

BRITISH
COLUMBIAMinistry of
TransportationWEST KOOTENAY DISTRICT
RECEIVEDPROVINCIAL PUBLIC HIGHWAY
PERMIT APPLICATION

DEC 13 2006

District File Number _____

Your File Number _____

The personal information on this form is collected under the authority of the Transportation Act. The information collected will be used to process your application. If you have any questions about the collection, use and disclosure of this information, contact the local Ministry of Transportation District Development Technician.

I (We) hereby propose the following use or occupation requiring authorization under the *Transportation Act*, in accordance with the attached plans and specifications submitted. It is understood that this application is not complete until a covering permit has been issued.

(Please check the category below which best describes your proposal)

WORKS ON THE RIGHT OF WAY

- ☐ Bus Stops, Shelters and Benches
☐ Cattle Guards and Gates
☐ Digital Communications
☐ Exploratory Survey

- ☐ Fencing
☐ Luminaries and Signals
☐ Mailboxes and Newsletter Boxes
☐ Pipelines
☐ Polelines
☐ Sidewalks and Landscaping

- ☐ Signs
☐ Underground Cable, Telephone and Power

ACCESS

- ☒ Ordinary Access
☐ Controlled Access
☐ Industrial Transportation Certificate

SPECIAL EVENTS

- ☐ Filming
☐ Special Events
☐ Cattle Drive

STRUCTURES

- ☐ Encroachment
☐ setback

- ☐ Miscellaneous (describe) _____

LOCATION (include civic address)

LOT 19, DISTRICT LOT 4595, KOOTENAY
DISTRICT PLAN 793 PID 014-036-930

The proposal consists of and is described as follows:

DESCRIPTION

TO FIX UP EXISTING ACCESS TO
EASTERN SIDE OF LOT (ARBORE HIGHWAY)

Dates (proposed): Indefinitely

Times: From: _____ a.m./p.m. To: _____ a.m./p.m.

THE FULL LEGAL DESCRIPTION OF THE PROPERTY TO BE SERVED

LOT 19, DISTRICT LOT 4595, KOOTENAY
DISTRICT PLAN 793 PID 014-036-930

PROVINCIAL PUBLIC HIGHWAY
PERMIT APPLICATION Cont'd.

HIGHWAY NAME(S)

N./S./E./W. side of the highway?

EAST (UPPER) SIDE OF HIGHWAY 3A
13781 HWY 3A, BOSWELL

Between

and

(landmark)

(landmark)

ATTACHED DRAWING OR SKETCH ☒

Drawing Number

Have the necessary applications for approval been filled with the proper authorities?(i.e. RCMP, Municipality, road and bridge maintenance contractor or as documented in the notes below)

Other Authorities

Submitted/Approved

I(We) wish to have the permit issued in the name of:

NAME/ORGANIZATION (include affiliated agency where applicable)

ALPINE LOGGING LTD.

Is this company registered with the Registrar of Companies of British Columbia?

yes ☒ no ☐

Certificate of Incorporation No. BC0540410

MAILING ADDRESS

3855 Highway 3A
Nelson, BC V1L 6M8

Telephone

250-825-4530

Cellular/Pager

Fax

825-4532

Email Address

CONTACTS (if not as above)

Project/Location Manager Name

COREY JACOBS

Telephone

825-4530

Cellular/Pager

Fax

825-4532

Email Address

Director Name

COREY ROSS JACOBS, PRESIDENT

Telephone

825-4530

Site Contact Person

Same as above

Telephone

Cellular/Pager

Fax

Email Address

Traffic Control Company Name

Telephone

Cellular/Pager

Signature (Applicant)

