



PERMIT TO CONSTRUCT, USE, AND MAINTAIN ACCESS TO A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Sechelt Area Office
Box 950
Sechelt, BC V0N 3A0
Canada

("The Minister")

AND:

Chad Joe

s22

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The installation, operation, and maintenance of drainage ditch and gravel driveway access along Stewart Road. The driveway access is to service Lot 3 Stewart Road Gibsons BC.

All works are to be completed in accordance with the attached drawing.

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. The Minister shall designate an official ("the Designated Ministry Official") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out.
2. The Use shall be carried out according to the reasonable satisfaction of the Designated Ministry Official.
3. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
4. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
5. The Minister shall take reasonable care to do as little damage or interference, as possible, to any Use authorized by this permit



in the carrying out of the construction, extension, alteration improvement, repair, maintenance or operation of any work adjacent thereto, but the Minister shall not be responsible for any damage regardless.

6. The Minister at the absolute discretion of the Minister may, at any time, cancel this permit for any reason upon giving reasonable notice; provided, however, that in the case of default by the Permittee or in the case of an emergency no notice shall be necessary. The Minister shall not be liable for any loss incurred as a result of permit cancellation.
7. Placing of speed arresters on the access (or accesses) or in the Permittee's property without the prior consent in writing of the Designated Ministry Official shall render the permit void.
8. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
9. The Permittee shall remove any mud, soil, debris, or other foreign material tracked onto the highway from the access authorized herein. Such removal shall be at the Permittee's expense and shall be done at any time the material unduly inconveniences traffic and, in any event, daily.
10. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
11. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Designated Ministry Official. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
12. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
13. As a condition of this permit, the Permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the Permittee is the prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the Permittee will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
14. The Permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
15. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at http://www.th.gov.bc.ca/publications/Circulars/All/T_Circ/2009/t06-09.pdf
16. The Permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
17. The Use shall be carried out according to the following drawings and specifications, which are attached and shall be considered to be part of this permit:

HERE DESCRIBE THE ATTACHMENTS

18. (a) The rights granted under this permit shall not be exercised before **SEPTEMBER 27TH, 2013**.
(b) The Construction and Installations must be completed on or before **DECEMBETR 27TH, 2013**.

SPECIAL CONDITIONS

19. The contractor is to notify Brett Wildeman, Area Development and Approvals Technician (brett.wildeman@gov.bc.ca) at (604) 740-8986 prior to commencing the work and 48 hours prior to completion of work, to arrange for inspection of the works.
20. The Permittee is to inform Don Legault, MoT Area Manager, at (604) 740-8985 or don.legault@gov.bc.ca of the projected commencement of the permitted Works by submitting a Work Notification/Lane Closure Form (H1080) at least five (5) days in advance.
21. The Permittee is to notify Capilano Highway Services at (604) 740-0667 at least 48 hours in advance of commencing work.
22. The Permittee must ensure that the most current editions of the following standards and specifications, manuals and guides are



utilized and complied with during the installation, operation and maintenance of the Works:

- (a) Ministry Utility Policy Manual
- (b) Ministry Traffic Control Manual for Work on Roadways
- (c) Ministry Traffic Management Guidelines for Work on Roadways
- (d) Ministry Standard Specification for Highway Construction

