

# *G.W. Wayne Braid*

**\*\*A NOTARY CORPORATION**

Notary Public
4648 Lakelse Avenue
Terrace, B.C. V8G 1R2
(604) 638-1965
Fax (604) 638-1361

17 February 1997

Our File: 9602.4164

**SKEENA DISTRICT HIGHWAYS OFFICE**  
300 - 4546 Park Avenue  
Terrace, B.C. V8G 1V4

Attention: Bill Fairclough

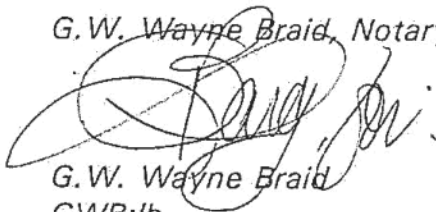
Dear Sirs:

Re: *Trikowsky - Deep Creek Meadows Subdivision*

*Further to our letter of February 13, 1997, we enclose a copy of the signed Easement Agreement for the new Lot A. We confirm that we will be registering five Easement Agreements (one for each new Lot) and that all Agreements have the same context as the enclosed document.*

Yours very truly,

G.W. Wayne Braid, Notary Public



G.W. Wayne Braid

GWB:lb

Encl.

By Hand

Page 02 to/à Page 08

Withheld pursuant to/removed as

s.3

*G.W. Wayne Braid*

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13 February 1997

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Attention: Bill Fairclough

Dear Sirs:

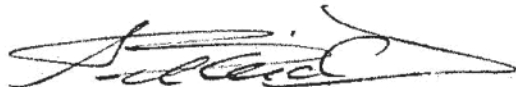
Re: *Trikowsky - Deep Creek Meadows Subdivision*

Enclosed find the following for your approval and execution:

1. copies of our Title and Tax searches
2. subdivision plan
3. Form C and Easement Agreement marked "Copy" - we confirm that there will be five separate easement agreements registered and that the text in all agreements is the same.
4. Section 215 Covenant - we confirm that the Form C must be signed on page 2 in the presence of a Commissioner for Taking Affidavits and that the approving officer must also sign page 6.
5. our cheque in the sum of \$550.00 in payment of your approval fees.

Yours very truly,

G.W. Wayne Braid, Notary Public



G.W. Wayne Braid

GWB:lb

Encl.

By Hand

**Regional District of Kitimat-Stikine**

300 - 4545 Lazelle Avenue  
Terrace, British Columbia  
V8G 4E1

Tel (604) 635-7251  
Fax (604) 635-9222

**FAXED**  
Sept 30 1996

Our file no. D.L. 1118, Coast District  
Your file no. 10352

September 30, 1996

Skeena District  
Ministry of Transportation & Highways  
300 - 4546 Park Avenue  
Terrace, B.C.  
V8G 1V4

Attention: Bill Fairclough, District Development Tech.

Dear Sir:

**Re: Proposed Subdivision of District Lot 1118, Range 5, Coast District, Except Block A, Block B and Block C, and Except Plan 14472**


The Regional District makes the following comments regarding subdivision of the above described land parcel as per the applicant's "Plan of Proposed Subdivision" dated September 21, 1996.

1. The property is in the Low Density Rural Zone of Greater Terrace Zoning Bylaw No. 37. Minimum parcel size is 10 acres. The five proposed lots range in size from 4.05 to 4.68 ha and meet parcel size requirement.
2. Minimum frontage is 20% of the perimeter of the parcel to be created. Proposed lots A and E do not meet frontage requirement. The Regional Board, at its regular meeting held September 28, 1996, gave relaxation to the frontage requirement pursuant to section 994(2) of the Municipal Act.

We note that the woodwaste landfill area has been identified and is included entirely within a portion of Lot A and that a covenant will be registered prohibiting the siting of the dwelling unit on the landfill portion. We would appreciate a copy of the covenant for our files.

We also note that the Landfill Criteria for Municipal Solid Waste requires a 300 metre separation from "Municipal Landfills" to "water supply well" which may affect subdivision and lot configuration. B.C. Environment should review the proposal and determine whether the requirement applies to the landfill on this parcel.

Yours truly

  
Ted Pellegrino  
Planner

TP/cl

a:\cl\mw\dl1118.sub



To: "BFairclo@vines.gems.gov.bc.ca" <BFairclo@vines.gems.gov.bc.ca>  
From: "SHARPE, Ian D." <isharpe@SMITHERS.env.gov.bc.ca>  
Cc: "LEE, Faith A." <falee@SMITHERS.env.gov.bc.ca>

Bcc:

Subject: RE: Deep Creek Our File 10368

Attachment:

Date: 2/18/97 12:22 PM

Bill: I have read the final draft of the Deep creek subdivision easement which you sent me by fax on Feb 17, 1997. From a waste management perspective, the easement appears to satisfy our recommended course of action: namely, to allow for the provision of a potable water supply from an alternate source in perpetuity, should a resident on one of the lots which may be subject to groundwater contamination from the decommissioned woodwaste landfill require it. Please be advised that I am not in a position to comment on the legality of the easement, although i believe that you have received correspondence from another source on this aspect of the issue. Please contact me if you require further information.

Ian D. Sharpe  
Impact Assessment Biologist,  
Skeena Region BC Environment

-----  
From: BFairclo@vines.gems.gov.bc.ca  
To: SHARPE, Ian D.  
Subject: Deep Creek Our File 10368  
Date: Monday, February 17, 1997 2:14PM

Ian, I am forwarding, via fax, a copy of the final draft of the easement agreement to which you have previously commented on. Please advise if this can now be considered as final. We have on hand the final plans for signing

so your early response would be appreciated.

Bill Fairclough  
Development Technician, Skeena District  
Phone:250-638-6417 Fax:250-638-6414  
Internet Address: bfairclo@vines.gems.gov.bc.ca

Ministry of  
Environment,  
Lands and ParksBC Environment  
Skeena Region

## FAX SHEET

Date: Thursday, January 16, 1997# of pages (including this sheet) 3To: Bill FaircloughFax # (250) 638-6414Office: Min. of Transportation & HighwaysPhone # ()From: Shauna Rysavy  
Skeena Region, SmithersPhone # (250) 847-7230Fax # (250) 847-7591Re: Trikowski Subdivision - DL 1118, R5 CD

## SPECIAL INSTRUCTIONS:

Please call me if you have any  
questions about the enclosed  
letter.

Thank you, Shauna.

URGENT: No

CONFIDENTIAL: No

ORIG. IN MAIL: Yes

*Material contained in this fax transmission may be confidential, and should only be delivered to the addressee. If you do not receive all pages, please call (250)847-7260.*



January 16, 1997

BCE File: 35150-40/Deep Creek - T  
Your File: 10352  
Ref #: 93NOS0559  
Drainage: Deep Creek

Bill Fairclough, District Development Technician  
Ministry of Transportation & Highways  
400-4546 Park Avenue  
Terrace, BC V8G 1V4

Dear Bill Fairclough:

**Re: Trikowski Subdivision - DL 1118, R5 CD**

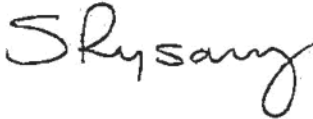
Thank you for forwarding the proposed amendments to the Deep Creek Subdivision Easement Agreement for our review. The Pollution Prevention Program recommends the two following changes to the Easement agreement be made:

1. The last paragraph in the preamble, which appears at page 5 of the draft, is to become a covenant and move to clause 1 of the easement agreement. The effect of this clause is that the easement will only become effective upon verification by the appropriate Ministry authorities that "the water supply from the grantee's well on the dominant tenement is contaminated due to woodwaste leachates.". BC Environment would prefer to see this clause less onerous in that if the water supply under the grantee's land is found to be contaminated, he ought not to be obliged to establish a well, and secondly ought not to be obliged to establish that the contamination is "due to woodwaste leachates". Water quality problems are frequently difficult to trace to any particular source of contamination, and given that things often get into landfill sites that may not have been authorized under the conditions of the governing permits, we recommend the rights to be exercisable in the event that the water supply on the grantee's land does not meet drinking water quality standards as set by the Province from time to time.
2. Clause 15 would seem to permit the grantor to establish improvements on the easement area in any manner which does not interfere with access to water lines or the water system "as it is now or may be in the future". Since the easement agreement requires the transferees to pay for any costs of disruption associated with the establishment of a water line, the grantor might inadvertently or otherwise frustrate the purposes of the agreement by constructing expensive improvements on the easement area prior to the exercise of rights under the easement. This may

make it impractical for the transferees to exercise their contractual rights, and we therefore recommend that clause 15 be deleted as conflicting with clause 7(b).

We have already been in touch with Brian Loughlin and trust that these recommendations will be approved and the Easement Agreement will be amended to reflect them. The Pollution Prevention Program trusts that the Covenant which restricts building on the landfill, as well as the Easement Agreement will be registered under the Land Titles Act, and we have no objections to the subdivision at this time.

Yours truly,



for

Ian Sharpe, R.P. Bio  
Environmental Impact Assessment Biologist  
BC Environment Referral Committee

SR/sr

cc: Brian Loughlin, Robertson, Downe & Mullally, Fax (604) 852-3829  
Faith Lee, Referrals Clerk



January 16, 1997

BCE File: 35150-40/Deep Creek - T

Your File: 10352

Ref #: 93NOS0559

Drainage: Deep Creek

Bill Fairclough, District Development Technician  
Ministry of Transportation & Highways  
400-4546 Park Avenue  
Terrace, BC V8G 1V4

MINISTRY OF TRANSPORTATION & HIGHWAYS  
SKEENA DISTRICT  
RECEIVED

JAN 21 1997

TERRACE, B.C.

Dear Bill Fairclough:

**Re: Trikowski Subdivision - DL 1118, R5 CD**

Thank you for forwarding the proposed amendments to the Deep Creek Subdivision Easement Agreement for our review. The Pollution Prevention Program recommends the two following changes to the Easement agreement be made:

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Yours truly,



for

Ian Sharpe, R.P. Bio  
Environmental Impact Assessment Biologist  
BC Environment Referral Committee

SR/sr

cc: Brian Loughlin, Robertson, Downe & Mullally, Fax (604) 852-3829  
Faith Lee, Referrals Clerk

# Facsimile Cover Sheet

**To:** Brian Loughlin  
**Company:** Robertson, Downe & Mullally  
**Phone:** 853-0774  
**Fax:** 852-3829

*Ian Sharpe*

**From:** W.B.(BILL) FAIRCLOUGH  
**Company:** District Development Technician  
Skeena - District  
**Phone:** 638-6417  
**Fax:** 638-6414



**Date:** Dec. 13, 1996

**Pages including this cover page 1**

**OUR FILE NO:** Deep Creek

**Your File:** 19522-2

**Comments:** Re:Covenant Deep Creek Sub.

In reply to you fax of Dec. 11/96 we wish to advise that the conditions of the covenant covering the wood waste site within the above subdivision are at the request of the Ministry of Environment. We are today forwarding your letter onto them and request that they reply directly to you.

Yours truly;

A handwritten signature in cursive script, appearing to read "W.B. Fairclough".

W.B.(Bill) Fairclough  
District Development Technician

c.c. Ministry of Environment - Attention Ian Sharpe.

