

Road Trespass Issue - Forest Service Road on Woodlot 1557

From: Susan Paul <s.22
To: Kleywegt, Ed FLNR:EX <Ed.Kleywegt@gov.bc.ca>, Paul, David FLNR:EX
<David.Paul@gov.bc.ca>
Sent: December 8, 2017 9:53:40 AM PST
Attachments: Access road off Riverside (1).pdf, November 27, 2017 Noticification to Elk Bay Resources.docx
Good morning Ed,

I'm having an ongoing road trespass issue with a logging contractor who has recently purchased private forested Lot 153.

I communicated with the contractor in September that a legal RUA would be required in order to gain access to the road on the attached map.

I determined in late November that the contractor unilaterally, and without communication or advanced notice, re-activated the forest service roads to gain industrial access.

When this was brought to my attention, I immediately communicated, by way of the attached letter - that the contractor was to cease all operations on the forest service roads until an RUA was negotiated.

For the past two weeks, I have attempted to negotiate a Road Use Agreement with no immediate success. Meanwhile, the Forest Service roads continue to be used for industrial use and it is my understanding that approximately 240 logging truckloads will be hauled over the next month.

What is the Forest Service's position on this issue and what steps need to be taken?

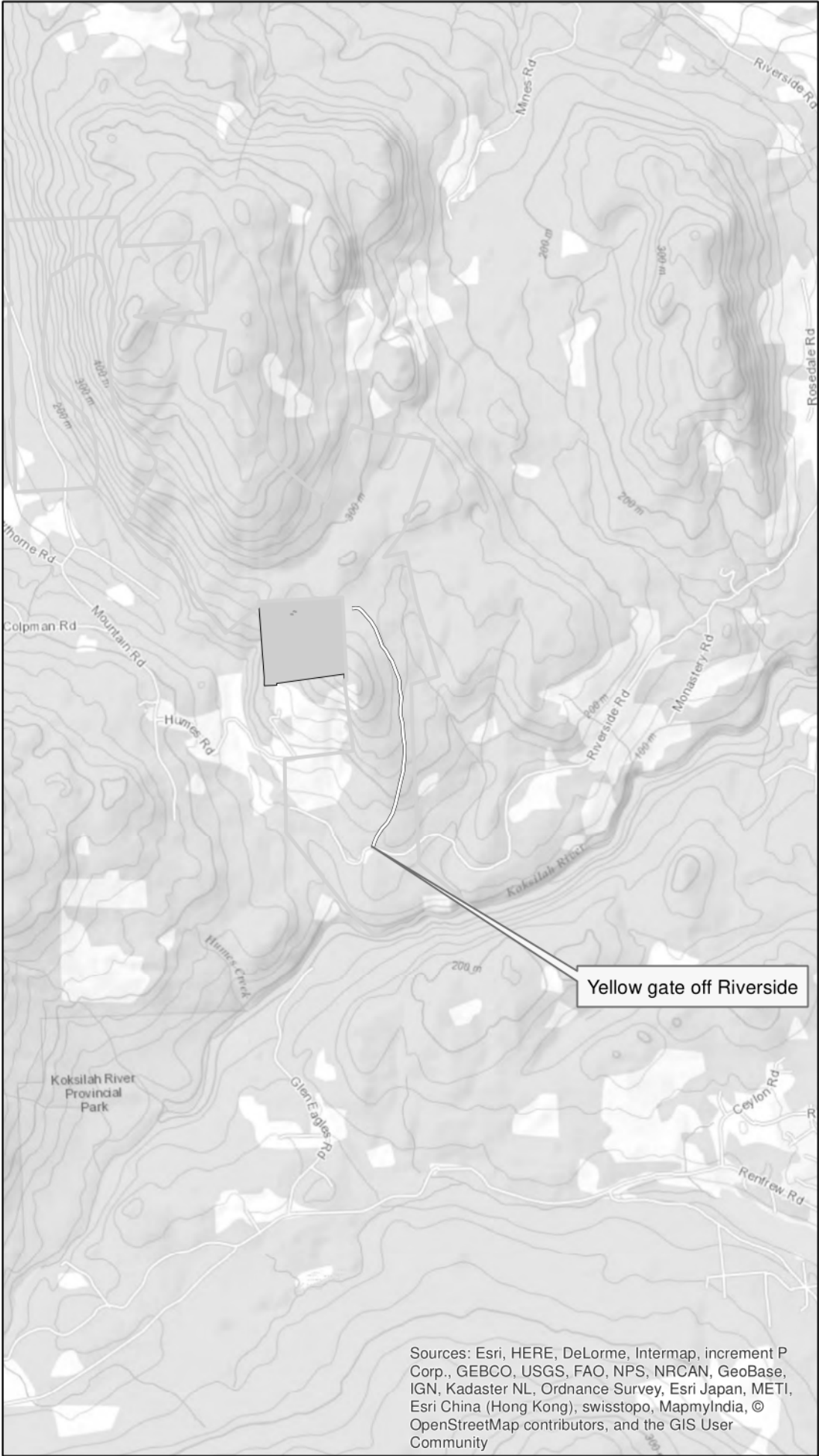
Susan Paul

A and E Woodlands

General Location

Owner	Ed and Alice Armstrong
Legal Description	DL 153 E&N Blue Bell Mineral
Location:	Claim Helmcken District
BEC Zone, Subzone,	Duncan
Variant (BEC)	CWHxm1
Area	19.9 hectares
Latitude:	49°48' 46.3"N
Longitude:	125°01' 55.4"W
Datum/Zone	NAD 1983/BC Environmental Albers
East	1169936E
North	410390N
Mapsheet No.:	928062
Declination	16° 57.06' East
Drawn By:	HRC (Deb Webster)
Forest Inventory	HRC (Andrea Lang)

- Adjacent Woodlot
- A and E Woodlands





Hueck Resource Consultants
4566 Forbidden Plateau Road
Courtenay, B.C. V9J 1A3
Phone: 250-338-6140 Fax: 250-338-6169
email: hueck@shaw.ca





Date: 7/18/2016

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

URGENT - Road Use Agreement for Road access on Woodlot Licence W1557 inbox x



Susan Paul  

 Nov 28 (10 days ago)   

to Robert 

Robert Beede,

This letter is a follow-up to my September 29, 2017, email regarding the requirement for a formal Road Use Agreement and the use of the road systems on Woodlot Licence W1557.

Woodlot Licence W1557 is a Crown land forest tenure with the South Island Natural Resource District and is governed by the Forest and Range Practises Act (FRPA). A map of the Woodlot Licence area is attached for your information.

The authorized industrial use of forest service roads is governed by the FRPA, Section 22.1 (1)(d)

On November 27, 2017, the licensee determined that Elk Bay Resources Ltd. obtained unauthorized industrial access through 1.6 km of forest service road, commencing at Riverside Road, to upgrade the road system for the purpose of gaining timber harvesting access to Lot 153.

Please take notice, effective immediately, that all employees, contractors, and agents of Elk Bay Resources Ltd. are denied access through the forest service road systems of Woodlot Licence 1557 until such time a legal Road Use Agreement is obtained.



Elk Bay Company Report

From: Shanks-Startup, Nicole FLNR:EX <Nicole.ShanksStartup@gov.bc.ca>
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: October 7, 2019 2:19:15 PM PDT
Attachments: report.do.pdf

Title

From: Shanks-Startup, Nicole FLNR:EX <Nicole.ShanksStartup@gov.bc.ca>
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: October 7, 2019 2:20:58 PM PDT
Attachments: s.15 pdf, image001.jpg

Nicole Shanks-Startup

Natural Resource Specialist
Ministry of Forests, Lands, Natural Resource Operations
and Rural Development
South Island Natural Resource District – Port Alberni
Phone (250) 731-3049 Fax (250) 731-3010



Where ideas work



RE: industrial use

From: Hagel, Wayne FLNR:EX <Wayne.Hagel@gov.bc.ca>
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: October 8, 2019 9:45:52 AM PDT
Attachments: image004.jpg, image003.png
Hi David,

As follows and copied below I've highlighted the sections of FRPA that apply to roads on Crown land;

- Industrial Use is defined;
- There's an open road principal, that if a road is open, it's open to the public and the public can not be charged;
- There's specific criteria for when a gate can be installed and requires prior approval of the district manager;
- There's nothing to force an industrial user into a road use agreement, but if they are asked for contribution to maintenance, they have a third party obligation, nothing to do with the ministry.

FPRA

Division 2 Roads

Application

22 (1) This Division does not apply to roads constructed or maintained under the *Community Charter*, the *Highway Act*, the *Transportation Act*, the *Land Act*, the *Local Government Act* or the *Pipeline Act*.

(2) A person must not use, construct, maintain or deactivate a road except in accordance with this Act, the regulations, the standards and any forest stewardship plan or a woodlot licence plan, if the road is

- (a) a forest service road,
- (b) in a Provincial forest,
- (c) outside a Provincial forest for the purpose of providing access to timber on Crown land or on private land that is subject to an agreement, or
- (d) subject to a requirement for a special use permit.

