

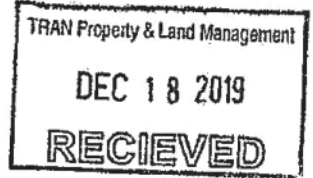


200-1627 Fort Street Victoria BC V8R 1H8
Telephone (250) 405.5151 Fax (250) 405.5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca



17 December 2019

Ministry of Transportation & Infrastructure
PO Box 9850 Stn Prov Govt
Victoria, BC V8W 9T5

RE: Silva Bay Marina, Gabriola

Islands Trust has concerns regarding the use of a residential property on Gabriola by Silva Bay Marina to source their commercial water supply. The well being used is at LOT 2 SECTION 5 GABRIOLA ISLAND NANAIMO DISTRICT PLAN 23322, and the water is piped at least 500 metres through a small PVC pipe along the road to 3383 South RD, Gabriola, LOT A SECTION 5 GABRIOLA ISLAND NANAIMO DISTRICT PLAN 21876, and at some point, it must also travel under the public highway.

We are unaware of any license of occupation for the use of the ministry right-of-way to lay this pipe and supply the marina with water. If Silva Bay Marina is going to continue this practise, we believe that they should acquire a license of occupation, and comply with any other provincial regulations and guidelines regarding the well and the transportation of this water. We have also referred this matter to Forests, Lands, Natural Resources and Rural Development, as the well in question is unregistered and unlicensed for commercial use.

Sincerely,



Warren Dingman
Bylaw Compliance & Enforcement Manager
Islands Trust
250 405 5196
wdingman@islandstrust.bc.ca

Preserving Island communities, culture and environment

Bowen Denman Hornby Gabriola Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis



THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA

DEPARTMENT OF HIGHWAYS

Application for Permission to Construct Works within Crown Lands

I (We) hereby apply for permission to construct, use, and maintain works within the limits of Crown lands under the jurisdiction of the Minister of Highways and Public Works, British Columbia, in accordance with the particulars, plans,* and specifications submitted herewith in triplicate. It is understood that the completion of this form constitutes an application only and that the works applied for will not be commenced until a covering permit has been issued. The proposed works consist of and are described as follows:

Deepening Ditch along westerly side of North Road on Gabriola Island for a distance of about sixteen hundred feet commencing at a point about eighty feet north of the church (located on North Road opposite the entrance to Silva Bay Resort) and ending at a point about one hundred feet east of the Marvin Rd. Junction, to enable laying and covering about sixteen hundred feet of 1 1/2" polyethylene water pipe in the ditch at least 30" below road surface.

For a distance of about one hundred and fifty feet, commencing at a point about one hundred and fifty feet west of Westgyle Rd. Junction, it may not be possible to deepen the ditch because of rock hillside (see location on sketch) and there the pipe might have to lie on the right of way west of the ditch and be covered with a shallow layer of earth.

The pipe is presently lying on the westerly part of the North Rd. right of way and crosses North Road via buried culvert at the point indicated on the sketch.

Have the necessary plans for approval been filed with the proper authorities? (See Note 2 on back) N/A

Name of applicant Silva Bay Resort Ltd.

P.O. address Silva Bay, Gabriola Island, B.C. VOR 1X0
SILVA BAY RESORT LTD.

(Signed) per:

(Applicant.)

(Date)

April 8, 1977

To Local Office, Department of Highways

* See note No. 1 on back.

(OVI

NOTE No. 1
The plans submitted may be blue-prints, and shall consist of key map, general plan, profile, and where necessary detail plans on the following scales: Key-map, according to size of undertaking, general plan, 400 feet to an inch; profile, horizontal 400 feet to an inch, vertical 20 feet to an inch; details, on suitable scales. For minor undertakings, such as small water-pipes or culverts, etc., under a road, sketches will be accepted with sections and details as to dimensions, depth of cover, etc.

The plans shall supply at least the following information:

- (a) The boundaries of all Crown lands affected:
- (b) The position of all existing public works within such boundaries and relative thereto and the name of the authority in control of same:
- (c) The position of all private works (with names of owners) within such boundaries and relative thereto.
(N.B.—Where the proposed works are upon or above the ground only such private works as are upon or above the ground, or as may be interfered with under the ground, need be shown):
- (d) The proposed position within such boundaries and relative thereto which would be occupied by the works:
- (e) The details of all tanks, manholes, lamp-poles, surface boxes, bridges, culverts, retaining-walls, or other structures to be constructed and used for the support of traffic, and details showing the method to be employed in supporting any proposed work, where any public works are affected:
- (f) Full information showing exactly in what manner and to what extent it is proposed to use any land or works under the control of the Minister of Highways and Public Works.