*847-7556*

**ROBERTSON, DOWNE & MULLALLY**  
BARRISTERS AND SOLICITORS  
#301, 33695 SOUTH FRASER WAY  
ABBOTSFORD, B.C.  
V2S 2C1

TELEPHONE: (604) 853-0774

FACSIMILE: (604) 852-3829

VANCOUVER TOLL FREE: 856-3627

**TELECOPIER COVER SHEET**

DATE: December 11, 1996  
FILE: 19522-2  
NAME: BILL FAIRCLOUGH  
FIRM: MINISTRY OF HIGHWAYS  
CITY: TERRACE  
FAX #: 250-638-6414

\*\*\*\*\*  
FROM: BRIAN J. LOUGHLIN

\*\*\*\*\*  
WE ARE SUBMITTING 12 PAGES INCLUDING THIS COVER SHEET. IF YOU DO NOT  
RECEIVE ALL PAGES, PLEASE CONTACT CAROL REID IMMEDIATELY.

\*\*\*\*\*  
ORIGINALS WILL BE:   \_\_\_ MAILED TO YOU  
                          \_\_\_ PICKED UP BY YOU  
                          \_\_\_ DELIVERED TO YOU  
                          \_\_\_ DELIVERED ON REQUEST  
                          X REMAIN ON OUR FILE

\*\*\*\*\*  
COMMENTS: A LETTER FROM MR. LOUGHLIN FOLLOWS. PLEASE CALL IF THERE  
ARE ANY QUESTIONS.

\*\*\*\*\*  
*The information contained in this telecopier transmittal may be subject to solicitor and client confidentiality and is intended strictly for the use of the above named intended receiver. If you are not the intended receiver, or an agent or employee responsible to deliver it to the intended receiver, we hereby notify you that any dissemination, distribution or copying of this transmittal is prohibited. If you have received this communication in error, please notify us by telephone immediately and return the transmittal to us by regular mail. Your co-operation is appreciated. Thank you.*



**ROBERTSON  
DOWNE &  
MULLALLY**

**LAWYERS**

DAVID A. ROBERTSON\*

RONALD W. DOWNE\*

FRANK R. MULLALLY\*

ROGER W. GREENWOOD\*

DOUGLAS R. LESTER\*

IAN D. MACKINNON\*

BRIAN J. LOUGHLIN\*

SUSAN K. MCLEOD

GARY J. MAY

ROBERT M. KUYEK

BARBARA CORNISH

JAN A. FISHMAN

MONTY C. GENDALL

Our File: 19522-2

December 11, 1996

VIA FAX: 250-638-6414

Ministry of Highways  
Suite 300  
4546 Park Avenue  
TERRACE, B.C.  
V8G 1V4

ATTENTION: Bill Fairclough

Dear Sir:

Re: Deep Creek Meadows Subdivision - Phase II

We are the solicitors instructed by Deep Creek Meadows Ltd. As part of our review of the Disclosure Statement related to the subdivision we were asked to review and comment upon the Section 215 Covenant (re: restricting structures upon the landfill area) and the Easement Agreement (re: the alternate supply of potable water).

We understand that Wayne Braid prepared the Covenant and Easement and that the same were prevetted through your department. We have no material comments on the form or content of the Covenant however we have asked Mr. Braid to amend the Easement.

For your reference we enclose a copy of the Easement Agreement with our proposed amendments noted thereon. We do not believe our amendments in any way affect the intent of that document. The intent being to ensure that the owners of the newly created lots (Lots A thru E) have access to the easement area (located upon Lot 1) for the purpose of securing an alternate water supply. Our amendments were intended to resolve two primary concerns of our client:

Firstly, that prospective purchasers of Lots A thru E do not perceive the Easement as being a guarantee by the owner of Lot 1 (the "grantor") as

33695 SOUTH FRASER WAY, ABBOTSFORD, B.C. CANADA V2S 2C1  
TEL: (604) 853-0774 VANCOUVER TOLL-FREE: 856-3627 FAX: (604) 852-3829

\* PERSONAL LAW CORPORATION

ROBERTSON, DOWNE & MULLALLY

PAGE 2

to the quantity and quality of water within the easement area but simply reflect the fact that the easement area can be used as an alternate source of water of which the prospective grantees would be responsible for quantity and quality; and

Secondly, if one of the grantees was using the easement area as an alternate source of water and for any reason caused damage to Lot 1 or exposed the grantor to any liability we wanted to ensure that only the offending grantee would be liable for that damage and not all grantees (this would be achieved by the Grantor granting five separate non-exclusive easements to Lots A thru E).

Any further amendments to the Easement were intended to clarify the arrangement between the respective parties.

Mr. Braid was reluctant to make any amendments to that Easement Agreement prior to having the amendments preapproved by your office. Would you kindly confirm that these amendments are acceptable or, if not, indicate your specific concerns. We will then ask Mr. Braid to make the amendments and provide you with a final draft for your review.

Please do not hesitate to contact the writer should you have any questions or comments in regard to the foregoing or enclosed.

Yours truly,  
ROBERTSON, DOWNE & MULLALLY

Per:



Brian J. Loughlin

BJL:cpr  
Enclosure  
cr/19522/2hwys.cor

cc: Arthur Trikowsky

33695 SOUTH FRASER WAY, ABBOTSFORD, B.C. CANADA V2S 2C1  
TEL: (604) 853-0774 VANCOUVER TOLL-FREE: 856-3627 FAX: (604) 852-3829

\* PERSONAL LAW CORPORATION

Page 21 to/à Page 29

Withheld pursuant to/removed as

s.3



Province of  
British Columbia

Ministry of  
Transportation  
and Highways

October 3, 1996

Your File: 44165-3  
Our File: 05-026-10352

Arthur Trikowsky  
c/o McElhanney Associates  
201 - 4548 Lakesle Avenue  
Terrace, B.C.  
V8G 1P8

Attention Mr. A. Dozzi BCLS

Dear Mr. Dozzi

Re: Proposed subdivision of Remainder of District Lot 1118, Range 5, C.D.

Your proposal for a 5 lot subdivision has received preliminary layout approval by the approving officer, subject to the following conditions:

The Applicant shall enter into an Easement over Lot 1, District Lot 1118, Range 5, C.D. Plan PRP 14472 in favor of proposed lots A to E inclusive in accordance with the draft copy and plan attached. Also to be included in the easement document is the exclusion of the construction of any septic system within 100 feet of the boundaries of the easement area.

The Applicant shall enter into a covenant with the Ministry of Environment, under section 215 of the Land Title Act to restrict the building or placement of any permanent structures within the boundaries of the Land Fill Site situated within proposed Lot A as indicated on the attached plan.

Submission of Final Plans to be accompanied by a current Tax Certificate (TX 55), together with a plan examination fee of \$ 50 plus \$ 100.00 per lot created by the plan and made payable in the form of a cheque to the Minister of Finance.

The approval granted is only for the general layout of the subdivision and is valid for 180 days from this date. However, if at any time there is a change in legislation, regulations or bylaws this preliminary layout approval is automatically cancelled.

Yours Truly

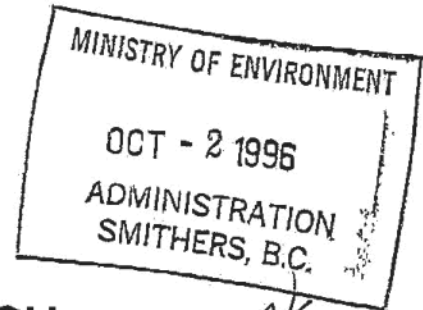
W.B. (Bill) Fairclough  
District Development Technician

For: District Highways Manager  
Ministry of Transportation & Highways

# Facsimile Cover Sheet

From

**To:** Ian Sharpe  
**Company:** MoE - Smithers  
**Phone:** 847-7251  
**Fax:** 847-7591



To

**From:** W.B. (BILL) FAIRCLOUGH  
**Company:** District Development Technician  
Skeena - District  
**Phone:** 638-6417  
**Fax:** 638-6414

**Date:** Oct. 2, 1996

**Pages including this** 1  
**cover page**

**OUR FILE NO:** 10352

**Your File** 35150-40

**Comments:** RE: Phase #2 - Deep Creek Subdivision - Trikowski.

Ian, can you please confirm that the 300 metre separation of water from a "Municipal Landfill" does not apply in this instance.

Your return reply would be appreciated:

Yours truly,

W.B. (Bill) Fairclough  
District Development Technician.

Bill

The 300 meter separation of potable water source from a Municipal landfill is a guideline, and is therefore recommended, but not a strict requirement. In this instance we have assurance that potable water will be available through an easement applying to a property outside a potential leachate plume.

---

# Facsimile Cover Sheet

**To:** Terry Bohan  
**Company:** M.o T.H. - Region  
**Phone** 638-2403  
**Fax:** 638-2409

**From:** W.B.(BILL) FAIRCLOUGH  
**Company:** District Development Technician  
Skeena - District  
**Phone:** 638-6417  
**Fax:** 638-6414

**Date:** Oct. 3, 1996  
**Pages including this** 1  
**cover page**

**OUR FILE NO:** 10352

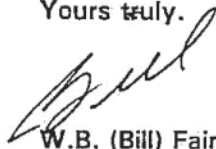
**Your File**

**Comments:** RE: Phase #2 - Deep Creek Subdivision - Trikowski.

We are forwarding to you under separate cover a copy of the report from McElhanney dated May 24, 1996 covering the ground water testing carried out on the above.

The Ministry of Health has advised that there should be no septic systems within 100 feet of the 20 meter square easement area. We will have this incorporated in the easement documents being prepared by Wayne Braid.

Yours truly.



W.B. (Bill) Fairclough  
District Development Technician.

June 4, 1996

W.B. Fairclough  
District Development Technician  
Skeena District Highways  
300 - 4546 Park Avenue  
TERRACE BC V8G 1V4

Dear Mr. Fairclough:

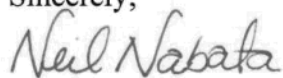
**RE: Phase II Deep Creek Subdivision, District Lot 1118,  
Range 5, Coast District - Water Supply**

I have reviewed the report submitted by the McElhanney Consulting Ltd. dated May 24, 1996. Based on the information submitted and the results of those parameters tested, the Skeena Health Unit has no objections to Phase II of this subdivision proposal. Potential for on-site sewage disposal has already been demonstrated.

Please call me at 638-2222 if you have any questions.

Thank you for your cooperation on this proposal.

Sincerely,



Neil Nabata, B.Sc. CPHI (C), R.E.H.O.  
Registered Environmental Health Officer

:jg

copy: Patrick Bolin, McElhanney Consulting Services Ltd.  
Regional District of Kitimat-Stikine  
Ian Sharpe, Ministry of Environment

---

**BRANCH OFFICES**

---

Masset BC, Box 215 V0T 1M0 — 626-3369  
Houston BC, Box 2000 V0J 1Z0 — 845-3443  
Hazelton BC, Box 321 V0J 1Y0 — 842-5275

Stewart BC, Box 692 V0T 1W0 — 636-2525  
Q.C.C. BC, Box 419 V0T 1S0 — 559-8421  
Dease Lake BC, Box 296 V0C 1L0 — 771-4444

Kitimat BC, 889 Lahakas Boulevard V8C 2H3 — 632-3181  
Prince Rupert BC, 333 Fifth Street V8J 3L6 — 624-7480  
Smithers BC, Bag 5000 3782 Alfred Avenue V0J 2N0 — 847-7410  
Smithers BC, Bag 5000 1411 Court Street V0J 2N0 — 847-7360

**Ministry of  
Health**

Regional Programs  
Skeena Health Unit

3412 Kalum Street  
Terrace BC V8G 4T2

Telephone: (604) 638-2220  
Facsimile: (604) 638-2251

# Facsimile Cover Sheet



**To: Ian Sharpe**  
**Company: MoE - Smithers**  
**Phone 847-7251**  
**Fax: 847-7591**

**From: W.B.(BILL) FAIRCLOUGH**  
**Company: District Development Technician**  
**Skeena - District**  
**Phone: 638-6417**  
**Fax: 638-6414**

**Date: Oct. 2, 1996**  
**Pages including this 1**  
**cover page**

**OUR FILE NO: 10352**

**Your File 35150-40**

**Comments: RE: Phase #2 - Deep Creek Subdivision - Trikowski.**

**Ian, can you please confirm that the 300 metre separation of water from a "Municipal Landfill" does not apply in this instance.**

**Your return reply would be appreciated:**

**Yours truly,**

A handwritten signature in black ink, appearing to be "W.B. Fairclough".

