE	
RECEIVED	MAR 19 1986
NUMBER	S-343
REFER TO	DE
DRAFT REPLY	<input type="checkbox"/>
INFO	<input type="checkbox"/>
FILE	<input type="checkbox"/>
REMARKS	
P(a)	

February 3, 1986

Mr. J. M. Lornie
Secretary-Treasurer
Walcan Seafood Ltd.
Box 146
Heriot Bay, British Columbia
V0P 2H0

Dear Mr. Lornie:

Thank you for your letter of January 15, 1986 concerning
Morte Lake Road on Quadra Island.

I have requested Ministry of Finance staff to investigate
this matter and I therefore will be responding to your
letter in detail shortly.

Yours truly,




Hugh A. Curtis
Minister

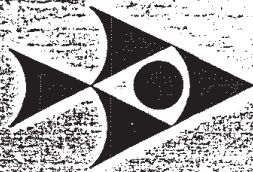
cc: Honourable A. V. Fraser
Minister of Transportation and
Highways

Honourable D. Phillips
Acting Minister of Forests

Honourable A. J. Brummet
Minister of Lands, Parks
and Housing



Ref: 5-3431F
DS/clb



Walcan Seafood Ltd.

BOX 146 HERIOT BAY, BRITISH COLUMBIA CANADA V0P 1H0
TELEPHONE: (604) 285-3213

MINISTER OF FINANCE
RECEIVED JAN 17 1986
NUMBER 5-3431
REFER TO DE
DRAFT REPLY ☐ INFO ☐ FILE ☐
REMARKS
P

January 15, 1986.

Honourable Hugh Curtis
Minister of Finance
Parliament Buildings
Victoria B.C.

V8B 1X4

Dear Mr Curtis:

Re: Correspondence relating to Morte Lake Road on
Quadra Island B.C.

I thank you for your letter dated November 27, 1985.

I understand completely what the Provincial Government's
policy is on property assessment and the appeal process. Indeed,
I understood this format prior to raising my concerns with your
ministerial assistant, Mr Frank Hudson.

Mr Hudson's and Mr Taylor's (Courtenay Assessment Authority
Official) information about a declaration of non ownership from
the Ministry of Forests is incorrect. According to a Campbell
River Forestry official, Section 95 of the Forest Act states
that the use of the declaration is invalid under the "Permitted
Roads" section.

I have recently been notified by Mr Lynn Warner (Ministry
of Lands Parks and Housing) that the road (S.U.P. 10189) and the
gravel pit (S.U.P. 10195) are now reverting back to his
ministry from the Ministry of Forests. Mr Warner is now request-
ing that new applications for both properties are submitted.
The Special Use Permits have now gone full circle: Lands to
Forestry, and back to Lands. Each ministry has requested its
own documentation and adherence to their own specified guide-
lines.

Cont'd

JAN 20 1986

2.

Mr Curtis, the controlling ministry is however, not important because the fact remains that these two properties are being unduly taxed. As I stated in my letter of September 9, 1985, to Mr Hudson, we think your company is one of the many users of the road. We have however, taken the responsibility to maintain and upgrade the road at our own expense. In addition to this we are being taxed \$ 3200.00 per year by your ministry. I emphatically refuse to pay this regressive tax because those funds should be put back into the road. This situation has to be clarified. We presently employ twenty five people on a full-time basis, with high employment peak periods of up to seventy five people. This road is very important to our very existence. The problem has to be addressed. Would you please give it more consideration. Thank you.

Sincerely
WALCAN SEAFOOD LTD


J M Lornie
Secretary Treasurer

November 27, 1985

Mr. J. M. Lornie
Secretary-Treasurer
Walcan Seafood Ltd.
Box 146
Heriot Bay, British Columbia
V0P 1H0

Dear Mr. Lornie:

Further to the acknowledgement letter dated September 17, 1985 from my ministerial assistant, Mr. Frank Hudson, regarding Morte Lake Road on Quadra Island, I am now able to respond to your concerns.

The government policy with respect to property assessment is that all property is to be assessed at its market or actual value. Actual value is determined by the British Columbia Assessment Authority according to case law which has accumulated on this subject over many years. As you know, any disagreements between property owners and the Authority are resolved by means of an extensive appeal procedure.

Officials of the Real Property Taxation Branch of this ministry contacted the area assessor in Courtenay and discussed the assessment of your property with him. I am informed that this discussion indicated your property has been under-assessed for prior years due to the omission of a value for improvements. This oversight resulted in substantially lower taxes for your company during this period. In 1985 when the oversight was detected, an improvement value of \$85,550 was added to your assessment which is now considered to reflect the market value of the property.

.../2

Mr. J. M. Lornie
Page 2
November 27, 1985

Should you feel the current assessment does not reflect the market value, you can and should exercise your right of appeal. The next opportunity to make an appeal occurs in the fall of 1986 and will relate to your 1987 assessment. When you receive the 1987 assessment notice, which the British Columbia Assessment Authority will mail by September 30, 1986, you will have until October 31, 1986 to file the appeal. Further details concerning the appeal process will be outlined on the assessment notice.

I am further advised that the assessor has discussed with your company a method of reducing or eliminating the taxes for this road. I understand that a declaration of non ownership of the road can be requested under the Forest Act and Regulations. If such a declaration is made the road may be considered public and is usually not assessed. Your company would, however, continue to be responsible for the maintenance of the road and would not be able to apply any restrictions to the road. Further information about a declaration of non ownership may be obtained from the District Manager, Ministry of Forests, 231 Dogwood Street, Campbell River, British Columbia V9W 2Y1.

I trust the above information will be of assistance to you in understanding what has occurred with the assessment and taxation of Morte Lake Road and the measures which your company can take to address the further assessment and taxation of this road.

Thank you for drawing this matter to our attention.

Yours truly,

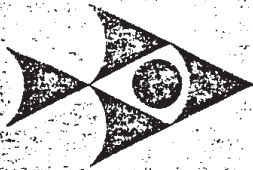
S: M
29/11/85

Hugh A. Curtis
Minister

cc: Honourable Alex V. Fraser
Minister of Transportation and
Highways

Honourable Tom Waterland
Minister of Forests

MSL/GP/clb
Ref: 5-3431



Walcan Seafood Ltd.