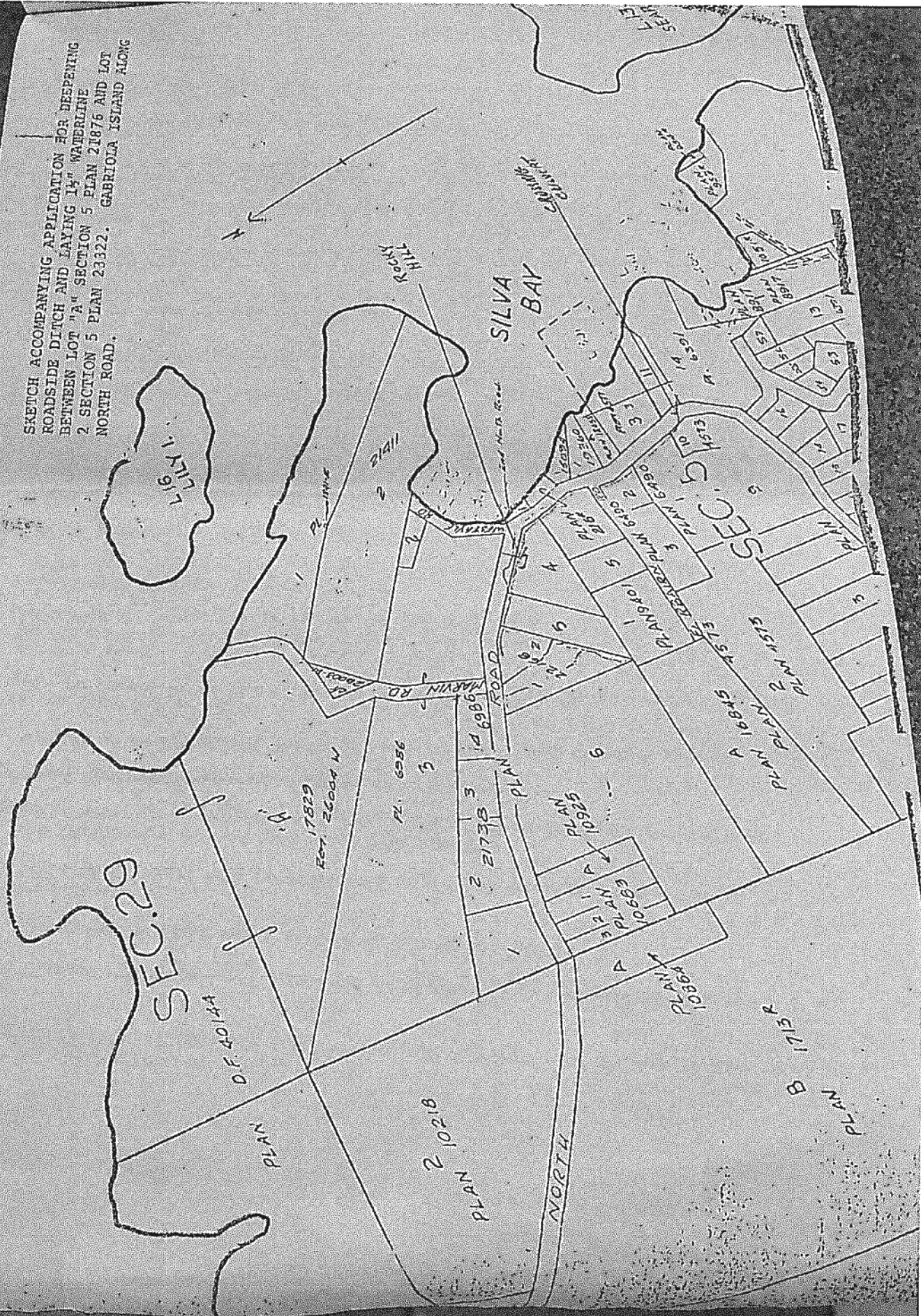
Specifications for the carrying-out of the work within the boundaries of all Crown lands shall also be submitted.

NOTE No. 2

When application is made in respect of the following works, the requisite particulars, plans, and specifications must be submitted to the proper authorities before the approval of the application by the Minister of Highways and Public Works:

Works	Authority to Whom Particulars, etc., Must Be Submitted	
1. Electrical undertakings—		
(a) Telegraph and telephone lines	Inspector of Electrical Energy	501 West 12th Ave., Vancouver, B.C. VSZ 1M6
(b) Energy generated otherwise than by water-power	Inspector of Electrical Energy	
(c) Energy generated by water-power	Inspector of Electrical Energy	
(d) Electrical railways	Comptroller of Water Rights	
	Inspector of Electrical Energy	Parliament Bldgs., Victoria, B.C.
	Deputy Minister of Transport and Communications	501 West 12th Ave., Vancouver, B.C. VSZ 1M6 Parliament Bldgs., Victoria, B.C.
2. Steam-railways	Deputy Minister of Transport and Communications	" "
3. Logging-railways	Deputy Minister of Transport and Communications and also Chief Forester	" "
4. Skid-roads	Deputy Minister of Health and Comptroller of Water Rights (5, 6, & 7)	" "
5. Sewerage and sewage-disposal		
6. Water-supply for domestic purposes		
7. Waterworks undertakings other than for domestic supply		
8. Works to be constructed within any municipality	Municipal Official.	