**W.B. (Bill) Fairclough**  
**District Development Technician.**



**FAX**

B.C. ENVIRONMENT  
P O BOX 5000  
3726 ALFRED AVE.  
SMITHERS, BC V0J 2N0

Date

Aug 13 1996

Number of pages including cover sheet

8

To:

Bill Fairclough

Phone

638-6417

Fax Phone

638-6414

CC:

From:

Jon Sharpe

ENVIRONMENTAL  
PROTECTION BRANCH

SKEENA REGION

Phone

604-847-7260

Fax Phone

604-847-7591

REMARKS:

☐ Urgent

☒ For your review

☐ Reply ASAP

☐ Please comment

Bill Here is the Trikowski Deep Creek  
Subdiv. easement as discussed earlier today.  
Please see Email sent today for more info.

Jon Sharpe

**G.W. WAYNE BRAID**  
\*\*A NOTARY CORPORATION

Notary Public  
4648 Lakelse Avenue  
Terrace, B.C. V8G 1R2  
(604)638-1965  
Fax (604)638-1361

MINISTRY OF ENVIRONMENT

AUG - 6 1996

ADMINISTRATION  
SMITHERS, B.C.

DATE: August 6 1996

FAX TO: BC ENVIRONMENT  
ATTENTION: IAN SHARPE

FROM: Wayne Braid

PLEASE ADVISE US IF THIS MESSAGE IS NOT RECEIVED CLEARLY OR IF ANY  
PAGES ARE MISSING. THANK YOU.

NO. OF PAGES: 9

MESSAGE:

Re: Trikowsky Deep creek Subdivision Phase 2

Draft Easement Agreement follows. We've also enclosed a copy of a  
portion of the subdivision plan and cross hatched the portion of  
Lot 1, Plan PRP14472 that we propose would be the easement area.

PAGE 3

TERMS OF INSTRUMENT - PART 2

WHEREAS the Grantors, GERTRAUD HEDWIG MARGUERITA TRIKOWSKY and ARTHUR TRIKOWSKY, S.22, are the registered owners in fee simple of the lands and premises described as:

Lot 1, District Lot 1118, Range 5, Coast District, Plan PRP14472  
(hereinafter called the "Servient Tenement")

AND WHEREAS, the Grantees, GERTRAUD HEDWIG MARGUERITA TRIKOWSKY and ARTHUR TRIKOWSKY, S.22 are the registered owners in fee simple of the lands and premises described as:

Lot A, District Lot 1118, Range 5, Coast District, Plan PRP \_\_\_\_\_  
 Lot B, District Lot 1118, Range 5, Coast District, Plan PRP \_\_\_\_\_  
 Lot C, District Lot 1118, Range 5, Coast District, Plan PRP \_\_\_\_\_  
 Lot D, District Lot 1118, Range 5, Coast District, Plan PRP \_\_\_\_\_  
 Lot E, District Lot 1118, Range 5, Coast District, Plan PRP \_\_\_\_\_  
 (hereinafter called the "Dominant Tenements")

AND WHEREAS the Grantee is aware of and acknowledges that there is a potential danger of groundwater contamination due to the possibility of woodwaste leachates from a former landfill site situate within Lot A and part of Lot B.

AND WHEREAS there is no present evidence of groundwater contamination, however, the Grantee acknowledges that the possibility of contamination may be long term and that there are no representations or warranties as to the future potability of the water supply. THEREFORE the Grantee wishes to guarantee a continued supply of potable water to any lot or lots which may become affected in the future from a well located on the Grantor's lands.

AND WHEREAS the Grantee has requested the Grantor to grant and the Grantor has agreed to grant to the Grantee an easement over and across all that part of the Servient Tenement shown outlined in heavy black on a Reference Plan of Easement in Lot 1, District Lot 1118, Range 5, Coast

PAGE 4

District, Plan PRP14472 certified correct and completed on the \* day of \*, 1996 by A.S. Dozzi B.C.L.S., on the express understanding and condition that the Grantee will not exercise any of the rights and privileges granted herein unless it is determined by the Ministry of Health or any other governing Ministry having authority, that the water supply from the Grantee's well is contaminated due to woodwaste leachates.

NOW THEREFORE in consideration of the premises herein and the privilege of the Grantee allowing sufficient water to the Grantor to run a normal domestic dwelling and for those needs associated with a normal domestic dwelling and for further consideration as set forth in the covenants of the Grantee, the Grantor does hereby grant and convey unto the Grantee, its executors, administrators, successors and assigns the full, free and unrestricted right, licence, liberty, privilege, easement and right of way on, over, under and/or through that portion of the Servient Tenement designated as Easement for the maintenance, use and operation of the well and the water lines and continuing on or under the Dominant Tenement and for the laying down, construction, re-construction and/or repair of one or more water lines, together with all the works necessary for the carriage, conveyance and transportation of water to the Grantee's lands together with the right of ingress and egress to and from the Servient Tenement for their servants, agents, vehicles, supplies and equipment for the purpose of the exercising of the rights herein granted as and from the date of this Agreement, and for so long thereafter as the Grantee desires to exercise the rights and privileges hereby granted on the following terms and conditions which are mutually covenanted and agreed to be as between the Grantor and the Grantee:

1. The Grantee will compensate the Grantor for damage done to any buildings, crops, fences, timber and livestock on the said Servient Tenement by reason of the exercising of the rights hereinbefore granted, and notwithstanding the generality of the grant of easement, the Grantee shall not relocate the water lines on the Servient Tenement without the express consent in writing of the Grantor, and the Grantee shall not do

PAGE 5

or knowingly permit to be done any act or thing which will interfere with or obstruct the said well site or the water lines which form a part of the water system.

2. The Grantee covenants to save harmless and indemnify the Grantor against all actions, suits, claims or demands by any person whatsoever in respect of loss, injury, damage or obligation arising out of or connected with the operations carried on by the Grantee in, under or upon the said lands of the Grantor unless such loss, injury, damage or obligations shall have been caused by the negligence of the Grantor, its servants or agents.

3. The Grantee understands and agrees that the Grantee shall be solely responsible for supplying, installing and maintaining all water lines from the Servient Tenement to the Dominant Tenement and for pressure tanks on the Dominant Tenement.

4. The Grantee covenants and agrees with the Grantor that the Grantee shall be solely responsible for the potability of the water supply to any residences on the Dominant Tenements.

5. The Grantor covenants with the Grantee:

(a) to allow the Grantee to draw sufficient water as required for a normal domestic dwelling and for those needs associated with a normal domestic dwelling, and the Grantor will not cut off or impair the water supply.

(b) that no building, structure, fence, foundation, pavement, excavation, debris or obstruction shall be made, placed, erected or maintained on any portion of the Easement Area, and that no growth, except lawn grass shall be permitted on the Easement Area.

(c) the Grantor shall not do or knowingly permit to be done any act or thing which will interfere with or obstruct the well site or

PAGE 6

the water lines which form a part of the water system.

(d) the Grantor will repair at its own expense any damage to the Easement Area occasioned by its use of the area.

6. The Grantor and the Grantee covenant and agree each with the other that they shall be jointly responsible for the maintenance, replacement and/or repair of the well and the water lines located within the servient tenement and that they will share equally all costs associated with said maintenance, replacement and/or repairs.

7. The Grantee covenants and agrees with the Grantor that the Grantee shall be responsible for a portion of all costs for Hydro power associated with the operation of the well pump, that said costs will be apportioned between all users of the well, and the Grantor and the Grantee agree each with the other that they will share equally all such costs for Hydro power.

8. In the event of a dispute arising between the parties herein, all matters in difference between the parties in relation to this agreement shall be referred to the arbitration of a single arbitrator, if the parties agree upon one, otherwise to four arbitrators, one to be appointed by each party and a fourth to be chosen by the first three named before they enter upon the business of arbitration. The award and determination of the arbitrator or arbitrators or any three of the four arbitrators shall be binding upon the parties and their respective, heirs, executors, administrators and assigns.

9. The Grantor and the Grantee hereby covenant and agree each with the other that the terms of this agreement may not be varied, modified or discharged without the consent in writing of the parties hereto.

10. The Grantor and the Grantee hereby covenant and agree each with the other to save harmless and indemnify the other from any breach or default of any covenant hereunder until such time as their respective

PAGE 7

rights, interests, liberties, duties, obligations, covenants are assigned, transferred, devalued or otherwise alienated.

11. The Grantor and the Grantee covenant and agree each with the other to obtain from any prospective grantee, purchaser, leaseholder, tenant or other transferee of any of the lands referred to herein an agreement to be bound by the terms of this Agreement.

12. This agreement is and shall be of the same force and effect to all intents and purposes as a covenant running with the land and these presents including all the covenants and conditions herein contained shall extend to, be binding upon and enure to the benefit of the heirs, executors, administrators, successors and assigns of the Grantor and the Grantee, respectively.

13. It is understood and agreed that nothing herein contained shall be interpreted so as to restrict or prevent the Grantor and Grantee from using the Easement Area in any manner which does not interfere with access to the water lines and water system as it is now or may be in the future.

14. The parties hereto covenant and agree that they will do and execute such further acts and deeds and give such further assurances as may be reasonably necessary to implement the true intent and meaning of this Agreement.

END OF DOCUMENT





To: William Fairclough NOR/REG OFFICE  
From: IAN SHARPE Security: General  
Subject: Deep Creek Subdivision - Date Received: 96/08/13  
Forwarded By: IAN SHARPE

---

MSG:FROM: ISHARPE --GREEN TO: WFAIRCLO--WANGBSC 08/13/96 15:35:20\*  
Date: 13-Aug-1996 15:35:20 PDT  
From: SHARPE, Ian D.  
Subject: Deep Creek Subdivision - Your file # 10352

Bill: I have received the Trikowski Deep Creek Subdivision easement, and have faxed it to you today. It should provide an assurance that potable water would be available to lot holders in a woodwaste leachate plume (should one develop) from an adjacent lot which has no possibility of becoming contaminated from the woodwaste leachate. I have sought advice from the Land Titles Registrar in Victoria as to what may constitute an enforceable easement. The advice was that easements need to be registerable - attached to Form C, signed by all parties concerned - and that the specifics of the associated rights need to be clearly stated. I have not sought a legal opinion on this latter issue, as I was assured that if the intent of the easement is clear (which appears to be the case), then it is reasonable to leave the finer points of it up to the concerned parties, should the easement need to be exercised.

As for the Covenant which restricts building on the landfill, I trust that you have that in hand, and that it will be registered under the Land Titles Act, along with the easement.

I am confident that the easement and covenant will fully address EPP concerns regarding this referral.

To: WFAIRCLO--wangbsc  
cc: falee@SMITHERS.env.gov.bc.ca @GEMS @VENUS  
pross@SMITHERS.env.gov.bc.ca @GEMS @VENUS

201 - 4548 LakeIsle Ave  
Terrace BC Tel 604 635 7163  
Canada V8G 1P8 Fax 604 635 9586

**McElhanney****Fax Transmittal**

DATE	DESTINATION FAX NO	NO OF PAGES (INCL THIS PAGE)	FILE
6 June 1996		7	2321-00153-0
TO		FROM	
Bill Fairclough		Pat Bolin	
COMPANY		ORIGINALS TO BE FILED <input type="checkbox"/>	MAILED <input type="checkbox"/> COURIERED <input type="checkbox"/>
MoTH			
CITY		OTHER (SPECIFY)	
Terrace, B.C.			
MESSAGE			

Re: Phase II Deep Creek Subdivision

Attached find a draft of the Section 215 Covenant, for your review and comments.

