



MEETING MINUTES
MOSQUITO CREEK MARINA (MCM) MOORAGE CUSTOMER GROUP MEETING:
BOAT SHEDS (NON- LIVEBOARD)

Wednesday, January 31, 2024 | 7:30 PM -8:30 PM
 Holiday Inn & Suites North Vancouver

STAFF REPRESENTATIVES PRESENT

Gary Muuren EVP Operations & HR, Nch'kay
 Tai Nguyen VP Operations, Nch'kay
 Shawna Baker General Manager, Marina Operations, Mosquito Creek Marina
 Quinn Schneider External Marina Operations Manager, Mosquito Creek Marina

MEETING AGENDA

1. Welcome and introductions
2. Background/overview of what is happening and why
3. Specific impact on the stakeholder group
4. Questions (general; not specific to personal/individual situation)
5. Meeting concludes.

NOTE TO READERS: These Minutes are offered as a substantive summary, and not as a transcript of the subject MCM Moorage Customer Group Meeting.

MEETING SUMMARY

Speaker	Summary
Tai Nguyen	Welcomed attendees and introduced team. Went over housekeeping. Advised MCM moorage customers to send questions pertaining to individual circumstances to enquiry@mosquitocreekmarina.com or info@mosquitocreekmarina.com .
Gary Muuren	<p>Provided summary/recap of the background and other information previously shared:</p> <ul style="list-style-type: none"> • Summer of 2023 a dock review was conducted by Nch'kay Operations team identifying repairs to be conducted in 2024. • Subsequently a marina condition assessment was conducted by an independent surveying company. • The surveying firm concluded that the majority of the MCM docks were at the end of life. Repairs were no longer possible/not viable. • The Engineer of Record required the south end of Dock C undergo urgent interim maintenance to temporarily secure the marina during the winter. The repairs would grant MCM an additional 6 months before condemning certain sections of the marina.

- Moorage customers were informed immediately of the required repairs and end of marina operations for safety reasons.
- Decommissioning and disassembling of the marina will begin in June 2024.
- Some Float-Homes, Live-Aboard Boatshed and Live-Aboard Boat moorage customers will be moved to secure docks while all non-Live-Aboard Boatshed and Boat moorage customers must vacate the marina by end of day May 31, 2024.
- Live-Aboard Boat and Live-Aboard Boat Shed moorage customers are being given extensions during this process to find alternative places. Details will follow by the end of February.
- No exceptions are being made except for Live-Aboard and Float-Home moorage customers.

Updates:

- We have received a couple of proposals on how we can address the MCM marina condition. Nch'kay Development Corporation and the Squamish Nation are focused on addressing the immediate priorities of assessing and ensuring the safety and security of the Marina and its customers. Nch'kay and the Nation will carefully consider all feasible options for the future use of the marina site as a portion of the Nation's Reserve lands. Based on advice from our legal counsel, Nch'kay will not at this time commit to engage with any group of project proponents for the possible future use or redevelopment of the marina site.
- Decommissioning and disassembling of the marina will begin in June 2024.
- Some Float-Homes, Live-Aboard-Boatsheds and Live-Aboard Boat moorage customers will be relocated within the marina to secure docks while non-live-aboard boatshed and boat moorage customers vacate the marina by end of day May 31, 2024.
- Non-Live-Aboard moorage customers are being given extensions during this process to find alternative places. Details will follow by the end of February 2024. No exceptions will be made for non-live-aboard boatsheds and boat moorage customers.
- There have been various rumors circulating (e.g., partnering with the Aquilinis, selling the marina to the Aquilinis, putting up condos, putting up a hotel, etc.). These are not true.
- All equipment must be removed May 31; this is a hard deadline. If you haven't removed your boatshed or boat by May 31, 2024, you are mooring in an unlicensed slip and MCM will be required to deal with the vessel. More details will follow on what that could amount to.

Question	<p>Why can't there be a waitlist for current tenants, even if a marina may not be viable for maybe over four years, or even if we know, maybe there may not be yet a marina, but just know that if there was one, we would have some priority.</p> <p>A: We are unable to make any commitments about the future of the site that we can't guarantee that we can uphold. We don't want to create any expectations.</p>
Question	<p>How hard is that May 31st deadline? Each owner would have their own circumstances in terms of the practicalities.</p> <p>A: The May 31 deadline is firm; we cannot extend beyond it.</p>
Question	<p>Do you recommend that we take independent legal counsel?</p> <p>A: We cannot make any recommendations.</p>
Question	<p>Has the Council of Squamish Nation approved all of these actions?</p> <p>A: The Squamish Nation is informed. We cannot act on this without involving the Nation.</p>
Question	<p>You say that you're going to replace all the pilings that you pull out. They're demolished, right?</p> <p>A: We are going to replace the piles at the end of C- Dock.</p> <p>Follow-up Q: A new dock for C Dock, is that correct?</p> <p>A: No, not correct. C-Dock is no longer going to be in existence after May 31, 2024, as we will be taking it apart. We are executing interim emergency repairs. We are not building a new C-dock.</p>
Question	<p>Q&A document says that you have no conceptual detailed plans for any development.</p> <p>A: That's correct.</p>