BOX 146 HERIOT BAY, BRITISH COLUMBIA CANADA V0P 1H0
TELEPHONE: (604) 285-3213

MINISTER OF FINANCE

Sept 09, 1985

RECEIVED SEP 12 1985

NUMBER 5-3431

OFFICE FILE

DATE FILED

FILE

Ministry of Finance
Mr. Frank Hudson
Ministerial Assistant
To the Minister
Parliament Buildings
Victoria, B.C. V8V 1X4

Dear Mr. Hudson,

Re. Morte Lake Road on Quadra Island
Folio Number- 11 772 26107.295 12

Copper Bluff Holdings has for a number of years been attempting to sort through some nagging problems regarding its special use Permit 10189. This Permit legitimizes Copper Bluff Holdings Ltd. tenure over 3.5 miles of roadway which is an access to a fish processing plant owned by Walcan Seafood Ltd. and two family dwellings.

In 1983, I appealed the tax assesement of \$16,700.00 on the S.V.P. and subsequently lost the appeal. After the hearing before the Assesement Appeal Board, I was notified by Mr. Donald Taylor of the Courtenay Tax Assesement office that the original assesement was improperly handled and that the value of the S.V.P. was to move from \$16,700.00 to \$85,550.00. I find the whole exercise extremely revolting.

Copper Bluff Holdings Ltd. initially upgraded the Road at great expense. The Road is used frequently by other land Owners in the area, the General Public, and various Government Agencies. Copper Bluff Holdings Ltd. should not be unduly taxed for this S.V.P. because it oversees all maintenance and upgrading costs on a yearly basis. The other users of the Road contribute nothing from a financial point of view.

I enclose numerous documents for your perusal and would hope that you would consider this matter as expediently as possible. Thank You.

Yours truly

J.M. Lornie
J.M. Lornie
Sec. Treas.

May 9, 1985

Mr. J. M. Lornie,
Walcan Seafood Ltd.,
Box 146,
Heriot Bay, British Columbia
VOP 1H0

Dear Mr. Lornie:

RE: Morte Lake Road.

Please recall our meeting and your letter of April 2, 1985 regarding Morte Lake Road.

The main point you left me with is whether or not the Ministry would consider allowing Copper Bluff Holdings to subdivide off a four acre parcel from the original twenty-eight acre parcel without requiring Morte Lake Road to be upgraded to ministry standards and dedicated as a public road. Under the special circumstances the Ministry would not object to this understanding and would be prepared to consider a subdivision by "water access only".

I appreciate your desire for some tax relief on Morte Lake Road, but this matter is outside this Ministry's jurisdiction and I would suggest you discuss this matter with the Ministry of Finance.

If you have any further questions or wish to make application to subdivide, please contact Mr. Ball, District Highways Manager in Courtenay.

Yours very truly,

Original Signed By

A. E. Rhodes,
Acting Deputy Minister.

REW/mb
PREP. BY APPROVALS PLANNING OFFICE

→ bcc - District Highways Manager, Courtenay.
bcc - Regional Approving Officer, Nanaimo.

1258

64-20-0
Quadra Is.

January 22, 1985

Re: Morte Lake Road
Walcan Fisheries

We met this morning at 8:15 a.m. with Mr. Lornie of Walcan Fisheries. Mr. Lornie stated that he had spoken to Mr. Rhodes and was referred to me for discussions on the above access. Mr. Lornie wants his 3 1/2 mile access made a public road or at least receive some assistance from the Provincial Government for its maintenance and probably improvements. He also wishes to subdivide the plant area from the remaining 28 acres. He and the other two partners live on the remaining acreage. Mr. Lornie asked what he can do to get things flowing again. He was told that in light of the Minister's letter I would not undertake to maintain the road or to contribute in any fashion to its upkeep or improvements. He may talk to Mr. Rhodes once again as direction will probably have to come from the top. If he wishes to subdivide and I suggested that a public road would be required and its cost of construction would have to be borne by the Company. Should he wish to pursue this, he would submit a P.L.A. and he would be told of what the road requirements would be. He was told that in any event the road would not be made public without a substantial contribution from the property owners. Mr. Lornie also mentioned that another S.U.P. had been granted on the road and the Federal Fisheries were making use of the road for their hatchery business. He feels it unfair that he must maintain the road for the benefit of these people.

W.R. Ball

December 4, 1984

File: 64-02-13/376125

Mr. J. M. Lornie,
Walcan Seafood Limited
Copper Bluff Holdings Limited
Box 146
Heriot Bay, British Columbia
VOP 1H0

Dear Mr. Lornie:

Re: Morte Lake Road

I wish to acknowledge your letter dated November 1, 1984 concerning Morte Lake Road in which you refer to previous correspondence on the matter of my Ministry assuming jurisdiction over this facility.

I am advised that the road is too narrow and poorly drained to be safely maintained by Ministry equipment, that the right-of-way is not defined or cleared, and that the slopes are steep and there are several blind corners.

This situation existed in May 1983 and while maintenance has been done, no significant improvements have been made. It has also been brought to my attention that your operation is the primary year round user of the road and that while occasionally people from the Salmon Enhancement project enter the area their frequency does not justify public road designation.

In situations of this kind, I would expect that if I assumed responsibility for the road in its present conditions, demands for upgrading would soon be made and I am unable to justify the use of public money on a road which is of use to predominantly one small group only.

The requirement of upgrading as outlined in my previous correspondence is a prior condition to my assuming responsibility for Morte Lake Road.

Yours very truly,

ORIGINAL SIGNED BY-

Alex V. Fraser,
Minister.

cc: Mr. Colin Gabelmann,
M.L.A. - North Island

bcc: Regional Director, Highways - NANAIMO
District Highways Manager - COURTENAY

DRP/sw
PREPARED BY THE DIRECTOR OF HIGHWAY PLANNING AND TRAFFIC

64-02-13
COPPER BLUFF HOLDINGS LTD

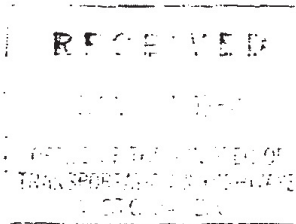
Box 146

HERIOT BAY B.C.

VOP 1H0

NOV 14 1984

ANSWERED
NOTED
DATE



November 1, 1984.

Ministry of Transportation and Highways
Parliament Buildings
Victoria B.C.

V8V 1X4.

Dear Mr Fraser:

Re: Special Use Permit # 10189 and Special Use Permit # 10195.
File # 64 - 02 - 13/369417.

It has been seventeen months since we received your letter through our M.L.A. Mr Colin Gabelmann. The public use of the S.U.P. has not subsided; it has increased noticeably. Copper Bluff Holdings Ltd is not only burdened with the daily upkeep of the road, but is charged annual rental fees and taxes. This situation cannot continue. It is an extreme financial drain on our company.

