

From: [Chalmers, Wendy FLNR:EX](#)
To: [Bill Rublee](#)
Subject: RE: Changes in and about stream Tracking Number: 100297847
Date: Thursday, September 19, 2019 2:42:41 PM

Hi Bill

I've forwarded this information to the decision makers.

Wendy

From: Bill Rublee <BRublee@triton-env.com>
Sent: September 19, 2019 9:25 AM
To: Chalmers, Wendy FLNR:EX <Wendy.Chalmers@gov.bc.ca>
Cc: Brent Dennis <brent.dennis@bwdengineering.com>
Subject: FW: Changes in and about stream Tracking Number: 100297847

From: Brent Dennis <brent.dennis@bwdengineering.com>
Sent: September 18, 2019 7:15 PM
To: Bill Rublee <BRublee@triton-env.com>
Subject: Re: Changes in and about stream Tracking Number: 100297847

Two reasons, if required, for getting the work done ASAP:

1. The erosion has created several hazardous fall (1.5 meter drop) locations in an area frequented by both adults and children. Getting more dangerous every year.
2. To stop the annual siltation of a fisheries zone. Estimate of 2 full dump trucks each season discharged to the lakeshore.

Regards

Brent Dennis, P. Eng.
BWD Engineering Inc.
M: 604-789-2204
Sent from my iPhone

On Sep 18, 2019, at 10:05 AM, Bill Rublee <BRublee@triton-env.com> wrote:

Wendy: it is important for the client to get the work done in the upcoming window, so we would appreciate you referring this to the business line to see if this could be expedited.

Thank you for your attention on this matter.

Bill

From: Chalmers, Wendy FLNR:EX <Wendy.Chalmers@gov.bc.ca>
Sent: September 18, 2019 10:02 AM
To: Bill Rublee <BRublee@triton-env.com>
Subject: RE: Changes in and about stream Tracking Number: 100297847

Hi Bill

This is fairly far down on our list. I see that your clients start date is October 15 in reality I don't see us getting it to it by that date, please see below and let me know if you would like me to send to the business line for priority consideration by responding to this email.

Our department is working under a considerable backlog and unfortunately we have not been able to review your application yet. We understand your position, as well as, the position of the numerous other clients who are also waiting for their applications to be reviewed, and we are doing everything that we are able to in order to process them. The unfortunate reality is that our resources are limited; in light of that we rely on staff from the business lines to prioritize the order in which applications will be worked on.

Thanks

Wendy

From: Bill Rublee <BRublee@triton-env.com>
Sent: September 18, 2019 9:14 AM
To: Chalmers, Wendy FLNR:EX <Wendy.Chalmers@gov.bc.ca>
Subject: Changes in and about stream Tracking Number: 100297847

Hi Wendy: Can you update me on the status of this application?
Thanks Bill

From: [Dunphy, Rae FLNR:EX](#)
To: ["brublee@triton-env.com"](mailto:brublee@triton-env.com)
Bcc: [Dunphy, Rae FLNR:EX](#)
Subject: Changes In and About a Stream Notification Tracking # 100297847
Date: Wednesday, November 6, 2019 1:18:12 PM
Attachments: [Dasners Bay Drainage.pdf](#)
[Pipe profile.pdf](#)

Hello,

I am working on your Changes In and About a Stream Notification Tracking # 100297847 application and more information is required for this authorization. Please see the requested information below and let me know if you have any questions.

- 1) The applicant, Dasnier Bay Land Owners Association, has 18/45 ownership of PID 011-157-151. Please provide land owner consent from the other 27 land owners associated with this property for this application.
- 2) The latitude and longitude coordinates that were submitted with this application are incorrect. Please supply correct coordinates for the location of the work.
- 3) The drawings submitted with this application show conflicting information. Drawing "Dasners Bay Drainage" indicates this work will occur on Private land (PID 008-821-267) adjacent to PID 011-157-151. If this is the correct location of the work, please provide the Private land owner's consent. However, the "Pipe Profile" drawing shows the work occurring on PID 011-157-151. If the location of the work is occurring on the applicant's land only, please provide an updated drawing to reflect this. See referenced drawings attached to this email.

Thank you,



Rae Dunphy A.Ag

Natural Resource Specialist

Ministry of Forests, Lands, Natural Resource Operations & Rural
Development

Thompson Okanagan Region

441 Columbia St, Kamloops, BC, V2C 2T3

Ph: 250.828.4501 Fax: 250.828.4442

Toll Free 1.877.855.3222

www.frontcounterbc.gov.bc.ca

CSRD Mapping

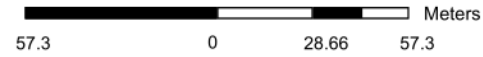


Aug 20, 2019

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Scale 1: 2,257



Map Notes

From: [Dunphy, Rae FLNR:EX](#)
To: ["brublee@triton-env.com"](mailto:brublee@triton-env.com)
Bcc: [Dunphy, Rae FLNR:EX](#)
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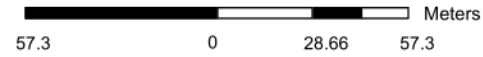


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Scale 1: 2,257



Map Notes

Copyright

From: [Bill Rublee](#)
To: [Dunphy, Rae FLNR:EX](#)
Cc: [Brent Dennis](#)
Subject: FW: Changes In and About a Stream Notification Tracking # 100297847
Date: Thursday, November 7, 2019 9:58:19 AM
Attachments: [Co-Owners & Personal Use.pdf](#)

Rae: I have received this response from Mr. Brent Dennis on behalf of the DBLOA, do you need more detail and do I need access to the electronic file to input this information. Also the correct Lat and Long coordinates are 51.23428 N and 118.97888 W

From: Brent Dennis
Sent: November 6, 2019 2:57 PM
To: Bill Rublee
Subject: RE: Changes In and About a Stream Notification Tracking # 100297847
Hi Bill

The reply to questions 1 and 3 is as follows:

1. All owners of the land have a signed contract, Co-Ownership Agreement, with the Dasnier Bay Land Owners Association (DBLOA) in which the Association will Manage the Lands. See attached copy of agreements, specifically: D., 4 & 5.(c) on pages 2 & 3. The work to be done is 100% on DBLOA common land which is the Associations responsibility to manage on behalf of the Owners. Mr. Bill Rublee is in the employ of the DBLOA for the purpose of managing this portion of the lands. Please advise if other documentation is required.

3. The drawing submitted is in error. The culvert that delivers the water from the west to the east side of the road is about 1.5 meters onto DBLOA land. It starts on the DBLOA common road allowance and discharges onto the west end of the common path. There is some minor erosion extending onto the neighbour's land but most of the erosion is on the DBLOA common property path. 100% of the work will be on DBLOA land. No disturbance will be done on the neighbouring property. We do not have an accurate survey of the top of bank of the ditch. I can say, from the survey stakes recently put in along Lot 1, the erosion has left only between 1 and 3 meters of width of the surface from Lot 1. That is, between 2 and 4 meters of the common path width, from the north property line, is eroded and continues to erode. I can make a drawing of the intended work showing it all on DBLOA land. Is that what is needed?

Thanks

Brent

Brent Dennis, P. Eng.

BWD Engineering Inc.

15822 – 106A Avenue, Surrey, BC, V4N 1K7

Cell: 604-789-2204

www.bwdengineering.com

brent.dennis@bwdengineering.com

From: Bill Rublee <BRublee@triton-env.com>
Sent: November 6, 2019 1:58 PM
To: Brent Dennis <brent.dennis@bwdengineering.com>
Subject: FW: Changes In and About a Stream Notification Tracking # 100297847

Hi Brent: Just got this, I can deal with the lats and longs but the other items are likely yours.

Bill

From: Dunphy, Rae FLNR:EX <Rae.Dunphy@gov.bc.ca>

Sent: November 6, 2019 1:18 PM

To: Bill Rublee <BRublee@triton-env.com>

Subject: Changes In and About a Stream Notification Tracking # 100297847

Hello,

I am working on your Changes In and About a Stream Notification Tracking # 100297847 application and more information is required for this authorization. Please see the requested information below and let me know if you have any questions.

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SCHEDULE "B"

CO-OWNERSHIP AGREEMENT

This Agreement made the day of , 19 .

BETWEEN:

THE OWNERS FROM TIME TO TIME OF ALL OF THE UNDIVIDED 1/45TH INTERESTS IN AND TO THE SAID LANDS (as hereinafter defined) as represented by their duly appointed attorneys, DASNIER BAY LAND OWNERS ASSOCIATION and/or DASNIER BAY DEVELOPMENTS LTD.

(the "Owners")

OF THE FIRST PART

AND:

DASNIER BAY LAND OWNERS ASSOCIATION of Box 98, Trans-Canada Highway, Sorrento, British Columbia, V0E 2W0

(the "Association")

OF THE SECOND PART

AND:

(the "Co-Owner")

OF THE THIRD PART

WHEREAS:

A. The Co-Owner has entered into a binding agreement to acquire a registered and beneficial undivided 1/45th interest in and to:

Parcel Identifier 011-157-151
District Lot 2920
Kamloops Division Yale District
Except Plans 15450 and 21015
(the "said Lands"),

- B. The Co-Owner recognizes that there are 44 other undivided interests in and to the said Lands owned by other Co-Owners;
- C. It is necessary that the Co-Owner provide certain assurances to the other Co-Owners as hereinafter set out.
- D. It has been determined to be of practical benefit to the Owners in dealing with the said Lands to irrevocably grant a power of attorney to the Association to grant licences, and to operate and manage certain areas of the said Lands as hereinafter set out. In addition, Dasnier Bay Developments Ltd. has also been granted during the period up to and including December 31, 1999 an irrevocable power of attorney to grant licences.

NOW THEREFORE WITNESSETH that as further consideration of the transfer to the Co-Owner of an undivided 1/45th interest in and to the said Lands, the Owners and Co-Owner hereby covenant and agree as follows:

PARTITION OF PROPERTY ACT

1. The Co-Owner forever renounces and relinquishes all rights, remedies and actions which he may now have or may subsequently be available to him by reason of and pursuant to the provisions of the Partition of Property Act, R.S.B.C. 1979 and amendments thereto, and agrees that this paragraph may be pleaded in defence of any proceeding or action commenced under and pursuant to the Partition of Property Act with respect to his interest and if so pleaded shall constitute a complete and absolute defence thereto.