SKETCH ACCOMPANYING APPLICATION FOR DEEPENING
ROADSIDE DITCH AND LAYING 1 1/2" WATERLINE
BETWEEN LOT "A" SECTION 5 PLAN 21876 AND LOT
2 SECTION 5 PLAN 23322. GABRIOLA ISLAND ALONG
NORTH ROAD.



FREEMAN & COMPANY
Barriers & Solicitors

HAROLD FREEMAN
DAVID L. FREEMAN
MICHAEL J. FREEMAN
HOWARD L. KAHN
ROBERT H. WILSON
HERBERT E. BILDER
CAROL A. BENNETT
R. NEIL BURNFIELD

DAVID L. FREEMAN
MICHAEL J. FREEMAN
HOWARD L. KAHN
ROBERT H. WILSON
HERBERT E. BILDER
CAROL A. BENNETT
R. NEIL BURNFIELD

TELEPHONE 683-4201
AREA CODE 604
TELETYPE 683-4201
TELEX 64-810000
CABLE ADDRESS: FREEMAN

14TH FLOOR THE BURNARD BUILDING
1030 WEST GEORGIA STREET
VANCOUVER, B. C.
CANADA
V6E 3C4

REPLY ATTENTION OF: Mr. Harold Freeman
OUR FILE NO. 27,592

May 24, 1977

Mr. David Baxter
Silva Bay Resort Ltd.
Silva Bay,
Gabriola Island, B.C.

Dear David:

Enclosed please find photostat of Department of Highways Permission to lay the water line.

Please note that work must commence on or before August 17th, 1977 and also carefully examine the conditions that attach to the permit.

Yours truly,

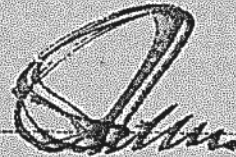

Harold Freeman

HF:pm
encls.

- ...the carrying out of the construction, extension, alteration, improvement, repair, or maintenance of any public work
thereto, the Provincial Government can accept no responsibility of any kind for such damage.
12. That the permission hereby granted to construct, use, and maintain work is granted without prejudice to the provisions of the *Highway Act, Public Works 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 Chief Engineer.
 14. That the Department will not be responsible for grade changes on necessities 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 cancelled, 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 Department 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, namely, "T-NA-207/77", in a manner satisfactory to the District Official of the Department of Highways.

Department of Highways, 301-190 Wallace Street,

Nanaimo, B.C.



JOHN W. MORRIS, DIST. HIGHWAY MANAGER
For Minister of Highways.

17th of May, 1977

19. The permittee will be held responsible for damages to the State of pavement resulting from broken waterlines.
20. The permittee will be held responsible for damages to pavement resulting from undue settlement within the excavated area for a period of 3 years.
21. All backfill material to be similar to soil excavated at any given elevation. The moisture content will be adjusted to optimum for compaction.
22. Compaction to be completed in maximum of 6" lifts using approved plate vibrators.
23. Granular base and asphaltic concrete to be restored using similar materials to existing line, grade, thickness, and density.
24. No excavated materials will be stockpiled on the travelled portion of the pavement.
25. Machines with steel tracks or flat steel pads will not be allowed on the travelled portion of the pavement at any time.
26. Care must be taken where heavy rubber tired units are turning to the travelled portion of the pavement not to cause scarring to the pavement.
27. Open excavation not allowed over night unless there are workmen on duty or authorized in letter by the District Highways Manager.
28. Construction area to be properly signed to the satisfaction of the Department and flagmen required during construction.
29. Department to supply Inspector for the underground installation at the permittee's expense. Inspector to be present during the full installation operation unless otherwise authorized by the District Highways Manager.
30. Two-way traffic to be maintained at all times.
31. The work shall not commence during period of poor visibility, eg. fog.
32. Excavation across entrances, whether private or commercial, to be backfilled and thoroughly compacted within two hours.
33. Applicant to restore the surface of the entrance, whether paved or gravel, to its original condition within 48 hours after the fill is in place and maintain these entrances for a period of three years.
34. District permit technician to be notified 24 hours prior to work commencing at 754-2111, Mr. H. Grewal.
35. Crossings to be blocked to prevent the water seeping into crossing trench.
36. Existing drainage course and culverts to be respected.
37. Should survey pins or monuments be removed or damaged, they will be replaced at the permittee's expense by a B. C. Land Surveyor.
38. All crossing backfill must be supervised by Highway Personnel and to be approved by him.
39. The contractor is to be supplied with a copy of the permit.
40. Where detours are available, they must be adequately designated with proper signs.
41. Applicant to provide adequate signs, barriers, flares, etc. to ensure the safety of the public and traffic at all times.

