

## **Sangha, Jivan FLNR:EX**

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**From:** Klaus Fuerniss<sup>s.22</sup>  
**Sent:** Thursday, October 20, 2016 9:10 AM  
**To:** Evans, Andrea FLNR:EX  
**Subject:** Re: 2403143 Private Moorage Replacement Application  
**Attachments:** Amendment to Management Plan.pdf  
  
**Categories:** Printed on file

My apologies, the word document was attached in error. The PDF should contain the signatures that you require.

Klaus

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**From:** "Evans, Andrea FLNR:EX"  
**To:** 'Klaus Fuerniss'  
**Sent:** Wednesday, October 19, 2016 3:14 PM  
**Subject:** RE: 2403143 Private Moorage Replacement Application

Hi Klaus,

This looks great, please have you and Monika sign the document, email it back to me and we can move forward with the application.

Thanks,  
Andrea

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**From:** Klaus Fuerniss<sup>s.22</sup>  
**Sent:** Wednesday, October 19, 2016 2:42 PM  
**To:** Evans, Andrea FLNR:EX  
**Subject:** Re: 2403143 Private Moorage Replacement Application  
Please see attached the required information. Also, I have included a picture of the dock as it is today.  
Klaus

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**From:** "Evans, Andrea FLNR:EX" <[Andrea.Evans@gov.bc.ca](mailto:Andrea.Evans@gov.bc.ca)>  
**To:** 'Klaus Fuerniss' s.22  
**Sent:** Tuesday, October 18, 2016 7:59 AM  
**Subject:** RE: 2403143 Private Moorage Replacement Application

Good morning Klaus,

I am reviewing your revised management plan, received by our office on October 17, 2016. I notice that in the Notice of Final Review, there are several requirements in section 2 under the heading Additional Requirements, that have not been satisfied.

Please submit an amendment to your management plan that has the following details:

1. State that the moorage facility is used for private moorage purposes only,
2. That there is a maximum of 3 boats moored on site at any one time,
3. That the dock is used year round to access the upland residential property that also contains a guest suite, but that guests of the suite do not use the moorage facility.
4. Please also write on either the site plan or in the amendment document the dimensions and materials of all improvements (i.e. ramp, gangway, float, pilings, anchors etc.)

Please sign (and have Monika sign as well), date and email me the amendment to your management plan and I will attach it to the management plan received by our office on October 17, 2016.

Any questions, please call or email me.

Thanks,



**Andrea Evans**  
**Authorizations Specialist – Lands**  
South Coast Regional Office  
Ministry of Forests, Lands & Natural Resource Operations  
Ph: 604.586.5410

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**From:** Klaus Fuerniss s.22

**Sent:** Monday, August 29, 2016 2:18 PM

**To:** Evans, Andrea FLNR:EX

**Subject:** Re: 2403143 Private Moorage Replacement Application

I am sorry for the delay to respond to your email. We just moved our offices and had no internet for a week. Following your information we will no longer use the private dock for commercially purposes.

Thank you for your assistance.

Sincerely,

Klaus Fuerniss

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**From:** "Evans, Andrea FLNR:EX" <[Andrea.Evans@gov.bc.ca](mailto:Andrea.Evans@gov.bc.ca)>

**To:** 'Klaus Fuerniss' s.22

**Sent:** Monday, August 22, 2016 2:31 PM

**Subject:** RE: 2403143 Private Moorage Replacement Application

Good morning Klaus,

Under your current authorization, bed and breakfast guests are not allowed to use this dock. You are authorized for private moorage purposes, not commercial purposes. Please review Article 2.1 in your agreement on page 3. If you wish to use the dock for your bed and breakfast clients, you must submit a new application for Commercial purposes. You can only continue to use the dock at this time if you commit to using it as per the terms of your agreement.

Please submit a new application through FCBC to use the dock commercially. I am putting your replacement application on hold until you confirm how you would like to move forward with the authorization.

Please feel free to call me with any questions.

Thanks,

Andrea

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**From:** Klaus Fuerniss s.22

**Sent:** Sunday, August 14, 2016 9:19 AM

**To:** Evans, Andrea FLNR:EX; Thiel, Bryanna

**Subject:** Re: 2403143 Private Moorage Replacement Application

Good morning Bryanna Thiel,

the Private Moorage tenure is presently used by my Bed & Breakfast guests. However I have now entered into discussions with the Town of Gibsons to consolidate the water lot leases that I and the Town currently have. Therefore, I understand we are ready to initiate discussion with the Ministry.

I been advised that this take some time to resolve.

Sincerely,

Klaus Fuerniss

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**From:** "Evans, Andrea FLNR:EX" <[Andrea.Evans@gov.bc.ca](mailto:Andrea.Evans@gov.bc.ca)>

**To:** 'Klaus Fuerniss' s.22

**Sent:** Monday, August 8, 2016 11:52 AM

**Subject:** RE: 2403143 Private Moorage Replacement Application

Hello Klaus,

Can you please confirm Bryanna's question below in yellow?