DASNIER BAY LAND OWNERS ASSOCIATION

2. The Co-Owner grants an irrevocable power of attorney to the Association and the Association hereby accepts the power of attorney to grant licences in the form of Personal Use Licence provided herewith, as Licensor to each purchaser of an undivided 1/45th interest in and to the said Lands.
3. In addition to the power of attorney granted to the Association, the Co-Owner hereby grants during the period up to and including December 31, 1999 an irrevocable power of attorney to Dasnier Bay Developments Ltd. to grant licences in the form of Personal Use Licence provided herewith, as Licensor to purchasers of an undivided 1/45th interest in and to the said Lands.
4. The Co-Owner hereby irrevocably appoints the Association to oversee, administer and manage the maintenance, servicing and upkeep of the said Lands and to carry out any and all obligations of the Licensor under the terms of the Personal Use Licence.

5. The Association hereby agrees to oversee, administer and manage the maintenance, servicing and upkeep of the said Lands and agrees with the Co-Owner as follows:

- (a) to manage the said Lands and keep proper books of account;
- (b) to ensure that all access areas (internal roads) are maintained to a standard sufficient to permit the passage thereof of motor vehicles;
- (c) to promptly pay all bills and assessments relating to the upkeep, maintenance and servicing of the said Lands including fees for water licences appurtenant to the said Lands, if any, and premiums required to maintain public liability insurance;
- (d) to forward to the Co-Owner, on a periodic basis, but not less than once in each calendar year, assessments for the Co-Owner's share of common expenses and taxes, including administrative costs necessary to carry out the obligations of the Association pursuant to this Agreement, any Personal Use Licence or any Co-Ownership Agreement executed by the Association with respect to the said Lands.

6. The Co-Owner hereby agrees to indemnify and save harmless the Association of and from all loss, cost, charges, damages, expenses, claims and liabilities which the Association may suffer or be put to while acting within the scope of its authority.

7. The membership of the Association currently comprises five (5) members and will remain so until the earlier of:

- (a) the date the last undivided 1/45th interest in and to the said Lands held by Dasnier Bay Developments Ltd. has been disposed of by Dasnier Bay Developments Ltd. to a third party purchaser

OR

- (b) December 31, 1999,

at which time, the Board of Directors of the Association shall grant a membership in Dasnier Bay Land Owners Association to each owner of an undivided 1/45th interest in and to the said Lands as registered at the Kamloops Land Title Office. The Co-Owner hereby agrees to accept the said membership and to abide by the rules of the Association.

OPTION TO PURCHASE

8. The Association has been granted an Option to purchase each Co-Owner's undivided interest (the "Option") which is in the form and on the terms set forth in the document registered in the Kamloops Land Title Office under No. KL74942.

9. The Option and registration thereof is intended to ensure that:
- (a) A person who may, at some future date, acquire title to the Co-Owner's undivided interest will have notice of the provisions of this Agreement and that he will be required to enter into a Personal Use Licence and a Co-Ownership Agreement;
 - (b) The Co-Owner will duly and promptly perform all of the covenants, agreements and provisions contained in this agreement on the part of the Co-Owner to be observed and performed;
 - (c) A Co-Owner pays his real estate property taxes when due.
10. The Association will not exercise the Option granted to it unless the Co-Owner is in breach of the terms of Paragraph 9 hereof.

RECTIFICATION

11. Whenever the Co-Owner shall fail to perform or observe any of the covenants, agreements or provisions, conditions or provisos contained in this Agreement on the part of the Co-Owner to be performed or observed (other than the payment of taxes for which the time limit shall be two (2) years), and such failure shall continue for, or shall not be remedied within the period of thirty (30) days next after the giving of written notice by the Association to the Co-Owner and to any first mortgagee in the manner aforesaid of the nature of such failure, it shall be lawful for the Association to exercise its option to purchase as set out in Paragraphs 8 to 10 hereof.

SALE CONDITIONS

12. Any Co-Owner selling his undivided interest in and to the said Lands shall make it a condition of such sale that the purchaser sign a Personal Use Licence in the form provided herewith. The Owners agree to enter into a Personal Use Licence with all Co-Owners who are not in breach of the terms of this Agreement.

ENCUMBRANCES

13. The Co-Owner shall not suffer or permit any lien or charge to be created upon the said Lands (other than against his own undivided interest). Should any lien or charge be so created against the said Lands and the Co-Owner fail to remove it within ten (10) days of receipt of written notice from the Owners, the Owners may pay and discharge the same and any amounts so paid shall constitute a debt due by the Co-Owner and shall be payable on demand.

14. The Co-Owner may mortgage his undivided interest without the prior approval of the other Co-Owners, provided that the Co-Owner shall first provide the mortgagee with a copy of

this Agreement and obtain from the mortgagee a written acknowledgement to the effect that the mortgagee's security represents a charge against the Co-Owner's undivided interest only.

15. The Owners agree that they shall not encumber the said Lands without the prior approval in writing of all of the Co-Owners.

PROPERTY TAXES

16. (a) If the Co-Owner's Personal Use Licence is numbered between 1 and 14, the Co-Owner agrees to pay 1/14th of 80% of the real property taxes levied against the land for municipal, school, general or any other purpose by any lawful governmental authority in respect of the said Lands as finally determined for each calendar year as a result of assessment, appeal or judicial review.
- (b) If the Co-Owner's Personal Use Licence is numbered between 15 and 45, the Co-Owner agrees to pay 1/31st of 20% of the real property taxes levied against the land for municipal, school, general or any other purpose by any lawful governmental authority in respect of the said Lands as finally determined for each calendar year as a result of assessment appeal or judicial review.

EXPROPRIATION

17. In the event that the whole or any part of the said Lands and premises shall be taken by any public authority under the power of eminent domain, any compensation paid by such public authority therefor shall be distributed in the following manner:

- (a) If the whole of the Lands is taken, the Co-Owner shall receive compensation therefor based upon the following formula:
- (i) if the Co-Owners Personal Use Licence is numbered between 1 and 14, then the Co-Owner shall receive 1/14th of 80% of the compensation;
 - (ii) if the Co-Owners Personal Use Licence is numbered between 15 and 45, then the Co-Owner shall receive 1/31st of 20% of the compensation.
- (b) If the only Lands taken are those upon which the Co-Owner's Personal Use Licence has been established, whether it be all or only a part thereof, the Co-Owner would receive the entire compensation therefor.
- (c) If the only Lands taken are those upon which the Personal Use Licences numbered between 1 and 14 are located, the entire compensation will be divided equally among the Co-Owners affected where the entire Personal Use Licence is taken and proportionately where only part of a Personal Use Licence is taken.

- (d) If the only Lands taken are those upon which Personal Use Licences numbered between 15 and 45 are located, the entire compensation will be divided equally among the Co-Owners affected were the entire Personal Use Licence is taken and proportionately where only part of a Personal Use Licence is taken.
- (e) If the Lands taken involve Co-Owners who have Personal Use Licences numbered between 1 and 14 and also 15 and 45, then the compensation will be apportioned between those Co-Owners affected in proportion to the formula set out in Paragraph 17(a) hereof, adjusted for the actual number of Personal Use Licences numbered between 1 and 14 and 15 and 45 involved in the expropriation.

COMMON EXPENSES AND ASSESSMENTS

- 18. The Association shall deliver an annual budget of the Association's anticipated expenses to the Co-Owners (other than for property taxes) for the period from August 1 of such year to the ensuing July 31 for the approval of such budget by the Co-Owners.
- 19. The Association shall levy an assessment against each Co-Owner for the share of expenditures approved by the Association to be paid by the Co-Owner. The basis of such assessment shall be that each Co-Owner shall be equally liable for the payment of the Association's annual expenditures relative to this Co-Ownership Agreement.
- 20. The Association may levy further and additional assessments against the Co-Owner for expenses from time to time, provided however, that such further and additional assessments shall have first been approved by a majority of the Co-Owners.
- 21. All assessments made against a Co-Owner shall unless otherwise determined, be due and payable within thirty (30) days of receipt of notice of assessment and shall be paid to the Association and the association shall give its receipt for all payments made to it.

LAND TITLE OFFICE LIMITED POWER OF ATTORNEY

- 22. If at some future date it becomes feasible to complete and submit a proper bare land strata subdivision plan to the Land Title Office, then the undivided interests can be replaced by fee-simple titles to specific lots, which said lots shall as close as possible coincide with the boundaries set out in the Personal Use Licence signed by the Co-Owner. Upon the majority of the Co-Owners electing to proceed with the subdivision application, the Co-Owner agrees to take whatever steps are necessary to complete the subdivision.
- 23. In order to facilitate such a submission, each Co-Owner appoints Marshall Kyle Boxrud with a limited power of attorney for the purposes of signing the supporting documents, necessary to complete the subdivision application at the Land Title Office, including:

- (a) Property Purchase Tax Returns;
- (b) Statements as to Citizenship;
- (c) Transfers;
- (d) Subdivision Plans;
- (e) Statutory Building Scheme;
- (f) Rights of Way in favour of utility companies; and,
- (g) Covenants under s. 215 of the Land Title Act.

24. In the event that another Co-Owner constructs an improvement on his site and thereby increases the value of the Co-Owner's undivided 1/45th interest in to the said Lands, then the Co-Owner agrees to hold that increased value of his undivided 1/45th interest in and to the said lands in trust for the Co-Owner who has constructed improvements on the said Lands and to transfer that trust interest to the other Co-Owner at the time of the registration of the bare land strata subdivision at the Land Title Office."

25. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals or being corporations have caused their corporate seals to be hereunto affixed, the day and year first above written.

THE OWNERS FROM TIME TO TIME OF ALL THE
UNDIVIDED 1/45TH INTERESTS IN AND TO THE
SAID LANDS by their attorney,

_____:

Authorized Signatory

C/S

Authorized Signatory

The Corporate Seal of
DASNIER BAY LAND OWNERS ASSOCIATION
was hereunto affixed in the presence of:

Authorized Signatory

C/S

Authorized Signatory

SIGNED, SEALED AND DELIVERED BY
the Co-Owner in the presence of:

Witness: _____

Address: _____

Occupation: _____
(as to both signatures)

The Corporate Seal of the Co-Owner
was affixed hereto in the presence of:

Authorized Signatory

Authorized Signatory

C/S

SCHEDULE "C"

PERSONAL USE LICENCE

THIS LICENCE is made the _____ day of _____, 19 _____

BETWEEN:

THE OWNERS FROM TIME TO TIME OF ALL OF THE UNDIVIDED 1/45TH INTERESTS IN AND TO THE SAID LANDS (as hereinafter defined) as represented by their duly appointed attorneys, DASNIER BAY OWNERS ASSOCIATION and/or DASNIER BAY DEVELOPMENTS LTD.