Industrial use of a road

22.1 (1) A person must not use a road for

- (a) timber harvesting, including the transportation of the timber or associated machinery, materials or personnel, or
- (b) access for tree planting requiring more than 12 months to complete, or silvicultural treatments requiring transportation of machinery,

except in one or more of the following circumstances:

- (c) the person
 - (i) is authorized to do so under a timber sale licence that does not provide for a cutting permit or under a woodlot licence, cutting permit, road permit or forestry licence to cut, or
 - (ii) is exempted under subsection (4);
- (d) the road is a forest service road, and the person is authorized to use the road under a road use permit or is exempted under subsection (4);

- (e) the road is one for which another person has a timber sale licence that does not provide for a cutting permit or has a woodlot licence, cutting permit, road permit or special use permit.
- (2) A person who is developing natural resources other than timber must not use a road for that purpose, including the transportation of the natural resources or associated machinery, materials or personnel, unless
- (a) the road is located inside the boundary of a claim, lease, permit or other authorization granted or issued under the *Coal Act*, the *Mineral Tenure Act*, the *Mines Act* or the *Mining Right of Way Act*, and the road was built under the authority of one of those Acts,
 - (b) the road is located outside the boundary of a claim, lease, permit or other authorization granted or issued under an Act referred to in paragraph (a), and the person is authorized to use it by a special use permit or is exempted under subsection (4),
 - (c) the road is authorized under the *Geothermal Resources Act*, *Petroleum and Natural Gas Act* or *Pipeline Act*,
 - (d) the road is a forest service road, and the person is authorized to use the road under a road use permit or is exempted under subsection (4), or
 - (e) the road is one for which another person has a road permit, special use permit or woodlot licence.
- (3) Subsections (1) (a) and (2) (d) do not apply to operations that are associated with, or are necessary to be carried out under, an agreement under the *Range Act*.
- (4) The minister may grant an exemption
- (a) referred to in subsection (1) (c) (ii) or (2) (b) if satisfied that the person's use of the road will not unnecessarily impact forest resources, or
 - (b) referred to in subsection (1) (d) or (2) (d) if satisfied that the person's use of the road will not
 - (i) unnecessarily impact forest resources,
 - (ii) materially affect the use of the road by others, or
 - (iii) materially increase the need for road maintenance.
- (5) A person granted an exemption under subsection (4) must comply with any conditions of the exemption.
- (6) A person who, under subsection (4), is granted an exemption referred to in subsection (1) (c) (ii) or (2) (b) must maintain the road for the duration of the person's use of the road in accordance with the regulations and any applicable forest stewardship plan or woodlot licence plan.
- (7) A person who uses a road under subsection (1) (d) or (e) or (2) (d) or (e) must give at least 5 clear days notice of the date on which the person will begin to use the road
- (a) to the holder of the applicable road permit, special use permit or woodlot licence, and
 - (b) for a forest service road,
 - (i) to the minister, and

(ii) in prescribed circumstances, to the person required to maintain the forest service road.

Non-industrial use of a road

22.2 (1) Subject to subsections (2) to (4) and to regulations respecting roads made under the *Industrial Roads Act*, a road that is

- (a) a forest service road, or
- (b) constructed or maintained by the holder of a road permit or a woodlot licence

may be used by any person, other than a person referred to in section 22.1, without charge.

(2) The

- (a) district manager, for a forest service road, or
- (b) holder of a road permit or a woodlot licence, for a road under the permit or licence,

may take action under subsection (3) if

- (c) use of the road under subsection (1) would likely
 - (i) cause significant damage to the road,
 - (ii) cause significant sediment delivery, or
 - (iii) endanger property, public health or public safety, or
- (d) the presence on the road of a vehicle or animal would likely cause damage to the road or environment or endanger life or property.

(3) In the circumstances described in subsection (2),

- (a) the district manager, for a forest service road, may
 - (i) close the road or restrict its use, or
 - (ii) remove a vehicle or an animal from the road at the expense of the owner of the vehicle or animal, and
- (b) the holder of a road permit or a woodlot licence, for a road under the permit or licence,
 - (i) with the prior consent of the minister, may close the road or restrict its use, or
 - (ii) may remove a vehicle or an animal from the road at the expense of the owner of the vehicle or animal.

(4) The minister, in accordance with the regulations, may specify types of expenses that must be paid to

- (a) government for a road referred to in subsection (1) (a),
- (b) holders referred to in subsection (1) (b), or
- (c) other persons who meet prescribed requirements

by a person, other than a person referred to in section 22.1, who uses a road or class of roads.

No payment for use of road except as provided

22.3 (1) By written notice under subsection (2), a holder of a road permit or of a woodlot licence, or, in prescribed circumstances, of a road use permit, may require payment, within

the limits imposed under subsection (2), from a person who uses a road that is under the permit or licence for

- (a) a purpose referred to in section 22.1 (1) or (2), or
- (b) other prescribed purposes.

(2) A written notice under subsection (1) must specify

- (a) that payment is required, and
- (b) the amount of the payment, which amount must be limited to one or more of the following:
 - (i) a reasonable contribution to the expense of maintaining the road;
 - (ii) the reasonable expense of modifying the road to accommodate the special needs of the person;
 - (iii) the reasonable expense of repairing any damage to the road caused by the person's use of the road.

(3) If the holder of the road permit, road use permit or woodlot licence who gives a written notice under subsection (1) and the person who receives the notice do not agree on what amount of payment should be required, the holder and the person must submit that question for resolution

- (a) by an agreed process of dispute resolution, or
- (b) by binding arbitration under the *Arbitration Act*.

(4) A person who receives a written notice under subsection (1) is liable to the holder of the permit or licence who gave the notice for payment of the amount that is

- (a) specified in the notice, or
- (b) determined under subsection (3) in a case to which that subsection applies.



Wayne Hagel, RFT
Senior Policy Analyst
Engineering Branch, FLNRORD
Phone: 778.974.2383 Cell: 778.679.3544

From: Paul, David FLNR:EX
Sent: October 8, 2019 9:04 AM
To: Hagel, Wayne FLNR:EX
Subject: industrial use

Hi Wayne;
I have a woodlot question from South Island that deals with a woodlot with a road permit.

A person has a private parcel (land locked except for the woodlot road) so to access his property he needs to use the RP woodlot road. Since 2017 my licensee has been complaining about damage to her road, and has asked the owner to sign a road use agreement

My question:
what is considered *industrial use*? thus forcing the private owner to sign a road use agreement.

Last week a new person demanded a key to her lock. The fact the gate is locked is a different matter that we are dealing with. The licensee has offered a key, if they sign the RUA.

When I look in LTSA, it appears this newest person is not even the owner of the land? It is still the 2017 person.

Do they have a right to use the road? Do they have to sign a Road Use Agreement? If the woodlot Licensee is not happy, what can they do?

thanks in advance;

David Paul, RPF | Licensed Authorizations Officer

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
South Island Natural Resource District | 250-731-3015 }
David.Paul@gov.bc.ca



Where ideas work



RE: 50 acres Duncan/Cobble Hill

From: Voysey, Lorne FLNR:EX <Lorne.Voysey@gov.bc.ca>
To: James Greaves s.22
Cc: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: October 8, 2019 10:08:28 AM PDT

David's # is 250-731-3015.

Lorne Voysey
Registered Forest Technologist (RFT)
Woodlot and Resource Coordinator
Campbell River Natural Resource District
Phone 250-286-9378
lorne.voysey@gov.bc.ca

-----Original Message-----

From: James Greaves [mailto:s.22]
Sent: Tuesday, October 8, 2019 10:06 AM
To: Voysey, Lorne FLNR:EX
Subject: Re: 50 acres Duncan/Cobble Hill

Please send me the number for the DSI

Thank you Lorne

James

Sent from my iPhone

On Oct 8, 2019, at 9:40 AM, Voysey, Lorne FLNR:EX <Lorne.Voysey@gov.bc.ca> wrote:

Hello James, as your lot is in the DSI district you will have to work with them to resolve. Signing a road use agreement and going through a safety protocol is reasonable and a standard practice.

Lorne Voysey
Registered Forest Technologist (RFT)
Woodlot and Resource Coordinator
Campbell River Natural Resource District
Phone 250-286-9378
lorne.voysey@gov.bc.ca

-----Original Message-----

From: James Greaves [mailto:s.22]
Sent: Tuesday, October 8, 2019 9:25 AM
To: Voysey, Lorne FLNR:EX
Subject: 50 acres Duncan/Cobble Hill

Good morning Lorne

So far we have been told we can have a key for the gate but I have to sign a road use agreement and go through

safety protocols to use it.

I am planning to re sell the property and list it through a realtor.

So, I'm not sure but I'm pretty sure if this is the process Susan wants to take which isn't necessary, it's going to be a deterrent or prohibit the sale of the property.

I was told I can also access the property 2 other ways which are not easy. We can't get a pick up through without scratching it. This is interesting to note that I'm having issues getting through the gate but told I can go around which gives me access to the wood lot also. Which raises the question. What's the gate for ?

I have a couple messages left for David Paul and no help yet.

Maybe I can pick your brain a bit here and ask if it may be possible for me to fix, widen out the other road that enters the north side of the property since I'm having issues ?

I believe the road starts on Mines rd. It's actually more like a quad trail or old mining grade . If this is a possibility I'll go look into where it is etc... and get more information about it .

Thanks

James Greaves

Sent from my iPhone

FW: Temporary Restricted Access

From: Morris, Rhonda M FLNR:EX <Rhonda.Morris@gov.bc.ca>
To: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>
Cc: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: October 8, 2019 10:23:40 AM PDT
Attachments: Woodlot Licence 1557 Map, August 28 2019.pdf, Application for Restricted Public Access (W1557), October 7, 2019.docx

Hi Rob,

Please work with David on this temporary gate closure request for this woodlot licensee. I am supportive of a temporary closure during active logging provided that the nearby private land holder and/or his tenant who relies on the road for access to the private land, is given a key.