**DRAFT**TERMS OF INSTRUMENT - PART 2

## SECTION 215 RESTRICTIVE COVENANT

THIS AGREEMENT MADE:

BETWEEN:

GERTRAUD HEDWIG MARGUERITA TRIKOWSKY and  
ARTHUR TRIKOWSKY

s.22

(hereafter called "the Grantor")

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF  
BRITISH COLUMBIA, as represented by the Minister of  
Environment, Lands and Parks, Parliament Buildings,  
Victoria, B.C., V8V 1X5

(hereafter called the "First Grantee")

WHEREAS the Grantor is the registered owner in fee simple of the following lands in the Province of British Columbia, more particularly known and described as:

P.I.D. 015-074-439

District Lot 1118, Range 5, Coast District, Except Block A,  
Block B and Block C and Except Plan PRP14472

(hereinafter called the "Lands")

AND WHEREAS the Grantor proposes to subdivide the Lands, according to a plan of subdivision completed and certified correct on the day of \_\_\_\_\_, 1996 by A.S. Dozzi, a British Columbia Land Surveyor, a copy of which is attached hereto as Schedule "A", into the following lots:

Lots A, B, C, D, and E

(hereinafter called the "Lots")

AND WHEREAS a covenant under Section 215 of the Land Title Act is required a condition of the consent to approval of the subdivision of the Lands by the Minister of Environment.

AND WHEREAS Section 215 of the Land Title Act provides that there may be registered as a charge against the Title to any land a covenant in favour of the Minister of Environment that land is to be used in a particular manner or that land is not to be subdivided except in accordance with the covenant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada and other good and valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby covenant and agree with the Grantee under Section 215 of the Land Title Act of the Province of British Columbia as follows:

1. The Grantor is aware of and, on behalf of himself and his heirs, executors, administrators, successors and assigns, hereby acknowledges that there exists an abandoned woodwaste landfill in the area of the Lands. There exists some potential for associated environmental and stability problems. The bounds of the woodwaste land are contained on Lot A as indicated on the plan.
2. The Grantor, on behalf of himself and his heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Grantee, as a covenant in favour of the Grantee pursuant to Section 215 of the Land Title Act, it being the intention and agreement of the Grantor that the provisions hereof be annexed to and run with and be a charge upon the lots, that from the date hereof:
  - (a) Groundwater wells (drilled) have been constructed (Lots A,B,E) to test for evidence of groundwater contamination according the Canadian Drinking Water Standard (McElhanney Consulting Services Ltd. April/May 1996). The results of the testing indicate no current evidence of contamination. Aesthetic parameters (iron/manganese)

did marginally exceed the C.D.W.S. which is characteristic of the area.

- (b) The results of the April/May 1996 well construction and testing does not guarantee the long term viability of the potable water supply provided for the wells constructed or subsequently constructed. The existence of the woodwaste landfill could result in the degradation of water quality/potability in the future.
  - (c) Any wells to be constructed on the lots will be to Ministry of Health standards and specifications for sites with possible groundwater contamination and the approval of the Ministry of Health must be obtained prior to the commencement of construction of any wells.
3. The Grantor, on behalf of himself and his heirs, executors, administrators, successors, and assigns, acknowledges that the Grantee does not represent to the Grantor, nor to any other person that construction of wells in accordance with Ministry of Health guidelines will ensure an indefinite potable source of water. And the Grantor acknowledges that while groundwater contamination may not now be present, the possibility of groundwater contamination may be long term and there are no representations or warranties made as to the future potability of the water supply.

AND THE GRANTOR on behalf of himself and his heirs, executors, administrators, successors and assigns, with full knowledge of the potential of contamination to the groundwater AND IN CONSIDERATION OF THE APPROVALS GIVEN BY THE GRANTEE HEREBY:

- (a) AGREES TO INDEMNIFY AND TO SAVE HARMLESS the Grantee and its employees, servants or agents from all loss, damage, costs, actions, suits, debts, accounts, claims and

demands which the Grantee or any of its employees, servants or agents, may suffer or incur or be put to arising out of or in connection with any breach of any covenant or agreement on the part of the Grantor or his heirs, executors, administrators, successors and assigns contained in this Agreement or arising out of or in connection with any personal injury, death or loss caused by the use of groundwater for potable purposes; AND

- (b) DOES REMISE, RELEASE AND FOREVER DISCHARGE the Grantee and its employees, servants or agents from all manner of actions, cause of actions, suits, debts, accounts, covenants, contracts, claims and demands, which the Grantor or any of his heirs, executors administrators, successors and assigns may have against the Grantee and its employees, servants or agents for and by reason of any personal injury, death or loss due to the use of groundwater as a potable water source.
- 4. Subject to the provisions of Section 215 of the Land Title Act, the Grantor's covenants contained in this Agreement SHALL BURDEN AND RUN WITH THE LOTS AND SHALL ENURE TO THE BENEFIT AND BE BINDING UPON the Grantor, his heirs, executors, administrators, successors and assigns and the Grantee and its assigns.
- 5. NOTHING in this Agreement shall prejudice or effect the rights, powers and remedies of the Grantee in relation to the Grantor, including his heirs, executors, administrators, successors and assigns, or the Lots under any law, bylaw, order or regulation or in equity all of which rights, powers and remedies may be fully and effectively exercised by the Grantee as if this Agreement had not been made by the parties.

6. THE GRANTOR WILL DO OR CAUSE TO BE DONE at his expense all acts reasonably necessary for the Grantee to gain priority for this Agreement over all liens, charges and encumbrances which are or may be registered against the Lots save and except those in favour of the Grantee and those specifically approved in writing by the Grantee.
7. THE PARTIES AGREE that this Agreement shall not be modified or discharged except in accordance with the provisions of Section 215(5) of the Land Title Act.
8. THE GRANTOR SHALL DO OR CAUSES TO BE DONE all things and execute or cause to be executed all documents and give such further and other assurance which may be reasonably necessary to give proper effect to the intent of this Agreement.
9. (a) THE OWNER or any of his heirs, executors, administrators and assigns, as the case may be, shall give written notice of this Agreement to any person to whom he proposes to dispose of one of the Lots, which notice shall be received by that person prior to such disposition.  
  
(b) For the purpose of this paragraph the work "dispose" shall have the meaning given to it under Section 29 of the Interpretation Act, R.S.B.C. 1979, c.206.
10. Wherever the singular or masculine or neuter is used herein, the same shall be construed as including the plural, feminine, body corporate or politic unless the context requires otherwise.
11. If any section or any part of this Agreement is found to be illegal or unenforceable, then such sections or parts shall be considered to be separate and severable from this Agreement

and the remaining sections or parts of this Agreement, as the case may be, shall be unaffected thereby and shall remain and be enforceable to the fullest extent permitted by law as though the illegal for unenforceable parts or sections had never been included in this Agreement.

12. THIS AGREEMENT shall be interpreted according to the laws of the Province of British Columbia.
13. WHERE there is a reference to an enactment of the Province of British Columbia in this agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.
14. Every reference to the Minister of Environment in this Agreement shall include the Minister of Environment, the Deputy Minister of Environment and any person designated by either of them to act for or on their respective behalf with respect to any of the provisions of this Agreement.

This is the instrument creating the condition of Covenant pursuant to Section 215 of the Land Title Act by the Grantor referred to herein and shown on the Print and Plan annexed hereto as Schedule "A" and initialled by me.

---

Approving Officer,  
Ministry of Transportation and Highways

END OF DOCUMENT



**MINISTRY OF HEALTH**

SKEENA HEALTH UNIT  
3412 Kalum Street  
Terrace, B.C. V8G 4T2  
phone: 638-2222  
fax: 638-2251

# fax

t r a n s m i t t a l

to: *BILL FAIRCLOUGH, DIST. DEVEL. TECH.*

fax: *638-6414*

from: *Neil Nabata, B.Sc., C.P.H.I.(C),  
Registered Environmental Health  
Officer/ Public Health Inspector*

date: *JUNE 4/96*

re: *PHASE II DEEP CRK SUBD. DL 1118*

pages: *2* (including cover sheet)

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Health Protection and Safety, Telephone 638-2222

June 4, 1996

W.B. Fairclough  
District Development Technician  
Skeena District Highways  
300 - 4546 Park Avenue  
TERRACE BC V8G 1V4

Dear Mr. Fairclough:

**RE: Phase II Deep Creek Subdivision, District Lot 1118,  
Range 5, Coast District - Water Supply**

I have reviewed the report submitted by the McElhanney Consulting Ltd. dated May 24, 1996. Based on the information submitted and the results of those parameters tested, the Skeena Health Unit has no objections to Phase II of this subdivision proposal. Potential for on-site sewage disposal has already been demonstrated.

Please call me at 638-2222 if you have any questions.

Thank you for your cooperation on this proposal.

Sincerely,

*Neil Nabata*

Neil Nabata, B.Sc. CPHI (C), R.E.H.O.  
Registered Environmental Health Officer

jg

copy: Patrick Bolin, McElhanney Consulting Services Ltd.  
Regional District of Kitimat-Stikine  
Ian Sharpe, Ministry of Environment

BRANCH OFFICES

Masset BC, Box 215 V0T 1M0 — 826-3358  
Houston BC, Box 2000 V0J 1Z0 — 845-3443  
Hazelton BC, Box 321 V0J 1Y0 — 842-5275

Stewart BC, Box 892 V0T 1W0 — 636-2525  
Q.C.C. BC, Box 419 V0T 1S0 — 559-8421  
Dease Lake BC, Box 296 V0C 1L0 — 771-4444

Kitimat BC, 888 Lahakas Boulevard V8C 2H3 — 632-3181  
Prince Rupert BC, 333 Fifth Street V8J 3L6 — 824-7480  
Smithers BC, Bag 5000 3782 Alfred Avenue V0J 2N0 — 847-7410  
Smithers BC, Bag 5000 1411 Court Street V0J 2N0 — 847-7360

Ministry of  
Health

Regional Programs  
Skeena Health Unit

3412 Kalum Street  
Terrace BC V8G 4T2

Telephone: (604) 638-2220  
Facsimile: (604) 638-2251

24 May 1996

Our File:  
2321-00153-0

Ministry of Transportation & Highways  
Skeena Highways District  
300 - 4546 Park Avenue  
Terrace, B.C.  
V8G 1V4

Attention: Mr. Bill Fairclough,  
Development Approvals Officer

Dear Sir:

Re: Deep Creek Subdivision, District Lot 1118, Range 5, Coast District  
Potable Water Supply

During various meetings and discussions with the Ministries of Highways, Health and Environment, the issue of the potential contamination to groundwater in the area of the aforementioned development and an abandoned woodwaste landfill have been discussed. To address the issue of a potable water supply, drilled wells have been constructed and samples obtained for analysis.

McElhanney observed the well construction process, supervised the sampling procedure, co-ordinated the laboratory analysis, conducted the surveys to locate the wells and prepared the attached drawings. From these investigations we provide the following:

1. The results of the drill logs confirm observations made during the construction of the roadway. The surfacial geology of the site is a relatively complexed sequence of alternating layers of sand, gravel and lenses of clay of varying thicknesses.

Four (4) layers of clay or sandy clay are located below the existing woodwaste landfill as indicated in the Lot B well log. A source of a nutrient rich water was encountered at an elevation of 186 m (arbitrary site elevation) indicating that the upper 4 m sandy clay lenses may be permeable or discontinuous.