- 23. If any BCLS survey posts are removed, moved or damaged during the construction of the said Works they must be replaced by a registered BC Land Surveyor at the expense of the Permittee.
- 24. The Permittee shall sufficiently excavate the profile of the ditch along the road below and above the access point for proper installation of the access and culverts as required by the pertinent conditions of this permit.
- 25. The profile of the access shall not exceed 2 percent grade from the ditchline for a distance of at least 15 metres as measured away from the highway along the centerline of the access.
- 26. The Permittee is responsible for any damage to the Highway Right of Way resulting from the permitted work
- 27. No gates are to be placed within Ministry of Transportation and Infrastructure Right of Way.
- 28. Permittee is responsible for ensuring that all works are contained to the highway right of way. Any works located within private property must have the owner's permission.
- 29. Brushing of the right-of-way is required, in order to ensure maximum sight distance
- 30. It is the Permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 7 of the Water Act, for works in or around any natural water-course, as and if required.
- 31. This permit in no way grants exclusive use to the Permittee for any portion of the access on right-of-way.
- 32. This permit in no way relieves the owner or occupier of the responsibility from adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
- 33. The layout shown on the submitted drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.
- 34. This permit authorizes construction of part of the access within dedicated road right-of-way that is not now maintained by the Ministry. Maintenance of such accesses is entirely the responsibility of the Permittee. Co-operation among neighbouring permit holders in maintaining such undeveloped roads is strongly encouraged. The Ministry shall only assume maintenance of such roads if constructed to acceptable standards.
- 35. The Permittee shall take all reasonable precautions to attempt to ensure the safety of the public in connection with the Use. In particular, but not so as to limit this obligation, the Permittee shall, if so required by the Designated Ministry Official on reasonable grounds, prepare and implement a traffic control plan. The contents of the plan and the manner in which it is implemented must meet the reasonable satisfaction of the Designated Ministry Official.
- 36. The access (or accesses) shall be constructed with a minimum 600 mm x 9 m culvert pipe manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of this culvert is the responsibility of the Permittee
- 37. All costs entailed in the construction and maintenance of the access are to be borne by the Permittee.
- 38. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
- 39. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with; I. public passage on the Highways; II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or III. the operation of the Highways;
- 40. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
- 41. The Permittee shall ensure that a minimum ground clearance of 5.50 metres is maintained for all overhead utility lines.
- 42. Any cutting, decking, and disposal of merchantable timber on subject right-of-way is to be done pursuant to provisions of the Forestry Act and authorization from the District Forestry Office must be obtained prior to the commencement of the permitted works. Right-of-way boundaries must be clearly marked by a qualified professional surveyor prior to inspection of the site by the



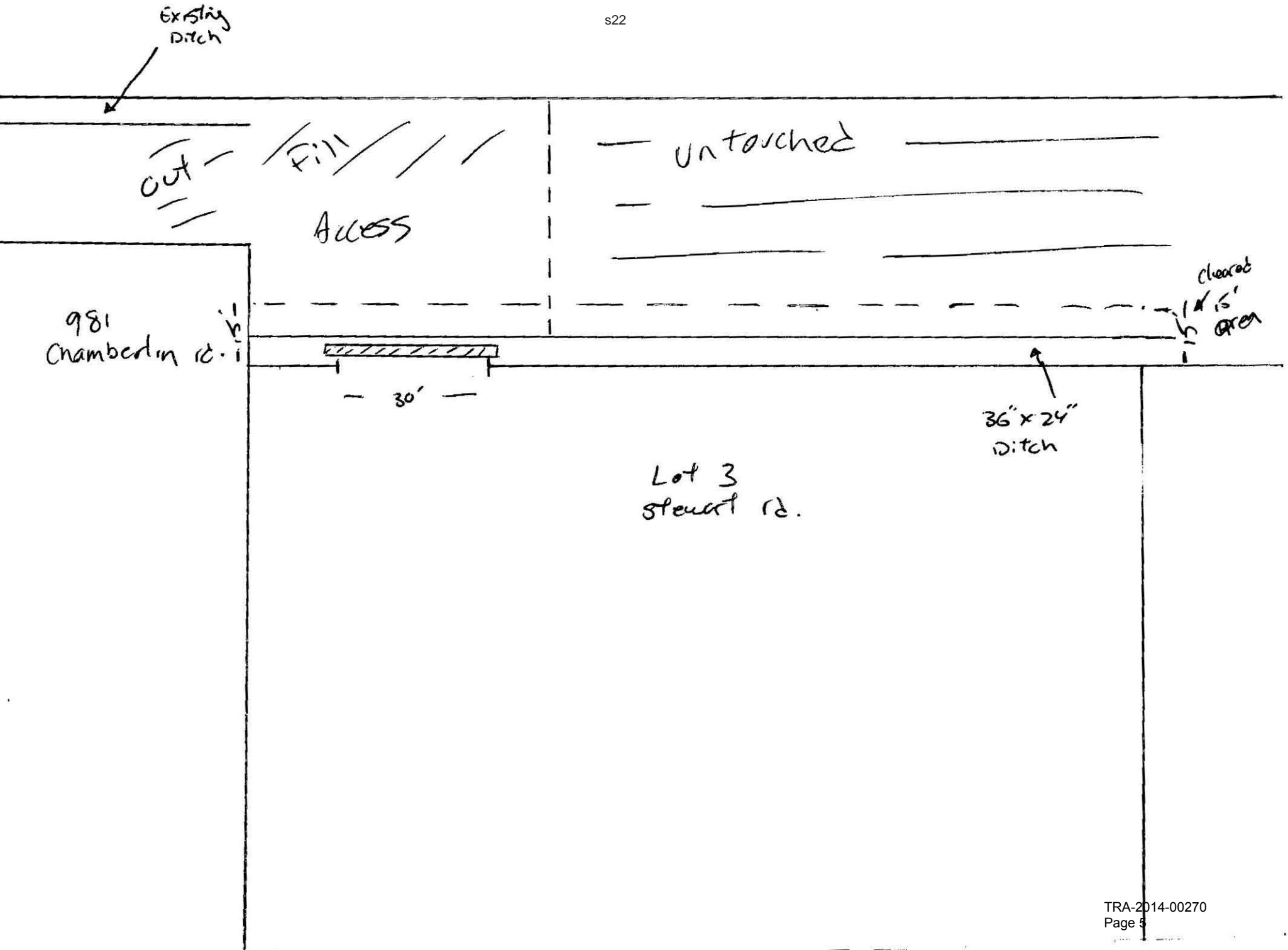
Ministry of Forest personnel.