(the "Licensor")

OF THE FIRST PART

AND:

(the "Licensee")

OF THE SECOND PART

WHEREAS:

A. The Licensor is the duly appointed attorney for the registered and beneficial owners of 45 undivided 1/45th interests in and to:

Parcel Identifier No. 011-157-151
District Lot 2920
Kamloops Division Yale District
Except Plans 15450 and 21015

(the "said Lands"),

which said lands comprise some 68 hectares more or less, are situated on the west side of Seymour Arm of the Shuswap Lake and are suitable for use as recreational residential and permanent residential properties;

B. The Licensor has agreed to grant a Personal Use Licence to the Licensee to permit the Licensee to occupy a site on the property plan attached hereto as Schedule "A" upon the terms and conditions set out in this Licence;

C. Schedule "A" sets out the permitted uses of the said Lands as agreed to by the Licensor and includes:

- (a) personal use sites numbered 1 to 45;
- (b) access roads;
- (c) common.

Schedule "A" is not registered at the Kamloops Land Title Office, nor is it the intention of the Licensor to register Schedule "A" in the future;

D. It is a condition precedent to the granting of this Licence that the Licensee has acquired an undivided 1/45th interest in and to the said lands.

INTERPRETATION AND DEFINITIONS

1. The statements of facts set out in the recitals of this Licence are correct.
2. All words herein in the male gender shall be deemed to include the female gender, corporations and partnerships, and the singular number shall include the plural number, as the case may be, where the context shall so require.
3. "Co-owner" shall mean any person who is the beneficial owner of an undivided 1/45th interest in the said Lands and whose Title is registered at the Kamloops Land Title Office.
4. "Site" shall mean Site No. _____ on Schedule "A".
5. "Licensee" shall mean the holder of a validly issued and outstanding Personal Use Licence.
6. "Licensor" shall mean the Dasnier Bay Owners Association or Dasnier Bay Developments Ltd., being the duly appointed attorney for all the owners of undivided 1/45th interests in and to the said Lands.
7. "Common use areas" are those portions of the lands and premises which are so described on Schedule "A" as "Common" and those areas marked as Access Road are internal roads accessing to the public road that serves the said Lands.
8. "Access Roads" are to be considered as limited common use areas and Licensees have the right to enter upon same on foot or with vehicles or other modes of transportation and to pass and repass over same, and these areas are not to be used for any other purpose.

PERSONAL USE AND OCCUPANCY

9. The Licensee, along with his family and permitted guests (including renters), shall be entitled to the personal use and occupancy of the Site and the right to own assets or improvements placed or maintained on the Site whether affixed to the said Lands or not.
10. The Licensee will not use or permit to be used his Site in a manner or for a purpose that will cause a nuisance or hazard to other Licensees or their families.
11. The Licensor will operate, manage and have control over the common use areas and access roads and easements for the benefit of the Licensee.
12. The Licensee covenants and agrees not to impede the officers, agents or servants of the Licensor in the exercise by them of the Licensor's rights of possession and control of the said Lands.
13. The Licensee hereby acknowledges that this Personal Use Licence is one of 45 Personal Use Licences granted by the Licensor over the said Lands. The Licensee hereby recognizes and acknowledges the Personal Use Licences granted to all of the other Licensees from time to time. The Licensee agrees to refrain from interfering with any of the rights granted to the other Licensees by virtue of their own Personal Use Licence.

RELATIONSHIP OF THE PARTIES

14. The provisions of this Agreement shall govern the Licensee's rights and obligations.
15. The Licensor will be expected to maintain a record of the names and addresses of all Licensees.
16. The rights conferred upon the Licensee shall be considered personal rights and not joint or partnership rights and shall not confer any interest in the Lands.

ROAD ACCESS

17. Road access to the Site is shown on Schedule "A" and it is the Licensor's responsibility to maintain the "access roads" and to carry out repairs so that it is suitable for limited vehicular traffic.

ENCUMBRANCES AND IMPROVEMENTS

18. The Licensee shall not suffer or permit any lien or charge to be created upon the said Lands by reason of any building, work or improvement done or caused to be done by him. Should any lien or charge be so created against the said Lands, the Licensor may pay and

discharge the same and any amounts so paid shall constitute a debt due by the Licensee to the Licensor and shall be payable on demand.

COMMON PROPERTY

19. In addition to the rights of use and occupancy of the Site conferred upon the Licensee, the Licensee shall have the right subject to the provisions of this Licence to use and enjoy in concert with other Licensees certain common use areas, roadways in a manner that will not unreasonably interfere with the use and enjoyment thereof by other Licensees.

20. The use to which the common use areas may be put is restricted to the right to enter on and to use the same for recreational purposes only. The Licensee recognizes that ownership to all common use area is held by the Co-Owners for the common benefit of all Licensees.

21. In the event that the Licensee, his invitees or permittees should park any vehicles or place any obstructions upon the common use areas or access areas such as to hinder the use of other Licensees to the common use areas or access areas, the Licensor shall have the right to remove such vehicles and/or obstructions and the Licensee will save harmless the Licensor from any and all damages arising therefrom and will re-imburse the Licensor the costs of such removal upon demand.

22. It will be the Licensee's responsibility to make the necessary arrangements to obtain and maintain the services set out below if required by the Licensee upon his Site:

- (a) septic sewage disposal;
- (b) domestic water;
- (c) electricity;
- (d) telephone; and,
- (e) any other utilities and services required by the Licensee.

It will be the responsibility of the Licensee to pay for his own connection charges, if any.

ASSESSMENT AND TAXES

23. In the event that the Assessment Authority of British Columbia does not provide assessment notices to the Licensee with respect to the improvements on the site owned by the Licensee, the Licensor shall obtain from the Assessment Authority its working papers on the improvements constructed on each of the Sites and it shall allocate the assessments for each

improvement on each Site in accordance with the working papers provided by the Assessment Authority.

24. The Licensor shall, within ten (10) days of receipt of any assessment notice with respect to the said Lands, deliver by ordinary prepaid post to each Licensee of record on the date of receipt by the Licensor of such assessment notice, a copy of such assessment notice and notice of the amount and calculation of any allocation of such assessment to a Site, and which will form the basis of the later apportionment of taxes to the Licensee.

25. The Licensee shall dispute any improper assessment made by the taxing authority on the improvements on his own Site in his own name and on his own account.

26. Each Licensee shall, within fifteen (15) days of receipt of a notice of the apportionment of taxes, pay to the Licensor the amount of the taxes payable by him as specified in the notice.

27. In the event that a Licensee disputes the apportionment of taxes by the Licensor to a Site or Sites held by him, then the Licensee shall pay the taxes as apportioned and provide with the payment a notice of dispute. In the event the Licensee and the Licensor are unable to resolve the dispute of apportionment of taxes being the subject matter of the notice of dispute given by the Licensee to the Licensor within sixty (60) days of the payment and service of the notice of dispute, the dispute shall be determined by arbitration by a board of three arbitrators in accordance with The Arbitration Act of the Province of British Columbia. Any such arbitration shall be final and binding upon the Licensee and the Licensor.

28. Any penalty, interest charge or other costs incurred on or charged as a result of a Licensee failing to pay the taxes payable by him pursuant to the provisions of this License shall be the responsibility of such Licensee and payable as a debt due by him to the Licensor on demand.

COMMON EXPENSES AND MANAGEMENT

29. The Licensor shall deliver to the Licensees an annual budget of the Licensee's expenditures (other than for property taxes) for the period from August 1st of such year to the ensuing July 31st.

30. The Licensor shall levy an assessment against each Licensee for the share of the expenditures to be paid by each Licensee. The basis of such assessment shall be that each Licensee shall be equally liable for the payment of the Licensor's annual expenditures.

31. The Licensor may levy further and additional assessments against the Licensees for expenses from time to time, provided however, that such further and additional assessments shall have first been approved by a majority of the Licensees.

32. All assessments made against a Licensee shall unless otherwise determined, be due and payable within thirty (30) days of receipt of notice of assessment and shall be paid to the Licensor.

IMPROVEMENT OF SITES

33. The Licensor shall review all proposed construction, improvements and works on any Site including the design, materials to be used, location on Sites and colours. No construction, improvement or work of any kind shall be undertaken on any Site until the same has been approved by the Licensor.

34. Subject to the provisions of Paragraph 35 hereof and the approval of all regulating authorities, a Licensee shall be entitled to build and maintain upon his Site a single family dwelling for his own exclusive use and enjoyment, together with a guest house and other buildings reasonably required for such use and enjoyment and otherwise to improve the said Site. Any such dwelling or other improvements built or erected upon the said Site by any Licensee may be removed by that Licensee.

35. The building restrictions set out below, unless stated to the contrary, shall apply to all construction commenced on any Site:

- (a) Any residence constructed on a Site shall have not less than 700 square feet on the main floor (excluding the garage);
- (b) No mobile homes, double wides or recreational vehicles shall be permitted to be utilized as residences on any of the Sites;
- (c) Utility meters shall not be left unboxed or otherwise within view from the road;
- (d) No exposed concrete block or exposed metal chimneys shall be constructed;
- (e) Clothes lines shall not be constructed except for single pedestal clothes lines permitted in rear yards only and all trees, shrubbery, lawns, fencing or other site improvements must be maintained in good order;
- (f) No dwelling or other structure shall be left in an incomplete state on the exterior for more than one year from the date of commencement of construction and shall not be occupied until the exterior has been fully completed;
- (g) The Licensor shall have power to make special rules in respect of the following matters, and to amend and rescind the same:

- (i) control and abatement of nuisance committed or likely to be committed on the said Lands;
- (ii) ensuring the quiet enjoyment by the Licensees of their Sites and the said Lands;
- (iii) camping;
- (iv) clearing and tree cutting;
- (v) garbage collection;
- (vi) use of water;
- (vii) setting fires, control of fires and fire fighting;
- (viii) the use and operation of any automobile, motorcycle, snowmobile or other powered vehicle;
- (ix) caretaking;
- (x) the use of any firearm, air gun, or explosives;
- (xi) control of domestic animals;
- (xii) setting aside and use of parts of the said Lands not included in any Site for the common enjoyment of all Licensees;
- (xiii) constructing, maintaining and regulating the use of roads and trails; and,
- (xiv) any other matter relating to the use and enjoyment of the said Lands by the Licensees.

