



PERMIT TO CONSTRUCT, USE, AND MAINTAIN WORKS WITHIN THE RIGHT-OF-WAY OF A PROVINCIAL PUBLIC HIGHWAY

**PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.**

BETWEEN:

The Minister of Transportation and Infrastructure

Peace District
300-10003 110th Avenue
Fort St John, BC V1J 6M7
Canada

("The Minister")

AND:

BC Hydro
Site C Construction Office
Fort St John, British Columbia V0C1H0
Canada

("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 both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

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

The installation, operation, and maintenance of roadwork activities for the extension of Boucher Lake Road No. 31 from the end of the publicly maintained road, for approximately 0.933 km north, to serve the timber hauling and the transportation of the required clearing/construction equipment for the installation of BC Hydro's Transmission Line. Roadwork activities to include graveling, ditching, culvert installations, brushing, and the removal of danger trees, as shown on the submitted Schedule A, as submitted by Maple Leaf Forestry Ltd. (BCH-BLRw), on behalf of BC Hydro.

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. That the construction and maintenance of the said works is carried out to the satisfaction of the Regional Director, Transportation.
2. That, before opening up any highway or interfering with any public work, intimation in writing of the intention to do so must be given to the District Official at least seven days before the work is begun.
3. That any person appointed by the Regional Director, Transportation, for the purpose shall have free access to all parts of the works for the purpose of inspecting the same.
4. That the construction of the said works shall be commenced after July 5, 2017 and shall be prosecuted with due diligence and to the satisfaction of the Regional Director, Transportation, and shall be completed on or before the July 5, 2022.
5. (a) The highway must at all times be kept open to traffic. The roadway must be completely restored for traffic as soon as possible. At all times the permittee must safeguard the traveling public.
(b) That, unless with the consent of the Regional Director, Transportation, no more than forty-five (45) metres of pipe-track or



other excavation in any public highway is to be kept open at one time.

(c) All excavation work must be carried out in accordance with the BC Occupational Health and Safety Regulation. Care shall be taken to protect adjacent property.

(d) That all excavations shall be carefully back-filled with suitable material, which is to be tamped into place, and that the permittee shall restore the surface of the road and shoulders and ditches at his own expense. All surplus material is to be removed from the Provincial Crown lands, or deposited where and as required by the District Official of the Ministry of Transportation and Infrastructure. The permittee is financially responsible for any maintenance works required on said ditch for a period of one year. The Ministry will carry out the necessary remedial work and invoice the permittee monthly.

(e) The pipeline crossing installation is to be placed by drilling and (or) jacking in such a manner as to afford minimum grade settlement. No water jetting will be permitted. That where, in the opinion of the District Official, an excavation or opening for a pipeline crossing installation could be made which would not be detrimental to the highway or its users, permission will be granted for said works. On thoroughways, freeways, and main highways no open cuts will be allowed.

(f) That all pipelines in excess of a nominal diameter of 5 cm., whether gas, oil, water, pressure sewers, conduits, etc., shall be installed where indicated by the District Official, encased in a steel casing-pipe or conduit-pipe of sufficient strength to withstand all stresses and strains resulting from the location, such casing to extend the full width of the highway right-of-way if deemed necessary to the District Official. The ends of the casing-pipe shall be suitably sealed and, if required, properly vented above the ground with vent-pipes not less than 5 cm. in diameter, and extending not less than 1.2 metres above ground surface. Vent-pipes shall be connected 30 cm. from the ends of the casing-pipe, and the top of each vent shall be fitted with a turn-down elbow, properly screened and equipped with identification markers.

All pipelines of non-rigid material, i.e., plastic or copper, of any diameter, shall be cased, or embedded in sand.

The inside diameter of the casing-pipe shall be at least 25 percent larger than the outside diameter of the pipeline. The casing-pipe shall be installed with an even bearing throughout its length, and in such a manner so as to prevent leakage, except through the vents.