From: Paul, David FLNR:EX
Sent: Monday, October 7, 2019 4:02 PM
To: Morris, Rhonda M FLNR:EX
Cc: Thomas, Robert FLNR:EX
Subject: FW: Temporary Restricted Access

Hi Rhonda:

here is Susan's application for a gate lock. It is until November 4, 2019 and explains her reasons.

The person who is having an issue with the gate is James Greaves and he has been emailing with Lorne Voysey of the Campbell River Office (not Ramona). Lorne and I spoke and he forwarded the email from James. James is banking on not industrial use, however, if the new owner wants to clear land or do industrial activities of any kind, he would need a Road Use Agreement.

The actual owner of the parcel is Robert Beade. It looks like James is in the process of buying the parcel and a woodlot in Campbell River from Robert.

However at this time James has no rights to the land adjacent to the woodlot.

David

From: Susan Paul [mailto:s.22
Sent: Monday, October 7, 2019 3:52 PM
To: Paul, David FLNR:EX
Subject: Temporary Restricted Access

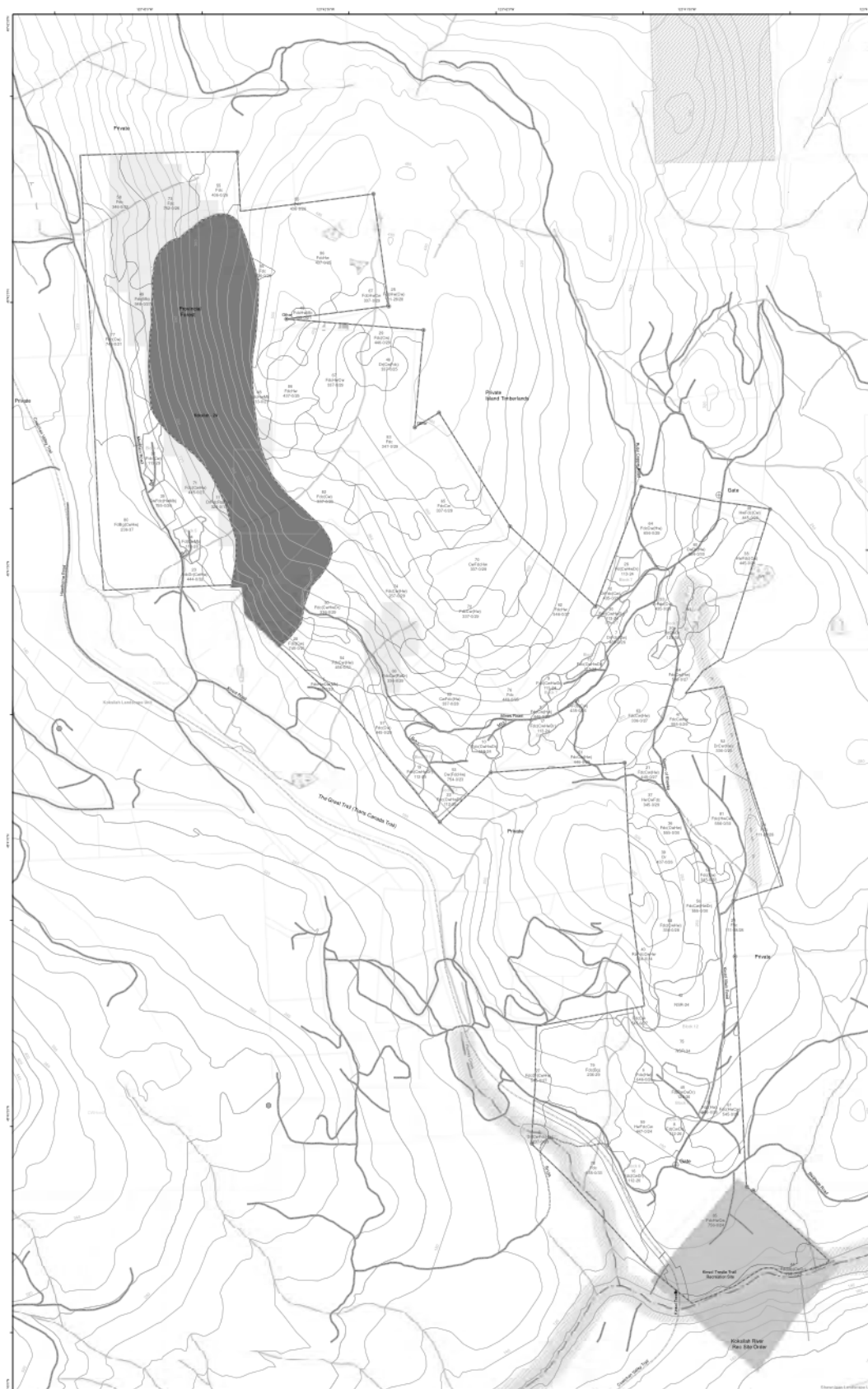
Hello David,

Thank you for your phone call and the information you sent about gates and temporary restriction of public access.

Please find attached a copy of my application for approval by Rhonda Morris, including a map that show the location of the existing gate at Riverside Road.

Please let me know if there is anything else that I should send. Thank you.

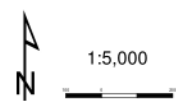
Susan Paul



Woodlot 1557 Woodlot Licence Plan

- Legal Points
- ⊕ Gate
- ▭ Woodlot Boundary
- ▭ Block
- ▭ Forest Cover
- Road
- Grade
- Trail
- ▭ CVRD Lease From MoT for the Great Trail
- Point of Diversion Licence
- Contours
- ▨ Swamp/Wetland
- ▭ Lot Boundaries
- Transmission Line
- Unclassified Stream
- NCD
- S1
- S2
- S3
- S4
- S5
- S6
- ▭ Landscape Unit
- ▭ Community Watershed
- ▨ Riparian Management Zone
- ▨ Riparian Reserve Zone
- Visual Quality Objectives**
- ▨ Modification
- ▨ Partial Retention
- ▨ Retention
- ▨ Ungulate Winter Range
- ▨ >49% Slope
- ▨ Biogeoclimatic Zones
- ▨ Recreation Polygon

License No.:	W1557
Licensor:	Susan Paul
Region:	RCO Coast Forest Region
District:	South Island
Location:	Kinsol Mountain
Area (Hectares):	approx 319
Landscape Unit:	Koksaluk-Low
Resource Management Zone:	Integrated
Biogeoclimatic Zone, subzone, variant:	CWHxm1
Projection Datum:	NAD83 BC Environment Albers
Easting/Northing:	1170107/409053
Lat/Long DMS:	48°41'0"/123°42'0"
Lat/Long Degree decimal:	48.68/123.7
Mapsheet No.:	92B062/92B072
Declination:	16°30.18' (Grid) 9.1°y west annual change



Huock Resource Consultants
4666 Forbidden Plateau Road
Courtenay, B.C. V9J 1R3
Phone: 250-218-4113
email: huock@shaw.ca

Date: 8/28/2019

Susan Paul
Courtland Resources Ltd.
Woodlot Licence #1557 (Cowichan Station)
s.22

s.22

October 7, 2019

Rhonda Morris, RPF
District Manager
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9

Re: Restricted vehicle access during active logging operations and extreme forest fire ratings

Please accept this letter as an application to lock the existing yellow gate, at the entrance to Woodlot Licence 1557 at Riverside Road, Duncan, on a temporary basis during the following times:

- a. Equipment on-site during active harvesting, hauling and road maintenance;
- b. Timber resources are decked along roadside awaiting delivery to log sort; and
- c. Extreme Forest Fire Ratings

During the last year, I have had significant issues with vandalism to equipment, theft of equipment, culverts and decked timber resources, disregard to public safety signage during active harvesting operations and open fires during Extreme fire season in August.

File number 19-15525 has been opened with the RCMP and I have been informed by Constable Kevin Houlgate, Duncan Street Crime Unit, that the group of individuals active in the area are known to the RCMP and warrants for their arrests are being sought for serial property crimes and drug trafficking charges. The RCMP have also instructed me to inform all contractors to not approach these individuals when seen on-site.

I would kindly request your permission to temporarily lock the gate, in the above noted circumstances, in accordance with *FRPA*, Section 22.2(2)(c)(iii) to minimize property and equipment damage/theft and to maintain public health and safety.

I currently have a contractor and equipment onsite for the purposes of piling the slash from the Spring harvest and hauling the remaining decked timber. I expect this to be complete within

the next two weeks, at which time, I would immediately unlock the gate for unrestricted public access. Thank you for your consideration.

Sincerely,

Susan Paul
Woodlot Licence 1557

cc. David Paul, RPF
cc. Ed Kleywegt, RPF

FW: Property Access

From: Voysey, Lorne FLNR:EX <Lorne.Voysey@gov.bc.ca>
To: James Greaves s.22 Paul, David FLNR:EX
<David.Paul@gov.bc.ca>
Cc: Kayorie, David F FLNR:EX <David.Kayorie@gov.bc.ca>, Goldstone, Greg FLNR:EX
<Greg.Goldstone@gov.bc.ca>
Sent: October 8, 2019 3:43:06 PM PDT
Attachments: image0.jpeg

Hi James, I believe that you inadvertently sent your sent email to the wrong person, I am forwarding this on to David Paul your intended recipient.