36. In particular and notwithstanding the attaching of any rights in respect of any of the said Sites or otherwise, the Licensor may reserve or except out of any Site either at the time of execution of the Personal Use Licence or at any time thereafter, that part of such Sites as may be required, in the sole discretion of the Licensor, for the purposes of an access road, hydro or telephone utility access or well or water line from a well or any other source of water (hereinafter collectively called the "Utilities Easement") to serve any other Licensee, or any Site or number of Sites, or for the purposes of a Utilities Easement to and form such areas as may be necessary and the Licensor may determine the compensation, if any, which shall be paid in respect of such reservation or exception or may determine that no such compensation shall be payable.

37. No Site or structure in whole or in part shall be used for any commercial purpose except that a single room in any structure may be used as a private office provided that neither the public nor the clientele of the Licensee are invited to this office;

EXPROPRIATION

38. In the event that the whole or any part of the said Lands and premises shall be taken by any public authority under the power of eminent domain, any compensation paid by such public authority for the improvements on the said Lands shall be distributed in the following manner:

- (a) if the whole of the Lands are taken, the Licensee shall receive compensation for the value of his improvements;
- (b) if only the Licensee's improvements are taken, the Licensee shall be entitled to receive the entire compensation therefor.

USE OF SITES

39. It shall be the duty of the Licensee occupying a Site, or any person having occupancy through him, to maintain the said Site or area and any buildings or other works or improvements thereon in a good state of repair and in such manner as not to cause a fire hazard or nuisance or to interfere with the other Licensees in the quiet enjoyment of their Sites or of any other part of the said Lands and to comply with all directions made by the Licensor with respect to the said Sites.

INDEMNIFICATION

40. Each Licensee shall indemnify and keep indemnified the Licensor against any liability for and from all manner of actions, causes of action, suites, claims and demands whatsoever which against the Licensor any third party may have for or by reason of the use and occupation of a Site held by the Licensee.

41. The Licensee must purchase and maintain an Occupiers Liability Insurance policy in the minimum amount of \$1,000,000.00 and provide proof of such coverage annually to the Licensor.

TERMINATION

42. This Licence terminates upon the transfer by the Licensee of his interest set out in Recital D hereof. All Co-Owners shall be entitled as of right should they so request to a Personal Use Licence in the form of this Licence.

NOTICES

43. Whether or not so stipulated herein, all notices, communications and statements (herein called "notices" required or permitted herein shall be in writing.

44. Notices may be delivered or served:

(a) personally by delivering them to the party (or in the case of a corporate entity on any officer or director of the corporation) to or on whom they are to be delivered or served, provided such delivery shall be during normal business hours. Personally delivered or served notices shall be deemed to be received when actually delivered or served as aforesaid; or,

(b) by telecopier (or by any other like method by which a written and recorded message may be sent) directed to the party to or on whom they are to be delivered or served at that party's address. Notices so delivered or served shall be deemed received by the respective addressees thereof:

(i) when actually received by them if received within the normal working hours of a business day;

OR,

(ii) at the commencement of the next ensuing business day following transmission thereof;

whichever is the earlier;

OR,

(iii) by mailing them first class registered post, postage prepaid, to the party to whom they are to be delivered or served at his last known address. Notices so delivered or served shall be deemed to be received by the addressees at noon, local time, on the earlier of the actual date of receipt or the fourth (4th) day (excluding Saturdays, Sundays and statutory holidays) following the mailing thereof.

NOT BINDING ON SUCCESSORS

45. This Agreement is a personal licence and other than as set out in Paragraph 42 hereof, shall not enure to the benefit of and be binding upon the respective heirs, executors, administrators, representatives, successors in title or assigns of the Licensee.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals or being corporations have caused their corporate seals to be hereunto affixed, the day and year first above written.

THE OWNERS FROM TIME TO TIME OF ALL THE
UNDIVIDED 1/45TH INTERESTS IN AND TO THE
SAID LANDS by their attorney:

_____:

Authorized Signatory

C/S

Authorized Signatory

SIGNED, SEALED AND DELIVERED by
the Licensee in the presence of:

Witness: _____

Address: _____

Occupation: _____
(as to both signatures)

The Corporate Seal of the Licensee
was affixed hereto in the presence of:

Authorized Signatory

C/S

Authorized Signatory

From: [Dunphy, Rae FLNR:EX](#)
To: ["Brent Dennis"](#)
Subject: RE: Changes In and About a Stream Notification Tracking # 100297847
Date: Thursday, November 14, 2019 8:31:35 AM

Hi Brent,

Thank you for the reply. Yes, for this authorization, a letter from your Association Lawyer confirming the blanket agreement covers all 27 remaining shares. Please send to me as soon as you can and I will add it to your file.

Thank you,



Rae Dunphy A.Ag

Natural Resource Specialist

Ministry of Forests, Lands, Natural Resource Operations & Rural
Development

Thompson Okanagan Region

441 Columbia St, Kamloops, BC, V2C 2T3

Ph: 250.828.4501 Fax: 250.828.4442

Toll Free 1.877.855.3222

www.frontcounterbc.gov.bc.ca

From: Brent Dennis [mailto:brent.dennis@bwdengineering.com]

Sent: Thursday, November 7, 2019 5:14 PM

To: Dunphy, Rae FLNR:EX; 'Bill Rublee'

Subject: RE: Changes In and About a Stream Notification Tracking # 100297847

Hi Rae

Would a letter from our Association Lawyer confirming the blanket agreement covers all 27 remaining shares be satisfactory? Or do you want copies of all 27 agreements with signatures? Unfortunately, we do not have a single document with all signatures on it. That would be helpful in cases like this for sure.

Thanks

Brent

Brent Dennis, P. Eng.

BWD Engineering Inc.

15822 – 106A Avenue, Surrey, BC, V4N 1K7

Cell: 604-789-2204

www.bwdengineering.com

brent.dennis@bwdengineering.com

From: Dunphy, Rae FLNR:EX

Sent: November 7, 2019 4:01 PM

To: 'Bill Rublee'

Cc: Brent Dennis

Subject: RE: Changes In and About a Stream Notification Tracking # 100297847

Hi Bill,

Thank you for the email. Since this Notification has autocompleted, you will not be able to access the application electronically anymore. I will add this requested information to your file. Please see my responses for each item below:

1. The copy of the attached agreement does not have any signatures on it. I need documentation that shows that all 27 owners that are not DBLOA have signed and agreed to

let DBLOA apply and do this work on their behalf.

2. Thank you
3. Please provide a revised drawing over an ortho photo (similar to the original one) that shows the correct location and any other information that Brent can add per his email below.

Please let me know if you have any questions. Thank you,



Rae Dunphy A.Ag

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From: Bill Rublee [<mailto:BRublee@triton-env.com>]

Sent: Thursday, November 7, 2019 9:58 AM

To: Dunphy, Rae FLNR:EX

Cc: Brent Dennis

Subject: FW: Changes In and About a Stream Notification Tracking # 100297847

Rae: I have received this response from Mr. Brent Dennis on behalf of the DBLOA, do you need more detail and do I need access to the electronic file to input this information. Also the correct Lat and Long coordinates are 51.23428 N and 118.97888 W

From: Brent Dennis <brent.dennis@bwdengineering.com>

Sent: November 6, 2019 2:57 PM

To: Bill Rublee <BRublee@triton-env.com>

Subject: RE: Changes In and About a Stream Notification Tracking # 100297847

Hi Bill

The reply to questions 1 and 3 is as follows:

1. All owners of the land have a signed contract, Co-Ownership Agreement, with the Dasnier Bay Land Owners Association (DBLOA) in which the Association will Manage the Lands. See attached copy of agreements, specifically: D., 4 & 5.(c) on pages 2 & 3. The work to be done is 100% on DBLOA common land which is the Associations responsibility to manage on behalf of the Owners. Mr. Bill Rublee is in the employ of the DBLOA for the purpose of managing this portion of the lands. Please advise if other documentation is required.

3. The drawing submitted is in error. The culvert that delivers the water from the west to the east side of the road is about 1.5 meters onto DBLOA land. It starts on the DBLOA common road allowance and discharges onto the west end of the common path. There is some minor erosion extending onto the neighbour's land but most of the erosion is on the DBLOA common property path. 100% of the work will be on DBLOA land. No disturbance will be done on the neighbouring property. We do not have an accurate survey of the top of bank of the ditch. I can say, from the survey stakes recently put in along Lot 1, the erosion has left only between 1 and 3 meters of width of the surface from Lot 1. That is, between 2 and 4 meters of the common path width, from the north property line, is eroded and continues to erode. I can make a drawing of the intended work showing it all on DBLOA land. Is that what is needed?

Thanks

Brent

Brent Dennis, P. Eng.

BWD Engineering Inc.

15822 – 106A Avenue, Surrey, BC, V4N 1K7

Cell: 604-789-2204

www.bwdengineering.com

brent.dennis@bwdengineering.com

From: Bill Rublee <BRublee@triton-env.com>

Sent: November 6, 2019 1:58 PM

To: Brent Dennis <brent.dennis@bwdengineering.com>

Subject: FW: Changes In and About a Stream Notification Tracking # 100297847

Hi Brent: Just got this, I can deal with the lats and longs but the other items are likely yours.

Bill

From: Dunphy, Rae FLNR:EX <Rae.Dunphy@gov.bc.ca>

Sent: November 6, 2019 1:18 PM

To: Bill Rublee <BRublee@triton-env.com>

Subject: Changes In and About a Stream Notification Tracking # 100297847

Hello,

I am working on your Changes In and About a Stream Notification Tracking # 100297847 application and more information is required for this authorization. Please see the requested information below and let me know if you have any questions.