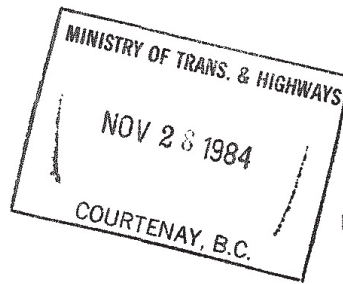
I have tentative plans to be in Victoria on Friday, ~~November 23, 1984~~. If possible I would appreciate a meeting with one of your executive assistants to explain the situation. Thank you.

Sincerely
WALCAN SEAFOOD LTD


J M Lornie

376125

Mr. Fred H. Sproule,
Executive Assistant



64-02-13/376124

November 21, 1984

Re: Morte Lake Road

In response to your November 14, 1984 memo we can advise as follows:

- 1) Road known as Morte Lake Road is too narrow and poorly drained to be safely maintained by Ministry equipment (three to four metre wide gravel).
- 2) Right-of-way not defined or cleared.
- 3) Cut slopes very steep, several blind corners.
- 4) There are also environmental concerns to be met prior to any up-grading work.
- 5) Ministry does not consider a 28 foot top as unreasonable and is the standard usually demanded for a subdivision road. Surface drainage works are also essential.
- 6) Recommend that the position taken in May 17, 1983 be confirmed.
- 7) District Highways Manager will be visiting the area on November 21st and will confirm the condition of the road.

T. R. Johnson,
Assistant Deputy Minister
of Operations.

DRP/sw

PREPARED BY THE DIRECTOR OF HIGHWAY PLANNING AND TRAFFIC

bcc: District Highways Manager - COURTENAY
Regional Director, Highways - NANAIMO
Mr. P. J. Carr, Executive Director of Operations

✓



To:

Mr. Tom Johnson
Assistant Deputy Minister

Date:

November 14, 1984

File: 64-02-13/369417

ANSWERED

NOTED

DATE

Re: Copper Bluff Holdings Ltd.

Please provide a response for the Minister signature,
with a copy to Mr. Colin Gabelmann, M.L.A.

The Minister will not be in the office on the [redacted] but
either Ian Fisher or I would see Mr. Lornie. Please ensure
that pertinent information is here before then.

Thank you.

Fred H. Sproule
Executive Assistant

FHS/mc

Encl.

376124

AD 11/14/84

COPPER BLUFF HOLDINGS LTD

Box 146

HERIOT BAY B.C.

VOP 1H0

64-02-13

NOV 14 1984

ANSWERED
NOTED
DATE

November 1, 1984.

Ministry of Transportation and Highways
Parliament Buildings
Victoria B.C.

V8V 1X4.

Dear Mr Fraser:

Re: Special Use Permit # 10189 and Special Use Permit # 10195.
File # 64 - 02 - 13/369417.

It has been seventeen months since we received your letter through our M.L.A. Mr Colin Gabelmann. The public use of the S.U.P. has not subsided; it has increased noticeably. Copper Bluff Holdings Ltd is not only burdened with the daily upkeep of the road, but is charged annual rental fees and taxes. This situation cannot continue. It is an extreme financial drain on our company.

I have tentative plans to be in Victoria on Friday, [redacted]
If possible I would appreciate a meeting with one of your executive assistants to explain the situation. Thank you.

Sincerely
WALCAN SEAFOOD LTD

J.M. Lornie
J M Lornie

376125

177, 111 AD-715



H118

To: W. R. Ball
District Highways Manager
Ministry of Transportation & Highways
COURTENAY

Date: June 8, 1983

Headquarters File:

Regional File: R6-64-20-0

District File: 64-20-0

Quadra Island

#1254

Att: J. P. Clark
District Technician

Re: Walcan Foods Road
Quadra Island

Replying to your memo of June 6th, I attach copy of the Hon. Minister's letter of May 17, 1983 to M. L. A. Colin Gabelman.

Please send a copy of this letter to the Forest Service, Campbell River Office for their information and file.

B. A. L'Hirondelle, P. Eng.
Regional Director, Highways

BAL/plb

attach.

May 17, 1983

Mr. Colin Gabelmann, M.L.A.
North Island
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Mr. Gabelmann:

Re: Special Use Permit #10189 -
Morte Lake Road/Walcan Seafoods

Further to my letter of April 25, 1983 I now have my senior staff's report on your request that my Ministry make public the section of Morte Lake Road that is presently a private road under a Special Use Permit #10189.

I am told that the road in question is not to an all-weather maintainable standard. If my Ministry accepted this road in its present condition there would likely be demands to upgrade and maintain it. However, to upgrade to a minimum maintainable standard would be costly and at this time, the expenditure is not considered justifiable.

Yours very truly,

"
AOF"

Alex V. Fraser
Minister

REW/cd

Prepared by Approvals Planning Office

→ b.c.c. Regional Director, Highways - Nanaimo

950 Cumberland Road, Courtenay, B.C.

June 6, 1983

Regional Director, Highways
Nanaimo, B.C.

Re: Walcan Foods Road
Quadra Island

64-20-0
Quadra Island

Attached is a copy from the Ministry of Forests concerning the above noted road.

As you will recall, previous correspondence from Walcan Foods, has requested us to take over this road.

W.R. Ball
District Highways Manager

JPC/jl
Attach.

J. . Clark
District Technician



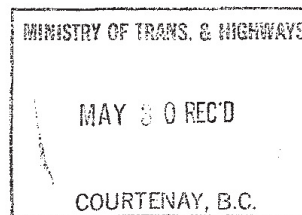
May 24, 1983

File: 880-7-10189

Ministry of Transportation & Highways
950 Cumberland Road
Courtenay, B.C.
V9N 2E4

ATTENTION: Mr. George Kent

Dear Sir:



Re: Your letter of April 7, 1983 and our recent telephone conversation concerning this Special Use Permit

In answer to your oral request for our recommendations insofar as future disposition of Walcan Seafood's S.U.P. 10189, please note the following:

We understand that upgrading and maintenance by the S.U.P. holder at this time is apparently beyond the financial abilities of the licensee. Upgrading to Ministry of Transportation & Highways' specifications in order for dedication is also beyond the licensee's means at this time.