43. Reinstatement, in a timely and professional manner, of drainage, roadway and roadside facilities shall be required within thirty (30) days of disturbing the facilities.
44. The rights granted under this permit are for an indefinite period or until access can be off a municipal road.
45. The Permittee to be responsible for any settlement, erosion or other damage caused as a result of this construction for a period of two years from completion of construction.
46. All grubbing and debris from clearing to be disposed of to the satisfaction of the District Highways Manager.
47. If the Permittee proceeds on this permit it is deemed that they have accepted all terms and conditions.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Sechelt, British Columbia, this 27 day of September, 2013

Brett Wildeman, Area Development & Operations Technician,
On Behalf of the Minister



RECORD OF SUBDIVISION

Legal description Rem. of S.E. ¼, Lot 6 & E. 125'
of S.E. ¼, Lot 6 of W ½, D. L. 691,
Plan 3190, Group 1, N. W. D.

Land District.....
L.R.O. No. 19776
C.A. Yes..... No. XX

T.—Tentative. F.—Final. R.—Reapproval. M.B.—Metes and Bounds. E.P.—Explanatory Plan.

Date Received by District	Area	Applicant	To Approving Officer	Approved	Type	File No.
83.06.07	Gibsons	Mr. Eric White	83/06/21	83/07/11	T	2017
	Reed Rd.	s22	83/07/29	83/08/04	F	2048

Remarks:

2 lots

H.143B (Rev. 81/07)

Ministry of Transportation and Highways

District Lot 691

RECORD OF SUBDIVISION

Legal description Lot A, Blk 5, West ½ of D.L. 691,
Plan 15367, Group 1, N.W.D.

Land District.....
L.R.O. No. 22105
C.A. Yes..... No. XX

T.—Tentative. F.—Final. R.—Reapproval. M.B.—Metes and Bounds. E.P.—Explanatory Plan.

Date Received by District	Area	Applicant	To Approving Officer	Approved	Type	File No.
88.08.31	Gibsons	Allen Cripps	88/10/25	88/11/17	T	2524
	Reed Road	s22	89/01/23	89/01/31	F	2565

Remarks: 3 lots

H.143B (Rev. 81/07)



Ministry of
Transportation
and Highways

District Lot 692

RECORD OF SUBDIVISION

Legal description Lot 3, Block 8, D.L. 692
Plan 14478, Group 1, N.W.D.

Land District N.W.D.
L.R.O. No.....
C.A. Yes..... No.....

T.—Tentative. F.—Final. R.—Reapproval. M.B.—Metes and Bounds. E.P.—Explanatory Plan.

Date Received by District	Area	Applicant	To Approving Officer	Approved	Type	File No.
March 7/94	2 km. west of Granthams Landing	Mr. Gary Anslow			T	11453
		s22	JAN 24/95	FEB 16/95	F	11453

RECORD OF SUBDIVISION

Legal description E. ½ of Blk. 2, D. L. 692,
Ref. Plan 173, Group 1, N.W.D.

Land District.....

L.R.O. No. 21570C.A. Yes..... No. XX

T.—Tentative. F.—Final. R.—Reapproval. M.B.—Metes and Bounds. E.P.—Explanatory Plan.