The top of the casing-pipe, or the pipeline where casing is not required, shall be located as directed by the District Official, and shall in no case be less than 1.2 metres below the surface of the highway and not less than 75 cm below the highway ditches. Pipelines must not obstruct drainage structures or ditches or interfere with traffic on the highway or with highway maintenance.

6. That where the work for which permission is hereby granted comes in contact with any bridge, culvert, ditch, or other existing work, such existing work must be properly maintained and supported in such manner as not to interfere with its proper function during the construction of the new work, and on the completion of the new work the bridge, culvert, ditch, or other existing work interfered with shall be completely restored to its original good condition.
7. That when necessary all excavations, materials, or other obstructions are to be efficiently fenced, lit, and watched, and at all times every possible precaution is to be taken to ensure the safety of the public.
8. That the person or persons for whom these works are being constructed, or by whom these works are maintained, shall at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by these works, and shall save harmless and keep indemnified the Crown from all claims and demands whatsoever in respect of the works.
9. That the permission herein granted to use and maintain the works is only granted for such times as the land or public work in, upon, or over which the said works are constructed is under the jurisdiction of the Minister of Transportation and Infrastructure. This permission is not to be construed as being granted for all time, and shall not be deemed to vest in the permittee any right, title or interest whatsoever in or to the lands upon which the works are constructed. Should the lands affected at any time be included within that of an incorporated municipality or city, this permission shall become void, unless the works are on a highway duly classified as an arterial highway pursuant to Section 45 of the Transportation Act.
10. That after receiving notice in writing of the intention on the part of the Provincial Government to construct, extend, alter, or improve any public work, the person or persons responsible for the maintenance of the works for which permission is hereby granted shall within six weeks move or alter such work at his or their own expense to such new positions or in such manner as may be necessitated by the construction, extension, alteration, or improvement proposed to be carried out by the Provincial Government.
11. That while reasonable care will be taken on the part of the Provincial Government to do as little damage as possible to any private work in the carrying-out of the construction, extension, alterations, improvement, repair, or maintenance of any public work adjacent thereto, the Provincial Government can accept no responsibility for any kind of such damage.
12. That the permission hereby granted to construct, use, and maintain work is granted without prejudice to the provisions of the Transportation Act, or other Acts governing Crown lands and public works or their use by the public.
13. That this permission shall be in force only during such time as the said works are operated and maintained by the applicants, to the entire satisfaction of the Regional Director, Transportation.



14. That the Ministry will not be responsible for grade changes on accesses caused by reconstruction of any Provincial highway.
15. This permit is valid only for the specific works stated herein. Any alterations or additions must be covered by a separate permit.
16. This permit may be canceled, at the discretion of the Minister, without recourse, should the permittee fail to comply with all the terms of the permit. Thirty days notice will be given before cancellation.
17. When the requirements of the Ministry necessitate use of the said lands for Provincial purposes, at the discretion of the Minister, this permit may be cancelled.
18. That these works shall be identified with this permit number in a manner satisfactory to the District Official of the Ministry of Transportation and Infrastructure.
19. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor or will appoint a qualified prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee or designated prime contractor will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
20. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
21. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at http://www.th.gov.bc.ca/publications/Circulars/All/T_Circ/2009/t06-09.pdf
22. The permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
23. The field supervisor for the Permittee and Contractor is to have a copy of this permit on site during field operations and be aware of all Permittee conditions.
24. The Permittee shall ensure that any subcontractor performing works covered by this permit shall adhere to all conditions specified herein.
25. The Permittee shall ensure that employees and contractors do not park within the highway right of way. Loading and unloading of equipment within the highway right of way is prohibited.
26. The rights granted under this permit are for an indefinite period.
27. This permit in no way grants exclusive use to the Permittee for any portion of the right of way.
28. The Permittee must contact the Maintenance Contractor, Caribou Road Services at 250-786-5440, at least 48 hours prior to works.
29. The Permittee is to contact Bryce Pirozzini at (250) 787-3335 a minimum of two (2) days prior to the commencement of the work to notify the start date.