The Ministry of Forests is unable to accept responsibility for the road as a Forest Service road as no long term benefit would be gained from its acquisition. However, it is our hope that the current licensee and your Ministry can, as you have suggested, reach some compromise regarding upgrading specifications for dedication. If this initial step was accomplished, we recommend you apply via Lands Branch for removal of the S.U.P. road from the Tree Farm Licence for dedication.

We remind you that S.U.P. 10189 is within T.F.L. 2 held by Crown Zellerbach Canada Limited. Recommendations for removal by this Ministry would be heavily influenced by the results of referral of your proposal to Crown Zellerbach.

As the current licensor, we request you advise us of any progress attained or important occurrence regarding this matter. We welcome any inquiries you may have and will endeavour to facilitate in any way possible.

Yours truly,

L. Titus
Resource Officer Timber

BB/lao

20-0
2000/04/27
#256

REGIONAL DIRECTOR HWYS

RE NORTH LAKE ROAD WALCAN SEAFOODS

FURTHER TO H Q TELEX OF APRIL 25/83 FROM P E WEED WE HAVE THE F
FOLLOWING COMMENTS TO OFFER

1) PRESENT ROAD STANDARD 3-4 METRE WIDE GRAVEL SURFACE VERY POOR
DRAINAGE DITCHES AND CULVERTS R W NOT DEFINED OR CLEARED AND CUT
SLOPES ARE VERY STEEP THE ALIGNMENT IS ALSO POOR IN THAT
THERE ARE A SEVERAL SHAY S OR BLIND CORNERS

2) WE DO NOT CONSIDER THIS ROAD MAINTAINABLE IN ITS PRESENT CONDITIO
WITHOUT DOING DAMAGE TO OUR EQUIPMENT

3) WE DO NOT FEEL THAT A 28FOOT TOP FOR THE ROAD IS TOO RICH
HOWEVER IT IS OUR OPINION THAT IF WE ARE TO TAKE OVER THIS 5.6 KMS
OF ROAD IT FIRST SHOULD BE TO SUBDIVISION STANDARDS AS FAR AS THE
WIDTH OF ROAD SURFACE DRAINAGE ETC THERE ARE ALSO ENVIRON-
MENTAL CONCERNS TO BE MET BEFORE ANY IMPROVEMENTS ARE MADE

ALTHOUGH WE ARE ASKING FOR A FAIR AMOUNT OF UP GRADING BY WALCAN IT
IS APPARENT THAT IF WE TAKE THE ROAD OVER IN ITS PRESENT CONDITION
THE MINISTRY IFXX IS LOOKING AT A CONSIDERABLE COST OF UPGRADING IN
THE NEAR FURTHERXXX FUTURE

G R KENT
DIST HWYS MGR

BY J P CLARK
DIST TECH

APRIL 27/83
8:25AM

SV+
HWY 64 CRT

CNCP MULTI ADR
CTY320 APR 25 1518 EST

HWY HQ VIC
001 003
TX 044-62539 HWY 64 CRT

REGIONAL DIR HWYS
NANAIMO

HWY DIST COURTENAY
HQ FILE 64-02-13/369417

DIST FILE 64-20-0 QUADRASUSLDA

RE MORTE LAKESROAD - WALCAN SEAFOODS

COLIN GABELMANN, M.L.A., HAS WRITTEN OUR MINISTER REQUESTING THAT THE MINISTRY MAKE PUBLIC THE SECTION OF MORTE LAKE ROAD WHICH IS PRESENTLY A PRIVATE ROAD UNDER A SPECIAL USE PERMIT 10189 (QUADRA ISLAND). THIS ROAD SERVES WALCAN SEAFOOD'S SITE BUT APPARENTLY THE PRIVATE ROAD IS USED BY A WIDER PUBLIC.

I UNDERSTAND THE DISTRICT HIGHWAYS MANAGER IS PREPARED TO TAKE OVER THE ROAD IF IT IS UPGRADED TO SUBDIVISION ROAD STANDARDS. WALCAN ESTIMATES THE COST TO UPGRADE THE ROAD AT APPROX 350,000.00

THE EXECUTIVE DIRECTOR HAS ASKED SEVERAL QUESTIONS:

1. WHAT IS STANDARD OF PRESENT ROAD ?
2. IS IT MAINTAINABLE ?
3. IF ROAD MUST BE UPGRADED TO BE MAINTAINABLE IS A 28 FOOT TOP TOO RICH ?

COULD I PLEASE HAVE YOUR COMMENTS

R E WEBB
APPROVALS RESEARCH OFFICER

CC DISTRICT HWY MGR - COURTENAY

VICTORIA
APR 25/83

SV+
HWY 64 CRT

#256
64-20/0
Quadra Island

950 Cumberland Road
Courtenay, B.C.
V9N 2E4 334-4432

March 16, 1983

Mr. Colin S. Gabelmann, M.L.A.
Parliament Buildings
Victoria, B.C.

Dear Sir:

Re: Special Use Permit 10189
Morte Lake Road

In reply to your letter of March 10, 1983, any experience I have had in the past on taking over private roads as public has been based on the road meeting a standard, usually that demanded of a subdivision road. This has been concurred in by the Regional Director in the current situation, and any decision which might differ from the one made locally would have to come from Headquarters.

Yours truly,

GRK/jl
cc: E.A. L'Hirondelle
Regional Director, Highways

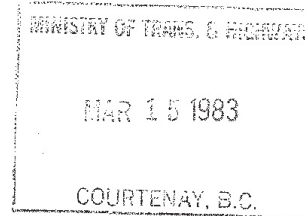
G.R. Kent
District Highways Manager

CONSTITUENCY OFFICE:
DISCOVERY MALL
938 ISLAND HIGHWAY
CAMPBELL RIVER, B.C.
V9W 2C3
TELEPHONE: 287-3732



PLEASE ADDRESS ALL
CORRESPONDENCE TO:
COLIN S. GABELMANN, M.L.A.
PARLIAMENT BUILDINGS
VICTORIA, B.C.
TELEPHONE: 387-5527

March 10, 1983



Mr. George Kent
District Highways Manager
Ministry of Transportation & Highways
950 Cumberland Road
Courtenay, B. C.
V9N 2E4

Re: Special Use Permit 10189 - Morte Lake Road

Dear Sir:

I was astounded to receive a copy of your letter dated March 1st in which you state that the Morte Lake Road would need to be brought up to 28' top, plus adequate drainage prior to Highways considering taking it over.

There is no possible rationalization for a request to Walcan Seafoods for an expenditure of probably several hundred thousand dollars to improve their special use permit road which has now become a public highway inasmuch as it is being used by a wide variety of the public as an access to points other than Walcan Seafoods' site.