**PROVINCIAL PUBLIC HIGHWAY
PERMIT APPLICATION**

District File Number _____

Your File Number _____

Personal information is collected by the Ministry of Transportation and Infrastructure under section 26(c) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of processing applications submitted through the electronic Development Approvals System (eDAS). If you have any questions about the collection, use and disclosure of this information, please contact: Senior Technologist, Development Approvals Suite 4D – 940 Blanshard Street, 778 974-5279

Submit this application to the Ministry of Transportation and Infrastructure Office or a Front Counter BC Office in your area.

I (We) hereby propose the following use or occupation requiring authorization under the *Transportation Act*, in accordance with the attached plans and specifications submitted.

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

WORKS ON THE RIGHT OF WAY☐ Bus Stops, Shelters and Benches☐ Cattle Guards and Gates☐ Exploratory Survey☐ Fencing☐ Fiber Optics☐ High Pressure Pipeline☐ Low and Intermediate Pressure Pipeline☐ Mail and Newsletter Boxes☐ Polelines☐ Roadworks☐ Sidewalks and Landscaping☐ Signs☐ Street Lights☐ Traffic Signals☐ Underground Cable, Telephone and Power☐ Wireless Communications**ACCESS**☐ Controlled Access Highway☐ Commercial Access☐ Residential and Agricultural☐ Resource and Industrial Road**SPECIAL EVENTS**☐ Special Events☐ Cattle Drive☐ Filming☐ Parade**STRUCTURES**☐ Encroachment☐ SetbackDescribe other use or occupation Waterline below road**LOCATION** (include civic address)

3383 South Road, Gabriola, BC V0R 1X7

The proposal consists of and is described as follows:

DESCRIPTION

Waterline along North Road, Gabriola, BC between Lot 2 Section 5 Gabriola Island Nanaimo District Plan 23322 and Lot 2 Section 5 Gabriola Island Nanaimo District Plan 22775. Update permit for waterline along westerly side of North Road on Gabriola Island for a distance of about 1600 feet commencing at about 80 feet north of the church (located on North Road opposite the entrance of Silva Bay Resort & Marina) and ending at about 100 feet east of Marvin Rd. Junction, to enable laying and covering about 1600 feet of 1 1/2" polyethylene water pipe in the ditch at least 30" below road surface.

Dates (proposed): On/before August 17, 1977 (completed)

Times: From: N/A a.m./p.m. To: N/A a.m./p.m.

THE FULL LEGAL DESCRIPTION OF THE PROPERTY TO BE SERVED

Lot 2 Section 5 Gabriola Island Nanaimo District Plan 23322 & Lot 2 Section 5 Gabriola Island Nanaimo District Plan 22775

PROVINCIAL PUBLIC HIGHWAY
PERMIT APPLICATION Cont'd.

HIGHWAY NAME(S)

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

North Road, Gabriola, BC

Between Marvin Rd. Junction and Silva Bay Resort & Marina
(landmark) (landmark)

ATTACHED DRAWING OR SKETCH ☒ Drawing Number _____

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

Other Authorities

Submitted/Approved Department of Highways

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

NAME/ORGANIZATION (include affiliated agency where applicable)

1167433 BC Ltd.

Is this company registered with the Registrar of Companies of British Columbia?
yes ☒ no ☐ Certificate of Incorporation No. BC1167433

MAILING ADDRESS

106- 7337 North Fraser Way, Burnaby, BC V5J 0G7

Telephone	<u>s.22</u>	Cellular/Pager	_____
Fax	_____	Email Address	<u>didier.sin@silvabay.com</u>
CONTACTS (if not as above)			
Project/Location Manager Name		<u>Dik Hei Sin</u>	
Telephone	<u>s.22</u>	Cellular/Pager	_____
Fax	_____	Email Address	<u>didier.sin@silvabay.com</u>
Director Name		<u>Yu Hao Chen</u>	
Telephone	<u>s.22</u>	Cellular/Pager	_____
Site Contact Person		<u>Lisa Millard</u>	
Telephone	<u>250-247-8662</u>	Cellular/Pager	_____
Fax	_____	Email Address	<u>lisa.millard@silvabay.com</u>
Traffic Control Company Name		<u>N/A</u>	
Telephone	_____	Cellular/Pager	_____

**PLEASE READ THE FOLLOWING TERMS AND CONDITIONS OF THIS PERMIT APPLICATION PRIOR TO SIGNING.
IN CONSIDERATION OF THE MINISTRY'S AGREEMENT TO EVALUATE THIS APPLICATION AND TO DELIVER A RESPONSE:**

I (WE), understand and agree that this application does not constitute a Permit and a permit may be denied or granted on terms in Ministry of Transportation and Infrastructure's absolute discretion. I UNDERSTAND AND AGREE THAT I MUST NOT PROCEED WITH MY PROPOSED WORKS OR ACTIVITIES AT THIS TIME, UNLESS AND UNTIL THE MINISTRY ISSUES A PERMIT.