1. The applicant, Dasnier Bay Land Owners Association, has 18/45 ownership of PID 011-157-151. Please provide land owner consent from the other 27 land owners associated with this property for this application.
2. The latitude and longitude coordinates that were submitted with this application are incorrect. Please supply correct coordinates for the location of the work.
3. The drawings submitted with this application show conflicting information. Drawing "Dasners Bay Drainage" indicates this work will occur on Private land (PID 008-821-267) adjacent to PID 011-157-151. If this is the correct location of the work, please provide the Private land owner's consent. However, the "Pipe Profile" drawing shows the work occurring on PID 011-157-151. If the location of the work is occurring on the applicant's land only, please provide an updated drawing to reflect this. See referenced drawings attached to this email.

Thank you,



Rae Dunphy A.Ag

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From: Brent Dennis
To: Dunphy, Rae FLNR:EX
Cc: Bill Rublee (brublee@triton-env.com); Kathy Ducey (Kducey@cfmrlaw.com)
Subject: RE: Changes In and About a Stream Notification Tracking # 100297847
Date: Monday, November 18, 2019 11:48:39 AM

Hi Rae

Thank you for the response below. I have asked our lawyer, copied here, to respond with a letter directly to you. It should come through shortly.

For the ortho depiction of the work, I am struggling a bit as the ortho view of the water course, with the CSRD property line GIS information, does not seem to match our survey. I will be chatting with the surveyor asap and get back to you on this.

Many Thanks

Brent

Brent Dennis, P. Eng.

BWD Engineering Inc.

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Cell: 604-789-2204

www.bwdengineering.com

brent.dennis@bwdengineering.com

From: Dunphy, Rae FLNR:EX

Sent: November 14, 2019 8:32 AM

To: Brent Dennis

Subject: RE: Changes In and About a Stream Notification Tracking # 100297847

Hi Brent,

Thank you for the reply. Yes, for this authorization, a letter from your Association Lawyer confirming the blanket agreement covers all 27 remaining shares. Please send to me as soon as you can and I will add it to your file.

Thank you,



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Sent: Thursday, November 7, 2019 5:14 PM

To: Dunphy, Rae FLNR:EX; 'Bill Rublee'

Subject: RE: Changes In and About a Stream Notification Tracking # 100297847

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From: Dunphy, Rae FLNR:EX <Rae.Dunphy@gov.bc.ca>

Sent: November 7, 2019 4:01 PM

To: 'Bill Rublee' <BRublee@triton-env.com>

Cc: Brent Dennis <brent.dennis@bwdengineering.com>

Subject: RE: Changes In and About a Stream Notification Tracking # 100297847

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Please let me know if you have any questions. Thank you,



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From: Bill Rublee [<mailto:BRublee@triton-env.com>]

Sent: Thursday, November 7, 2019 9:58 AM

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Cc: Brent Dennis

Subject: FW: Changes In and About a Stream Notification Tracking # 100297847

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brent.dennis@bwdengineering.com

From: Bill Rublee <BRublee@triton-env.com>

Sent: November 6, 2019 1:58 PM

To: Brent Dennis <brent.dennis@bwdengineering.com>

Subject: FW: Changes In and About a Stream Notification Tracking # 100297847

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From: Dunphy, Rae FLNR:EX <Rae.Dunphy@gov.bc.ca>

Sent: November 6, 2019 1:18 PM

To: Bill Rublee <BRublee@triton-env.com>

Subject: Changes In and About a Stream Notification Tracking # 100297847

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Thank you,



Rae Dunphy A.Ag

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Toll Free 1.877.855.3222

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From: Neu, Dianna G FLNR:EX
To: Stepaniuk, Leisha FLNR:EX
Subject: FW: NOTIFICATION 3006575 Dasnier Bay Land Owners Association 100297847
Date: Wednesday, November 20, 2019 3:10:36 PM
Attachments: image001.png

Hi Leisha;

Here is a Notification file #3006575.

Thank you.

Sincerely,

Dianna Neu

Program Support – Ecosystems Thompson Okanagan

Ministry of Forests, Lands, Natural Resource

Operations and Rural Development

Phone: 250-371-6319

Email: Dianna.Neu@gov.bc.ca

From: Dunphy, Rae FLNR:EX <Rae.Dunphy@gov.bc.ca>
Sent: November 20, 2019 1:15 PM
To: Neu, Dianna G FLNR:EX <Dianna.Neu@gov.bc.ca>
Subject: NOTIFICATION 3006575 Dasnier Bay Land Owners Association 100297847

**Water Sustainability Act Section 11
“Changes in and about a Stream” Notification Process**

Applicant Name: <u>Dasnier Bay Land Owners Association</u>	Tracking #: <u>100297847</u>	ATS Project #: <u>533516</u>
Regional MOE Boundary: <u>Thompson</u>	Water File #: <u>3006575</u>	Job #: <u>112868</u>
Decision made on: <u>Nov 20, 2019</u>	by <u>Rae Dunphy</u>	

CSA - RECEIVE

- ☒ Is application for our Region? Y ☒ N ☐ If no, reassign to correct office
- ☒ Is application related to another application or Major Project Y ☐ N ☒ – If Yes enter project number in FCBC
- ☒ Link client in ATS
- ☒ Outcome as Received in FCBC
- ☒ Download all E-licensing files into a newly created directory (client last name tracking#) in the G: Drive.

Save route card to G: drive

Submitted Date August 22, 2019

NRS- REVIEW AUTOCOMPLETED, SEE MEMO TO FILE, NOTE STAIRS IN APPLICATION – CLIENT HAS NOT PROVIDED APPROPRIATE INFORMATION FOR THIS PART OF THE WORK. UNOFFICIAL RMI 8 BUSINESS DAYS

- ☒ Review and check for coincidental authorizations

AUTOCOMPLETED

SEE MEMO TO FILE AND NOTE INFORMATION ABOUT STAIRS

UNOFFICIAL RMI 8 BUSINESS DAYS



Rae Dunphy A.Ag

Natural Resource Specialist

Ministry of Forests, Lands, Natural Resource Operations & Rural
Development

Thompson Okanagan Region

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Water Sustainability Act Section 11 “Changes in and about a Stream” Notification Process

Applicant Name: Dasnier Bay Land Owners Association Tracking #: 100297847 ATS Project # 533516
Regional MOE Boundary: Thompson Water File # 3006575 Job # 112868
Decision made on Nov 20, 2019 by Rae Dunphy

CSA - RECEIVE

- ☒ Is application for our Region? Y ☒ N ☐ If no, reassign to correct office
- ☒ Is application related to another application or Major Project Y ☐ N ☒ – If Yes enter project number in yFCBC
- ☒ Link client in ATS
- ☒ Outcome as Received in yFCBC
- ☒ Download all E-licensing files into a newly created directory (client last name tracking#) in the G: Drive.

Save route card to G: drive

Submitted Date August 22, 2019

NRS- REVIEW AUTOCOMPLETED, SEE MEMO TO FILE, NOTE STAIRS IN APPLICATION – CLIENT HAS NOT PROVIDED APPROPRIATE INFORMATION FOR THIS PART OF THE WORK. UNOFFICIAL RMI 8 BUSINESS DAYS

- ☒ Review and check for coincidental authorizations

From: [Densmore-McCulloch, Justine FLNR:EX](#)
To: [Stepaniuk, Leisha FLNR:EX](#)
Subject: Section 11 #3006575- Storm sewer outfall
Date: Friday, January 10, 2020 4:33:53 PM

Hi Leisha,
This file is good to go, no concerns. Could you cc the BWD agent with the letter?
Thank you,
Justine

Justine Densmore-McCulloch, MSc, RPBio
Ecosystems Biologist
1259 Dalhousie Dr, Kamloops BC
Phone: 250.371.6252
Forests, Lands, Natural Resource Operations & Rural Development
Justine.DensmoreMcCulloch@gov.bc.ca

From: [Stepaniuk, Leisha FLNR:EX](#)
To: brent.dennis@bwdengineering.com
Cc: jeremy@spoonerelectric.com; brublee@triton-env.com; [Densmore-McCulloch, Justine FLNR:EX](#)
Subject: Response: Ecosystems Response Letter - WSA Sec 11 Changes In and About a Stream, Tracking #100297847, file #3006575
Date: Monday, January 13, 2020 1:26:00 PM
Attachments: [Ecosystems Response Letter, File 3006575.pdf](#)

Hello,

Please find attached the Ecosystems response letter regarding the Section 11 Water Sustainability Act Application “Changes In and About a Stream” tracking #100297847 – Storm Sewer Outfalls – Construction / Maintenance, located at Dasniers Bay Seymour Arm, storm drainage beside Lot 1 Dasnier Bay Development.

Sincerely,

Leisha Stepaniuk

Program Admin

Ministry of Forests, Lands, Natural Resource

Operations and Rural Development

250-490-8283



File: R3-3006575

January 13, 2020

Via Email: brent.dennis@bwdengineering.com

Brent Dennis
Dasnier Bay Land Owners Association
15822 106A Ave
Surrey, BC V4N 1K7

**Re: Section 11 Water Sustainability Act Application “Changes In and About a Stream”
– Storm Sewer Outfalls – Construction / Maintenance – Dasniers Bay Seymour Arm
– Storm drainage beside Lot 1 Dasnier Bay Development**

Staff with the Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development have reviewed the above-mentioned authorized change application. A Section 11 *Water Sustainability Act* Change Approval is not required for the proposed work as long as the work is done in accordance with BC Regulation 36/2016 – Part 3.

As per section 38 (1) A person proposing to make an authorized change, other than an authorized change described in Section 39 (1) (o) to (s), (2) and (5), must

- (a) Provide a notice, signed by the person or the person’s agent, to a habitat officer of the particulars of the proposal at least 45 days before beginning the authorized change, and*
- (b) Obtain from a habitat officer a statement of the Terms and Conditions described in section 44 (2) [protection of aquatic ecosystems] on which the authorized change can proceed.*

Your authorized change can proceed as long as the terms and conditions for your works outlined here are followed:

http://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-rights/terms_and_conditions_for_cias_th_ok_2016.pdf

It is the proponent’s responsibility to ensure their activities are in compliance with all legislation, including the *Fisheries Act*, as well as with local government bylaws and regulations.

If you have further questions, please contact the undersigned at 250-371-6252.

Yours truly,

A handwritten signature in dark ink, appearing to read 'J. McCulloch', with a long horizontal flourish extending to the right.