Below these shallow layers of clay, at a depth of between 11 and 29 m, a thick (14 m) lenses of a dense blue marine clay has been identified. This clay lenses appears to be continuous across the site. A source of supply has been developed below the lense of clay.

...2

2. We have reviewed various technical reports on the geology and geomorphology of the Kalum Valley and have obtained well log information for other wells located in the area. This information, combined with the results of the well construction, indicate that this structure of alternating layers of coarse sandy and gravels with lenses of glaciomarine (blue) and glaciolacustrine (yellow) clays is a common characteristic of the area. These lenses were formed by a combination of isostatic rebound of the continent and formation of a large lake in the Kalum/Treston Lake areas immediately following the retreat of the glaciers.
3. Along the east ditch line of the constructed road, nutrient rich leachate has been observed (refer to the attached photographs). Sampling of surface water in this area indicates a relatively high concentration of Iron (4.0 mg/L), Manganese (4.09 mg/L), Nitrogen (0.94 mg/L), Phosphorous (0.012 mg/L). The presence of these nutrients is resulting in a rich growth of the orange coloured iron bacteria as indicated in the photographs.

The extremely high concentration of iron, calcium, and manganese is likely the result of the decomposition of the wood waste placed in the landfill. The presence of the shallow sandy clay lenses below the landfill is restricting the vertical percolation of the leachate, resulting in its emergence in the roadway ditch.

4. Work conducted by Allen Gottesfeld, Ph.D., P.Geo., in the area for the Skeena Sawmills woodwaste site north of the subdivision indicated groundwater movement is primarily south and southwest in this section of the Kalum Valley. Therefore the wells were located south and west of Lot A to test for any impacts to groundwater in the area. The results of the drilling program and well logs confirm Gottesfeld's assessment. The lower lens of blue clay appears to dip in a southerly direction as indicated on the attached drawings.
5. The results of the sampling and analysis program are summarized on the attached table along with the health and aesthetic water quality standards specified in the Canadian Drinking Water Standard. The well water quality analysis was conducted Cantest (Vancouver) and surface quality water by Northern Labs Ltd. (Prince Rupert).

In summary, the results indicate that the water from the three wells developed exceed the aesthetic objectives for iron, manganese and turbidity. It is noted however that the high turbidity levels are probably the result of the new construction, limited time spent in well development and high pump rates used for testing.

We would anticipate based on the low dissolved metal concentrations that the concentrations of iron and manganese will decline significantly with domestic use. It is noted however that high Iron and Manganese are characteristic of potable water supplies in the Kalum Valley. Fecal/Total coliform counts are <1 as indicated in the test results

The results of the analysis for the drilled wells do not indicate the presence of any leachate contamination of the aquifer developed as a source of potable water.

Estimates of well yield (blow down tests) indicate that each well exceed the 1 L/sec (5 IGPM) normally considered adequate for individual domestic supplies.

## CONCLUSION

Based on the results of the well development program and review of the available information, we draw the following conclusions to address the concerns raised by the BC Ministries of Highways, Health and Environment:

- ▶ Wells have been constructed on Lots A, B & E downslope and along the estimated direction of groundwater flow in the vicinity of the woodwaste landfill situated on Lot A. Sampling and test results suggest that each lot in the proposed subdivision can develop a suitable source (quality and quantity) of potable water.

Aesthetic parameters such as Iron and Manganese will, with domestic use, likely slightly exceed the CDWS. This however can be adequately managed with the installation of individual domestic water conditioning/treatment systems, if found necessary.

- ▶ The results of the analysis do not indicate any contamination of the groundwater accessed as a source of supply with the wells constructed. The woodwaste landfill is situated in an area of clay lenses which will likely restrict the vertical movement of nutrient rich leachate to these aquifers.

Based on these results we have recommended that the developer proceed with the subdivision of the lots. It is the opinion of the undersigned that the issue of water supply has been resolved to my satisfaction. In response to earlier concerns raised by the Ministry of Environment we recommend that the developer provide a suitable covenant, informing potential purchasers of the lots of the presence of the woodwaste landfill. Attached is a draft of a covenant for your review and comment.

...4



Page 4

Our File:  
2321-00153-0

We request that you circulate and review the information contained herein and provide the undersigned with your comments prior to McElhanney proceeding with the formal submission for lot approval. Your early attention to this matter would be appreciated as the developers are anxious to proceed with lot approval.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

McElhanney Consulting Services Ltd.

Patrick A. Bolin, P.Eng.  
Branch Manager

PAB:pb  
Enclosures

cc: Ian Sharpe, Ministry of Environment, Smithers, B.C.  
Niel Nabata, Ministry of Health, Terrace, B.C.  
Bruce Lennox, Kitimat-Stikine Regional District, Terrace, B.C.  
Mr. & Mrs. Arthur Trikowsky, s.22

Deep Creek Subdivision  
Summary of Water Sampling Results

Date: 96/04

Paramater	CDWS		Lot A	Lot B	Lot E	Lot A Ditch	Lot E Ditch
	(max)	units					
CDWS – Health Standards							
Conductivity	–	us/cm	88	204	174*	409	160
Turbidity	1	NTU	18	3.8	175*	–	–
Hardness	–	mg/L	34	63	79*	–	–
Dissolved Anions							
Bicarb. Alka.	–	mg/L	47	121	210*	–	–
Carb. Alka.	–	mg/L	<0.5	<0.5	<0.5*	–	–
Hydrox. Alka.	–	mg/L	<0.5	<0.5	<0.5*	–	–
Fluoride	–	mg/L	<0.05	0.35	<0.05*	–	–
Nitrate and Nitrite	10	mg/L	0.27	<0.05	<0.05*	–	–
Nitrate	10.0	mg/L	0.27	<0.05	<0.05*	<0.1	<0.1
Nitrite	1.0	mg/L	<0.002	<0.002	<0.002*	<0.5	<0.5
Sulphate	–	mg/L	3.2	7.6	2.8	2	<1
Microbiology							
Total Coliform	<1	col/100mL	<1	<1	<1*	–	–
Fecal Coliform	<1	col/100mL	<1	<1	<1*	–	–
Total Metals							
Arsenic	0.025	mg/L	0.002	0.005	<0.001	<0.02	<0.02
Barium	1.0	mg/L	0.027	0.034	0.04	0.0853	0.0608
Cadmium	0.005	mg/L	<0.0002	<0.0002	<0.0002	<0.0005	<0.0005
Chromium	0.05	mg/L	<0.03	<0.03	<0.03	<0.001	<0.001
Copper	–	mg/L	<0.02	<0.02	<0.02	0.005	0.006
Lead	0.01	mg/L	0.003	<0.001	0.003	<0.005	<0.005
Magnesium	–	mg/L	1.89	3.24	1.79	10.30	4.10
Selenium	0.01	mg/L	<0.001	<0.001	<0.001	0.04	0.02
Dissolved Metals							
Calcium	–	mg/L	11.0	19.9	21.6	55.1	19.3
Magnesium	–	mg/L	1.64	3.16	1.6	–	–
Potassium	–	mg/L	0.69	2.28	0.98	17.7	8.5
Silicon	–	mg/L	11.8	7.9	13.8	–	–
CDWS – Aesthetic Objectives							
Physical Tests							
pH	6.5–8.5	pH units	7.60	8.15	7.95*	6.57	6.82
True Colour	15	CU	5	5	5*	–	–
Turbidity	5	NTU	18	3.8	175*	–	–
Total Dissolved Solids	500	mg/L	75	n/a	170*	–	–
Dissolved Anions							
Chloride	250	mg/L	3.3	2.7	2.7	1.5	4.6
Sulphates	500	mg/L	3.2	7.6	2.8*	2	<1
Total Metals							
Copper	1.0	mg/L	<0.02	<0.02	<0.02	–	–
Iron	0.3	mg/L	1.56	0.45	0.95	4.0	0.4
Manganese	0.05	mg/L	0.066	0.045	1.03	4.09	0.381
Zinc	5	mg/L	<0.02	<0.02	<0.02	0.004	0.08
Dissolved Metals							
Iron	0.3	mg/L	<0.03	<0.03	<0.03	–	–
Manganese	0.05	mg/L	0.01	0.05	0.9	–	–
Sodium	200	mg/L	2.5	15.6	2.4	3.12	1.86
Other Analyses							
Resin Acid Soaps	–	mg/L	<1	<1	<1	<1	<1
Total Kjeldahl Nitrogen	–	mg/L	–	–	–	0.94	0.28
Total Nitrogen	–	mg/L	–	–	–	0.94	0.28
Total Phosphrous	–	mg/L	–	–	–	0.012	<0.005
Estimated Well Yield							
–	–	–	>1 L/sec	>1 L/sec	>1 L/sec	–	–

notes:

- The majority of the samples were taken 1 to 4 May 1996
- < less than detection limit
- CDWS Canadian Drinking Water Standard
- \* analysis data from April 1996
- Exceeds CDWS





3

**East Ditch**  
(Lot A)



4

**Leachate Spring**  
(Lot A)





1

**Iron Bacteria / Algae**  
(Lot A Ditch)



2

**Iron Bacteria / Algae**  
(Lot A Ditch)

06 June 1996

Our File:  
2322-44165-3

Ministry of Transportation & Highways  
300 - 4546 Park Avenue  
Terrace, B.C.  
V8G 1V4

Attention: Mr. Bill Fairclough

Dear Sir:

Re: Your File: 05-026-10352 - Deep Creek Subdivision

Please find enclosed eight prints of subdivision pland which we are again forwarding for consideration and Layout Approval.

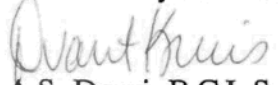
The following are some questions we had to take into consideration of the design.

- ▶ Lot line between Lots A & B designed to encompass entire landfill within Lot A. To realign this boundary we would either have included part of the landfill within Lot B or reduced the minimum area requirement of Lot B. Approving Officer or Regional District may have some input over area requirement.
- ▶ Lot lines between Lots C, D & E; these lines were skewed to comply with minimum area and frontage requirements. These lines can be re-aligned to if minimum frontage is reduced to 18 or 19%
- ▶ In view of the recent water well drillings and studies performed, is the covenant requested by the Ministry of Environment still required?

Should you have any questions, or require any fees, please do not hesitate to contact me.