Date Received by District	Area 1	Applicant	To Approving Officer	Approved	Type	File No.
87.01.28	Gibsons	Patricia Wray	<u>86/02/20</u>	<u>87/03/18</u>	T	2358
	Chamberlin Rd.	s22	<u>87/10/07</u>	<u>87/10/23</u>	F	<u>2439</u>

Remarks:

2 lots

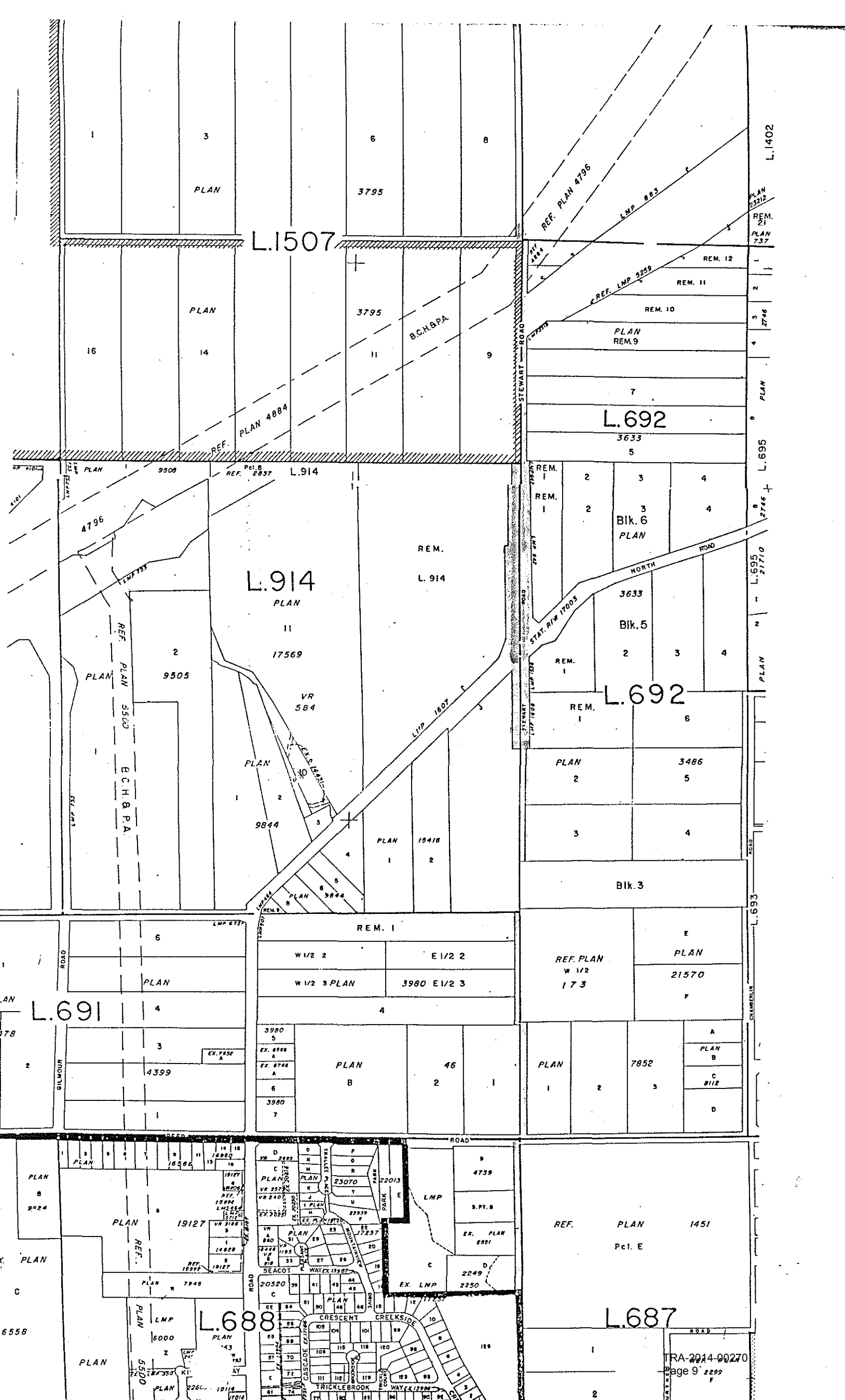
H.143B (Rev. 81/07)

Ministry of Transportation and Highways

DETAILS OF ROAD

Road Name Stewart Road Route/Road-No. 12/0225
 Electoral District Powell R.-Sunshine Cst Arterial No. Page.....
 Highway District Howe Sound Foreman Area 05-A