Lorne Voysey
Registered Forest Technologist (RFT)
Woodlot and Resource Coordinator
Campbell River Natural Resource District
Phone 250-286-9378
lorne.voysey@gov.bc.ca

-----Original Message-----

From: Goldstone, Greg FLNR:EX
Sent: Tuesday, October 8, 2019 3:09 PM
To: Voysey, Lorne FLNR:EX
Subject: FW: Property Access

Is this something that you were working on?

-----Original Message-----

From: Kayorie, David F FLNR:EX
Sent: Tuesday, October 8, 2019 3:00 PM
To: Goldstone, Greg FLNR:EX
Subject: FW: Property Access

David Kayorie RFT
Resource Technologist
Campbell River Natural Resource District Ministry of Forests, Lands and Natural Resource Operations
Phone: 250-286-9361
Fax: 250-286-9490

-----Original Message-----

From: James Greaves [mailto:s.22 |
Sent: Tuesday, October 8, 2019 11:10 AM
To: Kayorie, David F FLNR:EX
Subject: Property Access

Hi David.

Thanks for getting back to me.
Above is an email I received about road use agreements.

I do own the property, i took possession September 30tg.

I agree about the safety for sure. When I was there, there was no active logging or hauling signs posted that would provide the prime contractors contact information or radio frequency. If this is posted then I would know how to proceed safely.

It was my understanding that a road use agreement was to be signed as well before a key given.

I will sign a road use agreement, but as a private user not an industrial user. I have one of her road use agreements in the past and it could hold me liable for damages I did not do as a private user.

Please send me a simple road use agreement and let's work it out.

Thanks a lot !

James

Sent from my iPhone

Mail body: Fwd: Wood lot access

ent from my iPhone

egin forwarded message:

From: "Voysey, Lorne FLNR:EX" <Lorne.Voysey@gov.bc.ca>
Date: October 4, 2019 at 7:58:16 AM PDT
To: James Greaves [mailto: [REDACTED] s.22]
Subject: RE: Wood lot access

Hi Jeremy, if there is no industrial logging/use is intended then no RP or road use agreement would be required, your type of usage need to be made clear. I recommend working with David Paul and I am sure things will work out for you.

Lorne Voysey
Registered Forest Technologist (RFT)
Woodlot and Resource Coordinator
Campbell River Natural Resource District
Phone 250-286-9378
lorne.voysey@gov.bc.ca

-----Original Message-----

From: James Greaves [mailto: [REDACTED] s.22]
Sent: Thursday, October 3, 2019 5:56 PM
To: Voysey, Lorne FLNR:EX

W1557

From: Preedy, David FLNR:EX <David.Preedy@gov.bc.ca>
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: October 29, 2019 8:52:46 AM PDT
Attachments: ta_300961_exhibitA.pdf, image001.png
The only RW that shows up in the adjudication is for BC Hydro Transmission line.

From: Preedy, David FLNR:EX
Sent: Wednesday, September 11, 2019 2:41 PM
To: Paul, David FLNR:EX
Subject: W1557

Back

ESF Date: 2019-07-26

ESF ID: 1893934

Tenure Application ID: 300961

Ex A Image: Y

Application Description: Woodlot Licence Schedule B

Licensee: DISTRICT MANAGER SOUTH ISLAND (DSI) 00

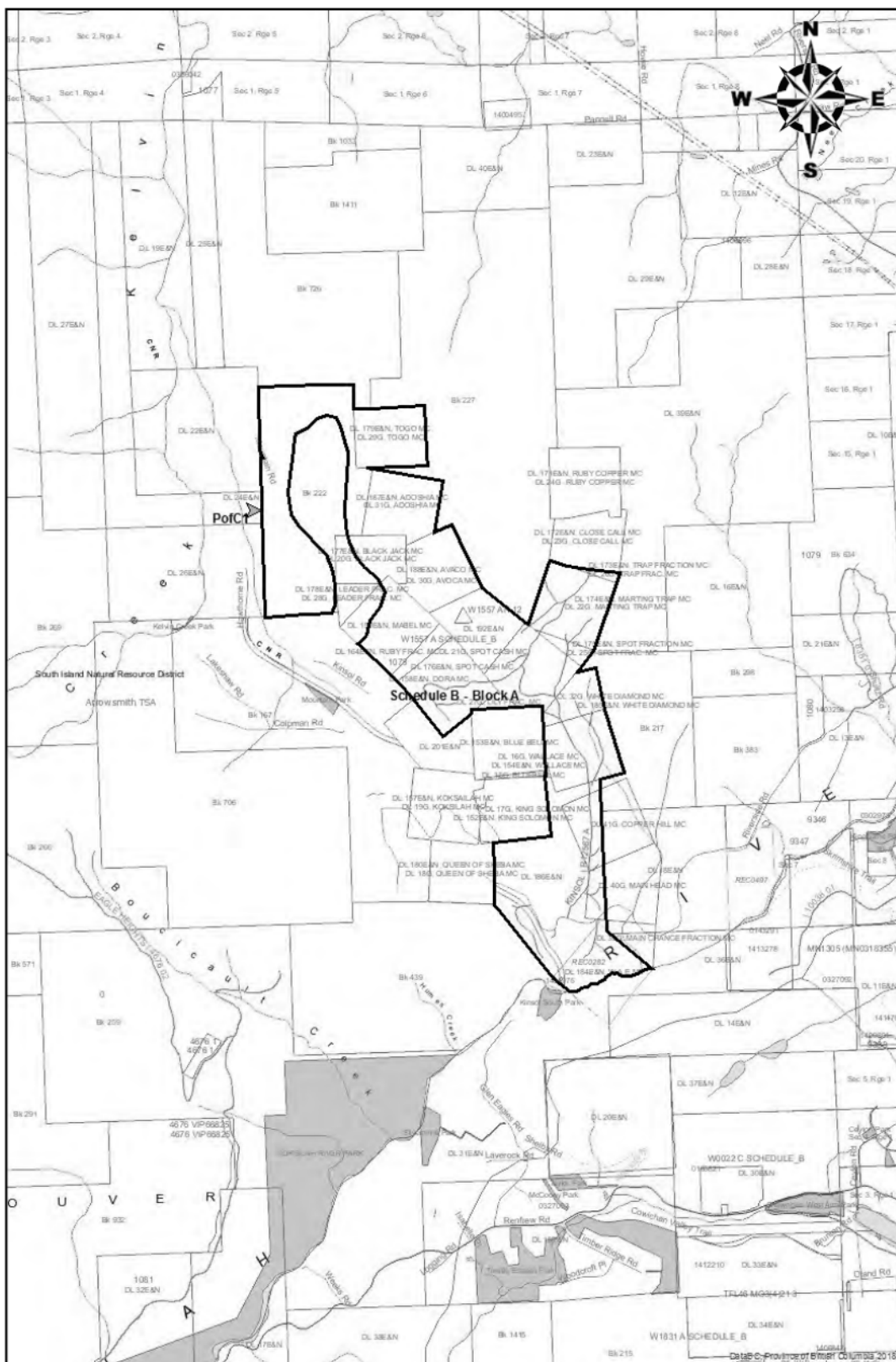
Client Number: s.21

Object	Additional Action	Map Conflict	Additional Action Comments	Resolved
W1557 BLK A	Exclude	REC0282 (Conflict)	Exclude Thereout any conflict with the prior rights of this Forest Service Rec Site	Y
W1557 BLK A	Exclude	7-33A-503R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	7-33A-509R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	7-33A-510R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Save and Except	File: 1404975 Description: See Attachments for Legal Description, (Conflict)	Save and Except Thereout any conflict with the prior rights of this Lands Tenure R/W, for BC Hydro Transmission Line	Y
W1557 BLK A	Exclude	Sample Number: 503 Sample Type: R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	Sample Number: 509 Sample Type: R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	Sample Number: 510 Sample Type: R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	Opening: 44,190 Licensee Polygon ID TLA (Conflict)	Exclude Thereout any conflicts with any prior rights of this Results Reserve, for WTP	Y



Legend	
	Tenure Application
	Tenure Road Application
	Retired Tenure Road
	P of C
	P of T
	Crown Tenures
	Survey Parcels
	Freeway
	Arterial/Collector Road
	Local Road
	Forest Service Road
	Road Permit Road
	SUP Road
	Right of Way
	Non Status Road
	Recreation Trails
	Transmission Lines
	Pipelines
	Railway Tracks
	Lakes/Rivers/Streams
	Ocean
	Prov. Parks & Eco. Reserves

Schedule B - Block A (328.569 Ha)
 PolC1 UTM10 447061, 5394020



[Back](#)
ESF Date: 2019-07-26

ESF ID: 1893934

**Tenure
Application ID:** 300961

**Application
Description:** Woodlot Licence Schedule B

Ex A Image: Y
Client Number: s.21

Licensee: DISTRICT MANAGER SOUTH ISLAND
(DSI) 00

Object	Additional Action	Map Conflict	Additional Action Comments	Resolved
W1557 BLK A	Exclude	REC0282 (Conflict)	Exclude Thereout any conflict with the prior rights of this Forest Service Rec Site	Y
W1557 BLK A	Exclude	7-33A-503R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	7-33A-509R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	7-33A-510R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Save and Except	File: 1404975 Description: See Attachments for Legal Description, (Conflict)	Save and Except Thereout any conflict with the prior rights of this Lands Tenure R/W, for BC Hydro Transmission Line	Y
W1557 BLK A	Exclude	Sample Number: 503 Sample Type: R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	Sample Number: 509 Sample Type: R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	Sample Number: 510 Sample Type: R (Conflict)	Exclude Thereout any conflict with the prior rights of this Inventory Sample Plot	Y
W1557 BLK A	Exclude	Opening: 44,190 Licensee Polygon ID TLA (Conflict)	Exclude Thereout any conflicts with any prior rights of this Results Reserve, for WTP	Y

Gate key

From: James Greaves s.22
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: November 2, 2019 2:53:57 PM PDT

Hi Dave

I still have not received a gate or a response from my last email to Susan several weeks ago

Thanks
James
Sent from my iPhone

Re: use of roads on woodlot W1557

From: Susan Paul s.22
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: November 18, 2019 9:10:02 AM PST
Good morning David,

I have received further communications from James Greaves, particularly regarding realtor access through the woodlot and gave the following response. I thought you may need a copy of this for your records. Thank you.