Thank you,



**Andrea Evans**  
**Authorizations Specialist – Lands**  
South Coast Regional Office  
Ministry of Forests, Lands & Natural Resource Operations  
Ph: 604.586.5410

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**From:** Thiel, Bryanna FLNR:EX  
**Sent:** Tuesday, July 12, 2016 3:19 PM  
**To:** 'Klaus Fuerniss'; Evans, Andrea FLNR:EX  
**Subject:** RE: 2403143 Private Moorage Replacement Application

Hello Klaus,

Please confirm if you are currently using the Private Moorage tenure area commercially, as it is unclear from your note below. If so, I will not move forward with the replacement of your current tenure, and Andrea will work with you on submitting a new application.

Regards,

**Bryanna Thiel MSc AAg**

Authorizations Specialist – Lands |Crown Lands Authorizations  
Ministry of Forests, Lands & Natural Resource Operations |South Coast Regional Office  
200 - 10428 153 Street |Surrey, BC, V3R 1E1 | 604-586-4428 | [Bryanna.Thiel@gov.bc.ca](mailto:Bryanna.Thiel@gov.bc.ca)  
Please be advised I will be going on maternity leave as of July 29, 2016.



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**From:** Klaus Fuerniss s.22  
**Sent:** Tuesday, July 12, 2016 2:13 PM  
**To:** Evans, Andrea FLNR:EX  
**Cc:** Thiel, Bryanna FLNR:EX  
**Subject:** Re: 2403143 Private Moorage Replacement Application

Dear Andrea,

In response to your letter from July 4, 2016, regarding File #2403143, I am currently working with the Town of Gibsons to consolidate this waterlot lease with several others into one commercial lease. This is in conjunction with a \$115 million development at the Gibsons waterfront, which will begin construction this fall.

Please don't hesitate to contact me if you have any questions or concerns.

Best regards,

Klaus Fuerniss

604-886-2060 (office)

604-657-5745 (cell)

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**From:** "Thiel, Bryanna FLNR:EX" <[Bryanna.Thiel@gov.bc.ca](mailto:Bryanna.Thiel@gov.bc.ca)>  
**To:** 'Klaus Fuerniss' s.22  
**Cc:** "Evans, Andrea FLNR:EX" <[Andrea.Evans@gov.bc.ca](mailto:Andrea.Evans@gov.bc.ca)>  
**Sent:** Tuesday, July 5, 2016 8:53 AM  
**Subject:** 2403143 Private Moorage Replacement Application

Hello Klaus,

I am completing my final review of your Private Moorage replacement application. Please see attached letter.

I will be proceeding with the replacement unless we hear otherwise from you. Please note, should a purpose change be required, your contact will be my colleague Andrea Evans, Authorization Specialist – Lands.

Kind regards,

**Bryanna Thiel MSc AAg**

Authorizations Specialist – Lands |Crown Lands Authorizations  
Ministry of Forests, Lands & Natural Resource Operations |South Coast Regional Office  
200 - 10428 153 Street |Surrey, BC, V3R 1E1 | 604-586-4428 | [Bryanna.Thiel@gov.bc.ca](mailto:Bryanna.Thiel@gov.bc.ca)

Please be advised I will be going on maternity leave as of July 29, 2016.



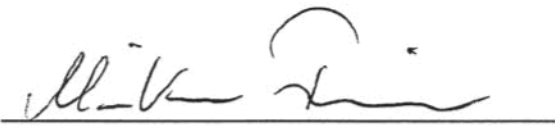
## AMENDMENT TO MANAGEMENT PLAN

1. State that the moorage facility is used for private moorage purposes only, THIS FACILITY IS FOR PRIVATE MOORAGE PURPOSES ONLY.
2. That there is a maximum of 3 boats moored on site at any one time, CURRENTLY THERE IS ONE BOAT ONLY MOORED AT THIS FACILITY AND THERE WILL NEVER BE MORE THAN THREE BOATS THERE.
3. That the dock is used year round to access the upland residential property that also contains a guest suite, but that guests of the suite do not use the moorage facility.

THE DOCK IS USED YEAR ROUND AND IT DOES HAVE UPLAND ACCESS.  
HOWEVER, THE RESIDENTIAL PROPERTY NO LONGER CONTAINS A GUEST SUITE.  
Please also write on either the site plan or in the amendment document the dimensions and materials of all improvements (i.e. ramp, gangway, float, pilings, anchors etc.)

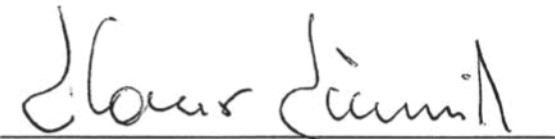
THE DIMENSIONS AND IMPROVEMENTS HAVE NOT CHANGED. THEY ARE AS FOLLOWS:

- A. Wooden walkway from upland to top of ramp – 110' x 6'
- B. Metal ramp to dock – 40' x 8'
- C. Wooden dock on wooden pilings – 72' x 6'



Dated 19<sup>th</sup> of October 2016

Monika Fuerniss



Dated 19<sup>th</sup> of October 2016

Klaus Fuerniss

## **Sangha, Jivan FLNR:EX**

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**From:** Adams, Deanne K FLNR:EX  
**Sent:** Tuesday, November 22, 2016 2:21 PM  
**To:** Evans, Andrea FLNR:EX  
**Subject:** RE: 2403143 Private Moorage Replacement Application

The file is with Catherine/Donna for review and signature.