The Permittee is to ensure that the construction area is properly signed in accordance with the current Ministry of Transportation and Infrastructure Traffic Control Manual for Work on Roadways and certified traffic control persons provided during construction, where warranted.

Necessary lane or road closures shall require Ministry approval prior to public advertisement. All necessary traffic control shall be the responsibility of the Permittee and all works covered by this permit shall conform to the requirements of the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Roadways and Occupational Health and Safety Regulation.

Properly equipped trained and experienced traffic control person(s) are required to control traffic during periods of alternating traffic or at any time where equipment, work crews, or materials interfere with the traffic flow.

30. Permittee is responsible for ensuring that all works are contained to the highway right of way. Any works located within private property must have the owner's permission.
31. Permittee will be responsible to notify and gain approval of utility companies in advance of works.
32. The Permittee is to ensure that no damage is done to any existing underground or overhead services and must contact the electrical, telephone, and natural gas utility and any private landowner having works under permit to verify the location of utility works that may be affected prior to opening up any portion of the public road right of way.
33. Permittee is to call BC OneCall at 1-800-474-6886 or by cellular at *6886 prior to the commencement of work.



34. It is the Permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 11 of the Water Sustainability Act for works in and around any natural watercourse, as and if required.
35. It is the Permittee's responsibility to obtain permission from the Ministry of Forests, Lands, and Natural Resource Operations, pursuant to the Forest Act to harvest merchantable Crown timber within highway right of way prior to the commencement of the permitted work, as and if required.
36. This Permit in no way relieves the owner or occupier of the responsibility from adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
37. Reinstatement in a timely and professional manner of drainage, roadway, and roadside facilities is required within two (2) days of disturbing the facilities.
38. No storage or staging of equipment within highway right of way or gravel reserves.
39. If any BCLS survey posts are removed, moved, or damaged during construction they must be replaced by a registered B.C. Land Surveyor at the expense of the Permittee.
40. The issuance of this permit shall in no way be construed as approval of any future subdivision for the subject property or any adjacent parcels.
41. The Permittee shall be held responsible for any damage to the highway resulting from the permitted work. All highway drainage works are to be restored to their original or better condition.
42. Machines with steel tracks or flat steel pads are not allowed within the public road right of way at any time. Only rubber tired equipment may be used on the pavement or on shoulders of paved public roads.
43. It is the responsibility of the Permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
44. Permittee is to adhere to all seasonal load restrictions, where applicable. Current seasonal load restrictions can be viewed at <http://www.th.gov.bc.ca/bchighways/loadrestrictions/loadrestrictions.htm>
45. No gates are to be placed within Ministry of Transportation and Infrastructure public road right of way.
46. The Ministry of Transportation and Infrastructure may upon giving two (2) months' notice, require removal of the road works from the right of way for any reason and solely at the Permittee's expense.
47. The Permittee shall ensure all equipment working on, or hauling material onto and from the site, does not damage or deposit material onto any part of an existing road or right of way. Materials spilled onto the public road right of way or driveways opened to public traffic shall be cleaned up immediately. The Permittee has the full responsibility to repair any damage to existing highways, local roads, driveways, and environmental media (i.e. soil, groundwater, sediment, soil vapour, surface water) caused by its construction equipment and/or operations pursuant to BC's Environmental Management Act.
48. Permittee is responsible for the supply of all labour, equipment, and materials in connection with the work.
49. Permittee is responsible for all future maintenance of the work for the duration of permit. This permit is not transferable and valid only for the Permittee. The Permittee will be responsible for maintenance of the road surface, at the crossing, for a period of one year subsequent to the installation.
50. All work is to be done during daylight hours. No work shall occur during hours of darkness or during periods of inclement weather. Public road must be clear of any equipment or activity that may impede winter road maintenance on Ministry maintained roads during winter snowstorms or inclement weather.
51. All debris, logs, slash, and refuse created by the works are to be cleaned up to the satisfaction of the District Official, Ministry of Transportation and Infrastructure and right of way shall be levelled and reseeded to the satisfaction of the District Official, Ministry of Transportation and Infrastructure.
52. Any disturbances of natural ground cover shall be groomed and re-seeded with grass so as to restrict the growth of noxious weeds.
53. Any area of right of way disturbed during the permitted works including road shoulders, fill slopes, cut slopes, ditch, and the utility corridor, is to be restored to their original grade and compaction and left in a neat, tidy, and free draining condition. All slash, logs, or brushing debris is to be burned or hauled clear of the right of way. All rocks or debris greater than 5cm in size are to be disposed of clear of the right of way and areas where the soil has been disturbed are to be restored and re-seeded with a pre-approved grass mixture to reduce the potential of erosion and the growth of noxious weeds. Sites are to be reseeded to standards set out in Section 757, Standard Specifications for Highway Construction.
54. All unsuitable material and inorganic debris shall be removed from the project area.
55. The layout shown on the attached drawing is a condition of this permit, and any change in layout without the prior consent in