Courtland Resources Ltd.
Woodlot Licence #1557 (Cowichan Station)
s.22
Text (s.22)

November 15, 2019

Dear James Graves

Re: Road Access through Woodlot Licence 1557

I am responding to your email dated November 12, 2019 regarding realtor access and refer to my earlier correspondence dated October 15, 2019.

The Riverside Road gate is in the unlocked position and currently, no active logging operations are underway. Therefore, unrestricted public access is available to Lot 153.

Once active logging operations recommence, the public, including the owner/realtor agents of Lot 153, will be notified of the principal operator, road closure and communication radio frequency information on the Riverside Road gate. During these times, reasonable public access will be granted when it is both practicable and safe to do so.

From time to time, the District Manager may authorize the Riverside Road gate to be locked. During these times, I will then make prior arrangements with the registered owner of Lot 153 and/or realtor agent to obtain a key to the gate.

In response to your particular question about realtor agent access to Lot 153, the road is currently open and unobstructed. However, this can change at any time so I would suggest that the realtor contact me in advance via email or text message for up to date information about the current status of the road.

Please provide me with the name of the realtor representing the sale of Lot 153 so I may forward worker/public safety procedures, as detailed in my previous correspondence, dated October 15, 2019. Thank you in advance.

Sincerely,

Susan Paul, Licensee
Woodlot Licence #1557

cc. Len Apedaile, RPF, Econ Forestry for Robert Beede, Elk Bay Logging Ltd.
cc. David Paul, MFNR

On Tue, Nov 5, 2019 at 8:34 AM Paul, David FLNR:EX <David.Paul@gov.bc.ca> wrote:

yes, I have this letter. I will need to contact James again. I am just unclear what is happening.

David

From: Susan Paul [mailto:s.22]
Sent: Tuesday, November 5, 2019 8:08 AM
To: Paul, David FLNR:EX
Subject: Re: use of roads on woodlot W1557

Hi David, I sent the attached letter to both James Greaves and MFNR on October 15, 2019, indicating the cleanup work is complete and the Riverside gate is now in the open position. Can you confirm you received a copy of the letter? Thank you. Susan

On Tue, Oct 15, 2019 at 9:41 AM Susan Paul <s.22> wrote:

Hi David,

Thank you for the information you sent in your last email. The Fall cleanup is now complete and the Riverside gate has been returned to the unlocked position. I apologize for not being aware that District Manager approval was needed prior to locking the gate. Going forward, I will be sure to make an application in advance.

s.22

I have prepared a formal letter to you and the owner/agents of Lot 153 as a measure to demonstrate due diligence for worker and public safety and keep a paper trail of the communications, as I am not particularly confident that this will be the end of the issues.

Susan Paul

On Tue, Oct 8, 2019 at 4:12 PM Paul, David FLNR:EX <David.Paul@gov.bc.ca> wrote:

Here is a hyper-link to the legislation.

My suggestion for both of you is to work out an agreement that allows for open access for public use and an arrangement if industrial use is to be undertaken. I have asked our Engineering Officer to provide me

with a template, and I will forward it to you when I get something. However, the actual agreement is a business agreement between the two of you.

As per South Island policy, the gate can only be locked during specific periods and on a temporary basis. However, the road can be closed at any time for woodlot activities, having said that, reasonable access must also be allowed.

Division 2 Roads

David Paul, RPF | Licensed Authorizations Officer

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

South Island Natural Resource District | 250-731-3015 }
David.Paul@gov.bc.ca

Error! Filename not specified.

RE: Wood lot gate access

From: Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Cc: Hopps, Jesse FLNR:EX <Jesse.Hopps@gov.bc.ca>
Sent: November 18, 2019 10:41:54 AM PST

Hello David,

If you wish me to do so, please provide appropriate maps and Property IDs for the subject parcel(s).

-----Original Message-----

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: November 18, 2019 10:30 AM
To: Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>
Subject: RE: Wood lot gate access

thanks Shawn;
I appreciate you responding to the client directly.

David

-----Original Message-----

From: Meisner, Shawn FLNR:EX
Sent: Monday, November 18, 2019 8:49 AM
To: Paul, David FLNR:EX
Cc: Hopps, Jesse FLNR:EX
Subject: RE: Wood lot gate access

Hello David,

Hello David,

I suggest responding to James that application to provide access to his residential property can be made to Front Counter BC and within this response re-iterating the woodlot road comments provided below.

If this application is for the woodlot road I would include that an agreement of the woodlot owner to have this area deleted from his woodlot would support the application. (You may wish to include that without such support, the application is likely to be approved and will require significant delay as the impact to the woodlot tenure will have to be addressed.)

I note that James only bought the property in September, his lack of due diligence in determining access to his property is not the fault of the Province. You may or may not wish to point this out. He should have ensured a legal easement or other guaranteed form of access was in place before purchase.

Shawn

-----Original Message-----

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: November 18, 2019 8:22 AM
To: Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>

Cc: Hopps, Jesse FLNR:EX <Jesse.Hopps@gov.bc.ca>

Subject: FW: Wood lot gate access

Hi Shawn;

I got a bunch of one line emails from James last week and I am wondering about how to respond to him.

Jesse suggested you may have some advice about private parcels that do not have MOTI right of ways. This James fellow has only owned the property for a couple months and in September the woodlot licensee locked the gate because of logging activity (under permit from the District Manager). In 2017 the woodlot licensee built about 100 m of spur so that the private owner had access through her woodlot road permit.

David Paul, RPF

Licensed Authorizations Officer |South Island Natural Resource District | Port Alberni

250-731-3015 | David.Paul@gov.bc.ca

-----Original Message-----

From: James Greaves [mailto:jg.22]

Sent: Friday, November 15, 2019 2:19 PM

To: Paul, David FLNR:EX

Subject: Re: Wood lot gate access

Hi again David

Please give me contact information for someone who knows what to when someone has property that is not allowed access .

Thanks again

James Greaves

Sent from my iPhone

On Nov 15, 2019, at 9:18 AM, Paul, David FLNR:EX <David.Paul@gov.bc.ca> wrote:

Hi James;

my name is David;

I believe we have discussed these issues in previous emails. The road was built to access the woodlot, and there is no lock on the gate at this time. Woodlots are Crown Provincial lands and open to the public. Susan has offered a key for when she is legally permitted to lock the gate and you were both instructed to work out an agreement.

Locks on gates are only permitted with the approval of the District Manager, and are always temporary in nature - usually 3-6 months maximum.

David Paul, RPF

Licensed Authorizations Officer |South Island Natural Resource District | Port Alberni

250-731-3015 | David.Paul@gov.bc.ca

-----Original Message-----

From: James Greaves [mailto:jg.22]

Sent: Wednesday, November 13, 2019 7:21 PM

To: Paul, David FLNR:EX

Cc: Susan Paul
Subject: Wood lot gate access

Hi Paul

I have e mailed Susan 2 times now in regards to future access and what I should tell the listing realtor and prospect clients on what the access situation will be like.

Is it temporary?

Will access be permitted with a key ?

Will the road be blocked 100% for long periods of time, or any other time in the future?

I still have not received a key to date.

Thank you
James Greaves
Cypress Creek Contracting Ltd
Sent from my iPhone

RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

From: Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>, Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>, Petrovcic, Sheri D FLNR:EX <Sheri.Petrovcic@gov.bc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>, Watson, Diana FLNR:EX <Diana.Watson@gov.bc.ca>
Sent: January 27, 2020 10:00:15 AM PST
Attachments: image003.jpg, image004.jpg, Road access to PID 004-431-014 - Woodlot 1557
To keep this chain up-to-date, please find attached the most recent e-mail sent to Mr. Greaves,

From: Paul, David FLNR:EX
Sent: January 27, 2020 9:01 AM
To: Thompson, Robyn FLNR:EX ; Meisner, Shawn FLNR:EX
Cc: Bailey, Annette FLNR:EX
Subject: RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hi Robyn;

The gate is not presently locked, but it was in the Fall. The Woodlot License allows the Licensee to apply to the District Manager to temporarily lock gates for a number of reasons.

Just to be really clear, the woodlot licensee offered Mr. Greaves a key, but while some woodlot activities are ongoing, there is no guarantee that the road will be passable.

I understand that the Licensee requested that Mr. Greaves enter into a Road Use Agreement.

There is a road permit assigned to the woodlot in place.

Hi Shawn;

This is a case I asked for your help with last fall (email above). I am starting to think this might be a Land Act application, and while I have no authority in your decision making, I would like to request your support. It appears to me that Mr. Greaves jumps around between employees and Districts until he finds a better answer. The file is in Cobble Hill and I wondered if you could participate in this file?