I (WE), understand and agree to indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the date of this application or the issuance of a Permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by THE APPLICANT, their employees, agents or Subcontractors, in connection with the works or activities of the Applicant which are the subject of this Application or any Permit granted by the Ministry.

I (WE) also understand and agree that the Permit may be issued with additional terms and conditions determined in the Ministry of Transportation and Infrastructure's absolute discretion, and I agree that accepting and acting on the rights granted in the Permit constitutes my acceptance of its terms, including any additional terms not listed in this application. The Ministry may change the conditions on a Permit at any time, in its sole discretion. If I do not agree with any of the terms contained in the Permit, I must immediately inform the Ministry and I may not exercise any of the rights granted by the Permit.

I (WE) also understand and agree that a permit is not a property right and does not transfer with the works or activities to a new owner or operator. Any new owner of the works in highway must complete a new Permit from Ministry of Transportation and Infrastructure.



Dik Hei Sin

2020/01/03

Signature (Applicant)

Print Name

Date (yyyy/mm/dd)

NOTES FOR WORKS PERMITS

The plans submitted may be blueprints, and shall consist of key-map, general plan, profile, and where necessary, detail plan on the following scales: **Key-map**, according to size of undertaking; **general plan**, 1:5000; **profile**, horizontal 1:5000, vertical 1:250; **details**, on suitable scales. For minor undertakings, such as small water-pipes or culverts, etc., under a road, sketches will be accepted and sections and details as to dimensions, depth of cover, etc.

The plans shall supply at least the following information:

- | | |
|---|--|
| (a) The boundaries of highway right-of-way affected; | (d) The proposed position within such boundaries and relative thereto which would be occupied by the works; |
| (b) The position of all existing public works within such boundaries and relative thereto and the name of the authority in control of same; | (e) The details of all tanks, man holes, lamp-poles, surface boxes, bridges, culverts, retaining-walls, or other structures to be constructed and used for the support of traffic, and details showing the method to be employed in supporting any proposed work, where any public works are affected; |
| (c) The position of all private works (with the names of owners) within such boundaries and relative thereto. (N.B. – Where the proposed works are upon or above the ground only such private works as are upon or above the ground, or as may be interfered with under the ground, need be shown); | (f) Full information showing exactly in what manner and to what extent it is proposed to use any land or works under the control of the Minister of Transportation. |

Specifications for the carrying-out of the work within the boundaries of all highway right-of-way shall also be submitted.

When application is made in respect of the following works, the requisite particulars, plans, and specifications must be submitted to the proper authorities before the approval of the application by the Minister of Transportation.

WORKS	AUTHORITY TO WHOM PARTICULARS, ETC., MUST BE SUBMITTED	
1. Electrical Undertakings (a) Telegraph and telephone lines (b) Energy generated otherwise than by water-power (c) Energy generated by water-power (d) Electrical railways	Inspector of Electrical Energy Inspector of Electrical Energy Inspector of Electrical Energy Comptroller of Water Rights Inspector of Electrical Energy Deputy Minister of Transportation	453 West 12th Ave., Vancouver BC V5Y 1V4 Parliament Bldgs., Victoria BC 453 West 12th Ave., Vancouver BC V5Y 1V4 Parliament Bldgs., Victoria BC
2. Steam – railways	Deputy Minister of Transportation	Parliament Bldgs., Victoria BC
3. Logging – railways		
4. Skid – roads	Deputy Minister of Transportation and also Chief Forester	Parliament Bldgs., Victoria BC
5. Sewerage and sewerage – disposal (a) Large systems (b) Small systems	Environmental Protection Division Water, Land & Air Protection Regional Health Authority	Regional Office Regional Office
6. Water – supply for domestic purposes	Local Water Management Office or	Regional Office
7. Waterworks undertakings other than for domestic supply	Comptroller of Water Rights	Parliament Bldgs., Victoria BC
8. Works to be constructed within any municipality	Municipal Office	

NOTES FOR STRUCTURES PERMITS

1. Plans shall be metric, scaleable, and shall show:
 - the exact offsets of the foundation and overhand of proposed or existing structure from the right-of-way boundary and the nearest internal property line.
 - any feature or structure which limits the placement of the subject structure from being constructed at the required setback distance.
 - any other structure on the subject property within the setback requirement area.
 - an inset or additional plan showing the profile of the structure and terrain to the travelled road edge.
 - the nearest edge of shoulder of the physical road.
 - the road name, legal description, any property pins evident and a north arrow.
 Submit three copies of the plan if larger than 11" x 17".
2. In cases where setback is to legalize and/or add to an existing structure, the plans are to be prepared by a qualified licensed professional surveyor.
3. It is the responsibility of the applicant to assure that design and construction of the structure conforms to all applicable legislation, bylaws and codes, and; that all other necessary permits are applied for.
4. A certificate of title and a letter of authorization from the registered owner(s) is to be provided where the applicant is not the owner.
5. In addition, you may be required to have the property lines and extremities of the footings of the proposed structure clearly flagged on site prior to Ministry inspection.