Sincerely,

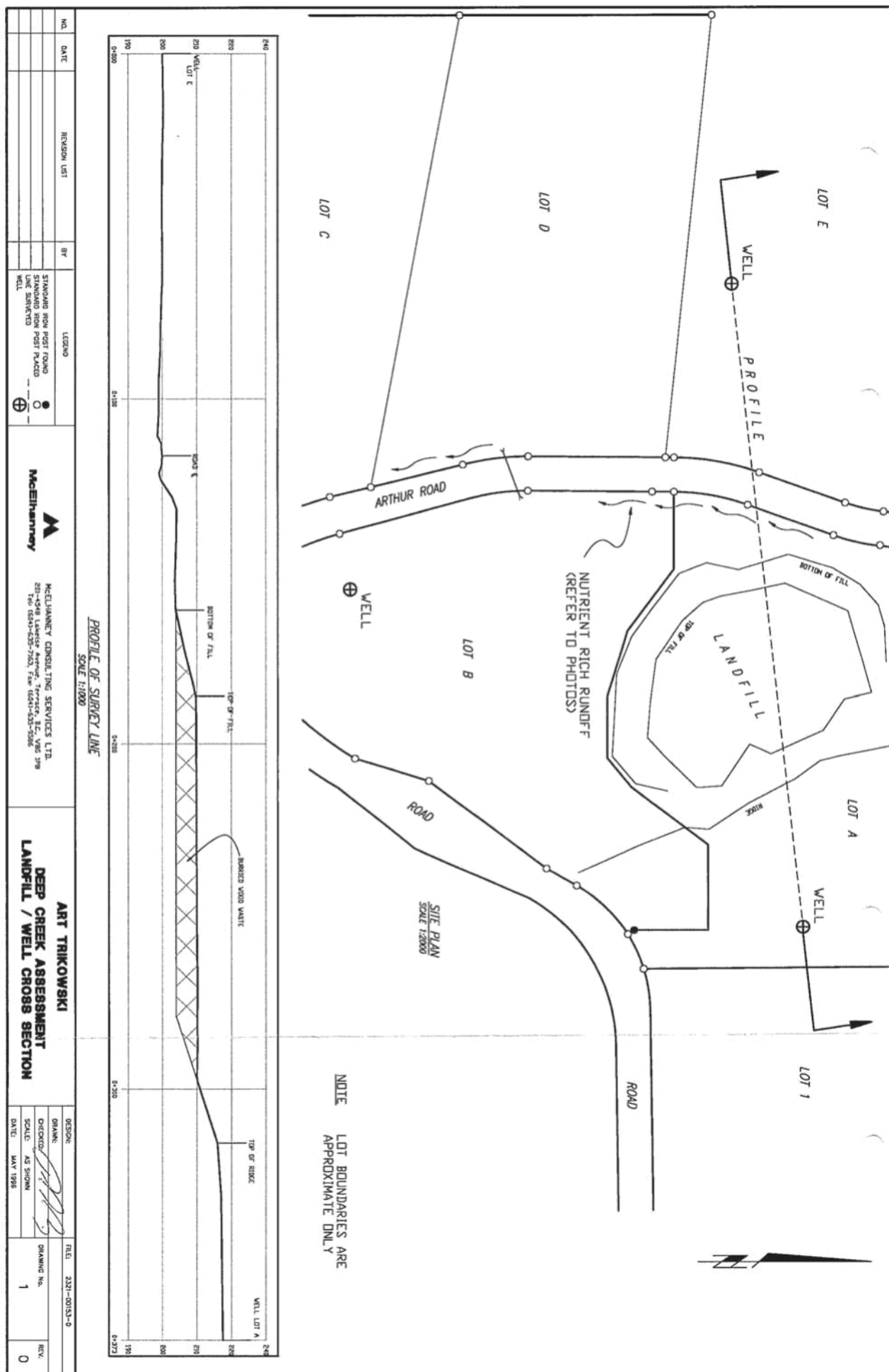
McElhanney Associates

  
A.S. Dozzi, B.C.L.S.  
Branch Manager

ASD:dvk

cc: Art Trikowski, S.22







Province of  
British Columbia

Ministry of  
Health

REGIONAL PROGRAMS

Skeena Health Unit  
3412 Kalum Street  
Terrace  
British Columbia  
V8G 4T2

Medical Health Officer	638-2220
Administration	638-2220
Community Care	638-2272
Public Health Nursing	638-2200
Speech and Hearing	638-2233
Environmental Health Protection and Safety Programs	638-2222
Community Care Licensing	638-2222
Nutrition	638-2220
Dental	638-2220
Administration Fax:	638-2251
PHNCCD Fax:	638-2264

BRANCH OFFICES

Box 215, Masset, B.C. V0T 1M0 — 626-3369  
Box 2000, Houston, B.C. V0J 1Z0 — 845-3443  
Box 321, Hazelton, B.C. V0J 1Y0 — 842-5275

Box 692, Stewart, B.C. V0T 1W0 — 636-2525  
Box 419, O.C.C., B.C. V0T 1S0 — 559-8421  
Box 296, Dease Lake, B.C. V0C 1L0 — 771-4444

889 Lahakas Boulevard, Kitimat, B.C. V9C 2H3 — 632-3181  
333 Fifth Street, Prince Rupert, B.C. V8J 3L6 — 624-7480  
3782 Alfred Avenue, Bag 5000, Smithers, B.C. V0J 2N0 — 847-7410  
1411 Court Street, Bag 5000, Smithers, B.C. V0J 2N0 — 847-7360

December 5, 1995

Mr. Bill Fairclough,  
District Development Tech.  
300-4546 Park Avenue  
Terrace, B.C.  
V8G 1V4

Dear Sir:

**RE: TRIKOWSKI DEEP CREEK SUBDIVISION PROPOSAL**  
**DISTRICT LOT 1118, RANGE 05, COAST DISTRICT**  
**HIGHWAYS FILE 10352**

Based on the information submitted to date from your office we recommend that the opinion of a groundwater hydrogeologist would be of benefit in assessing this proposal.  
A copy of our file is enclosed.

Sincerely,

*Neil Nabata*

Neil Nabata, B.Sc., CPHI(C)  
Registered Environmental Health Officer  
Public Health Inspector

pc: Mr. Patrick Bolin, P.Eng.  
McElhanney Consulting Services Ltd.  
Mr. Ron Craig, Manager, Health Protection & Safety Programs

enclosure

C:\WPWIN60\NEIL\FAIRCLOU.DOC



Province of  
British Columbia

Ministry of  
Health

REGIONAL PROGRAMS

Skeena Health Unit  
3412 Kalum Street  
Terrace  
British Columbia  
V8G 4T2

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3782 Alfred Avenue, Bag 5000, Smithers, B.C. V0J 2N0 — 847-7410  
1411 Court Street, Bag 5000, Smithers, B.C. V0J 2N0 — 847-7360

October 31, 1995

Mr. Bill Fairclough  
Ministry of Transportation and Highways  
300 - 4546 Park Avenue  
Terrace, B.C.  
V8G 1V4

Dear Mr. Fairclough

**RE: Trikowski Deep Creek Subdivision Proposal District Lot 1118**  
**Range 05, Coast District - Your File 10352**

The Skeena Health Unit was contacted by the Environmental Protection Program of B.C. Environment on Monday, October 30, 1995, regarding the above proposal and concerns regarding groundwater contamination.

Our records of this file indicate that the original proposal dated December 8, 1992 for six lots and the remainder was received by our office December 11, 1992. The proposal contained incomplete information concerning percolation test results, observation hole soil stratification data, high water table, and source of potable supply of water. A letter dated 17 December 1992 was sent to McElhanney Associates requesting further information necessary for assessment with a copy sent to Mr. Conrad Skaalrud.

On May 3, 1994, you dropped off a revised plan drawing dated February 10, 1994 to the Skeena Health Unit and requested a site inspection of the proposal. On May 5, 1994, a site visit determined that the lots were not marked or flagged and the road appeared to interfere with natural drainage. Percolation/observation holes were not flagged or marked and could not be located.

On May 6, 1994, I contacted you at your office relaying my concerns with slope of ground, natural drainage, clay and high water table, and you informed me that the proposal will be "held" until more re-assessments could be completed. To date, the Skeena Health Unit has not received any further information.

Ministry of Environment has informed us that a new road had been constructed for this subdivision. Could you please update the Skeena Health Unit on the status of this proposed subdivision?

Sincerely,

A handwritten signature in cursive script that reads "Neil Nabata".

Neil Nabata, B. Sc., C.P.H.I.(C)  
Registered Environmental Health Officer  
Skeena Health Unit

NN:jg



Province of  
British Columbia

Ministry of  
Health and  
Ministry Responsible  
for Seniors

Skeena Health Unit  
3412 Kalum Street  
Terrace  
British Columbia  
V8G 4T2

1-110  
Medical Health Officer 638-3468  
Administration 638-3468  
Continuing Care 638-3467  
Public Health Nursing 638-3310  
Speech and Hearing 638-3447  
Environmental Health Protection 638-3474  
Nutrition 638-3468  
Dental 638-3475  
Community Care Licensing 638-3445

#### BRANCH OFFICES

Box 215, Masset, B.C. V0T 1M0  
Bag 2000, Houston, B.C. V0J 1Z0  
Box 321, Hazelton, B.C. V0J 1Y0

Box 692, Stewart, B.C. V0T 1W0  
Box 419, O.C.C. B.C. V0T 1S0  
Box 158, Cassiar, B.C. V0C 1E0

889 Lahakas Boulevard, Kitimat, B.C. V8C 2H3  
333 Fifth Street, Prince Rupert, B.C. V8J 3L6  
3782 Alfred Avenue, Bag 5000, Smithers, B.C. V0J 2N0  
1411 Court Street, Bag 5000, Smithers, B.C. V0J 2N0

17 December 1992

McElhanney Associates  
#201-4548 Lazelle Ave.  
Terrace, B.C.  
V8G 1P8

Dear Sir:

**RE: Proposed Subdivision of McElhanney Associates**  
**Legal Description: Part of District Lot 1118, R.5, C.D.**

Upon receipt of the following information, an assessment of this proposal will be made and a recommendation provided. Incomplete applications will be returned.

- ☐ Detailed plan showing all proposed lots and location of all existing wells, water courses, dwellings, sewage disposal systems, and areas with exposed bedrock or slope greater than 30%. These items should be shown in relation to existing and proposed property boundaries.

Show location of percolation holes and observation holes on the plan. **The location of only one percolation hole per lot is shown.**

- ☒ Results of two percolation tests done in EACH PROPOSED LOT, in an area suitable for sewage disposal. Location of the test holes must be **shown on the plan and clearly flagged** on the site.
- ☒ Depth of natural soil above the groundwater table or bedrock. A 4-foot deep observation hole is required for EACH LOT, in the proposed area of the disposal field. Location of the observation hole must be shown on the plan and clearly flagged on site.
- ☒ An indication of where an adequate supply of potable water for EACH LOT will be obtained. Where new community water systems are proposed, consult the Environmental Health Officer.
- ☐ Additional information may be requested by the Medical Health Officer.

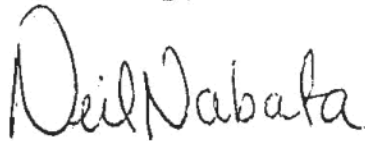
.../2



- 2 -

Upon receipt of this information, a site inspection will be arranged, providing that weather conditions permit, and Ministry of Health recommendations will be forwarded to the approving officer with a copy sent to the applicant.

Yours truly,

A handwritten signature in cursive script that reads "Neil Nabata". The signature is written in dark ink and is positioned below the typed name.

Neil Nabata, C.P.H.I.(C) R.E.H.O.  
Registered Environmental Health Officer  
Skeena Health Unit

cc: Conrad Skaalrud, Develop. Appr. Tech.  
:jg

---

# Facsimile Cover Sheet

**To:** Neil Nabata  
**Company:** MoH  
**Phone:** 638-2222  
**Fax:** 638-2251

**From:** W.B.(BILL) FAIRCLOUGH  
**Company:** District Development Technician  
Skeena - District  
**Phone:** 638-6417  
**Fax:** 638-6414

**Date:** November 23, 1995  
**Pages including this** 1  
**cover page**

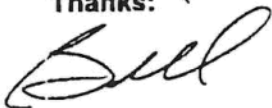
**OUR FILE NO:** 10352- Deep Creek - Trikowski.

**Comments:**

Neil, I think we should get together concerning this file in order to address the water issue. Would suggest that we arrange to meet at the subdivision and have Mr. Pat Bolin the Engineer from McElhanney Associates present.

Would you please give me a call so that a time can be arranged. I would suggest it be done as soon as possible while the snow is not too deep. I'll be here Friday.