David Paul, RPF

Licensed Authorizations Officer | South Island Natural Resource District | Port Alberni
250-731-3015 | David.Paul@gov.bc.ca



Where ideas work



From: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>
Sent: January 24, 2020 1:28 PM
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Subject: RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hi David,

Thanks again for all the information.

Is the woodlot licence allowed to lock a gate? He is pushing that a bit, but is going to look at making application (if the land is unencumbered/available).

Robyn Thompson csp
Natural Resource Specialist

FrontCounter BC | Ministry of Forests, Lands, Natural Resource Operations & Rural Development
142-2080 Labieux Rd | Nanaimo BC V9T 6J9
Tel: 250-751-7256 | Fax: 250-751-7224

FrontCounter BC Website | Toll-Free Contact Centre: 1-877-855-3222
Tell us about your experience with FrontCounter BC: [Complete an Online Comment Card](#)

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: January 22, 2020 2:22 PM
To: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>
Cc: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>; Voysey, Lorne FLNR:EX <Lorne.Voysey@gov.bc.ca>; Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.
Importance: High

Hi Robyn:

I have had more than a dozen emails from James and he does not like my advice and continues to ask Campbell River for a different answer.

He is trying to sell a parcel of land that does not have a proper MOTi right of way. The November 18, 2019 email from Shawn Meisner (attached) defines the problem and possible solution.

We had suggested, as a half step, that Mr. Greave's enter into a road use agreement with the woodlot Licensee. The road he wants to access is under road permit to W1557.

We have explained the woodlot Licensee's ability to lock the gate and I am unsure where this file sits as I have not heard from him since late November 2019.

David Paul, RPF

Licensed Authorizations Officer | South Island Natural Resource District | Port Alberni
250-731-3015 | David.Paul@gov.bc.ca



Where ideas work



From: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>
Sent: January 20, 2020 11:35 AM
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Cc: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>
Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.
Importance: High

Hi David. Can you share your emails we had with Mr. Greaves on this matter. I cant find my copies. Thanks

Robert Thomas, RFT

District Engineering Officer
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
South Island Natural Resource District
4885 Cherry Creek Road, Port Alberni, BC, V9Y-8E9
Ph: 250-731-3021, Email: Robert.Thomas@gov.bc.ca

From: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>
Sent: January 20, 2020 11:25 AM

To: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>
Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hey Rob

Here is the email request I had from the Campbell River Office.

Before I respond to Mr. Greaves, I was hoping to have the some background regarding previous correspondence with SI Office regarding this road and or possible tenuring for a road.

Lands would prefer he and the road permittee have an agreement and both beneficially use and maintain the existing road. Driveways are not the highest and best use of the land.

Thanks for any information you can supply.

Robyn Thompson csp
Natural Resource Specialist

FrontCounter BC | Ministry of Forests, Lands, Natural Resource Operations & Rural Development
142-2080 Labieux Rd | Nanaimo BC V9T 6J9
Tel: 250-751-7256 | Fax: 250-751-7224

FrontCounter BC Website | Toll-Free Contact Centre: 1-877-855-3222
Tell us about your experience with FrontCounter BC: [Complete an OnlineComment Card](#)

From: West Coast Land Referrals FLNR:EX <WestCoast.LandReferrals@gov.bc.ca>
Sent: January 17, 2020 1:28 PM
To: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>
Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hi Robyn – please assist this client – thank you !

From: Petrovcic, Sheri D FLNR:EX
Sent: Friday, January 17, 2020 12:24 PM
To: West Coast Land Referrals FLNR:EX
Subject: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hello,
James Greaves stopped in our office today and is looking to apply for access to the titled property under (PID 004-431-014). The property is within the South Island Natural Resource District, just north of the Koksilah River (48.68318, -123.69872) and I thought it would be better for your office to review and get back to him. Previously he accessed this parcel through Woodlot W1557 held by Susan Paul and she has been locking the gate on the road. James is wondering if he can apply for a road tenure to access his property? I am not sure if James is wanting to apply for new access or access over the existing roads? James spoke with Lorne Voysey regarding the Woodlot tenure holder locking the gate (Lorne is out of the Campbell River District not the South Island District). It is my understanding that the Woodlot holder can only gate access on Crown Land if they have approval of the District Manager. I was just thinking, the Crown probably doesn't want more roads built on Crown land if it's not necessary

I was just speaking to Shawn Meisner (he's sitting beside me today) and this enquiry is familiar to him. He believes there may be something on file somewhere, but I can't find anything in ATS. His memory is that this client may want to subdivide, which would be a different process.

James contact information is:
s.22

Thank you,

Sheri Petrovcic
Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

370 S. Dogwood St.
Campbell River, BC V9W 6Y7
Ph: (250) 286-9334

FW: Road access to PID 004-431-014 - Woodlot 1557

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
To: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>
Sent: January 27, 2020 12:28:25 PM PST
Attachments: TITLE RPT 004-431-014.pdf, image 004-431-014.pdf

-----Original Message-----

From: Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>
Sent: January 27, 2020 9:58 AM
To: s.22
Cc: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Subject: Road access to PID 004-431-014 - Woodlot 1557

Hello Mr. Greaves,

I understand from colleagues that you have approached the Campbell River Natural Resource District seeking potentially alternate advice in regards to accessing your property.

I draw your attention once again to the advice previously offered below.

Shawn Meisner

Manager, Major Projects and Crown Land Sales West Coast Region Ministry of Forests, Lands, Natural Resource Operations and Rural Development
ph: 250-751-7255
shawn.meisner@gov.bc.ca

-----Original Message-----

From: Meisner, Shawn FLNR:EX
Sent: Monday, November 18, 2019 12:25 PM
To: s.22
Cc: Paul, David FLNR:EX
Subject: Road access to PID 004-431-014 - Woodlot 1557

Hello Mr. Greaves.

David Paul, Authorizations Forester, has asked that I provide you information on the process to potentially establish legal or authorized road access to your property identified. Your property is identified as Property ID 004-431-014 (image below, title attached).

Review of your title indicates that your land was purchased without reference to a public highway or water suitable for navigation being available.

Given the location of your parcel, the suggested options to obtain legal or authorized access are:

- engage with neighbouring owners of fee simple lands, yellow on image, and seek to purchase in fee simple an area appropriate to providing a road from Hawthorne Road to your land,
- engage with neighbouring owners of fee simple lands, yellow on image, to seek an easement across the fee simple lands lying between your land and Hawthorne Road, and
- make application to the Province for an authority to obtain authorized road across Crown land for the purposes of providing road access to your property.

The Province's considerations in receiving, accepting and potentially approving such an application would include, but not be limited to:

- the impact of the application upon the holder of the woodlot tenure;
- the increase in value to your property as a result of obtaining road access;
- whether the authority would require that the full road system from your parcel back to a public highway be tenured to yourself; and
- the effect of the potential tenure upon First Nations and other interests.

Any application to the Province would be made via FrontCounterBC <http://www.frontcounterbc.gov.bc.ca/> . FrontCounterBC staff are available to assist in making application.

In regards to obtaining non-Land Act authorized but permitted use of the current road passing thorough the woodlot an agreement with the woodlot owner may be an option. Any agreement would be subject to any stipulations or requirements of the Province.

For further discussion in regards to using roads within a woodlot tenure, and for which you do not hold a legal interest, I direct you back to the District office responsible for the woodlot tenure.

I would suggest you also contact the municipality in regards to any potentially authority they may have in establishing access to "land-locked" parcels.

Shawn Meisner

Manager, Major Projects and Crown Land Sales West Coast Region Ministry of Forests, Lands, Natural Resource Operations and Rural Development

ph: 250-751-7255

shawn.meisner@gov.bc.ca

Priority management - Enquiry from James Greaves - Cypress Creek Contracting Ltd.

From: Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>
To: Petrovic, Sheri D FLNR:EX <Sheri.Petrovic@gov.bc.ca>, Paul, David FLNR:EX <David.Paul@gov.bc.ca>, Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>, Watson, Diana FLNR:EX <Diana.Watson@gov.bc.ca>
Cc: Petersen, Jennifer FLNR:EX <Jennifer.Petersen@gov.bc.ca>, Tetarenko, Diane FLNR:EX <Diane.Tetarenko@gov.bc.ca>, Gage, Greg P FLNR:EX <Greg.Gage@gov.bc.ca>, Mayser, Rudi E FLNR:EX <Rudi.Mayser@gov.bc.ca>
Sent: January 30, 2020 4:24:37 PM PST
Attachments: image001.jpg
Hello all,

We cannot prevent a client from making application thus we have to allow him to apply.

Having said that his application if even accepted, will likely sit for many, many years as it is low priority; or it may quickly be found to be not in the public interest given that the application if approved may require amendment to the woodlot and would likely have to extend the several km's back to a public highway. Ideally he should be informed of this as/when he makes application.

His best option from our perspective, and possibly his even though he may not know it, is for him to buy access from his neighbours. We have already communicated this; but again, we cannot deny somebody making an application even if it is quite possibly a waste of their and our time.

(I use the word "likely" a lot as we cannot pre-dispose what a DDM may actually decide.)

The next question is, who wishes to, is willing to lay out the facts even more directly than has already been done?

Shawn

As there is a larger discussion on priorities and how we spend our time currently occurring I am CCing Diane, Rudi and Greg on this e-mail and invite them to provide their thoughts.