writing of the Designated Ministry Official shall render the permit void. Any change in land use shall render this permit void.

56. Any change of ownership must be submitted to the Ministry in writing complete with company name, incorporation number, contact information, and the Ministry of Transportation and Infrastructure file number.
57. The terms of the permit are applicable to the Permittee. Should the Permittee change names, a new permit must be initiated within 1 month of the official name change.
58. All work is to be carried out to the satisfaction of the District Manager, Ministry of Transportation and Infrastructure. The Ministry reserves the right to have repairs carried out (if the Permittee fails to comply with the clauses above) and to bill the applicant for the full cost of any such repairs or clean up if found necessary.
59. Where the pipeline is proposed to be installed parallel and adjacent to, but outside of Ministry right of way, consideration shall be given to Ministry concerns with respect to future road widening at a minimum of 10 meters from edge of right of way to edge of right of way. Minimum setback from road right of way is 4.5 metres.
60. Should the line no longer be needed and is abandoned, the Permittee is responsible for the removal of the line from across provincial public highway at no cost to the ministry. The line shall be removed within one year of the line being no longer active.
61. Where the Ministry and a regulator both set a standard or requirement in a particular area, the highest or most stringent of the two will apply to any installation on highway right of way.
62. Where existing codes and statutes indicate a more conservative design than the above permit conditions, those codes and statutes shall govern.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Fort St John, British Columbia, this 5 day of July, 2017

On Behalf of the Minister

Location Map for unmaintained section of Boucher Lake Rd Road Works Permit





PERMIT TO CONSTRUCT, USE, AND MAINTAIN ACCESS TO A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Peace District
300-10003 110th Avenue
Fort St John, BC V1J 6M7
Canada

("The Minister")

AND:

BC Hydro
Site C Construction Office
Fort St. John, British Columbia V0C1H0
Canada

("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 both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The installation, operation, and maintenance of two (2) existing, temporary, graveled accesses. The two (2) accesses to be located:

- Off of the north side of Maybius Road No. 31B, approximately 375m north from the intersection with Boucher Lake Road No.31
- Off of the north side of Boucher Lake Road No. 31, approximately 2.85km north from the intersection with Gagnon Road No. 31D

As shown in Schedule A, as applied for by Maple Leaf Forestry Ltd. (BCH-MWR), on behalf of BC Hydro.