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**From:** Evans, Andrea FLNR:EX  
**Sent:** Tuesday, November 22, 2016 1:54 PM  
**To:** Adams, Deanne K FLNR:EX  
**Subject:** FW: 2403143 Private Moorage Replacement Application

It says offer accepted on October 24. What steps come next?

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**From:** Klaus Fuerniss s.22  
**Sent:** Monday, November 21, 2016 1:05 PM  
**To:** Evans, Andrea FLNR:EX  
**Subject:** Re: 2403143 Private Moorage Replacement Application

Good morning,

I would like to follow up on this application and ask if you could let me know the status.

Thanks,  
Klaus

## Sangha, Jivan FLNR:EX

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**From:** Evans, Andrea FLNR:EX  
**Sent:** Tuesday, November 22, 2016 2:22 PM  
**To:** 'Klaus Fuerniss'  
**Subject:** RE: 2403143 Private Moorage Replacement Application

Hi Klaus,

The file is with the Decision Maker for final review and signature.

Thanks,  
Andrea

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**From:** Klaus Fuerniss s.22  
**Sent:** Monday, November 21, 2016 1:05 PM  
**To:** Evans, Andrea FLNR:EX  
**Subject:** Re: 2403143 Private Moorage Replacement Application

Good morning,

I would like to follow up on this application and ask if you could let me know the status.

Thanks,  
Klaus



Our File: 2403143

January 3, 2017

Klaus Fuerniss  
Monika Fuerniss  
PO Box 570  
Gibsons BC V0N 1V0

Dear Sir/Madam:

It is my pleasure to enclose your original copy of Specific Permission No. 243097 issued for Private Moorage purposes, dated for reference July 31, 2016 and duly executed on behalf of the Minister.

The Specific Permission covers that unsurveyed foreshore or land covered by water being part of the bed of Shoal Channel, Group 1, New Westminster District, containing 0.064 hectares, more or less (the "Land").

Please note a copy of the approved Management Plan as defined in the Permission dated October 24, 2016 for reference is held on this file. Please submit any requests for changes to the Management Plan in writing.

I would like to remind you that should you sell the upland property adjacent to this Specific Permission you must submit an application for an assignment, in accordance with Article 2.1 of the Agreement.

If you require a copy of the map associated with this tenure, please visit iMap at <http://maps.gov.bc.ca/ess/sv/imapbc/> or GATOR at [http://a100.gov.bc.ca/pub/pls/gator/gator\\$queryforms.menu](http://a100.gov.bc.ca/pub/pls/gator/gator$queryforms.menu).

Do not hesitate to contact me or by phone at (604)586-5639 if you have any questions or require assistance. It continues to be our pleasure to be of service.

Yours truly,

Deanne Adams  
Portfolio Administrator

pc: BC Assessment Authority- North Shore/Squamish  
Regional District- Sunshine Coast  
Stz'uminus First Nation  
Penelakut Tribe  
Lyackson First Nation  
Lake Cowichan First Nation  
Halalt First Nation  
Cowichan Tribes  
Squamish Nation  
Tsleil-Waututh Nation





## SPECIFIC PERMISSION FOR PRIVATE MOORAGE

Permission No.: 243007

File No.: 2403143  
Disposition No.: 922887

THIS PERMISSION is dated for reference July 31, 2016 and is made under the *Land Act*.

### BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA**, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

(the "Province")

### AND:

**KLAUS FUERNISS  
MONIKA FUERNISS**  
Po Box 570  
Gibsons, BC V0N 1V0

*As 'Joint Tenants'*

(the "Owner")

### WHEREAS:

- A. The Province has responsibility for the management of Crown land, including foreshore land and most submerged land;
- B. The Minister has the authority under section 11 of the *Land Act* to authorize the use of Crown land on terms and conditions which the Minister considers appropriate;
- C. The Minister wishes to provide a specific permission for the use of Crown land covered by water in British Columbia for Private Moorage Facility (as herein defined) purposes.

ACCORDINGLY, the Minister grants and the Owner accepts a specific permission for the construction and use of a Private Moorage Facility (as herein defined) on the following terms and conditions.



Our File: 2403143

January 3, 2017

Klaus Fuerniss  
Monika Fuerniss  
PO Box 570  
Gibsons BC V0N 1V0

Dear Sir/Madam:

It is my pleasure to enclose your original copy of Specific Permission No. 243097 issued for Private Moorage purposes, dated for reference July 31, 2016 and duly executed on behalf of the Minister.