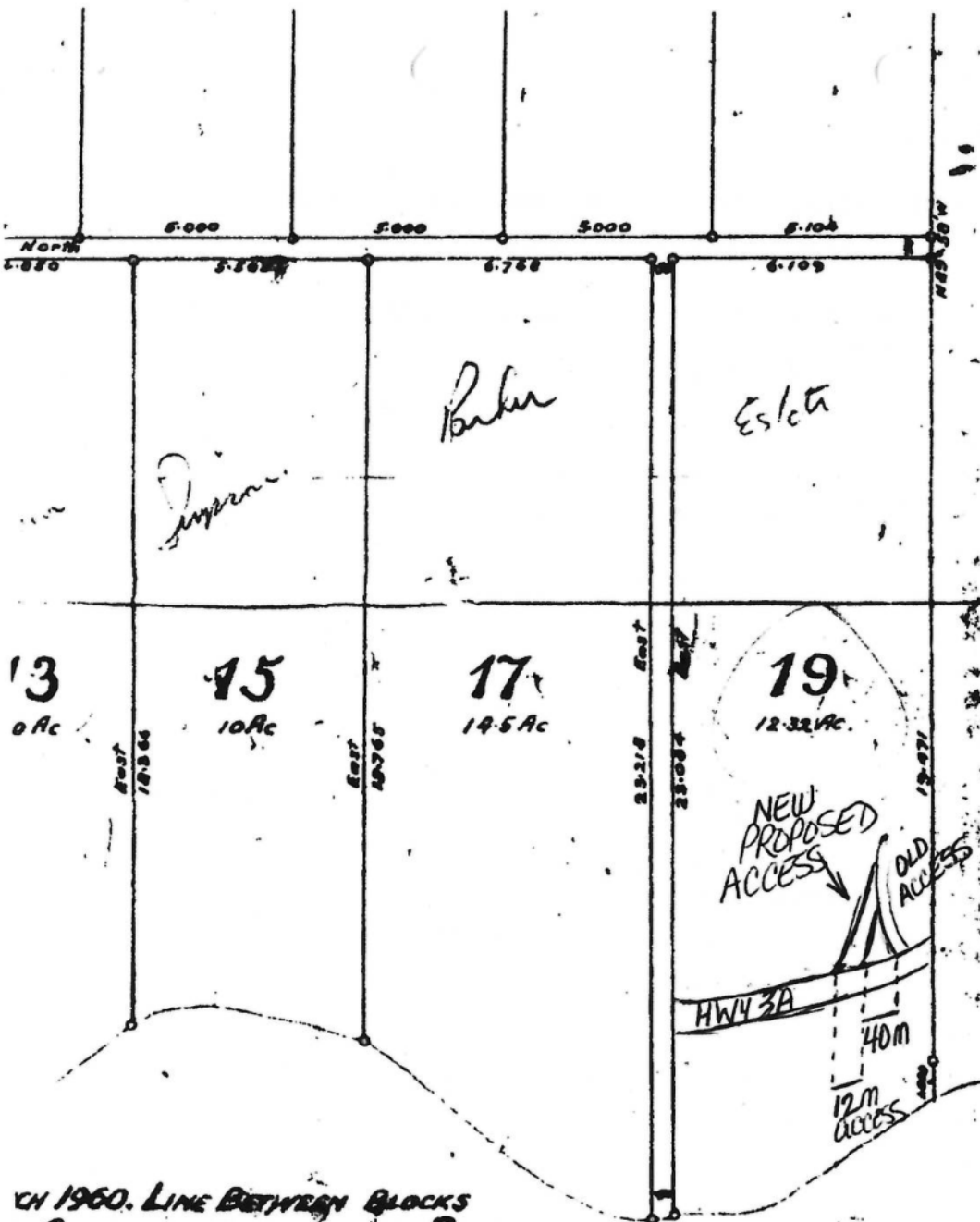
COREY ROSS

Print Name

JACOBS,
PRESIDENT

Date (yyyy/mm/dd)

2006/12/08



Sub Lot 22 Lot 4595 CI

CH 1960. LINE BETWEEN BLOCKS
 CANCELLED PURSUANT TO PLANS
 ATION ACT ORDER UNDER LUNDER
 H. See D.D. 12/353.
 O PARCEL A.

S. A. McPhail
 DEPUTY REGISTRAR.



PLAN
 OF SUBDIVISION OF
SUB LOT 22
LOT 4595 CI
 Kootenay District
 B.C.