Justine Densmore-McCulloch, MSc, R.P Bio
Ecosystems Biologist

Cc: Triton Environmental Consultants, Ltd., brublee@triton-env.com; Spooner Industrial,
jeremy@spoonerelectric.com



Change Approval and Notification (Changes In and About a Stream)

Tracking Number: 100297847

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization
What is your relationship to the company/organization? Consultant

APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit / Tenure / Licence will be issued, if approved.

Name: Dasnier Bay Land Owners Association (DBLOA)
Doing Business As:
Phone: 604-789-2204
Fax:
Email: bwdengineering.com
BC Incorporation Number:
Extra Provincial Inc. No:
Society Number:
GST Registration Number:
Contact Name: Brent Dennis
Mailing Address: 15822 106A Avenue
Surrey BC V4N 1K7

CONSULTANT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Bill Rublee Rublee
Phone: 250-851-0023
Daytime Phone:
Fax:
Email: brublee@triton-env.com
Mailing Address: 1326 McGill Road
Kamloops BC V2C 6N6
Letter(s) Attached: Yes (Aug 21,LOA.pdf)

ELIGIBILITY

Please answer the following questions related to your Change Approval/Notification.

Question	Answer	Warning
Is this application to support oil and gas activity that is being authorized by the Oil and Gas Commission?	No	

TECHNICAL INFORMATION

GOVERNMENT AND FIRST NATION FEE EXEMPTION REQUEST

Do you belong to, are you applying on behalf of, or are you:

- A provincial government ministry
- The Government of Canada
- A First Nation for water use on reserve land
- A person applying to use water on Treaty Lands
- A Nisga'a citizen
- An entity applying to use water from the Nisga'a Water Reservation?

No

APPLICATION BY GOVERNMENT

Please indicate if you are someone who works in the government OR you are working on behalf of the government.

Are you, or are you applying on behalf of, a government entity? No

TYPE OF WORKS

Please select the type of Notifications/Approvals you want to apply for as part of this application.

Please select the type of works to be undertaken:

Notification

- ☐ Road Crossing Culvert - Construction / Maintenance / Removal
- ☐ Clear Span Bridge - Construction / Maintenance / Removal
- ☐ Pipeline Crossing – Construction / Maintenance
- ☐ Dry Hydrant – Construction / Maintenance
- ☐ Pier, Wharf, (including docks) – Construction / Maintenance / Removal
- ☐ Cutting of annual vegetation in a stream channel
- ☐ Dike or Erosion Protection Works - Repair / Maintenance
- ☒ Storm Sewer Outfalls – Construction / Maintenance
- ☐ Control of Eurasian Watermilfoil or other invasive aquatic vegetation
- ☐ Ice Bridge / Winter Ford or Snowfill - Construction / Maintenance
- ☐ Maintenance of minor and routine nature by a public utility
- ☐ Removal of a beaver dam (as authorized under the Wildlife Act)
- ☐ Construction of a temporary ford
- ☐ Construction of a temporary diversion around a worksite

Approval:

- ☐ Bank Erosion Protection
- ☐ Bridge (other than clear span) - Construction / Maintenance / Removal
- ☐ Stream Diversion
- ☐ Large Debris Removal by machine - Plan required
- ☐ Gravel removal
- ☐ Other

Please note that the ultimate decision whether this constitutes a Notification or a Change Approval lies with the Province of British Columbia

SITES

Click on the Add Sites button to add one or more sites.

SITE

Location ID: Dasniers Bay Seymour Arm

STREAM

Name of the Stream: Storm Drainage beside Lot 1 Dasnier Bay Development
Source Flows Into: Shuswap Lake

PROPOSED WORKS

Detailed Description of Works:

Excavate a ditch at the site of current drainage. Watercourse originated from diverting upslope ditch water through a culvert to the lake. There was no historic watercourse and it causes erosion the reason for putting flow in a pipe. Connect an 18 inch pipe to an existing culvert under the road, follows original drainage path
Contain run off in pipe deliver to energy dissipation rock berm, at the shore. Add safety grid at inlet of culvert at the high side of the road
Replace existing stairs top and bottom. Stairs will be removed for work to take place. They will be replaced in the same location, with the same materials

Footprint of Project:

wood. Katrina Iverson NR Officer from Vernon has noted current stairs at the bottom encroach onto HWM. The new stairs will terminate above the HWM Work will be done from adjacent path. Work done in October when plants are dormant, plants will be stockpiled and replanted at completion of works 70 m2

PROPOSED TIMING FOR WORKS

Start Date: Oct 15, 2019

End Date: Oct 30, 2019

Is the proposed timing within the approved regional timing window? No

If works are proposed outside the listed windows the proponent must engage a qualified professional to assess species and habitats present and determine if a site specific plan can be developed to ensure compliance with the Fisheries Act

Reason to do work outside of approved timing window:

Not an identified stream, only runoff from upland development and water management. No identified stream line on cadastre and no indication of stream on contours. Watercourse originated because of directing ditch water through a culvert and downstream to the lake. no previous watercourse and current flows are creating erosion and sediment generation to the lake.

LOCATION OF WORKS

Provide a legal description of the land(s) where works are proposed:

District Lot 2920 Land District 25 Except Plan 15450 21012 PID 011-157-151

Geographic Coords of Works:

51.2497000, -119.1730000

Photo of Works Location:

Dasniers Bay Seymour Arm - Photo of watercourse and adjacent path from above

Dasniers Bay Seymour Arm - Photos of project area

Dasniers Bay Seymour Arm - Support Photos

Dasniers Bay Seymour Arm - Support photos of project area including photo of lower stairs to be modified to present encroachment

LAND OWNERSHIP AT THE WORKS

Land Ownership:

- ☒ Applicant owns land
- ☐ Land is Crown Land but applicant has tenure
- ☐ Land is Crown Land but tenured to Ministry of Transportation
- ☐ A third Party owns the land but the applicant has lease or tenure
- ☐ A third Party owns the land but applicant has written consent
- ☐ Land is Crown Land but the applicant does not have a tenure

CONTACTS

If you are not carrying out the work, indicate contractor/company's name, professional affiliation, mailing address, postal code and telephone numbers. If a different company is designing and supervising the work, please include this information as well

Contact Info

Name: Brent Dennis

Phone: 604-789-2204

Daytime Phone:

Fax:

Email: brent.dennis@bwdengineering.com

Mailing Address: 15822 106A Avenue
Surrey BC V4N 1K7

Cert:

Contact Info

Type of Contact

Design and Supervision

Type of Contact

Name: Spooner Industial Construction
Doing Business As:
Phone: 250-679-3373
Fax:
Email: jeremy@spoonerelectric.com
BC Inc. Number:
GST Registration Number:
Contact Name: Jeremy Spooner
Mailing Address: 2199 Squilax Anglemont Road
 Lee Creek BC V0E 1M4
Cert:

LOCATION INFORMATION

LAND DETAILS

DRAWINGS

A Drawing to Scale is required that meets the Application Drawing Standards. Choose one of the options below to submit the required map/drawing.

Additionally, it is recommended that you provide a topographical map showing the general location of the property where the water is proposed to be used and the works constructed in relation to nearby communities, highways, railways and other water sources.

(this additional map will not be necessary if your Drawing to Scale is provided using the Geomark Service or a spatial file such as .KML or .KMZ)

☒ I have map(s) saved to my computer and wish to provide these with my application

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description	Filename
Site Map	Dasners Bay Drainage.pdf
Drainage Location	Drainage Location.pdf

ATTACHED DOCUMENTS

Document Type	Description	Filename
Other	Pipe Profile	Pipe profile.pdf
Other	Site survey 1	265-18 site(1) Jun14 18.pdf
Other	Site survey 2	265-18 site(2) Jun14 18.pdf

PRIVACY DECLARATION

PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act).

The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for

referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes. For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at:

FrontCounter BC Program Director
FrontCounter BC, Provincial Operation
441 Columbia Street
Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization:	Dasnier Bay Land Owners Association (DBLOA)
Contact Name:	Brent Dennis
Contact Address:	1580 24th Street Salmon Arm BC V1E 0A8
Contact Phone:	604-780-1335
Contact Email:	Brent.Dennis@bwdengineering.com

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

Please review the "Important Notices" below and then check the declaration at the bottom confirming that everything in this application is complete and accurate.

- I understand that the submission of this application does not provide authority under the Water Sustainability Act to construct works in and about a stream. I also understand that my application must first be investigated and a decision made on the application as to whether an approval may be granted and, as part of that review, additional information may be requested of me.
- The application may be subject to further requirements under the federal Fisheries Act. Please refer to Fisheries and Oceans Canada Projects Near Water webpage (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) for information on how to ensure your project complies with the Fisheries Act.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

OFFICE

Office to submit application to: Kamloops

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

APPLICANT SIGNATURE

Applicant Signature

Date

OFFICE USE ONLY		
Office Kamloops	File Number	Project Number
	Disposition ID	Client Number



File: R3-3006575

January 13, 2020

Via Email: brent.dennis@bwdengineering.com

Brent Dennis
Dasnier Bay Land Owners Association
15822 106A Ave
Surrey, BC V4N 1K7

**Re: Section 11 Water Sustainability Act Application “Changes In and About a Stream”
– Storm Sewer Outfalls – Construction / Maintenance – Dasniers Bay Seymour Arm
– Storm drainage beside Lot 1 Dasnier Bay Development**

Staff with the Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development have reviewed the above-mentioned authorized change application. A Section 11 *Water Sustainability Act* Change Approval is not required for the proposed work as long as the work is done in accordance with BC Regulation 36/2016 – Part 3.