The Specific Permission covers that unsurveyed foreshore or land covered by water being part of the bed of Shoal Channel, Group 1, New Westminster District, containing 0.064 hectares, more or less (the "Land").

Please note a copy of the approved Management Plan as defined in the Permission dated October 24, 2016 for reference is held on this file. Please submit any requests for changes to the Management Plan in writing.

I would like to remind you that should you sell the upland property adjacent to this Specific Permission you must submit an application for an assignment, in accordance with Article 2.1 of the Agreement.

If you require a copy of the map associated with this tenure, please visit iMap at <http://maps.gov.bc.ca/ess/sv/imapbc/> or GATOR at [http://a100.gov.bc.ca/pub/pls/gator/gator\\$queryforms.menu](http://a100.gov.bc.ca/pub/pls/gator/gator$queryforms.menu).

Do not hesitate to contact me or by phone at (604)586-5639 if you have any questions or require assistance. It continues to be our pleasure to be of service.

Yours truly,

Deanne Adams  
Portfolio Administrator

pc: BC Assessment Authority- North Shore/Squamish  
Regional District- Sunshine Coast  
Stz'uminus First Nation  
Penelakut Tribe  
Lyackson First Nation  
Lake Cowichan First Nation  
Halalt First Nation  
Cowichan Tribes  
Squamish Nation  
Tsleil-Waututh Nation

Ministry of Forests, Lands and  
Natural Resource Operations

South Coast Natural Resource Region

Suite 200, 10428 - 153 St  
Surrey BC V3R 1E1  
Phone: (604) 586-4400  
Fax: (604) 586-4444

**ARTICLE 1 - DEFINITIONS**

1.1 In this document,

**"Improvements"** includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the Land, and attached to it or intended to become a part of it, and also includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching of, in, on or under the Land;

**"Land"** means that part or those parts of the following described land shown outlined by bold line on the schedule attached to this Permission entitled "Legal Description Schedule":

UNSURVEYED FORESHORE OR LAND COVERED BY WATER BEING PART OF THE  
BED OF SHOAL CHANNEL, GROUP 1, NEW WESTMINSTER DISTRICT,

except for those parts of the land that consist of highways (as defined in the *Transportation Act*) and subject to any changes to the area or boundaries of the Land that may be made from time to time in accordance with the terms of this Permission;

**"Minister"** means the minister responsible for the *Land Act*;

**"Management Plan"** means the most recent management plan prepared by you in a form acceptable to us, signed and dated by the parties, and held on file by us;

**"Permission"** means the Minister's permission as recorded in this document;

**"Private Moorage Facility"** means a structure used for the purpose of mooring boats and for providing pedestrian access to and from the moored boats, and can consist of a single dock, wharf, or pier (including walkway ramp) that is permanently affixed to aquatic Crown land, and any ancillary structures such as a boat lift and anchor lines. It is for the personal and private use by one or a number of individuals or a family unit for boat moorage;

**"Province"** means Her Majesty the Queen in Right of the Province of British Columbia;

**"Realty Taxes"** means all taxes, rates, levies, duties, charges and assessments levied or charged, at any time, by any government authority having jurisdiction which relate to the Land, the Improvements or both of them and which you are liable to pay under applicable laws;

**"Upland Property"** means the parcel of non-aquatic land, being either privately owned or leased Crown land, which has riparian rights to the point at which the Private Moorage Facility is attached to land more particularly described as Lot A, District Lot 685 Plan 5579;

"we", "us" or "our" refers to the Province alone and never refers to the combination of the Province and the Owner: that combination is referred to as "the parties"; and

"you" or "your" refers to the Owner.

## ARTICLE 2 - CONDITIONS OF THIS PERMISSION

2.1 The rights granted in this Permission apply only under the following circumstances:

- (a) The Owner of the Private Moorage Facility is the owner of the Upland Property or is the holder of a Crown land lease for the Upland Property.
- (b) This Private Moorage Facility will be the only Private Moorage Facility on the frontage of the Upland Property.
- (c) Ownership of and liability for a Private Moorage Facility shall pass to and be binding upon your heirs, executors and assigns of the Owner.
- (d) You must not assign, mortgage or transfer this Permission, or permit any person to use or occupy the Land, without our prior written consent, which consent we may withhold.
- (e) A Private Moorage Facility shall be and shall remain your property unless you transfer the rights and obligations in a signed agreement with another person approved by us as per subsection 2.1(d).
- (f) There are no other laws, bylaws or local government zoning restrictions which prohibit the installation and use of the Private Moorage Facility.
- (g) You understand that this Permission does not grant exclusive use and occupancy of the Land.

## ARTICLE 3 - SIZE

- 3.1 The Private Moorage Facility's size must be as set out in the Management Plan, and the Management Plan must disclose the length and width of the Private Moorage Facility, the height of any proposed structures, the length and width of any connecting walkways which will be placed on Crown land and any ancillary structures or Improvements which will be part of or used with the Private Moorage Facility.
- 3.2 No increase in any dimension of the Private Moorage Facility from the description in the Management Plan will be permitted unless you first obtain our written consent.