NOTES FOR HIGHWAY ACCESS PERMITS

1. Property described must have highway frontage.
2. Insert number of accesses requested.
3. Insert specific land use proposed (for example, single-family dwelling, farm, motel and restaurant, service-station, furniture factory, etc.)
- 3a. Indicate the permitted uses for the existing zoning on the property. This can be obtained from your local government.
4. Insert figures indicating number of dwelling units, square metres of floor area of buildings, sleeping units, employees, seats in restaurant, etc.
 - (a) Insert the word "indefinitely" if required for long-term use; or
 - (b) Insert the specific number or months or years, if required for temporary period
- 5
 - (a) Insert "myself" or "ourselves" if required by owner or lessee; or
 - (b) Insert name and address of person or company who will actually develop the property and construct, use and maintain the access works, if required by other party (for example, property is under option and owner proposes to sell or lease same); or
 - (c) If access required for land beyond, give name of owner(s) and legal description parcel involved.

NOTES FOR FILMING PERMITS

1. For location, please specify the highway name and landmarks that indicate the outer boundaries of where you are filming.
2. Your description should include:
 - the dates and times of filming
 - the nature of what you are filming
 - whether you will be using special effects or stuntsPlease give a more detailed schedule and description of any special effects and/or stunts.
3. Specify the production company name and phone number, and its Certificate of Incorporation number, if applicable.
4. Authorities you will need to notify include:
 - the police
 - the municipalityInclude here the name and phone number of the traffic control company you will be using.
5. Please give the names and phone numbers for:
 - the location manager
 - the on-site contact person
 - the producer and/or director
6. Provide appropriate Certificate of Insurance (H0111)

NOTES FOR EVENTS AND CATTLE DRIVE PERMITS

1. For location, please specify the highway name and specific locations on the highway between which you are holding your event.
2. Under Description, provide the following information:
 - dates and times of event
 - time of event, from starting hour to finishing hour (including set up and tear down)Provide a letter indicating the scope and nature of the event, including the type and number of participants (cyclists, pedestrians, runners, youth group, etc.) Include a traffic management plan.
- Specify any animals you propose to have involved and their experience in traffic, if relevant.
- Give the number of escort vehicles and how you propose to use them.
- Specify if it is a fundraising event.
- Specify your parking requirements, such as the number of vehicles requiring parking.
3. Specify the person(s) or organization legally responsible for the event.
4. Check with the municipality or regional district, if applicable, that you have their authority for the event.



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

Vancouver Island District
Third Flr
2100 Labieux Road
Nanaimo, BC V9T 6E9
Canada

("The Minister")

AND:

1167433 BC LTD
106-7337 North Fraser Way
Burnaby, British Columbia V5J 0G7
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 existing 1 1/2 inch waterline along westerly side of North Road on Gabriola Island, approximately 1600 feet. Location between Lot 2 Section 5 Gabriola Island Nanaimo District Plan 23322 and Lot 2 Section 5 Gabriola Island Nanaimo District Plan 22775. Commencing at 80 feet north of the entrance to Silva Bay Marina and ending 100 feet east of Marvin Road Junction, as shown on map.

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. N/A
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 their 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. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or 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 based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
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 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 canceled.
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://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/technical-circulars/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. All work, is to be carried out to the satisfaction of the District Manager, Ministry of Transportation and Infrastructure.
24. 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.
25. The District Official is to be notified, in writing, 24 hours prior to excavation of any road.
26. 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.
27. Reinstatement, in a timely and professional manner, of drainage, roadway and roadside facilities shall be required within thirty (30) days of disturbing the facilities.
28. The permittee shall be held responsible for any damage to the highway resulting from the permitted work.
29. No excavated materials shall be stockpiled on the travelled portion of the pavement.
30. Machines with steel tracks or flat steel pads shall not be allowed on the travelled portion of the pavement at any time.
31. Should survey monuments be damaged or destroyed, they shall be replaced by a B.C. Land Surveyor, at the permittee's expense.
32. The Permittee is to ensure that no damage is done to any existing underground or overhead utilities.
33. The permittee is responsible for meeting all W.C.B. requirements with respect to trench / open cut shoring. Extreme care must be taken to avoid sloughing of the trench sides to minimize damage to the road sub-grade beyond the limits of the excavation. Should sloughing of the trench sides occur and undermine the asphalt, the pavement must be removed from the damaged area and the voids properly filled and compacted. Except where the utility is in a boulevard area well clear of the road shoulder, excavated materials must be removed from the site immediately. Stockpiling of the native material adjacent to the trench is not permitted.
34. Excavation across driveways (private or commercial) are to be backfilled and thoroughly compacted within two (2) hours and have the surface restored to its original condition within 48 hours. The property owner must be notified at least 24 hours prior to the excavation of an existing driveway.
35. ANY CROSSINGS REQUIRED UNDER EXISTING PAVEMENT to be installed by tunnelling or borejacking under the road surface, unless proven to the satisfaction of the District Transportation Manager to be impossible.
36. Applicant to notify affected land owner's of potential landscaping disturbance, prior to commencement of works.