From: Petrovic, Sheri D FLNR:EX
Sent: January 30, 2020 4:11 PM
To: Meisner, Shawn FLNR:EX ; Paul, David FLNR:EX ; Thompson, Robyn FLNR:EX ; Bailey, Annette FLNR:EX ; Watson, Diana FLNR:EX
Cc: Petersen, Jennifer FLNR:EX
Subject: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hello All,

James stopped into our office just now, wanting assistance to fill out the online application. I get the impression from the email chains that we don't want him to apply as there is access over crown land and the other option is for him to try and get an easement over private property. But there was an option for him to apply?

We've delayed him, as we do not have time today to complete application before 4:30 and wanted to follow-up with the correct people. He mentioned he is willing to go to Nanaimo to chat with Shawn and apply at the Nanaimo office. We are also having troubles with the CAT terminal here, but can find alternate options.

We just don't want him to submit an application, if it's going to be rejected? If it's ok for him to apply, our office will assist him in entering the information into the system? Let us know what your thoughts are? We said we'd get back to him tomorrow with a plan whether we can make apt here in CR or if he should go to Nanaimo.

Thanks,
Sheri

From: Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>

Sent: January 27, 2020 10:00 AM

To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>; Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>; Petrovic, Sheri D FLNR:EX <Sheri.Petrovic@gov.bc.ca>; Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>; Watson, Diana FLNR:EX <Diana.Watson@gov.bc.ca>

Subject: RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

To keep this chain up-to-date, please find attached the most recent e-mail sent to Mr. Greaves,

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>

Sent: January 27, 2020 9:01 AM

To: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>; Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>

Cc: Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>

Subject: RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hi Robyn;

The gate is not presently locked, but it was in the Fall. The Woodlot License allows the Licensee to apply to the District Manager to temporarily lock gates for a number of reasons.

Just to be really clear, the woodlot licensee offered Mr. Greaves a key, but while some woodlot activities are ongoing, there is no guarantee that the road will be passable.

I understand that the Licensee requested that Mr. Greaves enter into a Road Use Agreement.

There is a road permit assigned to the woodlot in place.

Hi Shawn;

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It appears to me that Mr. Greaves jumps around between employees and Districts until he finds a better answer. The file is in Cobble Hill and I wondered if you could participate in this file?

David Paul, RPF

Licensed Authorizations Officer | South Island Natural Resource District | Port Alberni
250-731-3015 | David.Paul@gov.bc.ca



Where ideas work



From: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>

Sent: January 24, 2020 1:28 PM

To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>

Subject: RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

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Robyn Thompson csp

Natural Resource Specialist

FrontCounter BC | Ministry of Forests, Lands, Natural Resource Operations & Rural Development
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Tel: 250-751-7256 | Fax: 250-751-7224

FrontCounter BC Website | Toll-Free Contact Centre: 1-877-855-3222

Tell us about your experience with FrontCounter BC: [Complete an Online Comment Card](#)

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>

Sent: January 22, 2020 2:22 PM

To: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>

Cc: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>; Voysey, Lorne FLNR:EX <Lorne.Voysey@gov.bc.ca>; Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>

Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Importance: High

Hi Robyn:

I have had more than a dozen emails from James and he does not like my advice and continues to ask Campbell River for a different answer.

He is trying to sell a parcel of land that does not have a proper MOTi right of way. The November 18, 2019 email from Shawn Meisner (attached) defines the problem and possible solution.

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We have explained the woodlot Licensee's ability to lock the gate and I am unsure where this file sits as I have not heard from him since late November 2019.

David Paul, RPF

Licensed Authorizations Officer | South Island Natural Resource District | Port Alberni
250-731-3015 | David.Paul@gov.bc.ca



Where ideas work



From: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>

Sent: January 20, 2020 11:35 AM

To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>

Cc: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>

Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Importance: High

Hi David. Can you share your emails we had with Mr. Greaves on this matter. I cant find my copies. Thanks

Robert Thomas, RFT

District Engineering Officer

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

South Island Natural Resource District

4885 Cherry Creek Road, Port Alberni, BC, V9Y-8E9

Ph: 250-731-3021, Email: Robert.Thomas@gov.bc.ca

From: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>

Sent: January 20, 2020 11:25 AM

To: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>

Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hey Rob

Here is the email request I had from the Campbell River Office.

Before I respond to Mr. Greaves, I was hoping to have the some background regarding previous correspondence with SI Office regarding this road and or possible tenuring for a road.

Lands would prefer he and the road permittee have an agreement and both beneficially use and maintain the existing road. Driveways are not the highest and best use of the land.

Thanks for any information you can supply.

Robyn Thompson csp
Natural Resource Specialist

FrontCounter BC | Ministry of Forests, Lands, Natural Resource Operations & Rural Development
142-2080 Labieux Rd | Nanaimo BC V9T 6J9
Tel: 250-751-7256 | Fax: 250-751-7224

FrontCounter BC Website | Toll-Free Contact Centre: 1-877-855-3222
Tell us about your experience with FrontCounter BC: [Complete an OnlineComment Card](#)

From: West Coast Land Referrals FLNR:EX <WestCoast.LandReferrals@gov.bc.ca>
Sent: January 17, 2020 1:28 PM
To: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>
Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hi Robyn – please assist this client – thank you !

From: Petrovcic, Sheri D FLNR:EX
Sent: Friday, January 17, 2020 12:24 PM
To: West Coast Land Referrals FLNR:EX
Subject: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hello,
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James contact information is:
s.22

Thank you,

Sheri Petrovcic
Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
370 S. Dogwood St.
Campbell River, BC V9W 6Y7

Re: Road use agreement for private access

From: James Greaves s.22
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: May 28, 2020 1:12:51 PM PDT

Yes

That's what I'm working on. s.22 No response ever .

Thanks
James

Sent from my iPhone

On May 28, 2020, at 1:07 PM, Paul, David FLNR:EX <David.Paul@gov.bc.ca> wrote:

Hi James:

Thanks for letting me know. Is there something you are asking from me at this time?

My advise from November that you will require a road use agreement with the Woodlot Licensee still stands. I also understand Shawn wrote to you and suggested you may want to pursue a Lands Act solution.

David

-----Original Message-----

From: James Greaves <s.22
Sent: May 28, 2020 12:20 PM
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Subject: Re: Road use agreement for private access

Hi Paul

I'm just letting you know for legal purposes I have 2 offers on my property subject to road access and an agreement. I still have not got anywhere with this so I'm just letting you know.

Thanks James greaves

Sent from my iPhone

On Nov 19, 2019, at 11:27 AM, James Greaves s.22 > wrote:

Ok thanks

Sent from my iPhone

On Nov 19, 2019, at 9:06 AM, Paul, David FLNR:EX <David.Paul@gov.bc.ca> wrote:

Hi James:

Road use agreements are between two businesses and not government issued.

In October, I contacted 4 friends around the province and was not able to get a sample. Perhaps your forestry contacts

in Campbell River have a sample contract.

I understand the companies create a contract and ask you to sign it. I think it is reasonable to let Susan know you are wanting to sign an agreement and ask her to create one. It is not a negotiated contract - it is an offer to sign on.

David Paul, RPF

Licensed Authorizations Officer | South Island Natural Resource District | Port Alberni
250-731-3015 | David.Paul@gov.bc.ca

-----Original Message-----

From: James Greaves <s.22@flnr.gov.bc.ca>
Sent: November 18, 2019 8:21 PM
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Subject: Road use agreement for private access

Hi David

Can you provide me an outline road use agreement that other people have in order to use forestry roads to access their property(s) .

For example people have private property on Horne Lake that is only accessible by a crown forestry road.

I would like to see how these people are granted access etc to maybe present it to Susan Paul?

Thank you
James Greaves

Sent from my iPhone

RE: Information request on an ex-mineral claim property

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
To: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>, South Island District Office, Forests FLNR:EX <Forests.SouthIslandDistrictOffice@gov.bc.ca>, Hopps, Jesse FLNR:EX <Jesse.Hopps@gov.bc.ca>
Cc: Proteau, James FLNR:EX <James.Proteau@gov.bc.ca>, Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>
Sent: March 17, 2022 11:51:37 AM PDT
Attachments: image003.png, image006.png, image001.png, image004.png, image007.png, image005.png, RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hi Jamie:

Thanks Rob, your comments are correct.

This has been a conversation with the current owner for 3 years. As a matter of fact, Lands Nanaimo (Shawn Meisner – email and attachments enclosed) has already told the current owner that he needs to find alternative access through the subdivision to the west, (almost along the blue line).

Current owner

James Greaves
Cypress Creek Contracting Ltd

The woodlot does not have to provide access and Lands is not willing to create a legal easement through the woodlot – all well documented.

This file, in my opinion, is not open to negotiation and the client was given clear direction from Shawn in 2020.

The 'red line' below was what Shawn suggested the current owner try to negotiate – as that subdivision should not have left that parcel land-locked when they developed the lots below, thus the advice Shawn gave in his letter.

s.3

From: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>
Sent: March 17, 2022 11:04 AM
To: South Island District Office, Forests FLNR:EX <Forests.SouthIslandDistrictOffice@gov.bc.ca>; Hopps, Jesse FLNR:EX <Jesse.Hopps@gov.bc.ca>; Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Subject: RE: Information request on an ex-mineral claim property

Jaime we have to be careful when responding to these inquiries as we are not the subject experts when it comes to legal survey plans and legal access. I would encourage the people to seek help from the folks at LTSA. The current owner of the parcel that's for sale has tried or was accessing the parcel from the crown woodlot to the EAST. David Paul knows the area and can maybe provide some information. David the Woodlot to the East is Susan Paul's.