I, Columbia Land Surveyor
 correct representation of
 been made by me upon
 view under the provisions
 of the

H. C. Black.
 B.C. Land Surveyor.

Scale 4 Ch to 1 In



**PERMISSION TO CONSTRUCT, USE, AND MAINTAIN ACCESS
TO A PROVINCIAL HIGHWAY**

PERMIT PURSUANT TO THE *TRANSPORTATION ACT*

*** REVISED ***

BETWEEN:

The Minister of Transportation

West Kootenay District

**310 Ward Street,
NELSON, BC V1L 5S4**

("The Minister")

AND:

Corey Jacobs / Alpine Logging Ltd.

**3855 Hwy 3A
Nelson, British Columbia, V1L 6M8**

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to the *Transportation Act*;

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

To construct, use, and maintain one – TEMPORARY nine (9) meter wide industrial logging access to/from Lot 19, DL 4595, KD Plan 793, Highway 3A, south of Crawford Bay. The Permittee shall have the sole responsibility of maintaining and constructing the access as specified below.

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

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

1. The particulars of the permission granted herein are as follows:

A. LOCATION

1. The layout and location of the access as per the drawing received with the Dec. 13, 2006 application, is a condition of this permit, and any change in layout without the prior consent in writing of the Ministry Representative shall render the permit void.

B. CONSTRUCTION AND INSTALLATIONS

2. Access shall have minimum sight lines of no less than 168 meters in both directions along Highway 3A.

DEFINITION OF SIGHT LINE – the distance measured in meters in a straight unobstructed line between two points 1.3 meters above the surface of the road or access. One point shall represent a drivers eye view of the highway from a vehicle entering the highway from the access. The other point represents a drivers eye view of the access from an approaching vehicle on the highway. These factors and their relationship with the posted speed of the highway determine line of site requirements. Existing accesses may need to be moved or modified to comply with this requirement.



3. As per the January 11, 2007 letter from Ward Engineering, the Ministry is satisfied that Item 2 (SIGHT LINES) above is unachievable. As a result of this the Permittee shall be required to complete one or more of the following;
- a) Solely at their expense, Permittee shall use traffic control flaggers, **certified to operate in the Province of British Columbia**, for all industrial traffic entering the highway. Traffic control shall operate in such a manner as to minimize traffic disruption on the highway and shall be located a minimum of 168m north of the access to alert southbound vehicles of trucks turning.
 - b) Install two, **W-317 Truck Crossing/ Turning Signs** (one left, one right) as per the Ministry "Manual of Standard Traffic Signs & Pavement Markings". Signs to be located a minimum of 168m north of the access to alert southbound vehicles of trucks turning. When there is active hauling these signs shall have flags attached as per the attached drawing. **Signs shall have flags removed or be covered on days when there is no active hauling.** The Permittee shall remove these signs upon completion of the operation
 - c) Permittee shall ensure all vehicles are restricted to right in, right out turning movements. All vehicles must track within their own lanes with no obstruction of the southbound lane. Southbound vehicles shall not be permitted to turn left into the access at any time, and as such must secure a safe turnaround location to the south of the property. Install two **W-317 Truck Crossing/ Turning Signs** (one left, one right) as per the Ministry "Manual of Standard Traffic Signs & Pavement Markings".
4. With the exception of the construction of the access no merchantable timber may be removed from the highway right-of-way. The Ministry of Forests must be contacted and stumpage fee payment arrangements satisfied, prior to the removal of any merchantable timber from highway right-of-way.
5. The entrance shall be perpendicular to the highway for a distance of at least 9 metres from the shoulder of the road along the centerline of the access.
6. The Permittee shall construct a "swale" or a "valley" on their access situated over the ditch line, if necessary, to ensure surface water enters the ditch and does not enter the road.
7. If required, a minimum 450mm culvert shall be installed and maintained to provide unimpeded flow of water at all times.
8. Permittee shall be responsible for locating, and for any damage to, other works within highway right-of-way.
9. The Permittee shall determine the location of highway right-of-way to ensure their permitted work is within Ministry jurisdiction. The Permittee is responsible for all trespass issues.
10. Only rubber-tired equipment may be used on pavement or on shoulders of paved highways.
11. The Permittee shall not undermine the Ministry's highway in any way when constructing said access.
12. Roadways, ditches, and right-of-way to be restored to their previous condition or better, to that which existed prior to the work(s), and to the satisfaction of the Ministry Representative.
13. The Permittee is responsible for any fill which is placed in the Ministry right-of-way for the purposes of access construction and shall provide for the natural drainage of the adjacent ditch which it encompasses.
14. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by construction of the works allowed by this permit. Replacement must be by a British Columbia Land Surveyor at the Permittee's expense.