**ARTICLE 4 - CONSTRUCTION**

- 4.1 Do not interrupt or divert the movement of water or of beach materials by water along the shoreline.
- 4.2 No fill may be used in the construction or structure of the Private Moorage Facility.
- 4.3 Do not use mechanized equipment other than pile-driver during the construction, operation or maintenance of the Private Moorage Facility.
- 4.4 Riparian vegetation on Crown land shall not be unduly disturbed.
- 4.5 Do not use crib foundations or solid core structures made of cement or steel sheeting in Private Moorage Facility construction.
- 4.6 The Private Moorage Facility must be either floating or suspended above the water.
- 4.7 No dredging may occur on Crown land.
- 4.8 Do not cut or remove timber on or from the Land without prior written consent and, being granted the right under the *Forest Act* to harvest Crown timber on the Land.

**ARTICLE 5 - USE**

- 5.1 The Private Moorage Facility shall be used for private, non-commercial moorage purposes only and the Owner of the Private Moorage Facility must not make the Private Moorage Facility available to others for a fee.
- 5.2 Do not moor or secure any boat or structure to the Private Moorage Facility for use as a live-aboard facility, whether permanent or temporary.

**ARTICLE 6 - OTHER COVENANTS**

- 6.1 You must
  - (a) pay, when due,
    - (i) the Realty Taxes, and
    - (ii) all charges for electricity, gas, water and other utilities supplied to the Land for use by you or on your behalf or with your permission;

- (b) take all reasonable precautions to avoid disturbing or damaging any archaeological material found on or under the Land and, upon discovering any archaeological material on or under the Land, you must immediately notify the ministry responsible for administering the *Heritage Conservation Act*;
- (c) provide without compensation temporary accommodation to any vessel that is disabled or that seeks shelter in weather conditions that would render it unseaworthy;
- (d) observe, abide by and comply with
  - (i) all applicable laws, bylaws, orders, directions, ordinances and regulations of any governmental authority having jurisdiction in any way affecting your use or occupation of the Land or the Private Moorage Facility, and with
  - (ii) the provisions of this Permission;
- (e) ensure that the Private Moorage Facility does not interfere with public access over land;
- (f) keep the Private Moorage Facility and the Land in a safe, clean and sanitary condition;
- (g) not commit any willful or voluntary waste, spoil or destruction on the Land, except for the lawful discharge of wastes and emissions, or do anything on the Land that may be or become a nuisance or annoyance to an owner or occupier of land in the vicinity of the Land provided that, for the purposes of your covenant in this subsection, the lawful construction and operation and maintenance of the Private Moorage Facility allowed under this Permission will be deemed not to be a nuisance or annoyance to an owner or occupier of land in the vicinity of the Land;
- (h) dispose of raw sewage and refuse only in accordance with the requirements and regulations of appropriate federal and provincial agencies;
- (i) store bulk hazardous petroleum products and other toxic substances in accordance with the provisions of the *Environmental Management Act*;
- (j) not store logs on the Land;
- (k) pay all accounts and expenses as they become due for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, except for money that you are required to hold back under the *Builders Lien Act*; and
- (l) if any claim of lien over the Land is made under the *Builders Lien Act* for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, you will immediately take all steps necessary to have the lien

discharged, unless the claim of lien is being contested in good faith by you and you have taken the steps necessary to ensure that the claim of lien will not subject the Land under this Permission to sale or forfeiture.

- 6.2 You agree with us that this Specific Permission is subject to the prior rights of the Town of Gibsons as holder of a Statutory Right of Way No. 232942 issued for sewer line purposes.

#### ARTICLE 7 - TERMINATION OF PERMISSION

- 7.1 There is no term or predetermined end date for this Permission, and your responsibilities and duties under this Permission will continue until either we or you revokes or otherwise terminates the Permission.
- 7.2 We may revoke this Permission for the Private Moorage Facility at any time in our sole discretion without incurring any liability to you whatsoever and you must remove all parts of the Private Moorage Facility from the Land within a specified number of days as determined by us, leaving the Land in a safe, clean and sanitary condition.
- 7.3 If we revoke or terminate this Permission for any reason whatsoever, you shall have no right of compensation.
- 7.4 When you remove the Private Moorage Facility you must leave the Land in a safe, clean and sanitary condition acceptable by us. If you do not do so, we may clean and remediate the Land (including, if necessary, the removal of the Private Moorage Facility) and you will be responsible for the full cost of such cleaning and remediation.
- 7.5 If this Permission is terminated, all existing duties and responsibilities of yourself, your heirs, successors or assigns under this Permission will continue beyond the date of its termination.