Question	<p>Sheds purchased from Mosquito Creek have written permanent moorage in their agreement and others bought from third party paid transfer fee that went along with it.</p> <p>Why were the docks not maintained over the last 20 years? Because all of us could see that we're paying these fees, which were market rate fees, and none of that money was going in to maintain those docks. And that has caused an impact on the value of our assets. We paid transfer fees that we have no benefit from anymore and we're now facing a situation where we have to find a place to put a shed. What is the culpability that you feel as a group to compensate people for the lost of value of our assets and for the negligence of Mosquito Creek and the band not maintaining the marina?</p> <p>A: All current Mosquito Creek moorage agreements are time-limited moorage licences. Moorage licenses do not grant any right for moorage customers to continue in occupation of their berths beyond their current expiration. Moorage customers have no entitlements to any interest of the Nation's reserve land.</p> <p>Moorage customers are obligated to remove all of their own property, boat sheds, vessels, and all other personal property from the marina by their respective expiration date under their moorage agreements. All such personal property is and will continue to be owned by the moorage customer.</p> <p>Mosquito Creek has no obligation to compensate owners in connection with the removal of their properties from the marina.</p> <p>Follow-up Q: To be clear, the situation of granting permanent moorage was for some customers that were purchasing sheds from Mosquito Creek, and it was written into their contracts and I'm just letting you know with us that was suggested.</p> <p>A: We would need to see those agreements and review them. Please provide us with a copy of such an agreement to review.</p>
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<p>Question</p>	<p>It was indicated that the marina was not economical to replace some of the docks. And as you know, a group sent a proposal to you indicating that a number of us in the marina were willing to fund the money to build docks and some of the group members have experience in building docks.</p> <p>Why in the answer do you indicate it wasn't economically viable to do it? And then on the other side you're saying, well we don't know what we're going to do.</p> <p>A: Nch'kay Development Corporation and the Squamish Nation are focused on addressing the immediate priorities of assessing and ensuring safe and security marina and its occupants. Nch'kay and the Nation will carefully consider all feasible options for future use of the marina site as a portion of the Nation's reserve lands. Based on advice from legal counsel, Nch'kay will not at this time engage with any group of project proponents for the possible future use or the redevelopment of the Marina.</p>
<p>Question</p>	<p>Why A-Dock and most of those assets that we have are along A Dock, anchored to the piles on A dock cannot remain in place?</p> <p>A: We need to utilize A-Dock and move some of the Float-Homes and Live-Aboard moorage customers there.</p> <p>Follow-up Q: Why couldn't you do the repairs in phases?</p> <p>A: The decision was made not to use a phased approach because the existing marina design is no longer appropriate for the circumstances. Rebuilding the marina is not financially viable.</p>

Question	<p>I have been at the Marina for 17 years. Your annual report of 22, which came out in the spring of 23, it says clearly that you're going to undertake the engineering study, which you did. It also says that you're going to build it out as world class marina. So it's stated in your annual report but yet there is no plan?</p> <p>A: Our 2022 Annual Report was published prior to us receiving the marina condition report. We did not know the marina would have to be condemned.</p> <p>Follow-up Q: Are you still going to build a world class marina?</p> <p>A: We don't know what the future of the marina will look like. The news was surprising and devastating to us as well. With everybody leaving the marina, there's going to be a significant financial impact to the Nation as well. It's going to be a long process to decide what will happen in the future.</p>
Question	<p>Lots of sheds will be abandoned. Is compensation in your process or not?</p> <p>A: Again, there will be no compensation.</p>

Question	<p>Q: There are no spaces in BC to place boat sheds. A lot of boat sheds will be abandoned come May 31. What is the band and the development corporation's plan for dealing with abandoned boat sheds?</p> <p>A: We don't have a complete answer for that yet. What we do know is that after May 31, vessels are no longer supposed to be in the marina. We will have to take action to ensure that vessels don't become derelict and don't impede the work that needs to be done in the marina.</p>
Question	<p>Will the band, development corporation, the appropriate authority, undertake verbally or in writing, not to sue us for not taking our boat sheds away?</p> <p>A: I can't answer that. We will need to take necessary action.</p>
Question	<p>Docks were in bad shape 20 years ago, why were they not maintained?</p> <p>A: Maintenance was done over the years. The marina has reached its end of life.</p>
Question	<p>To what extent is the corporation willing to incorporate this feedback into their implementation plan? Could you take the feedback in your debrief?</p> <p>A: I will include in the debrief your proposal but there is no commitment further than what I've read to you. Nch'kaý Development Corporation and the Squamish Nation are focused on addressing the immediate priorities of assessing and ensuring safety and security for the marina and its occupants. Nch'kaý and the Nation will carefully consider all feasible options for future use of the marina site as a portion of the Nation's reserve lands. Based on advice from legal counsel, Nch'kaý will not at this time engage with any group of project proponents for the possible future use or redevelopment of the Marina.</p>
Gary	Meeting adjourned