**Thanks:**



**W.B.(Bill) Fairclough**



Province of  
British Columbia

MINISTRY OF  
ENVIRONMENT,  
LANDS AND PARKS

BC  
Environment

Skeena Region  
Box 5000  
Smithers, British Columbia  
V0J 2N0  
Telephone: (604) 847-7260  
FAX: (604) 847-7591/7728/7709

December 06, 1995

BCE File: 35150-40  
Your File: 10352  
93NOS0559  
6832  
Drainage: Deep Creek

Ministry Of Transportation  
and Highways  
400-4546 Park Avenue  
Terrace BC V8G 1V4

Attention: W.B. Fairclough

Dear Sir:

Re: Subdivision Development on DL 1118, R5 CD

We have received an update regarding the Trikowski subdivision on Deep Creek.

The conditions required for potable water for potential purchasers will be administered by Neil Nebata, Skeena Health Unit, Terrace. Under terms set by Ministry of Transportation and Highways the registration of covenants in the name of BC Environment may not be required.

Please advise BC Environment of final decision regarding this application.

Yours truly,

Ian Sharpe, R.P. Bio  
Environmental Impact Assessments  
BC Environment Referral Committee

IS/fl

cc -McElhanney & Associates, Terrace  
-Neil Nebata, Registered Environmental Health Officer, Terrace

RECEIVED  
SKEENA DISTRICT  
DEC 11 1995  
TERRACE, B.C.



Province of  
British Columbia

MINISTRY OF  
ENVIRONMENT,  
LANDS AND PARKS

BC  
Environment

Skeena Region  
Box 5000  
Smithers, British Columbia  
V0J 2N0  
Telephone: (604) 847-7260  
FAX: (604) 847-7591/7728/7709

December 04, 1995

BCE File: 35150-40  
Your File: 10352  
Ref #: 93NOS0559  
Drainage: Deep Creek

McElhanney Consulting Services Ltd.  
201-4548 Lakelse Avenue  
Terrace BC V8G 1P8

Attention: Patrick Bolin

Dear Sir:

Re: Deep Creek Subdivision Development

We have reviewed your plan outlined in your memo of November 26. This is acceptable to BC Environment with the following revision.

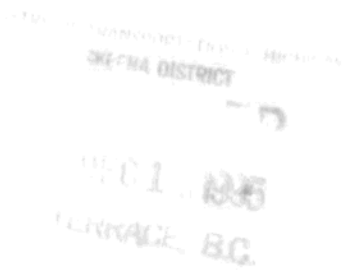
Item Number 4 will refer to Lots 2, 3, 4, 5, 6.

Yours truly,

Ian Sharpe, R.P. Bio  
Environmental Impact Assessments  
BC Environment Referral Committee

IS/fl

cc - W.B. Fairclough, Ministry of Transportation and Highways, Terrace  
- Neil Nebata, Registered Environmental Health Officer, Terrace





Province of  
British Columbia

Ministry of  
Transportation  
and Highways

Skeena District  
300, 4546 Park Avenue  
Terrace, British Columbia  
V8G 1V4  
Telephone: (604) 638-6410  
Fax: (604) 638-6414

December 8, 1995

Our File No:10352

Your File No:

Ministry of Health  
3412 Kalum Street  
Terrace, B.C.  
V8G 4T2

**ATTENTION : Neil Nabata**

**RE: Deep Creek Subdivision - District Lot 1118, R. 5, C.D.-Trikowsky**

We enclose herewith the relative information with respect the wood waste site situated in proposed Lot 2. A copy of the original permit issued by the Ministry of Environment along with the discharge is also enclosed.

We concur with the comments made by Pat Bolin P.Eng. of McElhanney Associates in his memo of November 26, 1995 of which you have a copy.

If there is any other material which you may require in order to assess the water situation please contact the writer.

Yours truly

W.B.(Bill) Fairclough  
District Development Technician.

c.c. Dan Stead - A/District Highways Manager.  
c.c. Conrad Skaalrud - District Technician.

*copy - 9/1/95  
Sent for  
Plan of Sub.*  
**McElhanney****Memorandum**

TO	Bill Fairclough - MOT&H Skeena District Neil Nevada - MOH Skeena District Ian Sharpe - MOE Skeena Region	FROM	P.A. Bolin - McElhanney Terrace
LOCATION	Terrace & Smithers	LOCATION	
RE	Deep Creek Development (Trikowski) Phase 2 (Lots 1,2,3,4,5,6 as indicated)	DATE	November 26, 1995
		FILE NUMBER	2321-00153-0 Task 2002

Gentlemen:

After several months and various meetings I think we have developed a consensus as to how we should proceed for the final lot approval for the 2nd Phase of Deep Creek as indicated on the attached. The following summarizes the activities to be completed and information to be provided by McElhanney/Trikowski to the various Ministries:

1. The Final Plan of subdivision shall show the surveyed bounds of the Wood waste Landfill; A Single lot (Lot#2), will contain the bounds of the Landfill;
2. The MoE Permit for the operation of the Landfill and a summary of its operational history will be provided with the Application for Approval;
3. The plan of the wood waste Lot (Lot#2) will show a proposed location for the construction of a dwelling based on the bounds of the landfilling operation;
4. McElhanney/Trikowski will provide a draft of a covenant consistent with the suggestions received from MoE in their letter of 4 August 1995 for review and comment (Copy attached). The purpose of the covenant is to fully disclose the location of the landfill and potential impacts on potential lot purchasers

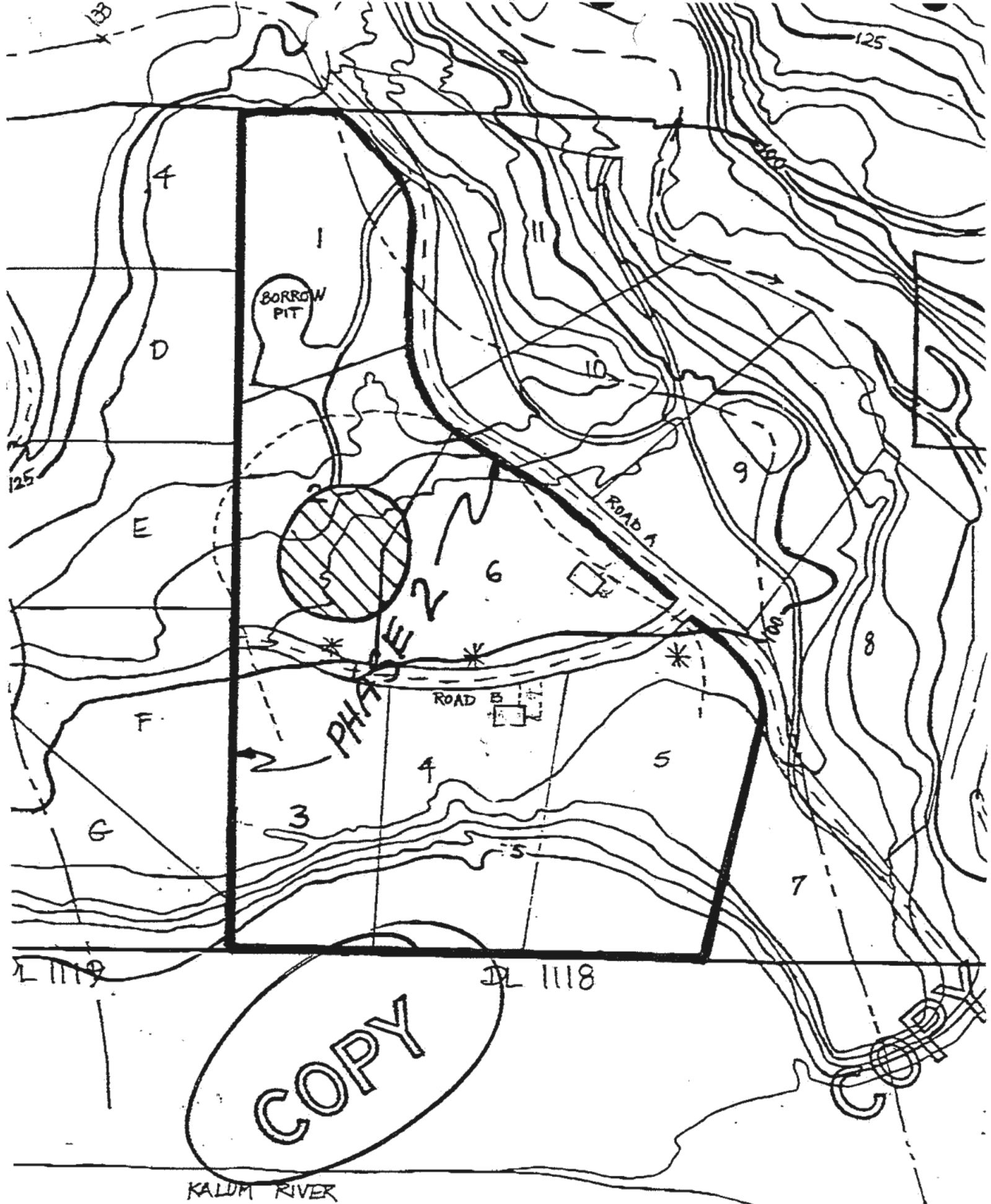
It is apparent that an extensive program of testing is not required recognising the history of the site and conditions encountered during construction.

We request that each agency review this list and confirm we have interpreted our discussions appropriately and this accurately defines your requirements at this stage.

Should you have any questions, please do not hesitate to contact me.

McElhanney Consulting Services Ltd.

Patrick A. Bolin, P.Eng.  
cc Art Trikowski  
attachments





Province of  
British Columbia

MINISTRY OF  
ENVIRONMENT,  
LANDS AND PARKS

BC  
Environment

Skeena Region  
Box 5000  
Smithers, British Columbia  
V0J 2N0  
Telephone: (604) 847-7260  
FAX: (604) 847-7591/7728/7709

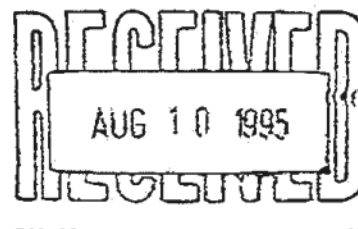
August 4, 1995

File: 35150-40  
Your file: 2321-00153-0  
Referral: NOS930823-17  
Ref Ind: 7390 xref #6832, #6321  
Drainage: Deep Creek

McElhanney Consulting Services Ltd.  
201 - 4548 Lakelse Ave  
Terrace BC  
V8G 1P8

Attention: Patrick Bolen

Dear Pat:



Re: Trikowski Deep Creek Subdivision Proposal

Thankyou for your fax of 27th July, outlining your proposal to determine potential for groundwater contamination on Lots 3, 4 and 5 of the Deep Creek subdivision. Regarding the question "will either of these testing processes (A/B) satisfy your concerns raised in your (MELP) letter of 29th August", we recommend the following:

If the developer proceeds with process "A" (construct 2 wells with drawdown pump test, sampling and analyses for drinking water standards), then one of two restrictive covenants on the land titles of each of the three properties is possible to address our concerns. If the covenants are deemed adequate by the BC Attorney General, then phase 2 of the subdivision proposal will not be the subject of objections by the Environmental Protection Program.

Covenant option #1

If groundwater testing results show that no parameters presently exceed safe concentrations for potable water as determined by the BC Water Quality Criteria - (Nagpal, 1995), then covenants for each of lots 3, 4 and 5 stating that there is potential for woodwaste landfill leachate contamination of groundwater would suffice.

Covenant Option #2

If groundwater testing results show that one or more parameters presently exceed safe concentrations for potable water as determined by the BC Criteria, then covenants for each

NOT TO BE  
DONE.

WATER QUALITY  
BRANCH VICTORIA  
387-9507

COMBINED  
NO  
TESTING

RON CRAIG  
NEIL NEVILL



Deep Creek Subdiv. In File:35150- 2

August 4, 1995

lot (3, 4 and 5) stating that groundwater from the subject properties cannot be used as a drinking water source will be required.