15. The highway surface shall be restored and kept clear and clean of materials and equipment at the end of each day. Shoulders shall not be used to store materials and/or equipment.
16. Whether paved or graveled, the Permittee will ensure the first 9 meters of the access is suitably surfaced to minimize tracking of debris onto the highway.
17. No excavated materials will be stockpiled on the traveled portion of the highway.
18. The Permittee shall remove, pile and burn or chip all slash, trees, and tree limbs from the road allowance and maintain the brush to maximize sight distance at all times.
19. The Permittee shall not place any building, fence, shrub or any other structure with a horizontal dimension exceeding zero point six (0.6) metres within a distance of four point five (4.5) metres from the property line.
20. The Permittee shall place all merchantable timber harvested from the right of way, on a landing within Ministry right-of-way, in accordance with West Kootenay District policy.
21. The Permittee may not remove gravel, timber, stone, and/or other materials off Ministry right-of-way for construction of said works, without prior permission from the Ministry Representative.
22. This permit is issued only to the Permittee, for the sole purpose as stated in the permitted application. Any change in land-use will result in this permit becoming null and void.
23. The Permittee shall continuously provide sufficient space for a minimum of 2 off-street parking stalls and a turnaround.
24. The Permittee shall be solely responsible for all costs and other related permissions associated with the approval and construction of the access applied for herein.
25. That the Permittee may not assign any part of this Agreement without the consent, in writing, of the Minister.
26. The Ministry Representative is Mark Scott, District Development Technician, West Kootenays

C. AUTHORIZED ACTIVITIES

- Under existing access conditions, traffic cannot complete all turning movements while tracking within their own lane. The access shall be modified prior to use and result in a configuration that will enable all traffic to transit the intersection while tracking in their own lane and satisfy Item 2 – Sight Lines. If the access alignment is not modified the access shall be restricted to right out and right in movements only. No other movements will be permitted. Item 2 – Sight Lines shall remain a condition of restricted movements.

D. OPERATION AND MAINTENANCE

26. The Permittee will ensure that the works do not impair, impede or otherwise interfere with;
 - public passage on the Highways;
 - the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or
 - the operation of the Highways.

all of which together are hereinafter referred to as "the Use".

27. The Use shall be carried out according to the following drawings and specifications, which are attached and shall be considered to be a part of this permit:

- Submitted drawing

(a) The rights granted under this permit shall not be exercised before: n/a

(b) The Construction and Installations must be completed on or before: August 31, 2007

28. The Minister shall designate an official ("the Ministry Representative") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out;
29. The Use shall be carried out according to the reasonable satisfaction of the Ministry Representative.
30. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
31. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
32. The Minister shall take reasonable care to do as little damage or interference, as possible, to any Use authorized by this permit in the carrying out of the construction, extension, alteration improvement, repair, maintenance or operation of any work adjacent thereto, but the Minister shall not be responsible for any damage regardless.
33. The Minister at the absolute discretion of the Minister may, at any time, cancel this permit for any reason upon giving reasonable notice; provided, however, that in the case of default by the Permittee or in the case of an emergency no notice shall be necessary. The Minister shall not be liable for any loss incurred as a result of permit cancellation.
34. Placing of speed arresters on the access (or accesses) or in the Permittee's property without the prior consent in writing of the Designated Ministry Official shall render the permit void.
35. This temporary access permit is valid until, and expires on August 31, 2007.
36. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
37. On a daily basis, the Permittee shall remove any mud, soil, debris, or other foreign material tracked onto the highway from the access authorized herein. Such removal shall be at the Permittee's expense and shall be done at any time the material unduly inconveniences traffic and, in any event, daily.
38. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
39. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Ministry Representative. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
40. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
41. Upon completion of logging, the temporary access shall be deconstructed, and returned to a six (6) meter wide residential access, for which a permit will be required. The required sight distances for a residential access at this location is 102m. As the January 11, 2007 letter from Ward Engineering states the sight distance to the north is 92m, an additional 10m will need to be gained for this access and verified by an engineer before a residential access permit will be issued.