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Yours truly,

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Justine Densmore-McCulloch, MSc, R.P Bio
Ecosystems Biologist

Cc: Triton Environmental Consultants, Ltd., brublee@triton-env.com; Spooner Industrial,
jeremy@spoonerelectric.com

Act Section 11/Regulation Part 3 File Tracking

File 3006575		Date Filed in eLicencing	20-Nov-19						
		Date Rec'd by RWM	22-Nov-19						
		Date of Referral meeting	27-Nov-19						
		Target Date or Notification Auto-complete (Approval 140 days / Notification 45 days)		04-Jan-19					
File was in Request for More Information Stage									
Reviewers JDM, TM, KS, BR									
Applicant: Dasnier Bay Land Owners Association		Source Storm Drain - Seymour Arm - Dasniers Bay							
Agent: Bill Rublee									
Description Storm Sewer Outfalls - Excavate a ditch at the site of current drainage. Connect 18 inch pipe to existing culvert under the road, following original drainage path									
Timing of work	Start 15-Oct-19	End 30-Oct-19							
Money Received	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> </tr> </table>	Yes	No	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Submitted as</td> </tr> <tr> <td style="padding: 2px 10px;">Approval (Sec 11)</td> </tr> <tr> <td style="padding: 2px 10px;">Notification</td> </tr> <tr> <td style="padding: 2px 10px;">(Please circle one:)</td> </tr> </table> <div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 5px; margin: 0 10px;"> ACCEPT </div> or </div>	Submitted as	Approval (Sec 11)	Notification	(Please circle one:)	
Yes	No								
Submitted as									
Approval (Sec 11)									
Notification									
(Please circle one:)									
Money Required	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> </tr> </table>	Yes	No						
Yes	No								
Site Visit Required	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> </tr> </table>	Yes	No						
Yes	No								
More Information required	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> </tr> </table>	Yes	No						
Yes	No								
FN Consultation	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Yes</td> <td style="padding: 2px 10px;">No</td> <td style="padding: 2px 10px;">N/A</td> </tr> </table>	Yes	No	N/A					
Yes	No	N/A							
File assigned to:		<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Ecosystems</td> <td rowspan="2" style="padding: 2px 10px; vertical-align: middle;">JDM</td> </tr> <tr> <td style="padding: 2px 10px;">Water Mgt</td> </tr> </table>		Ecosystems	JDM	Water Mgt			
Ecosystems	JDM								
Water Mgt									
Comments: Looks like not a stream - confirm it is not connected to upstream and/or is there a culvert under the road? Not correct, can send letter.									
File complete on submission:		Yes	No						
Missing Information:									

November 18, 2019

Ministry of Forests, Lands, Natural Resource Operations & Rural Development
Thompson Okanagan Region
441 Columbia Street
Kamloops, BC V2C 2T3

Attention: Rae Dunphy

Dear Sirs/Madames:

**Re: Dasnier Bay Land Owners Association
Changes In and About a Stream Notification Tracking #100297847**

We are the lawyers for the Dasnier Bay Land Owners Association, Inc. No. S-32114.

Our client is a society that is appointed to manage the property with a legal description of:

Parcel Identifier: 011-157-151
District Lot 2920 Kamloops Division Yale District Except Plans 15450 and 21015

(the "Property")

Each of the individual owners of the Property have entered into an agreement granting an irrevocable right to the Association to manage the maintenance, servicing and upkeep of the Property on behalf of all owners.

Please let me know if you require any further confirmation of our client's authority to manage the Property.

Yours truly,

CAMPBELL FROH MAY & RICE LLP

Per:


Katherine E. Ducey

KED/lrp

Letter of Agency

TRITON REF# 10101

CLIENT REF#

Client Name: Dasnier Bay Land Owners Association

Contact Name: Brent Dennis

Phone #: 604-789-2204

E-mail address: brent.dennis@bwdengineering.com

Address: 15822 106A Ave

Surrey, BC

V4N 1K7

I herby authorize Bill Rublee, of Triton Environmental Consultants to act on my behalf in preparing and submitting this Section 11 Application for the Dasnier Bay Land Owners Association.

PER:

PRINT NAME: Brent Dennis

SIGNATURE:

DATE:

21 AUG 2019



CSRD Mapping

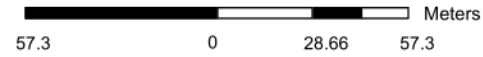


Aug 20, 2019

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Not to be used for navigation.

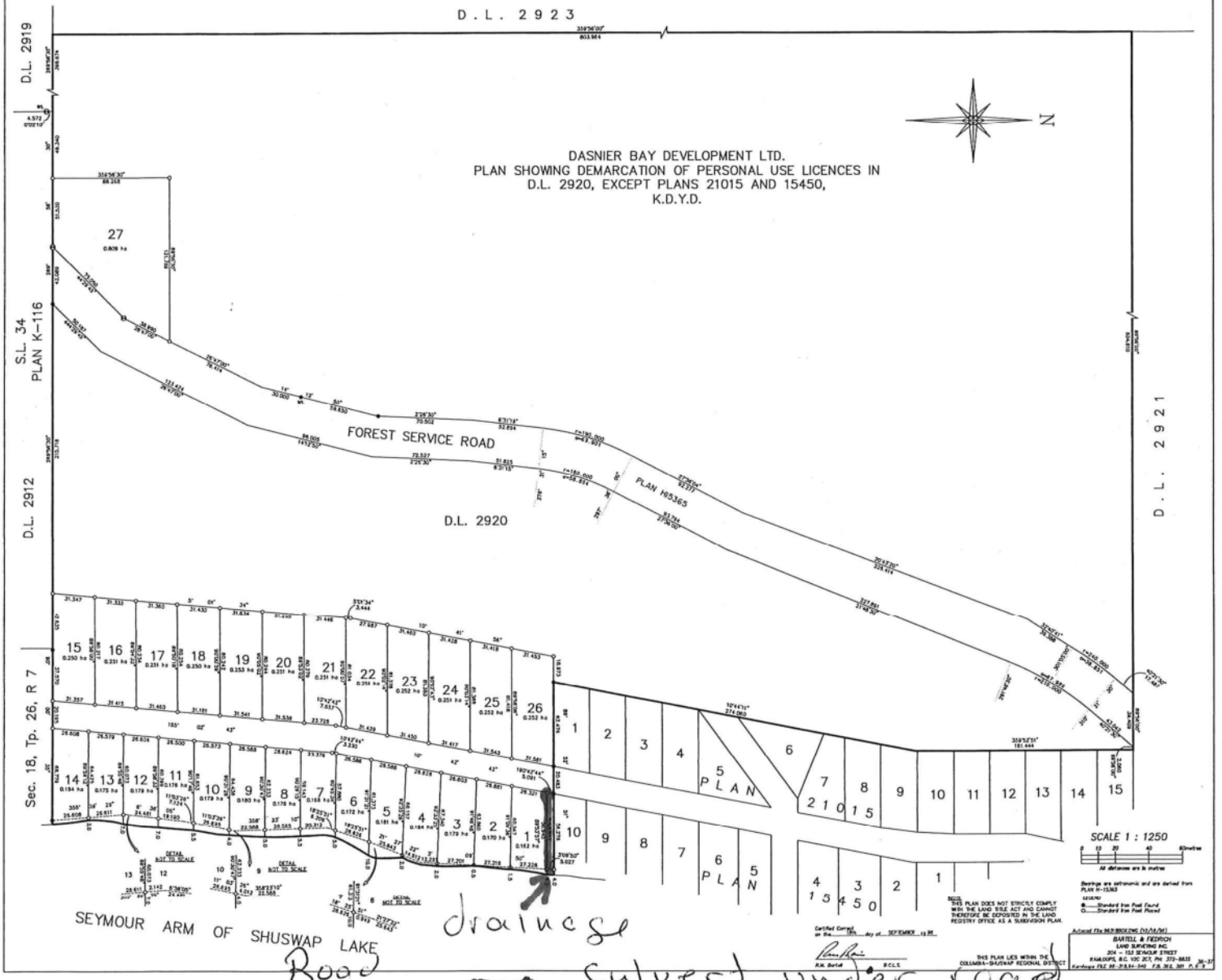


Scale 1: 2,257



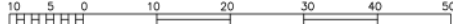
Map Notes

Copyright



Sketch Plan of Proposed Driveway in
Part of DL 2920, KDYD Except Plans 21015 and 15450

Scale 1:500



All distances are in metres.

The intended plot size of this plan is 560mm in width by 864mm in height (D size)
when plotted at a scale of 1:500

LEGEND

edge of road
centerline of road
ditch center line
break top
break toe
348.3m contour
15.0m setback from
348.3m contour

— Date of Survey: May 28, 2018
— Dimensions derived from
field measurements
— Contour interval is 0.5m

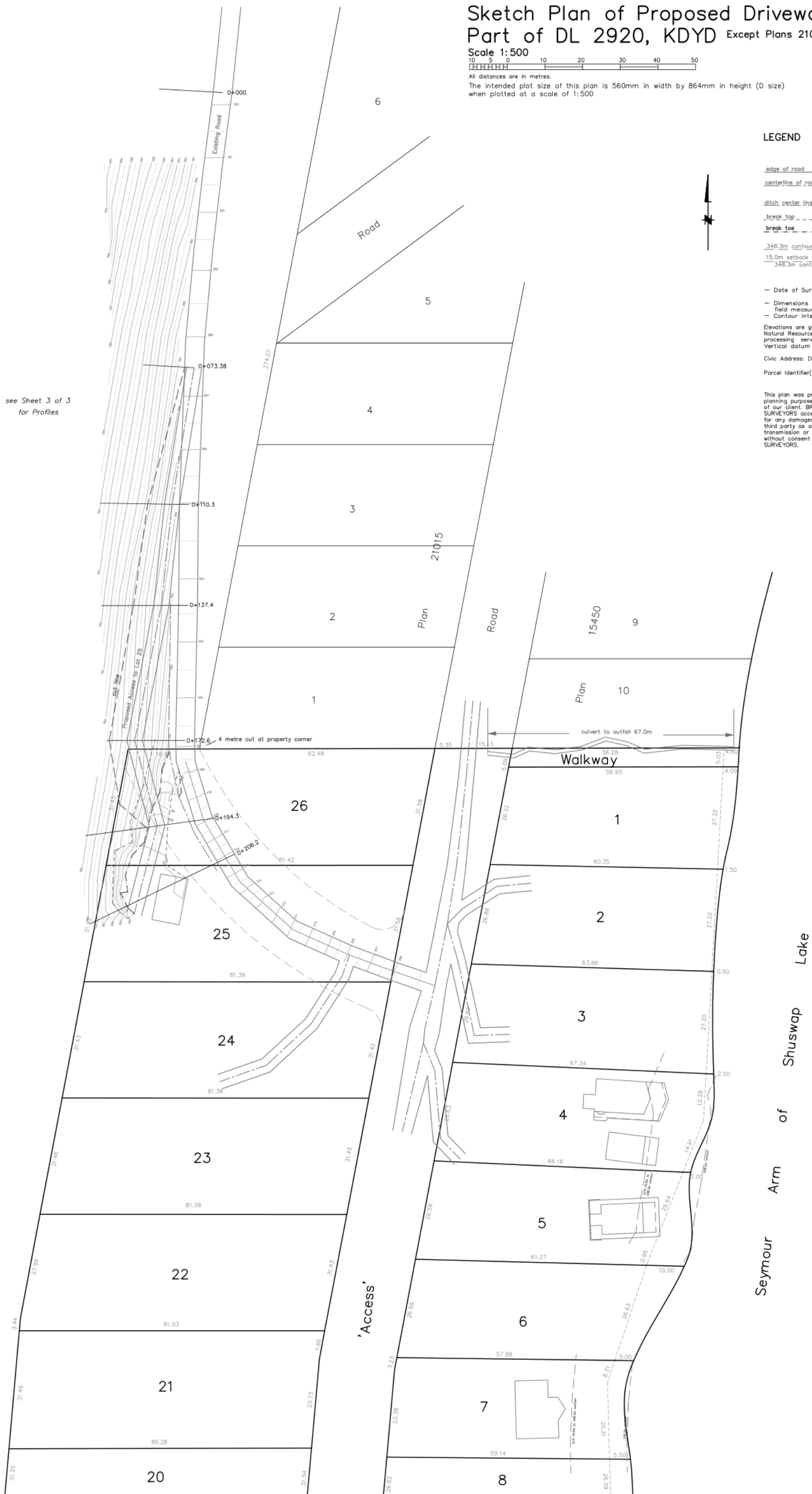
Elevations are geodetic and are derived from
Natural Resource Canada's PPP GNSS
processing services.
Vertical datum used: CGVD28 (HTV2.0)