- 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 Minister shall designate an official ("the Designated Ministry Official") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out.
2. The Use shall be carried out according to the reasonable satisfaction of the Designated Ministry Official.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 Designated Ministry Official. 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.
12. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
13. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor or will appoint a qualified prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee or designated prime contractor will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
14. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
15. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at http://www.th.gov.bc.ca/publications/Circulars/All/T_Circ/2009/t06-09.pdf
16. The permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
17. The Use shall be carried out according to the following drawings and specifications, which are attached and shall be considered to be part of this permit:
18. **(a) The rights granted under this permit shall not be exercised before March 16, 2017.**
(b) The Construction and Installations must be completed on or before March 16, 2022.
19. The field supervisor for the Permittee and Contractor is to have a copy of this permit on site during field operations and be aware of all Permittee conditions.
20. The Permittee shall ensure that any subcontractor performing works covered by this permit shall adhere to all conditions specified herein.
21. The Permittee shall ensure that employees and contractors do not park within the highway right of way. Loading and unloading of equipment within the highway right of way is prohibited.



22. **The permission granted is temporary and shall expire March 16, 2022.**
23. This permit in no way grants exclusive use to the Permittee for any portion of the right of way.
24. The Permittee must contact the Maintenance Contractor, Caribou Road Services at 250-786-5440, at least 48 hours prior to works.
25. Any change of ownership must be submitted to the Ministry in writing complete with company name, incorporation number, contact information, and the Ministry of Transportation and Infrastructure file number.
26. The terms of the permit are applicable to the Permittee. Should the Permittee change names, a new permit must be initiated within 1 month of the official name change.
27. The Permittee will be held responsible for the action of any additional operators permitted for use by the Permittee.
28. If evidence of neglect or abuse of right of way, permit may be rescinded at any time.
29. The Permittee is to contact Bryce Pirozzini at (250) 787-3335 a minimum of one (1) week prior to the commencement of the work to notify the start date.
- The Permittee is to ensure that the construction area is properly signed in accordance with the current Ministry of Transportation and Infrastructure Traffic Control Manual for Work on Roadways and certified traffic control persons provided during construction, where warranted.
- Necessary lane or road closures shall require Ministry approval prior to public advertisement. All necessary traffic control shall be the responsibility of the Permittee and all works covered by this permit shall conform to the requirements of the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Roadways and Occupational Health and Safety Regulation.
- Properly equipped trained and experienced traffic control person(s) are required to control traffic during periods of alternating traffic or at any time where equipment, work crews, or materials interfere with the traffic flow.
30. Permittee is responsible for ensuring that all works are contained to the highway right of way. Any works located within private property must have the owner's permission.
31. Permittee will be responsible to notify and gain approval of utility companies in advance of works.
32. The Permittee is to ensure that no damage is done to any existing underground or overhead services and must contact the electrical, telephone, and natural gas utility and any private landowner having works under permit to verify the location of utility works that may be affected prior to opening up any portion of the public road right of way.
33. Permittee is to call BC OneCall at 1-800-474-6886 or by cellular at *6886 prior to the commencement of work.
34. It is the Permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 11 of the Water Sustainability Act for works in and around any natural watercourse, as and if required.
35. It is the Permittee's responsibility to obtain permission from the Ministry of Forests, Lands, and Natural Resource Operations, pursuant to the Forest Act to harvest merchantable Crown timber within highway right of way prior to the commencement of the permitted work, as and if required.
36. This Permit in no way relieves the owner or occupier of the responsibility from adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
37. Affected property owners must be notified at least 48 hours in advance before excavating a driveway.
38. Permittee is responsible for maintaining future depth coverage of works due to natural settlement and erosion of ground. The Permittee shall be held responsible for necessary gravel repair resulting from settlement within the excavated area for a period of five (5) years.
39. Reinstatement in a timely and professional manner of drainage, roadway, and roadside facilities is required within two (2) days of disturbing the facilities.
40. No storage or staging of equipment within highway right of way or gravel reserves.
41. The issuance of this permit shall in no way be construed as approval of any future subdivision for the subject property or any adjacent parcels.
42. The Permittee shall be held responsible for any damage to the highway resulting from the permitted work. All highway drainage works are to be restored to their original or better condition.
43. Where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch, or other existing work interfered with shall be completely restored to its original or better condition.