Once groundwater quality results have been obtained and covenants drafted, the covenants must be reviewed for EPP approval by the Attorney General's Office. Please note that under the new Contaminated Sites Fees Regulation, there will be a \$1000 (plus GST) charge for the review.

Specific to groundwater testing, the drawdown pump test described in your November 21, 1994 letter will be sufficient to determine whether leachate migration towards the subject lots is presently occurring provided that sufficient drawdown time is allowed, and wells sited as described in your letter. Parameters for analysis listed in a letter from CANTEST to Mr. Trikowski dated June 9, 1995 (faxed to this office) will be sufficient to determine the groundwater quality as it relates to possible contamination from woodwaste petroleum hydrocarbons and metals leachate. It should be noted that this testing will not provide an indication of possible groundwater contamination from other industrial waste should it be present in the landfill. The parameters to be tested according to the CANTEST letter will include total metals (ICP scan and low level analysis for As, Cd and Pb), BETX and light hydrocarbons, tannin and lignin, resin acids, TEH, pH, alkalinity, DOC and SO<sub>4</sub>.

Please also note the following in regard to covenants:

Covenants pursuant to Sec. 215, Land Title Act in favour of BC Environment must be prepared for the subject properties and registered with the Land Registry office in order to notify all future owners and lessees of contamination or potential contamination and to appropriately restrict use of groundwater for potable use.

The covenant must be prepared by counsel representing the property owner and be acceptable to BC Environment (solicitors in the Ministry of Attorney General will advise BC Environment).

The covenant must include provisions for at least the following:

A reference map to scale and with reference to appropriate permanent benchmarks showing the areas and locations of potential or actual contamination and monitoring points.

Reference to site investigation reports prepared for the site which provide information on the hazard or potential hazard, and associated risks.

Indemnifying the Crown and her employees against loss, damages, costs, actions, suits, or claims arising out of or in connection with any breach of any covenant or any agreement, and arising out of or in connection with any loss or damage to any person or property caused by contaminants on the site.

Transferring of the covenant to all future owners of the property.

Deep Creek Subdivision File: 35150- 3

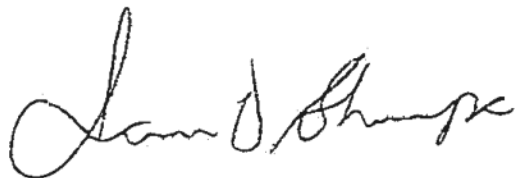
August 4, 1995

Future owners and lessees must be made fully aware of the long term nature of the restrictions, and the limitations on use of groundwater for potable purposes.

In a conversation with Mr. Trikowski on July 31, 1995, he stated that it may be possible to place covenants on the two other properties making up phase two of the subdivision project which are outside the zone of potential contamination, which would guarantee a source of potable water for the subject properties. If this is done, then the covenants used to provide this guarantee should also be submitted for review by Ministry counsel.

If you have any questions regarding the settlement of this issue, please do not hesitate to call me at 604-847-7230.

Your Truly

A handwritten signature in cursive script, appearing to read "Ian D. Sharpe".

Ian D. Sharpe RPBio  
Impact Assessment Biologist

---

# Facsimile Cover Sheet

**To:** Neil Nabata  
**Company:** MoH  
**Phone:** 638-2222  
**Fax:** 638-2251

**From:** W.B.(BILL) FAIRCLOUGH  
**Company:** District Development Technician  
Skeena - District  
**Phone:** 638-6417  
**Fax:** 638-6414

**Date:** November 23, 1995  
**Pages including this** 1  
**cover page**

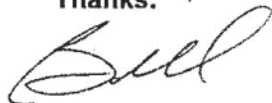
**OUR FILE NO:** 10352- Deep Creek - Trikowski.

**Comments:**

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Would you please give me a call so that a time can be arranged. I would suggest it be done as soon as possible while the snow is not too deep. I'll be here Friday.

**Thanks:**



**W.B.(Bill) Fairclough**



Province of  
British Columbia

Ministry of  
Health

REGIONAL PROGRAMS

Skeena Health Unit  
3412 Kalum Street  
Terrace  
British Columbia  
V8G 4T2

Medical Health Officer	638-2220
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BRANCH OFFICES

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Box 419, Q.C.C., B.C. V0T 1S0 — 559-8421  
Box 296, Dease Lake, B.C. V0C 1L0 — 771-4444

889 Lahakas Boulevard, Kitimat, B.C. V8C 2H3 — 632-3181  
333 Fifth Street, Prince Rupert, B.C. V8J 3L6 — 624-7480  
3782 Alfred Avenue, Bag 5000, Smithers, B.C. V0J 2N0 — 847-7410  
1411 Court Street, Bag 5000, Smithers, B.C. V0J 2N0 — 847-7360

October 31, 1995

Mr. Ian Sharpe, R.P. Bio.  
Impact Assessment Biologist  
Environmental Protection Program  
Skeena Region  
Bag 5000  
3726 Alfred Avenue  
Smithers, B.C.  
V0J 2N0

*Nov 16/95  
Phoned - Carey  
until - Nov. 21/95*

Dear Mr. Sharpe:

**RE: Trikowski Deep Creek Subdivision Proposal**  
**District Lot 1118, Range 5, Coast District**

Thank you for forwarding the information concerning the groundwater situation for the Trikowski Deep Subdivision proposal (legal description DL 1118, Range 05, Coast District) to the Skeena Health Unit.

We will consider this information in our assessment of the proposal.

We appreciate the support of the Ministry of Environment.

Sincerely,

*Neil Nabata*

Neil Nabata, B. Sc., C.P.H.I.(C)  
Registered Environmental Health Officer  
Skeena Health Unit

MINISTRY OF TRANSPORTATION & HIGHWAYS  
SKEENA DISTRICT  
RECEIVED

NOV 06 1995  
TERRACE, B.C.

copy: Approving Officer, Ministry of Transportation and Highways



Province of  
British Columbia

Ministry of  
Health

REGIONAL PROGRAMS

Skeena Health Unit  
3412 Kalum Street  
Terrace  
British Columbia  
V8G 4T2

Medical Health Officer	638-2220
Administration	638-2220
Continuing Care	638-2272
Public Health Nursing	638-2200
Speech and Hearing	638-2233
Environmental Health Protection and Safety Programs	638-2222
Community Care Licensing	638-2222
Nutrition	638-2220
Dental	638-2220
Administration Fax:	638-2251
PHN/CCD Fax:	638-2264

BRANCH OFFICES

Box 215, Masset, B.C. V0T 1M0 — 626-3369  
Box 2000, Houston, B.C. V0J 1Z0 — 845-3443  
Box 321, Hazelton, B.C. V0J 1Y0 — 842-5275

Box 692, Stewart, B.C. V0T 1W0 — 636-2525  
Box 419, Q.C.C., B.C. V0T 1S0 — 559-8421  
Box 296, Dease Lake, B.C. V0C 1L0 — 771-4444

889 Lahakas Boulevard, Kitimat, B.C. V8C 2H3 — 632-3181  
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1411 Court Street, Bag 5000, Smithers, B.C. V0J 2N0 — 847-7360

October 31, 1995

Mr. Bill Fairclough  
Ministry of Transportation and Highways  
300 - 4546 Park Avenue  
Terrace, B.C.  
V8G 1V4

MINISTRY OF TRANSPORTATION & HIGHWAYS  
SKEENA DISTRICT  
RECEIVED

NOV 06 1995  
TERRACE, B.C.

Dear Mr. Fairclough

**RE: Trikowski Deep Creek Subdivision Proposal District Lot 1118**  
**Range 05, Coast District - Your File 10352**

The Skeena Health Unit was contacted by the Environmental Protection Program of B.C. Environment on Monday, October 30, 1995, regarding the above proposal and concerns regarding groundwater contamination.

Our records of this file indicate that the original proposal dated December 8, 1992 for six lots and the remainder was received by our office December 11, 1992. The proposal contained incomplete information concerning percolation test results, observation hole soil stratification data, high water table, and source of potable supply of water. A letter dated 17 December 1992 was sent to McElhanney Associates requesting further information necessary for assessment with a copy sent to Mr. Conrad Skaalrud.

On May 3, 1994, you dropped off a revised plan drawing dated February 10, 1994 to the Skeena Health Unit and requested a site inspection of the proposal. On May 5, 1994, a site visit determined that the lots were not marked or flagged and the road appeared to interfere with natural drainage. Percolation/observation holes were not flagged or marked and could not be located.

On May 6, 1994, I contacted you at your office relaying my concerns with slope of ground, natural drainage, clay and high water table, and you informed me that the proposal will be "held" until more re-assessments could be completed. To date, the Skeena Health Unit has not received any further information.

Ministry of Environment has informed us that a new road had been constructed for this subdivision. Could you please update the Skeena Health Unit on the status of this proposed subdivision?

Sincerely,

A handwritten signature in cursive script that reads "Neil Nabata".

Neil Nabata, B. Sc., C.P.H.I.(C)  
Registered Environmental Health Officer  
Skeena Health Unit

NN:jg



District File No: 10352

REGIONAL FILE NO.  
~~PROJECT NO:~~

19981

PROPERTIES BRANCH  
FILE NUMBER:

19981

OWNER(S):

Ministry of Transportation and Highways

LEGAL DESCRIPTION:

District Lot 1118, Range 5, C.D.  
\_\_\_\_\_  
\_\_\_\_\_

District Development  
Technician :

W.B. Fairclough

DATE:

May 10, 1995

RECOMMENDATION:  
additional

Old right of way be closed in exchange for  
right of way along Kalum Lake Road.  
\_\_\_\_\_  
\_\_\_\_\_

## CHECKLIST FOR POSSIBLE CONTAMINATED REAL ESTATE

- 1) Is there a current environmental report on file?  
Yes \_\_\_\_\_ No **X ( NOT TO OUR KNOWLEDGE)**

Does the report include an inspection of the existing structures located on the property?

Yes N/A No \_\_\_\_\_

- 2) What were/are the past and current uses of the property?

☐ Industrial      ☐ Commercial      ☐ Residential  
☐ Undeveloped    ☒ Other ( Old Highway Right of Way )

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3) What is/are the current business activities at the site?

Vacant \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- 4) Are there any obvious physical signs of contamination on or around the property?

☐ Stained oil or concrete    ☐ Vegetation damage  
☐ Foul or unusual odors    ☐ Oily sheen's or discoloration of surface water  
☐ Other

NO \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- 5) Are there any potential asbestos-containing materials evident?

☐ Sprayed-on fireproofing    ☐ Pipe wrap  
☐ Friable ceiling tiles      ☐ Acoustical plaster

NO \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



- 6) Did your inspection or research reveal that chemicals or fuels were/are handled at the site?

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 7) Did your inspection or research indicate the presence of any underground storage tanks on the property?

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 8) Are there electrical transformers or capacitors on the property which may contain PCB's?

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 9) What current business activities are carried out on adjacent properties? Do the activities pose a possible environmental risk to the subject property?

RESIDENTIAL ( LARGE HOLDINGS) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 10) Are there ground water wells on the property?

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 11) Is the ground water in the immediate area used as a source of drinking water?  
(Contact local Ministry of Environment office)

YES \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 12) Did your research indicate that the property, or any of the adjacent properties, is on a federal, provincial or local list of hazardous waste or contaminated sites? (Contact your local Ministerial Environmental Office, Lands & Parks)

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 13) Did your research indicate that the property is the subject of environmental litigation or regulatory enforcement action?

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 14) Are you aware of any adverse press reports or complaints on file concerning the property?

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 15) Is the property near any known flood plain, wetland or sensitive ecological area?

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 16) Are there any easements on the property (roadways, pipelines) which may have environmental implications?

NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_