BRITISH
COLUMBIA

Ministry of
Transportation

Permit/File Number: 2020-00165

Office: Vancouver Island District

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 Nanaimo, British Columbia, this 10 day of January, 2020

Jamie Leigh Hopkins
Development Services Officer
On Behalf of the Minister

Hopkins, Jamie TRAN:EX

From: Didier Sin <didier.sin@silvabay.com>
Sent: January 2, 2020 2:22 PM
To: Hopkins, Jamie TRAN:EX
Cc: Dean Chen; Zeynep Fattah; Winston Kam; Victor Barta
Subject: Re: complaint received from Islands Trust
Attachments: Permit Application - H0020 (1167433 BC Ltd.).pdf; Water Pipeline Map.pdf; Nelder Boulton Permit Application - 1977.PDF; Permission Granted - 1977.pdf

Hello Jamie,

Please see attached for the completed permit application for the water pipeline. The water pipeline map is the only drawing/sketch we have available to accompany the application which we received froms.22 who was granted permission in 1977 to deepen the ditch and lay the water pipeline.

I have also attached his previous permit application and approval to this email for your reference.

Thank you.

Regards,

Didier Sin
Project Assistant

T 778 297 9977

E didier.sin@silvabay.com

www.silvabay.com



Office: 106-7337 North Fraser Way, Burnaby, BC V5J 0G7
Marina: 3383 South Road, Gabriola, BC V0R 1X7

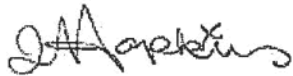
On Tue, Dec 24, 2019 at 8:54 AM Hopkins, Jamie TRAN:EX <Jamie.Hopkins@gov.bc.ca> wrote:

Good Morning Didier,

Thank you very much for providing the Ministry with the record for the waterline, for due diligence I would like to update the permit the marina holds and I have attached the application. If you could please include the design drawings from the installation, as well as a map showing exactly where the pipe goes to accompany your application.

Thank you so much, enjoy the holiday season,

"If you are applying for a permit, please allow for a period of **14 days** prior to receiving a reply. For more technical permit applications which may require review by our District Engineer, we request a period of **30 days** to complete our assessment and reply. Please note that these time frames are not always guaranteed."



Jamie Leigh Hopkins

Development Services Officer

BC Ministry of Transportation and Infrastructure

Vancouver Island District

Office: (250) 734-4825

Jamie.Hopkins@gov.bc.ca



Ministry of
Transportation
and Infrastructure

From: Didier Sin <didier.sin@silvabay.com>
Sent: December 23, 2019 12:20 PM
To: Hopkins, Jamie TRAN:EX <Jamie.Hopkins@gov.bc.ca>
Cc: Dean Chen <dean.chen@silvabay.com>
Subject: Re: complaint received from Islands Trust

Hello Jamie,

I apologize for the late response. We were looking through our records and found the following right of way permission from the Department of Highways for the water line.

Please see attached.

Thank you.

Regards,

Didier Sin

Project Assistant

T 778 297 9677

E didier.sin@silvabay.com

www.silvabay.com



Office: 106-7337 North Fraser Way, Burnaby, BC V5J 0G7

Marina: 3383 South Road, Gabriola, BC V0R 1X7

On Thu, Dec 19, 2019 at 10:21 AM Info SilvaBay Marina <info@silvabay.com> wrote:

Good Morning Jamie,

I am in receipt of your email sent this morning to Silva Bay Resort and Marina's general email account. I am forwarding this onto Didier Sin, Project Assistant at our Head Office and she will reply to directly. Please note her email address is didier.sin@silvabay.com.

Regards,

Lisa Millard

LISA MILLARD

MARINA MANAGER

T 350 247 8662

E lisa.millard@silvabay.com

www.silvabay.com



Office: 5055 - 4000 Rd. 3 Road, Richmond, BC V6X 0J8

Marina: 3383 South Road, Gabriola, BC V0R 1X7 VHF 60A

On Thu, Dec 19, 2019 at 10:00 AM Hopkins, Jamie TRAN:EX <Jamie.Hopkins@gov.bc.ca> wrote:

Good Morning,

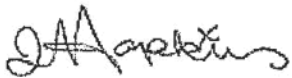
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Can you please advise if the marina has a permit for the waterline located in the Right of Way, and include a copy in your response.

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BC Ministry of Transportation and Infrastructure

Vancouver Island District

Office: (250) 734-4825

Jamie.Hopkins@gov.bc.ca



Ministry of
Transportation
and Infrastructure

Hopkins, Jamie TRAN:EX

From: Hopkins, Jamie TRAN:EX
Sent: January 10, 2020 1:50 PM
To: Didier Sin
Cc: Dean Chen; Zeynep Fattah; Winston Kam; Victor Barta
Subject: RE: complaint received from Islands Trust
Attachments: 22044453078.pdf

Good Afternoon Didier,

Please see attached updated permit.