Dated at Nelson, British Columbia, this 22 day of January, 2007

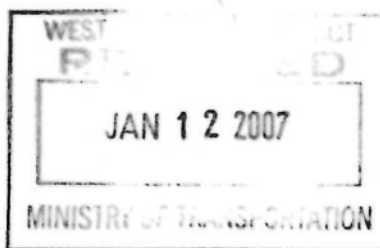
Mark Scott, District Development Technician

On Behalf of the Minister

Dated at _____, _____, this _____ day of _____, 20
City Province

Permittee or Authorized Signatory for the Permittee

Cc Kip Demmings, Area Manager - Creston



January 11, 2007
Our File: 06-143

Ministry of Transportation
4th Floor, 310 Ward Street
Nelson, B.C.

Delivered by Hand

Attention: Mark Scott
District Development Technician

Dear Sirs/Mesdames:

**Re: Lot 19 District Lot 4595, Kootenay District 793
13781 Highway 3A - Industrial Access Permit**

On January 11, 2007 I visited the above captioned property to view the access driveway located on the east side of Highway 3A adjacent to the south boundary of the property.

Based on my site visit, I note the following:

1. The posted design speed for the highway in this location is 60 km/h.
2. The sight distance from the access point looking north at southbound traffic is 92m.
3. The sight distance from the access point looking south at northbound traffic is greater than 300m.

Based on the observations noted above, I recommend that an industrial access permit be issued for this location under the following conditions:

1. Access be granted for right out, left in, and right in turning movements only.
2. Should a left out access be required then a flag person be situated 90m north of the access to stop vehicles traveling from the north during this turning movement.
3. The access permit be issued for 6 logging trucks per day and remain in effect for 6 months.

We trust based on this information you will be able to issue the access permit.

Please call if you have any questions.

Yours truly,

WARD ENGINEERING AND LAND SURVEYING LTD.

Per:


PETER WARD, P.Eng., B.C.L.S.



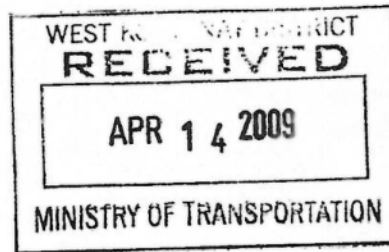
PW/yv

cc: Corey Jacobs



WARD ENGINEERING AND
LAND SURVEYING LTD.

010-20408



April 8, 2009
Our File: 06-143

Ministry of Transportation
4th Floor, 310 Ward Street
Nelson, B.C.

Delivered by Hand

Attention: Phil Best
District Development Technician

Dear Sirs/Mesdames:

**Re: Access for Lot 19 District Lot 4595, Kootenay District 793
13781 Highway 3A - WELS drawing 06-143 Driveway**

Further to your email of October 9, 2007 @ 8:16am please be advised that Mr. Jacobs has completed his excavation of the road side embankment.

Looking northwards from the existing driveway and based on an object height of 0.6m and eye height of 1.05m the sight distance is at least 102m.

We include a copy of your October 9, 2007 email and a copy of our October 5, 2007 drawing 06-143_Driveway for your records.

We trust that his information now brings this file to a close.

Please call if you have any questions.