I am writing to you again rather than directing my concerns higher up for the moment, as I am anxious to hear from you as to whether your response is based on a Ministry policy which cannot be deviated from at the local level, or whether or not you think that it is appropriate in this case for Walcan to be burdened with these kinds of expenditures. The simple issue here is that the public is using a road for a variety of purposes which Walcan technically has the right to bar them from. Walcan chooses not to do so because it sees itself as a good neighbour, and sees no point in denying Quadra Island residents the right to access to points served by their road. It is obviously a public road, and it seems to me obvious that public money is required to bring the road to a suitable standard.

Yours sincerely,

A handwritten signature in cursive script that reads "Colin Gabelmann".

Colin Gabelmann, M.L.A.
North Island

CC. J. M. Lornie
D. Niedziejko
D. DeHart

CG/jm

#256
64-20-0
Quadra Island

950 Cumberland Road
Courtenay, B.C.
V9N 2E4 334-4432

March 1, 1983

Mr. Colin Gabelmann, M.L.A.
Parliament Buildings
Victoria, B.C.

Dear Sir:

Re: Special Use Permit 10189 - Morte Lake Road

In reply to your letter of Feb. 11/83, it is our opinion that the road should be brought up to the same standard as would be required of a subdivider, before our Ministry would consider taking it over. This means 26 front top, plus adequate drainage.

Concerns of the Environment Ministry pertaining to Hyacinth Bay Creek and the swamp encroachment would also have to be satisfied.

Yours truly,

GRK/jl
cc: Regional Director, Highways
Nanaimo, B.C.

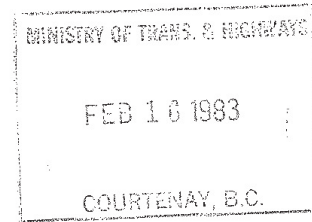
G.R. Kent
District Highways Manager

CONSTITUENCY OFFICE:
DISCOVERY MALL
938 ISLAND HIGHWAY
CAMPBELL RIVER, B.C.
V9W 2C3
TELEPHONE: 287-3732



PLEASE ADDRESS ALL
CORRESPONDENCE TO:
COLIN S. GABELMANN, M.L.A.
PARLIAMENT BUILDINGS
VICTORIA, B.C.
TELEPHONE: 387-5527

February 11, 1983



Mr. George Kent
District Highways Manager
Ministry of Transportation & Highways
950 Cumberland Road
Courtenay, B. C.
V9N 2E4

Re: Special Use Permit 10189 - Morte Lake Road

Dear George:

You will have received a letter from J. M. Lornie of Copper Bluff Holdings Ltd. on Quadra Island.

I would like you to know that I met with Mr. Lornie and Mr. Niedziejko, the Regional Board Member for Quadra Island, concerning the much-increased public use of a large portion of the road to the Walcan Seafood Plant by other traffic. This is especially true now that other individuals are located along the road, not to speak of access to Morte Lake, or to the salmonoid enhancement programmes in that area.

It seems entirely appropriate that that portion of the road be transferred from special use permit to a public highway.

Your early consideration of this request would be most appreciated.

Yours sincerely,

A handwritten signature in cursive script that reads "Colin Gabelmann".

Colin Gabelmann, M.L.A.
North Island

CG/jm

CC. J. M. Lornie
D. Niedziejko
D. DeHart

#256

64-20-0
Quadra Island

950 Cumberland Road
Courtenay, B.C.
V9N 2E4 334-4432

March 1, 1983

Walcan Seafood Ltd.
c/o Copper Bluff Holdings Ltd.
Box 146
Heriot Bay, B.C. V0P 1H0

Attention: J.M. Lornie
Secretary-Treasurer

Dear Mr. Lornie:

Re: Special Use Permit 10189 - Morte Lake Road

In reply to your letter of Feb. 11/83, it is our opinion that the road should be brought up to the same standard as would be required of a subdivider, before our Ministry would consider taking it over. This means 28 foot top, plus adequate drainage.

Concerns of the Environment Ministry pertaining to Hyacinth Bay Creek and the swamp encroachment would also have to be satisfied.

Yours truly,

GRK/jl
cc: Regional Director, Highways
Nanaimo, B.C.

G.R. Kent
District Highways Manager



H118

To: G. R. Kent
District Highways Manager
Ministry of Transportation & Highways
COURTENAY

Date: February 18, 1983

Headquarters File:

Regional File: R6-64-20-0

District File: 64-20-0
Quadra Island

MINISTRY OF TRANS. & HIGHWAYS

FEB 22 1983

COURTENAY, B.C.

Re: Special Use Permit 10189

I would suggest that your reply should say:

- 1) We are not prepared to consider take-over until the road is constructed to an acceptable standard (i.e. subdivision standard).
- 2) In addition, the concerns of the Ministry of Environment pertaining to Hyacinthe Bay Creek and the swamp encroachment would have to be satisfied prior to take-over.

B. A. L'Hirondelle, P. Eng.
Regional Director, Highways

BAL/plb

cc: D. A. Raven
Regional Approving Officer

930 Cumberland Road, Courtenay, B.C.

Feb. 15/83

Regional Director, Highways
Nanaimo, B.C.

#1258
64-20-0
Quadra Island

Attached is a letter from Walcan Seafood Ltd. relative our taking over a road which at present is private. Please refer to my report to Mr. Solberg, copy to D. Raven, dated Sept. 7/82, and accompanying correspondence attached.

I phoned Bill Solberg upon receipt of this current letter to see how they had replied to the Regional District as a result of my report and apparently they did not reply, filing the report as information.

I cannot locate a copy of the letter from Walcan to Forest Service, of April 2/82 and have requested a copy from Forest Service.

The road today is essentially as reported in September 1982.

Please advise how I should reply to Mr. Lornie.

GRK/jl
Encl.

G.R. Kent
District Highways Manager

P.S. Letter from Forest Service is enclosed.

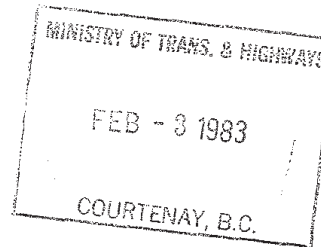
COPPER BLUFF HOLDINGS LTD

BOX 146

HERIOT BAY, B.C. V0P 1H0

February 1, 1983.