If and when the marina does upgrades to the line, the 1.2m depth of cover will need to be enforced.

Thank you very much,

"If you are applying for a permit, please allow for a period of **14 days** prior to receiving a reply. For more technical permit applications which may require review by our District Engineer, we request a period of **30 days** to complete our assessment and reply. Please note that these time frames are not always guaranteed."



Jamie Leigh Hopkins
Development Services Officer
BC Ministry of Transportation and Infrastructure
Vancouver Island District
Office: (250) 734-4825
Jamie.Hopkins@gov.bc.ca



Ministry of
Transportation
and Infrastructure

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Cc: Dean Chen ; Zeynep Fattah ; Winston Kam ; Victor Barta
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T 778 297 9977

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Jamie Leigh Hopkins

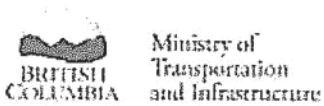
Development Services Officer

BC Ministry of Transportation and Infrastructure

Vancouver Island District

Office: (250) 734-4825

Jamie.Hopkins@gov.bc.ca



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Sent: December 23, 2019 12:20 PM
To: Hopkins, Jamie TRAN:EX <Jamie.Hopkins@gov.bc.ca>
Cc: Dean Chen <dean.chen@silvabay.com>
Subject: Re: complaint received from Islands Trust

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Thank you.

Regards,

Didier Sin

Project Assistant

T 778 207-9977

E didier.sin@silvabay.com

www.silvabay.com



Office: 106-7337 North Fraser Way, Burnaby, BC V5J 0G7

Marina: 3383 South Road, Gabriola, BC V0R 2X7

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Regards,

Lisa Millard

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MARINA MANAGER

T 250 247 8662

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Office 6055 - 4000 No. 3 Road, Richmond, BC V6X 0J8

Marina: 3383 South Road, Gabriola, BC V0R 3X7 VHF 66A

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Jamie Leigh Hopkins

Development Services Officer

BC Ministry of Transportation and Infrastructure

Vancouver Island District

Office: (250) 734-4825

Jamie.Hopkins@gov.bc.ca



Ministry of
Transportation
and Infrastructure

Hopkins, Jamie TRAN:EX

From: Warren Dingman <wdingman@islandstrust.bc.ca>
Sent: January 10, 2020 2:30 PM
To: Hopkins, Jamie TRAN:EX
Subject: RE: RE: Silva Bay Marina, Gabriola

Hi Jamie:

Are you able to forward a copy of the permit?

Warren Dingman
Bylaw Compliance & Enforcement Manager
Islands Trust
200-1627 Fort Street, Victoria, BC V8R 1H8
Direct: 250-405-5196 Bylaw Enforcement Office: 250-405-5175
wdingman@islandstrust.bc.ca

Enquiry BC Toll-free call 1-800-663-7867
or from the lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustconservancy.ca
Preserving Island communities, culture and environment since 1974

From: Hopkins, Jamie TRAN:EX
Sent: Friday, January 10, 2020 2:27 PM
To: Warren Dingman
Subject: RE: RE: Silva Bay Marina, Gabriola

Good Afternoon Mr. Dingman,

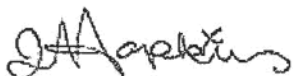
The Ministry has communicated with the owners at Silva Bay Marina, who were able to produce their existing permit for the waterline in our right-of-way along with the location map.

At the Ministries request they have submitted an updated application package, and have been issued an updated permit for the existing waterline.

We do not issue license of occupations for these services, as requested in the Islands Trust letter received December 18th 2019.

If you have any further concerns please give me a call,
Thank you,

"If you are applying for a permit, please allow for a period of **14 days** prior to receiving a reply. For more technical permit applications which may require review by our District Engineer, we request a period of **30 days** to complete our assessment and reply. Please note that these time frames are not always guaranteed."



Jamie Leigh Hopkins
Development Services Officer
BC Ministry of Transportation and Infrastructure

Vancouver Island District
Office: (250) 734-4825
Jamie.Hopkins@gov.bc.ca



Ministry of
Transportation
and Infrastructure

From: Hopkins, Jamie TRAN:EX
Sent: December 19, 2019 9:56 AM
To: 'wdingman@islandstrust.bc.ca' <wdingman@islandstrust.bc.ca>
Cc: Yancey, Stefan G TRAN:EX <Stefan.Yancey@gov.bc.ca>
Subject: RE: Silva Bay Marina, Gabriola

The Ministry has received the letter sent by the Islands Trust December 17th 2019.
We will follow up with the Marina as requested regarding a permit for the water line.

Warm regards,

"If you are applying for a permit, please allow for a period of **14 days** prior to receiving a reply. For more technical permit applications which may require review by our District Engineer, we request a period of **30 days** to complete our assessment and reply. Please note that these time frames are not always guaranteed."

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