#### ARTICLE 8 - OTHER DISPOSITIONS

- 8.1 You agree with us that
- (a) in addition to the other reservations and exceptions expressly provided in this Permission, this Permission is subject to the exceptions and reservations of interests, rights, privileges and titles referred to in section 50 of the *Land Act*;
  - (b) other persons may hold or acquire rights to use the Land in accordance with enactments other than the *Land Act* or the *Ministry of Lands, Parks and Housing Act*, including rights held or acquired, under the *Coal Act*, *Forest Act*, *Geothermal Resources Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act* and *Water*



*Sustainability Act* (or any prior or subsequent enactment of the Province of British Columbia of like effect); such rights may exist when this Permission takes effect and may be granted or acquired after this Permission takes effect and may affect your use of the Land;

- (c) other persons may hold or acquire interests in or over the Land granted under the *Land Act* or the *Ministry of Lands, Parks and Housing Act*; such interests may exist when this Permission takes effect; after this Permission takes effect we may grant such interests (including fee simple interests, leases, statutory rights of way and licences) however we will not grant any such interest that would result in the need to amend the Management Plan unless we have first complied with the requirements of this Permission with regard to the amendment of the Management Plan; subject to this you acknowledge your use of the Land may be affected by such interests and the area or boundaries of the Land may change as a result of the granting of such interests;
- (d) you have no right to compensation from us and you release us from all claims, actions, causes of action, suits, debts and demands that you now have or may at any time in the future have against us arising out of any conflict between your use of the Land under this Permission and the exercise or operation of the interests, rights, privileges and titles described in subsections (a), (b), and (c);
- (e) this Permission does not limit any right to notice, compensation or any other benefit that you may be entitled to from time to time under the enactments described in subsection (b);
- (f) you will not commence or maintain proceedings under section 65 of the *Land Act* in respect of any interference with your use of the Land as permitted under this Permission as a result of the lawful exercise or operation of the interests, rights, privileges and titles described in subsections (a), (b) and (c).

## ARTICLE 9 - LIABILITY AND INDEMNITY

9.1 You assume all responsibility and liability associated with the Private Moorage Facility and agree to indemnify us for any loss or expense incurred by us as a result of the existence or use of the Land or Private Moorage Facility by any person, including, without limitation,

- (a) any conflict between the existence or use of the Private Moorage Facility and the land use or riparian rights of any person;
- (b) any breach or non-performance of any part of this Permission; and
- (c) any personal injury (including death) or property damage caused in any way, wholly or partly, by the Private Moorage Facility or by your use of the Land.



- 9.2 Without limiting your obligations or liabilities under this Permission at your expense, effect and keep in force during the Term, a Homeowner's Insurance Policy or other personal lines residential insurance policy, including Comprehensive Personal Liability in an amount of not less than \$2,000,000 per occurrence.
- 9.3 You must make your insurer aware of this Permission within 30 days of signing this Permission.

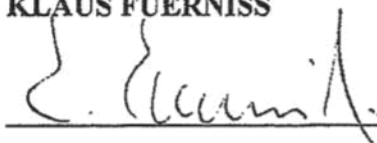
The parties have executed this Permission as of the date of reference of this Permission.

SIGNED on behalf of **HER MAJESTY  
THE QUEEN IN RIGHT OF THE  
PROVINCE OF BRITISH COLUMBIA**  
by the minister responsible for the *Land Act*  
or the minister's authorized representative



Minister responsible for the *Land Act*  
or the minister's authorized representative

SIGNED BY  
**KLAUS FUERNISS**



SIGNED BY  
**MONIKA FUERNISS**



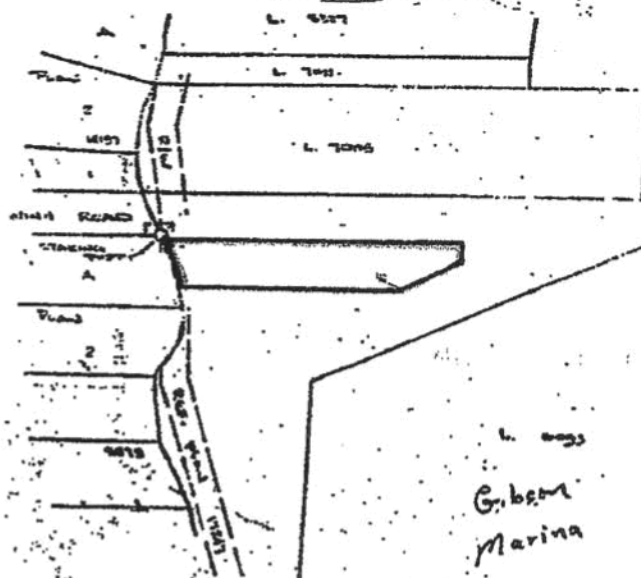
**LEGAL DESCRIPTION SCHEDULE**

UNSURVEYED FORESHORE OR LAND COVERED BY WATER BEING PART OF THE BED  
OF SHOAL CHANNEL, GROUP 1, NEW WESTMINSTER DISTRICT, CONTAINING 0.064  
HECTARES, MORE OR LESS

Plan to accompany an application for  
a licence of occupation covering Parcel A  
Lot 1, Block A, Div. 685, Sp. 1, N.W.D., Plan 5579.

Scale = 1:1000.