44. Machines with steel tracks or flat steel pads are not allowed within the public road right of way at any time. Only rubber tired equipment may be used on the pavement or on shoulders of paved public roads.
45. It is the responsibility of the Permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
46. Permittee is to adhere to all seasonal load restrictions, where applicable. Current seasonal load restrictions can be viewed at <http://www.th.gov.bc.ca/bchighways/loadrestrictions/loadrestrictions.htm>
47. No gates are to be placed within Ministry of Transportation and Infrastructure public road right of way.
48. This permit is for access only and does not include any permanent or temporary utilities in Provincial road right of way.
49. The Ministry of Transportation and Infrastructure may upon giving two (2) weeks' notice, require removal of the access from the right of way for any reason and solely at the Permittee's expense.
50. The Permittee shall ensure all equipment working on, or hauling material onto and from the site, does not damage or deposit material onto any part of an existing roadway. Materials spilled onto the public road right of way or driveways opened to public traffic shall be cleaned up immediately. The Permittee has the full responsibility to repair any damage to existing highways, local roads, and driveways caused by its construction equipment and/or operations.
51. Permittee is responsible for the supply of all labour, equipment, and materials in connection with the work.
52. Permittee is responsible for all future maintenance of the work for the duration of permit. This permit is not transferable and valid only for the Permittee.
53. The Minister may order the removal or alteration of installations if necessary, for the protection of the highway or highway users. If the Permittee does not respond to an order to remove or alter an access installation, the Ministry of Transportation and Infrastructure may carry out that work and recover costs from the Permittee.
54. All work is to be done during daylight hours. No work shall occur during hours of darkness or during periods of inclement weather. Public road must be clear of any equipment or activity that may impede winter road maintenance on Ministry maintained roads during winter snowstorms or inclement weather.
55. Permittee is responsible for all future maintenance of the work for the duration of permit. This permit is not transferable and valid only for the Permittee.
56. Access shall be constructed as per Section 730 of the BC Supplement to TAC Geometric Design Guide.
57. The access shall be constructed with a minimum 600 mm culvert pipe manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of the culvert and access is the responsibility of the Permittee.
58. Access to be constructed at 90 degrees to the public road for a distance of 15m from the highway shoulder.
59. The finished grade of the access at the ditch line shall be 15cm below the highway shoulder elevation.
60. The profile of the accesses shall not exceed 2 % grade from the ditch line for a distance of at least 15 metres as measured away from the public road along the centreline of the access.
61. Access shall be no wider than 20 meters, including corner cut offs.
62. The Permittee shall sufficiently excavate the profile of the ditch along the road below and above the access point for proper installation of the access and culvert.
63. The access shall be graveled to an extent satisfactory to the Designated Ministry Official to prevent the tracking of mud and soil onto the public road surface.
64. Access to be constructed in such a manner so as not to interfere with drainage from existing cross-culverts.
65. A stop sign (R-001) must be erected at the access to the public road in accordance with the Ministry of Transportation and Infrastructure Manual of Standard Traffic Signs and Pavement Markings.
66. If the access is constructed under winter conditions, the Permittee shall ensure the access is removed prior to spring freshet or April 15, 2017, whichever comes first, and properly installed with appropriate culvert in dry conditions.
67. Permittee to ensure the access has a minimum of 200 metre sight distance either direction.
68. Brushing of the right of way is required, in order to ensure maximum sight distance.
69. No frozen material or clay shall be used in backfill.
70. Any erosion/damage to the highway or highway right of way caused from temporary winter accesses during freeze/thaw cycles is the responsibility of the Permittee.