Mr George Kent
District Highways Manager
Ministry of Transportation
and Highways
950 Cumberland Road
Courtenay, B.C.



V9N 2E4.

Re: Special Use Permit 10189

Dear Mr Kent:

Copper Bluff Holdings Ltd, as associate company of Walcan Seafood Ltd, would like to relinquish control of a portion of S.U.P. 10189. The section of road in question commences off the Granite Bay Road and ends at S.U.P. 9090. Due to a variety of reasons which I outlined in my letter of April 2, 1982 to Mr Darcy De Hart of the Department of Forestry, and a copy of which was sent to you, we requested some form of government relief from the financial burden this access road was placing on our company.

This section of S.U.P. 10189 should be taken over by the Ministry of Transportation and Highways. Consideration should be given to a buried telephone line and to a maintenance schedule which is conducive to the amount of traffic this road is presently burdened with.

Thank you.

cc Mr Colin Gabelmann
MLA North Island

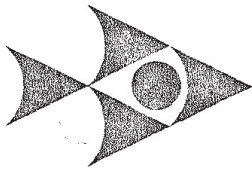
Mr Dan Niedziejko
Quadra Island Regional Director

Mr Darcy DeHart
District Manager
Department of Forestry

Sincerely,
WALCAN SEAFOOD LTD

A handwritten signature in dark ink, appearing to read "J M Lornie".

J M Lornie
Secretary Treasurer

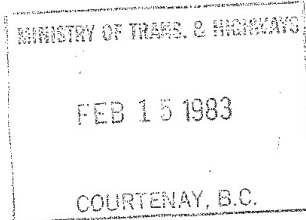


Walcan Seafood Ltd.

BOX 146 HERIOT BAY, BRITISH COLUMBIA CANADA V0P 1H0
TELEPHONE: (604) 285-3213

C

filed in 100-100000



April 2, 1982.

Mr Darcy de Hart
District Manager
Department of Forestry
231 Dogwood Street
Campbell River, B.C.

V9W 2Y1.

Dear Sir:

On March 31, 1982 we had a meeting with My Lloyd Erickson of the Ministry of Environment, Fish and Wildlife Branch, and Mr Darrel Lissell of your department. I accompanied Mr Lissell and Mr Erickson over S.U.P. 10189 in an effort to pinpoint whether any deficiencies were apparent in the road right-of-way. It was the opinion of Mr Erickson and Mr Lissell that the present road did not reach Department of Forestry specifications and that some alterations of a minor nature should be made. Mr Lissell and Mr Erickson then accompanied me to my office at Walcan Seafood Ltd. A discussion ensued and Mr Bill Pirie and myself presented Walcan Seafood Ltd's point of view concerning our road access. Some aggravating problems have been growing over the last couple of years concerning our access road. I would like to take this opportunity to familiarize you with these problems. I hope that you are in a position to help solve them.

Let me firstly familiarize you with some background information about the road access. The first stages of road construction took place under the auspices of the Department of Lands, Forests and Water Resources. The owner of our land at the time was Mr Al Johansen. He initiated the original grant for right-of-way. Mr Pirie and myself purchased the property from Mr Johansen and subsequently took over his role in the grant for right-of-way. The grant for right-of-way, however terminated on July 6, 1979. When I approached the Department of Lands for an extension of our trespass of this right-of-way they informed me that it was now the responsibility of the Department of Forestry to oversee right-of-ways over crown land.

W. de Hart

To protect our investment (over \$40,000 in road construction) we applied for and received S.U.P. 10189. We are not backing away from our known responsibilities which are outlined in our S.U.P. However some very complex issues have become increasingly apparent and must be dealt with.

Firstly, with the granting of S.U.P. 9090 a vast area has been opened up to a number of private landowners. Our S.U.P. 10189 suddenly becomes the main artery for other landowners to develop their property. I fully understand that our S.U.P. gives us the right to ask landowners to contribute to the upkeep of the road. In our instance, however, it becomes very complex when you have to deal with five or six different parties and reach an amicable agreement with each. The onus to maintain the road from a financial point of view falls onto Walcan Seafood Ltd's shoulders. A very expensive exercise indeed.

Secondly, since this large area is now readily accessible to the general public, its many varied recreational pleasures can be enjoyed. Suddenly a road which was seldom used by the general public becomes an enjoyable drive for many. Purely from a maintenance point of view I'm sure you can appreciate the increased pressure and its effect on the road.

Thirdly, the Salmon Enhancement Society on Quadra Island has been discussing the possibilities of damming a swamp which runs parallel to the access road. If their plans to dam the swamp and clean out Hyacinthe Bay Creek materialize, our road access for approximately 200 metres will be one to two feet under water. The solution to the damming of the swamp is to raise the level of the road. Once again the financial burden seems pointed to Walcan Seafood Ltd because of its agreement with the Department of Forestry.

When Bill Pirie and myself purchased our property we viewed S.U.P. 10189 as a rather long driveway which would terminate at our processing plant and residences. Only occasionally did other users drive on the right-of-way. Over the last couple of years the amount of road use has dramatically changed and the responsibility to maintain and upgrade the road is producing an unreasonable financial burden on our company. Walcan Seafood Ltd requires financial assistance and advice from concerned governmental agencies. It is my opinion that a major portion of S.U.P. 10189 should be taken over by the Department of Forestry or the Department of Highways.

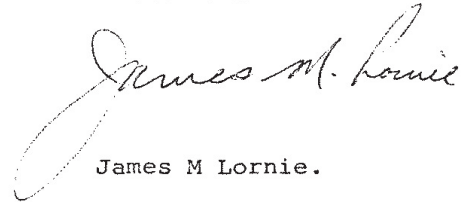
Would you please look into the problem and advise us as soon as possible with your solution.

CC: Mr Bob Hearst
Department of Fisheries and Oceans

Mr Lloyd Erickson
Ministry of the Environment
Fish and Wildlife Branch

Mr George Kent
Department of Highways

Sincerely
WALCAN SEAFOOD LTD



James M Lornie.



MEMORANDUM

H118

To: DISTRICT HIGHWAY MANAGER
Ministry of Transportation and HIGHWAYS
COURTENAY

Date: September 7, 1982

Headquarters File:

Regional File: R6-64-20-0

District File:

3260 Norwell Drive
Nanaimo V9T 1X5

#1258

Re: Private Road Dedication in S.U.P. 10189,
Quadra Island, Wakan Seafoods Ltd.

May I please have your report and recommendations on the
attached letter. Please supply area composite maps illustrating
subject road.