REDUCED



GIBSON MARINA

57-06-03.

ROBERT ALLEN AND COMPANY  
PROFESSIONAL LAND SURVEYORS  
BOX 807, RECHLEY, B.C.  
VAN 3A0 885-3237

# MANAGEMENT PLAN

File No. 2403143

Her Majesty the Queen in Right of British Columbia (the "Province") and Klaus Fuerniss and Monika Fuerniss (the "Licencee") hereby agree that this document is the Management Plan for File No. 2403143 and that this document supersedes any earlier Management Plans.

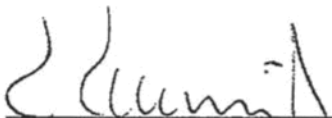
The signature of the Province's authorized representative is solely for the purpose of acknowledging the Province's acceptance of this document as the Management Plan for the purposes of the tenure document and does not represent a certification by the Province or its signatory of any factual content or acceptance of professional responsibility by the Province's signatory for any advice or analysis contained in this document.

ACCEPTED BY:

  
\_\_\_\_\_  
Ministry of Forests, Lands and Natural  
Resource Operations

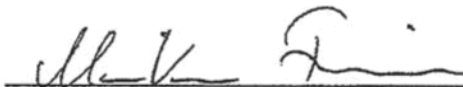
October 24, 2016  
Date

SIGNED by Klaus Fuerniss

  
\_\_\_\_\_

6<sup>th</sup> of October 2016  
Date

SIGNED by Monika Fuerniss

  
\_\_\_\_\_

6<sup>th</sup> of October 2016  
Date

## Replacement

File No: 2403143

**Part A:** Please answer the following questions/statements.

	Yes	No	
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Have you provided a management plan to the Province for this tenure in the past?
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes to Q1: Have you attached the management plan to this document.
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes to Q1: Does that management plan reflect the current uses of the land and existing improvements?
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the use of the site and the dimensions of all improvements remain the same as per your previous tenure?

If you answered 'No' to any of the above, please answer the following questions:

**Part B:** For what purpose is the land currently being used?

PRIVATE MOORAGE

Please describe all existing improvements on the site including dimensions:  
(Improvements includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the Land (including Land covered by water) and includes clearing, excavating, drilling, digging, tunnelling, filling, grading or ditching.)

No.

---

Do you plan to erect/install any new improvements or make substantial upgrades to existing improvements? If yes, please describe your plans in detail.

NO.

**Part C:** Please attach to this document a sketch showing the location and dimension of all improvements on the Land – length, width, height.

see previous Management Plan, attached.

COPY

Signature page.pdf 1 / 1



# MANAGEMENT PLAN

## File No. 2403143

Her Majesty the Queen in Right of British Columbia (the "Province") and Klaus Fuerniss Monika Fuerniss (the "Permittee") hereby agree that this document is the Management Plan File No. 2403143 and that this document supersedes any earlier Management Plans.

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ACCEPTED BY:

\_\_\_\_\_  
Ministry of Forests, Lands and Natural  
Resource Operations

SIGNED by Klaus Fuerniss and/or Monika Fuerniss

X Klaus Fuerniss

Dec. 9<sup>th</sup> 2015  
Date

## Replacement Management Plan Template\*

File No: 2403143

**Part A:** For what purpose is the land currently being used?

PRIVATE MOORAGE PURPOSES

Please describe all existing structures on the site including dimensions. Dimensions can be shown in the form of a site plan and side view plan (in the sketch as per Part B). Structure includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the Land (including Land covered by water) and includes clearing, excavating, drilling, digging, tunnelling, filling, grading or ditching.

SEE ATTACHED.

Do you plan to erect/install any new structures or make substantial upgrades to existing structures? If yes, please describe your plans in detail.

NO.

**Part B:** Please attach to this document a sketch showing the location and dimension of all structures on the Land – length, width, height.

Please see Appendix A for sample sketches.

**Part C:** Please attach to this document recent photos of the site and the existing structures.

## **Appendix A**

\*Template to be used for Residential & Private moorage programs only.