71. This permit authorizes construction of part of the road right-of-way that is not now maintained by the Ministry. Maintenance is entirely the responsibility of the Permittee. Co-operation among neighbouring permit holders in maintaining such undeveloped roads is strongly encouraged. The Ministry shall only assume maintenance of such roads if constructed to acceptable standards.
72. The Permittee shall ensure that a minimum ground clearance at minimum sag is maintained for all overhead utility lines according to the Utility Policy Manual.
73. The finished grade is to be consistent with the grade of the existing surface to ensure a smooth ride for the traveling public.
74. Except where trenching is well clear of the road shoulder, all excavated material must be removed from the site immediately. Stockpiling of native material adjacent to the trench is not permitted. No excavated materials shall be stockpiled on the travelled portion of the pavement.
75. No dirt, sand, or liquid/solid waste materials to be stored on the road, road shoulder, or ditch. Any road debris shall be removed, washed/swept from the road daily and to Ministry standards.
76. The Permittee must adhere to the Worker's Compensation Board Occupational Health & Safety Regulations for Construction, Excavation, and Demolition if the construction project includes a trench more than 1.2m in depth where a worker may be required to enter. Section 20.81 Sloping and Shoring requirements must be met while undertaking works within public road right of way.
77. All debris, logs, slash, and refuse created by the works are to be cleaned up to the satisfaction of the District Official, Ministry of Transportation and Infrastructure and right of way shall be levelled and reseeded to the satisfaction of the District Official, Ministry of Transportation and Infrastructure.
78. Any disturbances of natural ground cover shall be groomed and re-seeded with grass so as to restrict the growth of noxious weeds.
79. Any area of right of way disturbed during the permitted works including road shoulders, fill slopes, cut slopes, ditch, and the utility corridor, is to be restored to their original grade and compaction and left in a neat, tidy, and free draining condition. All slash, logs, or brushing debris is to be burned or hauled clear of the right of way. All rocks or debris greater than 5cm in size are to be disposed of clear of the right of way and areas where the soil has been disturbed are to be restored and re-seeded with a pre-approved grass mixture to reduce the potential of erosion and the growth of noxious weeds. Sites are to be reseeded to standards set out in Section 757, Standard Specifications for Highway Construction.
80. The layout shown on the attached drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void. Any change in land use shall render this permit void.
81. All work is to be carried out to the satisfaction of the District Manager, Ministry of Transportation and Infrastructure. The Ministry reserves the right to have repairs carried out (if the Permittee fails to comply with the clauses above) and to bill the applicant for the full cost of any such repairs or clean up if found necessary.
82. Where the Ministry and a regulator both set a standard or requirement in a particular area, the highest or most stringent of the two will apply to any installation on highway right of way.
83. Where existing codes and statutes indicate a more conservative design than the above permit conditions, those codes and statutes shall govern.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Fort St John, British Columbia, this 16 day of March, 2017

On Behalf of the Minister





PERMIT TO CONSTRUCT, USE, AND MAINTAIN ACCESS TO A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Peace District
300-10003 110th Avenue
Fort St John, BC V1J 6M7
Canada

("The Minister")

AND:

s.22

("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 both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

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

The installation, operation, and maintenance of road construction extending Boucher Lake Road No 31 north for 1 km from the NE1/4 of Sec 13-80-24 to the NE1/4 of Sec 24-80-24, W6M, PRD, as submitted by Paul Demeulemeester.