Thank You.


D. A. Raven
Regional Approving Officer

DFA/cm

Attach.

SEP 8 1982

Copy to G, to P, Q, sent to Reg
GK

Regional District of Comox-Strathcona

4795 Headquarters Road, COURTENAY, B.C., V9N 5W3 • Telephone 334-4452

August 24, 1982.

The Honourable Alex V. Fraser, Minister,
Ministry of Transportation & Highways,
Parliament Buildings,
Victoria, B.C.

Dear Mr. Minister:

Re: Walcan Seafood Ltd. - Road
Dedication on Quadra Island.

It is the understanding of this Regional Board that Walcan Seafood Ltd. has requested the Ministry of Transportation and Highways to accept dedication of a private road presently within S.U.P. 10189 on Quadra Island. The road is located between Granite Bay Road and S.U.P. 9090.

The Regional Board, at it's meeting of August 21, 1982, passed a motion to support the request by Walcan Seafood Ltd. that the Ministry of Transportation and Highways accept the subject road.

Trusting this motion of support assists your review of the matter.

Yours truly,



Brodie Porter,
Planning Assistant.

BP/dh

cc: D. Raven, Regional Approving Officer, Nanaimo, B.C.
G.R. Kent, District Highways Manager, Courtenay, B.C.

MEMBER MUNICIPALITIES: Campbell River • Comox • Courtenay • Cumberland • Sayward
Gold River • Tahsis • Zeballios

TORAL AREAS: A - Baynes Sound - Islands • B - Comox North • C - Black Creek - Puntledge • D - Oyster Bay - Buttle Lake • E - Quinsam
F - North Campbell River • G - West Coast - Nootka • H - Sayward - Bloedel • I - Cortes • J - Coast Discovery

#1258
950 Cumberland Road, Courtenay, B.C.

Sept. 7/82

W. Solberg
Approvals Planning Officer
Victoria, B.C.

64-20-0
Quadra Island

Re: Walcan Seafood Ltd.
Road Dedication on Quadra Island

The road was inspected on Friday, September 3, 1982.

It is 5.6km in length, width 3-4 metres. The surface is gravel, drainage poor, appears to have very few culverts, and not much ditching.

Trees are growing to the edge of construction. Alignment is winding, with poor sight distances on corners.

An area adjacent to a swamp and lake is low, close to water level. The hillside on the upland side at the lake is high and steep, with some rock outcroppings. This latter section is approximately 1 km in length.

We have had no direct request to take over the road although I am sure they would like us to do so.

We do not recommend this procedure as the standard is too low, and upgrading would be very costly.

GRK/jl

G.R. Kent
District Highways Manager

Walcan Rd.

Length 5.6 km

Wide 3 - 4 metres

Surface Gravel.

Drainage - Poor - very few culverts &
little ditching

R/W - Trees growing right to
Road edge.

~~to~~ Very winding with poor
site distance on alot of
corners.

Area adjacent to Swamp & Lake
is low to water level - high
hillside across from lake which
would make it very hard to
widen - Lots of Rock outcroppings
This area approx 1 km ~~long~~ long.

+
HWY 64 CRT
HWY HQ VIC

DIST HWYS MGR
COURTENAY

DIST:BRANCH: COURTENAY

HQ FILE: 64-20-55 / 367179

RE: WALCAN SEAFOOD LTD - ROAD DEDICATION
ON QUADRA ISLAND

REFERENCE LTR DATED AUGUST 24 /82, FROM BRODIE PORTER,
REGIONAL DISTRICT OF COMOX-STRATHCONA TO THE MINISTER
REGARDING THE MINISTRY ACCEPTING DEDICATION OF A PRIVATE
ROAD WITHIN S U P 10189 AND LOCATED DXXXBETWEEN GRANITE
BAY ROAD AND S U P 9090.

MAY WE HAVE A REPORT ON THE MATTER PLS.

W W SOLBERG
APPROVALS PLANNING OFFICE

VICTORIA
AX SEPT 2 /82

9:11 AM
+
HWY 64 CRT
HWY HQ VIC

Regional District of Comox-Strathcona

4795 Headquarters Road, COURTENAY, B.C., V9N 5W3 • Telephone 334-4452

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MINISTRY OF TRANS. & HIGHWAYS FISH AND WILDLIFE BRANCH

APR 13 1982

COURTESY, B.C.

YOUR FILE SUP 10189
OUR FILE 0557

April 7, 1982

District Manager
B.C. Forest Service
231 Dogwood Street
Campbell River, B. C.
V9W 2Y1

Attention: Daryl Lissell

Dear Sir:

Re: Walcan Seafood Ltd. S.U.P. from the Granite Bay Road to their
processing plant on Quadra Island; field trip March 30, 1982;
letter from Walcan (James M. Lornie) dated April 2, 1982

This letter is to clarify our position regarding this S.U.P. As previously mentioned this road parallels Hyacinthe Bay Creek, a noted producer of cutthroat trout, steelhead and salmon on Quadra Island. The accumulated effects of erosion and sedimentation from poor land use practices adjacent to this creek (i.e. the road) could potentially reduce the capability of this stream to produce fish.

We recently made comments on an application to upgrade this S.U.P. We replied that we wanted to make sure that the road is up to Forest Service minimum road specifications, and also we wanted to make some comments where the road encroaches upon a swamp and lake. Past grading and ballasting practices have encroached into the wetter perimeter of the swamp. We want this stopped.

At the field trip I indicated that a S.E.P. project was likely imminent for the creation of a drawdown weir on the outlet of the swamp. Although I indicated that an additional two feet of water would be desirable, I did not indicate (as per Mr. Lornie's letter) that the weir will be designed to flood the road. I did state that the water level needed would be at the level existing at the time of inspection, which was within inches of the road surface over one short stretch.

Please disregard Mr. Lornie's comment (4th paragraph page 2) regarding the S.E.P. project "planning to raise the swamp two feet". Although this would be desirable it is not presently planned. However, we do suggest that if Walcan Seafood Ltd. wishes to upgrade their road in this section, for instance by widening, it would be desirable for them to raise the elevation of the road so it would clear the present elevation of the swamp by two feet. This would affect approximately 150 metres of road.

.....2

61K

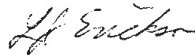
April 7, 1982

We did identify a number of problems in the field which should be fixed. Principally this would involve cleaning out ditches. It appeared that Walcan's grading methods have sidecast material into ditches so that water runs down the road in several locations.