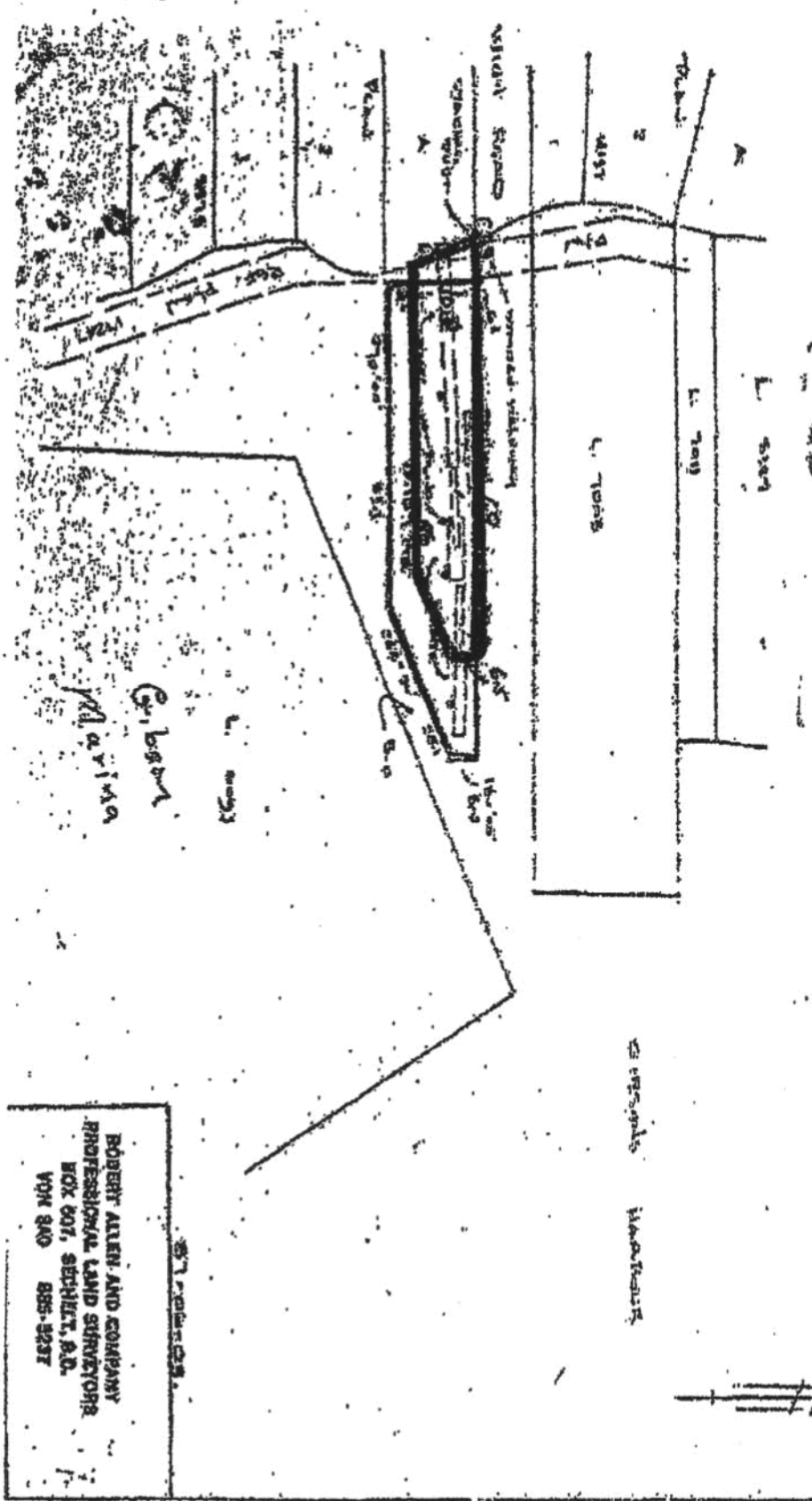


Plan for Accessibility and Application for

**Cum gratia**

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Table - 1: 1000



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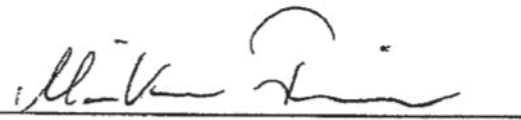
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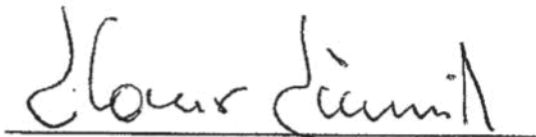
### AMENDMENT TO MANAGEMENT PLAN

1. State that the moorage facility is used for private moorage purposes only, THIS FACILITY IS FOR PRIVATE MOORAGE PURPOSES ONLY.
2. That there is a maximum of 3 boats moored on site at any one time, CURRENTLY THERE IS ONE BOAT ONLY MOORED AT THIS FACILITY AND THERE WILL NEVER BE MORE THAN THREE BOATS THERE.
3. That the dock is used year round to access the upland residential property that also contains a guest suite, but that guests of the suite do not use the moorage facility.  
THE DOCK IS USED YEAR ROUND AND IT DOES HAVE UPLAND ACCESS.  
HOWEVER, THE RESIDENTIAL PROPERTY NO LONGER CONTAINS A GUEST SUITE.  
Please also write on either the site plan or in the amendment document the dimensions and materials of all improvements (i.e. ramp, gangway, float, pilings, anchors etc.)  
THE DIMENSIONS AND IMPROVEMENTS HAVE NOT CHANGED. THEY ARE AS FOLLOWS:
  - A. Wooden walkway from upland to top of ramp – 110' x 6'
  - B. Metal ramp to dock – 40' x 8'
  - C. Wooden dock on wooden pilings – 72' x 6'



Dated 19<sup>th</sup> of October 2016

Monika Fuerniss



Dated 19<sup>th</sup> of October 2016

Klaus Fuerniss

REU Oct 21/2016  
FLNR0

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