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 Minister shall designate an official ("the Designated Ministry Official") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out.
2. The Use shall be carried out according to the reasonable satisfaction of the Designated Ministry Official.
3. 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 Infrastructure, 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 Designated Ministry Official. 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.
12. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
13. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
14. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
15. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at http://www.th.gov.bc.ca/publications/Circulars/All/T_Circ/2009/t06-09.pdf
16. The permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
17. (a) The rights granted under this permit shall not be exercised before the 25th of October, 2012.
(b) The Construction and Installations must be completed on or before the 25th of October, 2013.
18. It is the permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 7 of the Water Act, for works in or around any natural water-course, as and if required.
19. All grubbing and debris from clearing to be disposed of to the satisfaction of the District Highways Manager.
20. Any cutting, decking, and disposal of merchantable timber on subject right-of-way is to be done pursuant to provisions of the Forestry Act and authorization from the District Forestry Office must be obtained prior to the commencement of the permitted works. Right-of-way boundaries must be clearly marked by a qualified professional surveyor prior to inspection of the site by the Ministry of Forest personnel.
21. The issuance of this permit shall in no way be construed as approval of any future subdivision for the subject property or any adjacent parcels.
22. This permit in no way grants exclusive use to the permittee for any portion of road right-of-way.
23. The permittee shall sufficiently excavate the profile of the ditch along the road below and above the access point for proper installation of the access and culverts as required by the pertinent conditions of this permit.
24. Road construction and completion must be monitored and approved by Area Manager, Allan Edgar, (250) 788-9365.
25. This permit in no way relieves the owner or occupier of the responsibility from adhering to all other legislation, including zoning,



and other land use bylaws of a municipality or regional district.

26. This permit authorizes construction of part of the road right-of-way that is not now maintained by the Ministry. Maintenance is entirely the responsibility of the permittee. Co-operation among neighbouring permit holders in maintaining such undeveloped roads is strongly encouraged. The Ministry shall only assume maintenance of such roads if constructed to acceptable standards.
27. Brushing of the right-of-way is required, in order to ensure maximum sight distance.
28. Road to be constructed in such a manner so as not to interfere with drainage from existing cross-culverts
29. The layout shown on the submitted drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.
30. The rights granted under this permit and certificate are for an indefinite period.
31. The Permittee shall take all reasonable precautions to attempt to ensure the safety of the public in connection with the Use. In particular, but not so as to limit this obligation, the Permittee shall, if so required by the Designated Ministry Official on reasonable grounds, prepare and implement a traffic control plan. The contents of the plan and the manner in which it is implemented must meet the reasonable satisfaction of the Designated Ministry Official.
32. The road shall be graveled to an extent satisfactory to the Designated Ministry Official to prevent the tracking of mud and soil onto the highway surface.
33. The full width of right-of-way must be completely stripped of all organic materials, including stumps, before beginning construction of road sub-grade.
34. Installation of minimum 450 mm culvert pipe manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of this culvert is the responsibility of the Permittee.
35. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with; I. public passage on the Highways; II. 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 III. the operation of the Highways;
36. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
37. That before opening up any highway or interfering with any public works, written notice of intention to do so must be given to the Designated Ministry Official at least 72 hours before the work is begun, except in the case of an emergency situation, the Permittee will immediately contact the Road & Bridge Maintenance Contractor or local RCMP.
38. That when necessary all excavations, materials, or other obstructions are to be efficiently fenced, lit, and watched, and at all times every possible precaution is to be taken to ensure the safety of the public.
39. The permittee shall ensure that no employees park on the highway right-of-way.
40. The permittee shall ensure that a minimum ground clearance of 5.50 metres is maintained for all overhead utility lines.
41. If any BCLS survey posts are removed, moved or damaged during the construction of the said Works they must be replaced by a registered BC Land Surveyor at the expense of the Permittee.
42. All costs entailed in the construction and maintenance of the road are to be borne by the permittee.
43. It is the responsibility of the permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
44. The field supervisor for the Permittee is to have a copy of this permit on site during field operations and be aware of all permit conditions.
45. The permittee is responsible for any damage to the Highway Right of Way resulting from the permitted work
46. No gates are to be placed within Ministry of Transportation and Infrastructure Right of Way.
47. Permittee is responsible for ensuring that all works are contained to the highway right of way. Any works located within private property must have the owner's permission.



The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Fort St John, British Columbia, this 25 day of October, 2012

On Behalf of the Minister