Robert Thomas, RFT

District Engineering Officer
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
South Island Natural Resource District
4885 Cherry Creek Road, Port Alberni, BC, V9Y-8E9
Ph: 250-736-6839, Email: Robert.Thomas@gov.bc.ca

From: South Island District Office, Forests FLNR:EX <Forests.SouthIslandDistrictOffice@gov.bc.ca>
Sent: March 17, 2022 10:17 AM
To: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>; Hopps, Jesse FLNR:EX <Jesse.Hopps@gov.bc.ca>
Subject: FW: Information request on an ex-mineral claim property

Good morning,

As far as I can tell in parcel map BC there are no easements leading to PID 004-431-014 – see attached. Before I share this with the client and send directions on how to use iMap BC, do either of you have any comments or suggestions for her?

Jesse – please note this parcel falls to zone 6, not zone 5.

Thank you,

Jaime Berry
Client Service Representative
FrontCounter BC | South Island Natural Resource District
Ministry of Forests, Lands, Natural Resource Operations
& Rural Development

4885 Cherry Creek Rd | Port Alberni, V9Y 8E9
Tel: 250-736-6880 | Fax: 250-731-3010

From: Alli Flanders <alli@yagerconstruction.ca>
Sent: March 16, 2022 2:52 PM
To: Service BC CITZ:EX <ServiceBC@gov.bc.ca>; South Island District Office, Forests FLNR:EX
<Forests.SouthIslandDistrictOffice@gov.bc.ca>; FLNR Associate Deputy Minister's Office FLNR:EX
<FLNR.AssociateDMO@gov.bc.ca>
Subject: Information request on an ex-mineral claim property

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good afternoon all,



I am inquiring about road easements for property PID 004-431-014. I am very interested in buying property PID 004-431-014 and need to retrieve the necessary road access information on the property before I finalize the purchase.

On the surface, it is a land-locked property as it is surrounded by crown land on 2 sides and private properties on 2 sides. No surveyed public roads appear to front on the site: This makes me assume there are no legal provincial or municipal roads that provide access to the property. Because it is an old mineral claim from the 1930s, the site does have a number of old preexisting logging roads. It is clear to me these existed much before the development of Humes Road to the south. It makes me wonder where access was permitted from before.

I am wondering if there are road easements or covenants on the following two property PIDS: 026-541-386 and 026-541-394. These two properties, located on Humes Road, border the south-side of property PID 004-431-014 which I am hoping to finalize the purchase of.

Thank you,
Alli

Alli Flanders, BCom
Accountant

Main office: 116-9800 McDonald Park Road | Sidney, BC | V8L 5W5
Tel: +1 (250) 940-5315 | **Email:** alli@yagerconstruction.ca
Take a look at our past projects and testimonials at www.yagerconstruction.ca

Your Dream. Our Team.

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RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

From: Meisner, Shawn FLNR:EX <Shawn.Meisner@gov.bc.ca>
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>, Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>, Petrovic, Sheri D FLNR:EX <Sheri.Petrovic@gov.bc.ca>, Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>, Watson, Diana IRR:EX <Diana.Watson@gov.bc.ca>
Sent: January 27, 2020 10:00:15 AM PST
Attachments: Road access to PID 004-431-014 - Woodlot 1557, image003.jpg, image004.jpg
To keep this chain up-to-date, please find attached the most recent e-mail sent to Mr. Greaves,

From: Paul, David FLNR:EX
Sent: January 27, 2020 9:01 AM
To: Thompson, Robyn FLNR:EX ; Meisner, Shawn FLNR:EX
Cc: Bailey, Annette FLNR:EX
Subject: RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hi Robyn;

The gate is not presently locked, but it was in the Fall. The Woodlot License allows the Licensee to apply to the District Manager to temporarily lock gates for a number of reasons.

Just to be really clear, the woodlot licensee offered Mr. Greaves a key, but while some woodlot activities are ongoing, there is no guarantee that the road will be passable.

I understand that the Licensee requested that Mr. Greaves enter into a Road Use Agreement.

There is a road permit assigned to the woodlot in place.

Hi Shawn;

This is a case I asked for your help with last fall (email above). I am starting to think this might be a Land Act application, and while I have no authority in your decision making, I would like to request your support. It appears to me that Mr. Greaves jumps around between employees and Districts until he finds a better answer. The file is in Cobble Hill and I wondered if you could participate in this file?

David Paul, RPF

Licensed Authorizations Officer | South Island Natural Resource District | Port Alberni
250-731-3015 | David.Paul@gov.bc.ca



Where ideas work



From: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>
Sent: January 24, 2020 1:28 PM
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Subject: RE: Enquiry from James Greaves - Cypress Creek Contracting Ltd.

Hi David,

Thanks again for all the information.

Is the woodlot licence allowed to lock a gate? He is pushing that a bit, but is going to look at making application (if the land is unencumbered/available).

Robyn Thompson csp
Natural Resource Specialist

FrontCounter BC | Ministry of Forests, Lands, Natural Resource Operations & Rural Development
142-2080 Labieux Rd | Nanaimo BC V9T 6J9
Tel: 250-751-7256 | Fax: 250-751-7224

FrontCounter BC Website | Toll-Free Contact Centre: 1-877-855-3222
Tell us about your experience with FrontCounter BC: [Complete an Online Comment Card](#)

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: January 22, 2020 2:22 PM
To: Thompson, Robyn FLNR:EX <Robyn.Thompson@gov.bc.ca>
Cc: Thomas, Robert FLNR:EX <Robert.Thomas@gov.bc.ca>; Voysey, Lorne FLNR:EX <Lorne.Voysey@gov.bc.ca>; Bailey, Annette FLNR:EX <Annette.Bailey@gov.bc.ca>
Subject: FW: Enquiry from James Greaves - Cypress Creek Contracting Ltd.
Importance: High

Hi Robyn:

I have had more than a dozen emails from James and he does not like my advice and continues to ask Campbell River for a different answer.

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250-731-3015 | David.Paul@gov.bc.ca



Where ideas work



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District Engineering Officer
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
South Island Natural Resource District
4885 Cherry Creek Road, Port Alberni, BC, V9Y-8E9
Ph: 250-731-3021, Email: Robert.Thomas@gov.bc.ca

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Natural Resource Specialist

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James contact information is:
s.22

Thank you,

Sheri Petrovcic
Authorizations Specialist
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

370 S. Dogwood St.
Campbell River, BC V9W 6Y7
Ph: (250) 286-9334

Campbell River Road use agreement for private access

From: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Sent: April 5, 2022 8:30:15 AM PDT

-----Original Message-----

From: Voysey, Lorne FLNR:EX <Lorne.Voysey@gov.bc.ca>
Sent: November 25, 2019 3:44 PM
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Subject: RE: Road use agreement for private access

No problems David, any future communications received from James regarding this issue will be directed to you. These kinds of issues keep our jobs entertaining and exciting.

Lorne Voysey
Registered Forest Technologist (RFT)
Woodlot and Resource Coordinator
Campbell River Natural Resource District Phone 250-286-9378 lorne.voysey@gov.bc.ca

-----Original Message-----

From: Paul, David FLNR:EX
Sent: Tuesday, November 19, 2019 1:42 PM
To: Voysey, Lorne FLNR:EX
Subject: RE: Road use agreement for private access

Hi Lorne:

I just re-read this email, and I want you to know I appreciate your help. s.22 and I want Mary to be involved in further emails.

It still is not my business if he signs a road use agreement, and he can use the road when it is open. The problem is that the private parcel is actually land locked, and he really needs to insure access before he sells the lot. A road use agreement is a good first step, but as Shawn points out, he really needs to find MOTI access.

s.22

David

-----Original Message-----

From: Paul, David FLNR:EX
Sent: November 19, 2019 12:10 PM
To: Voysey, Lorne FLNR:EX <Lorne.Voysey@gov.bc.ca>
Cc: Bauto, Mary FLNR:EX <Mary.Bauto@gov.bc.ca>
Subject: FW: Road use agreement for private access

Hi Lorne:

I just got this latest email from James. I believe it is the tenth this week. Your email is not entirely correct. Since you wrote this attached snippet, Shawn Meisner, Manager in Nanaimo has got involved and has responded to James directly about legal access. The woodlot has no legal obligation to provide access to this private parcel at this time.

Given the history of this file and s.22

please refer any

further emails to and from James to my Resource Manager - Mary Bauto. I have cc'ed her in this email.

Thanks;

David Paul, RPF
Licensed Authorizations Officer | South Island Natural Resource District | Port Alberni
250-731-3015 | David.Paul@gov.bc.ca

-----Original Message-----

From: James Greaves s.22
Sent: November 19, 2019 11:46 AM
To: Paul, David FLNR:EX <David.Paul@gov.bc.ca>
Subject: Re: Road use agreement for private access

Sent from my iPhone

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Hi James:

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I understand the companies create a contract and ask you to sign it. I think it is reasonable to let Susan know you are wanting to sign an agreement and ask her to create one. It is not a negotiated contract - it is an offer to sign on.

David Paul, RPF
Licensed Authorizations Officer | South Island Natural Resource District | Port Alberni
250-731-3015 | David.Paul@gov.bc.ca

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For example people have private property on Horne Lake that is only accessible by a crown forestry road.

I would like to see how these people are granted access etc to maybe present it to Susan Paul?

Thank you
James Greaves

Sent from my iPhone