CLASSIFICATIONS				KILOMETRE LOG				
FUNCTION	SURFACE	MAINTENANCE		Km.	Junctions and Structures	Legal Status	R/W Width	References
Organized:	A-PC	Summer	Winter	0.000	Init.Pt.-Gibsons Municipal Bdy	Ex LMP 2250	12	92G.043.1.2 (1504)
Arterial	A-BPM	1	A	0.112	Start Const. Rd	Plan 4739	10	
Secondary	B	2	B	0.275	Reed Rd	Plan 7852	12	
	C <u>1.361</u>	3	C <u>1.379</u>	0.612	End Maintained Rd.	Plan 3980	10	
	D <u>0.018</u>	4	D <u>1.379</u>	0.685	End Rd All			
Unorganized:	Total open <u>1.379</u>	5	E					
Trunk	E	6 <u>1.379</u>	F <u>0.804</u>	0.685	Start R/A	Plan 3486	10	
Main	F <u>0.804</u>	7		0.904	Start Maintained Rd	LMP 1608	30	
Collector	Total net	8 <u>0.804</u>		1.060	North Rd	LMP 642	50	
Minor <u>2.183</u>				1.783	Dump Rd	Plan 3795	10	92G.043.1.4. (1505)
				2.183	End Rd	Plan 3795	10	
Total open <u>1.379</u>	Total							
Definitions of these classifications may be found in the Manuals of Policy and Procedures and Maintenance Management								
Initial Point <u>S.E. Corner Lot D D.L. 688 Ex LMP 2250</u>								
Terminal Point <u>N.E. Corner Rem 1 D.L. 691 Plan 3980</u>								
Establishment: When <u>1910, 11, 12, 15, + 1948</u>								
How <u>Subdivision Plans.</u>								
Date Compiled <u>63/01/18</u>								
or Revised <u>76/03/29, 79/02/26, 93/01/18</u>								
Remarks <u>Init. Pt. Sec Z S.W. Corner Lot 3 D.L. 693 Plan 3486</u>								
<u>Term PT Sec Z N E Corner Lot 8 DL 1507 Plan 3795</u>								



APPLICATION AND PERMIT REGISTER

Road name STEWART ROAD No. 12/0225Section of highway FOREMAN AREA A.Highway District GIBSONS.Regional District S.C.R.D.

Type of Permit												
Miscellaneous	Signs	Structures Within 25'	Encroachments	Cattle Underpass	Cattle Guards	Irrigation or Culverts	Underground Cable	Pole Line	Pipe Line	Entrance		
										Residential or Farm	Logging	Other Commercial

Freeway	
Controlled Access	
Uncontrolled	✓

Permit Number	Owner of Permit	Legal Description and/or General Location	Remarks
12/63/80	E.G. TOURIGNY	LOT 1, BLK 5, D.L. 692, PLAN 3633	
12/43/77	B.C. HYDRO	D.L. 692.	402-DOT-A693.
12/155/75	B.C. HYDRO	D.L. 692.	402-DOT-A527
15/360/74	ALLEN E. COOK	EAST 1/2 OF BLK 2, D.L. 691, PL. 2780	
12/311/80	B.C. HYDRO	LOT 1 BLK 4, D.L. 692, PL. 3456	402-DOT-A1095
12/171/82	R. CHRISTOPHER	D.L. 1508	
12/139/85	K.C. Auto Wrecking Ltd.	Lot 6 Blk. 6, D.L. 692 PL. 3633	
12/106/86	George T. Potter	Lot 1, Blk 1, D.L. 692 PL. 7852	
12/8/87	B.C. Hydro	Lot 9, D.L. 692 PL. 3633	402-DOT-A1620
12/350/90	J.R. Cruikshank	DL 1508	replaces 12/171/82
10353	B.C. Hydro	D.L. 692	548243
10523	LOUIS & MARIE HORNUNG	LOT 5, BLK. 6, D.L. 692, PL. 3633	REPLACES By 11851
10619	BARBARA WISEMAN	D.L. 914	
10620	BARBARA WISEMAN	D.L. 914	
11639	KELLY HODSON	D.L. 692, Blk. 6, Lot 1, PL. 3633	
11851	LOUIS & MARIE HORNUNG	D.L. 692, Blk. 6, Lot 5, PL. 3633	REPLACES 10523
12015	COOK & SONS CONTRACTING	Rem D.L. 914.	
12820	DOUGLAS KRAUS	DL 692, Blk. 6, Lot 6, PL. 3633	
13649	ALLEN E. COOK	DL 692, W 1/2 Blk 2 Ref. 173	
13843	Douglas Kraus	D.L. 692, Lot 8, Blk 6, PL. 3633	
14291	GEORGE & MELODY POTTER	DL 692, LOT 1, BLK 1, PLAN 7852	
14423	BC HYDRO	DL 691, LOT A, PL. 3980	4512-744948
14650	GIBSONS C&C TOURIST INFO	DL 1507, Rem Blk 9, PL. LMP 10242	40244-00270
14665	CENTRA GAS	DL 691, 692	Page 10
16-19747	SCRIP	70m E/O PARK RD TWINSPRING	9114-2001-0473