Civic Address: Dasnier Bay, Seymour Arm

Parcel Identifier(PID): 011-157-151

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planning purposes and is for the exclusive use
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SURVEYORS.

see Sheet 3 of 3
for Profiles



Sketch Plan of Proposed Development of Part of DL 2920, KDYD Except Plans 21015 and 15450

Scale 1:2000



All distances are in metres.
The intended plot size of this plan is 432mm in width by 560mm in height (C size) when plotted at a scale of 1:2000

LEGEND

- edge of road
- centerline of road
- ditch center line
- break top
- break toe
- 348.3m contour
- 15.0m setback from 348.3m contour

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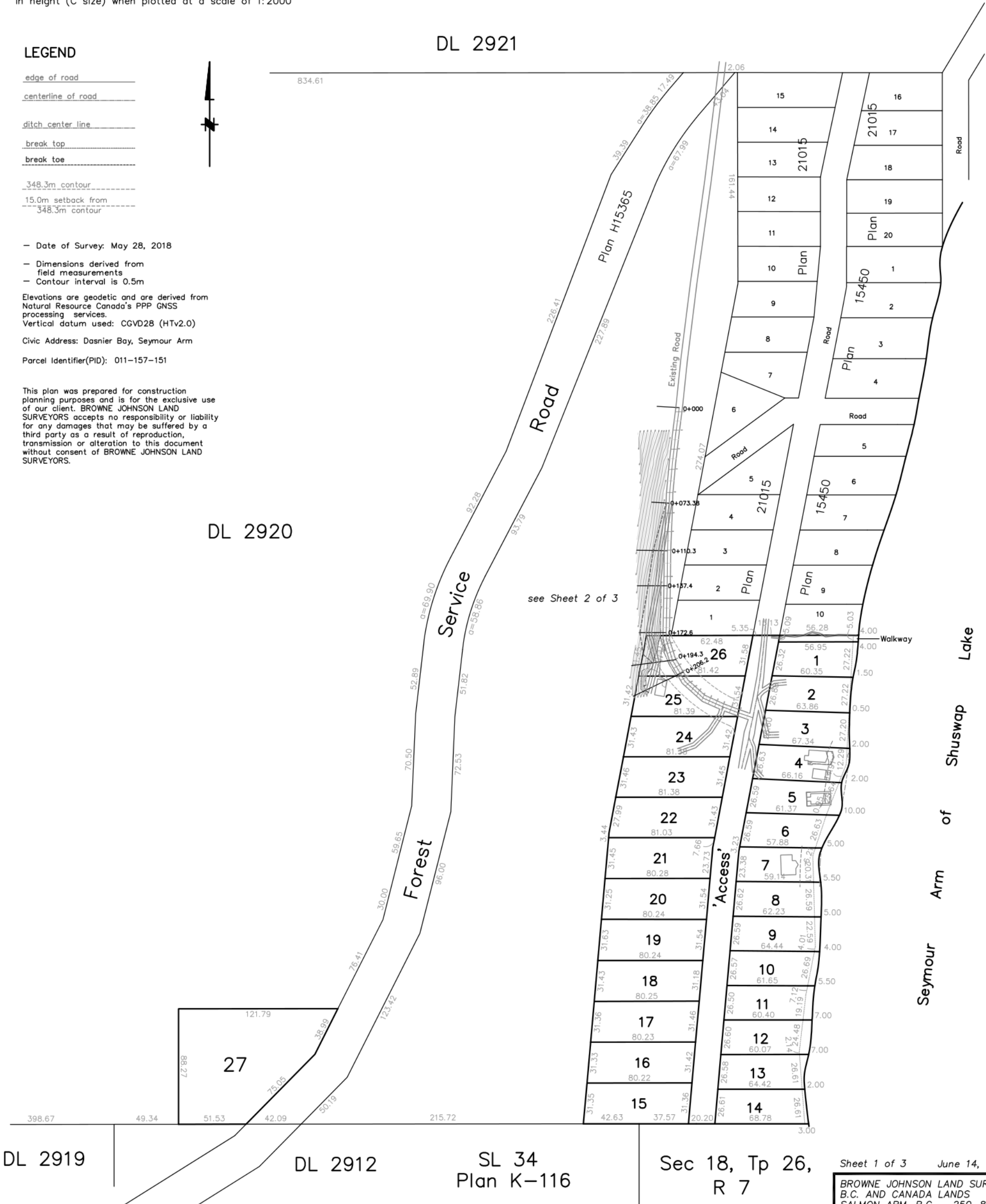
Civic Address: Dasnier Bay, Seymour Arm

Parcel Identifier(PID): 011-157-151

This plan was prepared for construction planning purposes and is for the exclusive use of our client. BROWNE JOHNSON LAND SURVEYORS accepts no responsibility or liability for any damages that may be suffered by a third party as a result of reproduction, transmission or alteration to this document without consent of BROWNE JOHNSON LAND SURVEYORS.

DL 2921

DL 2920



Sheet 1 of 3 June 14, 2018

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. 250-832-9701
File: 265-18 Fb.502 p.54/55
(60-11, 579-07)



File: R3-3006575

August 20, 2020

Via Email: brent.dennis@bwdengineering.com

Brent Dennis
Dasnier Bay Land Owners Association
15822 106A Ave
Surrey, BC V4N 1K7

**Re: Section 11 Water Sustainability Act Application “Changes In and About a Stream”
– Storm Sewer Outfalls – Construction / Maintenance – Dasniers Bay Seymour Arm
– Storm drainage beside Lot 1 Dasnier Bay Development**

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Yours truly,

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Justine Densmore-McCulloch, MSc, R.P Bio
Ecosystems Biologist

Cc: Triton Environmental Consultants, Ltd., brublee@triton-env.com; Spooner
Industrial, jeremy@spoonerelectric.com



File: R3-3006575

August 20, 2020

Via Email:

Brent Dennis
Dasnier Bay Land Owners Association
15822 106A Ave
Surrey, BC V4N 1K7

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Staff with the Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development have reviewed the above-mentioned authorized change application. A Section 11 *Water Sustainability Act* Change Approval is not required for the proposed work as long as the work is done in accordance with BC Regulation 36/2016 – Part 3.

As per section 38 (1) *A person proposing to make an authorized change, other than an authorized change described in Section 39 (1) (o) to (s), (2) and (5), must*

- (a) *Provide a notice, signed by the person or the person’s agent, to a habitat officer of the particulars of the proposal at least 45 days before beginning the authorized change, and*
- (b) *Obtain from a habitat officer a statement of the Terms and Conditions described in section 44 (2) [protection of aquatic ecosystems] on which the authorized change can proceed.*

Your authorized change can proceed as long as the terms and conditions for your works outlined here are followed:

http://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-rights/terms_and_conditions_for_cias_th_ok_2016.pdf

It is the proponent’s responsibility to ensure their activities are in compliance with all legislation, including the *Fisheries Act*, as well as with local government bylaws and regulations.

If you have further questions, please contact the undersigned at 250-371-6252.

Yours truly,

A handwritten signature in dark ink, appearing to be 'J. M.' followed by a long horizontal flourish.

Justine Densmore-McCulloch, MSc, R.P Bio
Ecosystems Biologist

Cc: Brent Dennis, BWD Engineering, brent.dennis@bwdengineering.com; Triton Environmental Consultants, Ltd., brublee@triton-env.com; Spooner Industrial, jeremy@spoonerelectric.com



Photo 1 Drainage mouth, no obvious delta.



Photo 2 Lake shore looking south



Photo 3 Picture of drainage



Photo 4 Drainage at mouth near Shuswap Lake



Photo 5 Path paralleling drainage work to be done from path. Work will be done in October when plants are dormant. Plants removed will be salvage and replanted after work has been completed.



Act Section 11/Regulation Part 3 File Tracking

File	3006575	Date Filed in eLicensing	20-Nov-19
		Date Rec'd by RWM	22-Nov-19
		Date of Referral meeting	27-Nov-19
		04-Jan-19	
File was in Request for More Information Stage			
		Target Date or Notification Auto-complete (Approval 140 days / Notification 45 days)	
Reviewers			
Applicant:	Dasnier Bay Land Owners Association	Source	Storm Drain - Seymour Arm - Dasniers Bay
Agent:	Bill Rublee		
Description	Storm Sewer Outfalls - Excavate a ditch at the site of current drainage. Connect 18 inch pipe to existing culvert under the road, following original drainage path		
Timing of work	Start	15-Oct-19	End 30-Oct-19
Money Received	Yes	No	Submitted as
Money Required	Yes	No	Approval (Sec 11)
Site Visit Required	Yes	No	Notification ✓
More information required	Yes	No	(Please circle one:) ACCEPT or REJECT / RESUBMIT
FN Consultation	Yes	No	N/A
File assigned to:	Ecosystems		
	Water Mgt		
Comments:			

File complete on submission:	Yes	No	
Missing Information:			