Yours truly,

WARD ENGINEERING AND LAND SURVEYING LTD.
Per:

U. Vulcano
for: PETER WARD, P.Eng., B.C.L.S.

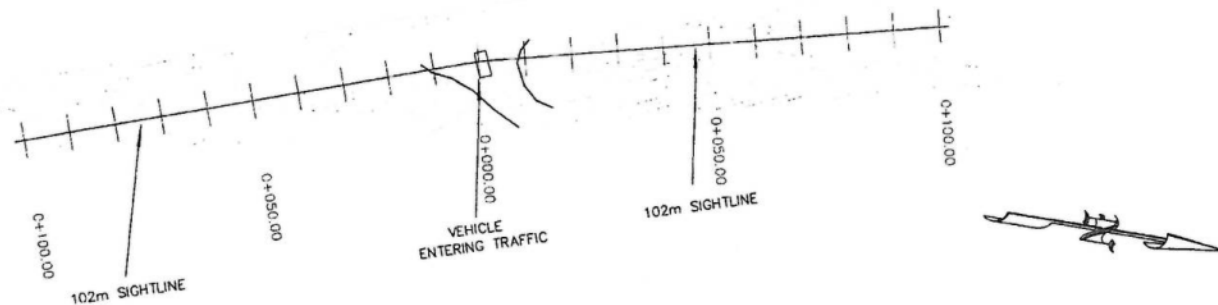
PW/yv

cc: Corey Jacobs c/w encl.

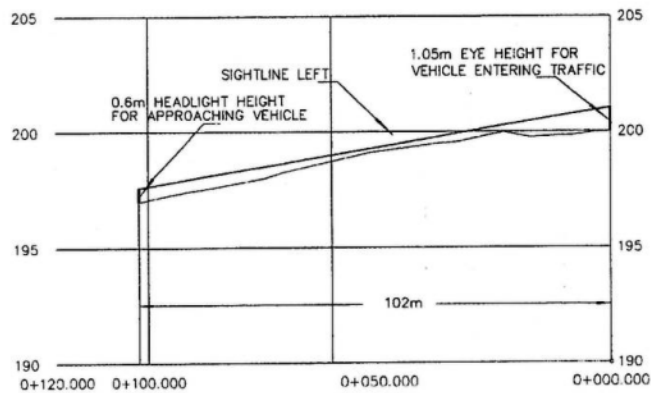
1014 Seventh Street, Nelson, B.C. V1L 7C2 Tel: (250) 354-1660 Fax: (250) 354-1670
email: peter@wardengineering.bc.ca

SCALE 1: 500

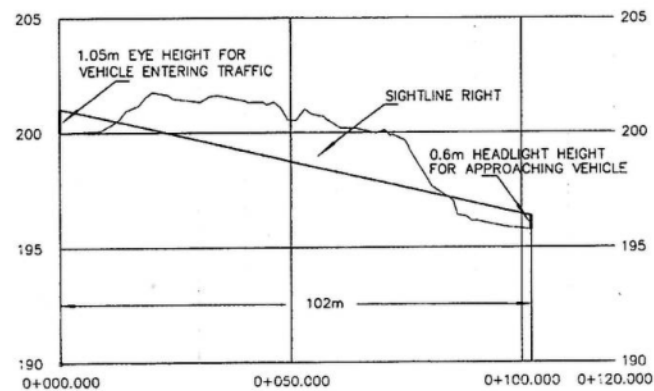
Distances are in metres
Contour interval = 0.5m



PROFILE LOOKING SOUTH



PROFILE LOOKING NORTH



DESIGN: JRC/JAD
DRAWN: JRC/JAD
CHECKED: PW
DATE: OCTOBER 5, 2007
BENCHMARK:
SCALE:
HORIZONTAL 1:500
VERTICAL 1:500

**WARD ENGINEERING AND
LAND SURVEYING LTD.**
Suite #1 628 Baker Street Tel: (250) 354-1880
Nelson, British Columbia Fax: (250) 354-1870
V.C. 903

CLIENT: CORY JACOBS

PROJECT: SKETCH PLAN SHOWING 102m of SIGHT
DISTANCE FOR DRIVEWAY LOCATED
ON LOT 19 DL 4595 KD PLAN 793

FILE NO: 06-143

DRAWING NAME:
06-143DRIVEWAY

DRAWING FILE NAME:
06-143DRIVEWAY.dwg

No.	REVISION DESCRIPTION	DATE	BY