Although we recommend improvements are required to the road, we agree with Mr. Lornie's suggestion to have the road administered and maintained by an agent of the Crown between Granite Bay Road and SUP 9090. The lake at the top end of Hyacinthe Bay Creek is the closest to the population centres of Quadra Island and now receives a goodly amount of public use. Also, an improved road gives access to Morte Lake, and walking access to Saltwater Lagoon and Maude Island. Perhaps some agreement to return the S.U.P. to the Forest Service or to Ministry of Highways could be made.

If you have any questions or comments, please do not hesitate to contact me at 287-2241.

Yours truly,



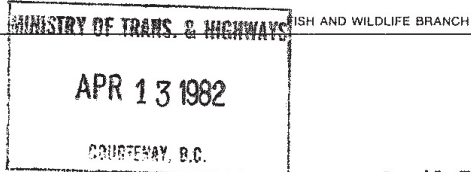
L. J. Erickson
Habitat Technician

LJE/mrn

c.c. Bob Hearst (S.E.P. Bio Station, Nanaimo)

~~George Kent, Ministry of Highways & Transportation,
Courtenay~~

James M. Lornie, Walcan Seafoods Ltd.



YOUR FILE SUP 10189
OUR FILE 0557

April 7, 1982

20-0
Quadra #1258

District Manager
B.C. Forest Service
231 Dogwood Street
Campbell River, B. C.
V9W 2Y1

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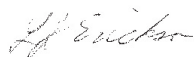
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If you have any questions or comments, please do not hesitate to contact me at 287-2241.

Yours truly,



L. J. Erickson
Habitat Technician

LJE/mrn

c.c. Bob Hearst (S.E.P. Bio Station, Nanaimo)
George Kent, Ministry of Highways & Transportation,
Courtenay
James M. Lornie, Walcan Seafoods Ltd.

Ministry of Transportation and Highways

DETAILS OF ROAD

Road Name WALCAN ROAD Route/Road No 1258
 Electoral District NORTH ISLAND Arterial No Page
 Highway District NORTH ISLAND Foreman Area CAMPBELL RIVER (63B)
 QUADRA ISLAND

CLASSIFICATIONS

FUNCTION	SURFACE	MAINTENANCE							
Organized:	A-PC	Summer	Winter						
Arterial	A-BPM	1	A						
Secondary	B	2	B						
	C	3	C						
	D	4	D						
Unorganized:	Total open	5	E						
Trunk	E	6	F						
Main	F	7							
Collector		8							
Minor	0.36								
Total open	0.36								
Total	0.36								

Definitions of these classifications may be found in the Manuals of Policy and Procedures and Maintenance Management

Initial Point HWM (SHORE) @ W. COR. LOT A, PLAN 45470,
D.L. 220, QUADRA ISLAND, SAYWARD DISTRICT
 Terminal Point 313.61 M. WEST OF N.E. COR. REM. SOUTH. 27.6 ACRES OF
FRAC. NW1/4, D.L. 220, QUADRA ISLAND, SAYWARD DISTRICT
 Establishment: When SEPTEMBER 25, 1987

How SUBDIVISION PLAN 45470

Date Compiled SEPTEMBER 1988
 or Revised MARCH 1994

Remarks

H.59 Rev. 80/04

KILOMETRE LOG

KM.	Junctions and Structures	Legal Status	R/W Width	References
0.00	HWM (SHORE)	PL. 45470	20.00 M	
0.36	WALCAN PRIVATE ROAD			

3319

Mitlenatch Field Naturalist Society

RECEIVED

DEPT. OF HIGHWAYS P. O. Box 392

VICTORIA, B.C.

Campbell River, B. C. V9W 5B7

NOV 3 1976

29 October 1976

ANSWERED.....

NOTED.....

DATE.....

Environment & Land Use Committee Secretariat
Government of B. C.
614 Humboldt
Victoria, B. C.

Gentlemen:

It has been brought to our attention that a roadway has been constructed over Crown Land on Quadra Island in the area of Hyacinthe Bay, adjacent to D. L. 223 and across D. L. 222 without benefit of the required permits.

Such a road is for the private use of individuals, and is considered by concerned citizens to be detrimental and harmful to the ecology of this area:

Numerous attempts to halt this construction have not met with success, and we urge that this matter be investigated by the proper authorities and any further interference of the natural environment for personal and selfish reasons be immediately stopped.

Your consideration of our request is much appreciated.

Sincerely,



Howard Telosky
President

/ES

cc- Department of Highways ✓
Comox-Strathcona Regional District
Hon. Karen Sanford

330305

PROVINCE OF BRITISH COLUMBIA

DEPARTMENT OF HIGHWAYS

RECEIVED

TO: DEPT. OF HIGHWAYS

VICTORIA, B.C.

DISTRICT HIGHWAYS MANAGER,
COURTENAY

NOV 12 1976

ANSWERED.....

NOTED.....

DATE.....

ATTENTION:

SUBJECT:

Road adj. D.L. 223 & across D.L. 222,
Quadra Island, Sayward District -
Vicinity of Hyacinthe Bay.SENDER'S
ADDRESS: Victoria, B.C.

DATE: November 5, 1976

DISTRICT: Courtenay

HEADQUARTERS FILE: 3319/330305

REGIONAL FILE:

DISTRICT FILE:

REFERENCE:

DATED:

For your information.

M. G. Elston,
Senior Planning Engineer.

Per:

MGE/mb
Encl.

November 9, 1976

M.G. Elston
Senior Planning Engineer
Victoria

Dear Sir:

We have no subdivisions or road construction taking place in the above mentioned District Lots on Quadra Island.

DLO/jl

330564

R.G. Mulcaster, P.Eng.
District Highways Manager

Director of Land Management,
Land Management Branch,
Lands Service,
Ministry of Environment,
Parliament Buildings,
Victoria, B.C.

M. G. Elston,
Senior Planning Engineer,
Ministry of Highways
and Public Works,
Buildings. November 17th., 76

Road Adjacent D.L. 223 and Across D.L.
222, Quadra Island, Sayward District -
Vicinity of Hyacinthe Bay.

3319/330305/33054

I attach photo of letter to the Secretariat from the Mittenatch
Field Naturalist Society.

Our District Highway Manager advises that this Ministry has no
road construction on D.L. 222 and no requests for subdivision in the
adjacent lands.

M. G. Elston,
Senior Planning Engineer.

Per: 

MEH/mb
Encl.

c.c. Environment and Land Use Committee Secretariat, Ministry of Environment.