

To: Meagan Wilson (Projects and Trails Coordinator, City of Whitehorse)
From: Keith Lay (Active Trails Whitehorse Association)
Date: May 26, 2021

Please note that photos 1-5 will be sent via separate email.

Recently I received a copy of an email you sent to an associate concerning signage on Heartbreak Hill.

Apparently, the original signage, which clearly stated that, "*All motorized vehicles [were] prohibited,*" was vandalized and has now been replaced by a sign which simply says that, "*All-Terrain Vehicles prohibited.*" **(See Photo 1 Heartbreak Hill Trail.)** This would suggest that snowmobiles are now permitted to use the entire Heartbreak Hill trail in winter.

In your email you state that, "As Heart break hill is not on the list of excluded trails, snowmobiles are allowed on it."

It is correct to say that Heartbreak Hill is not on the list of *Excluded Trails* listed under Schedule "E" in the Snowmobile Bylaw. However, this section of the bylaw *did not exist* until the bylaw was changed in 2018, long after the EYR Trail Plan was approved, although the Millennium Trail, "a ski trail" and "an area designated as environmentally sensitive" were listed under the section in the bylaw entitled, *Permitted or Excluded Areas*.

The City of Whitehorse approved the East of the Yukon River Trail Plan in January of 2014. (See <https://www.whitehorse.ca/home/showpublisheddocument/8958/636356262251670000>.)

At that time "Council [adopted] the Motorized Multiple Use trail designations as recommended for the East Side Yukon River into the Trail Plan." (Council Administration Package)

The applicable map is entitled, East Yukon River *Motorized* Multi-Use (MMU) Trail Plan Map. All trails that City Council approved for motorized use East of the Yukon River are clearly indicated on the map. Again, the Heartbreak Hill trail is *not* one of those.

On the map to which I refer it states that, "Trails are City of Whitehorse designated Non-motorized multi-use trails, *unless indicated otherwise.*"

This statement confirms that in the approval and designation of the MMU trails indicated on the map, City Council was also approving and designating all other trails outlined on the map and not already listed in Section "C" of the Snowmobile Bylaw, as non-motorized multi-use trails *year round*.

It would have been pointless to go through the long and much involved EYR Trail Plan process if at the end of it, *all* trails in the area other than the ones *already protected* at the time from motorized use under Section “C” of the Snowmobile Bylaw, namely the Chadburn Lake Ski Trails, Magnusson Ski Trails, and the Biathlon Ski Trails, were to be open to motorized use of any type.

Indeed, in the City’s introduction to its own survey entitled, *East Yukon River Motorized Multi-Use Trail Network Plan Resident/Trail User Survey*, it defined Non-motorized trails as “trails designed for non-motorized use only.”

There was no suggestion in the survey introduction that trails East of the Yukon River would be open to snowmobile use if designated as non-motorized. Those responding to the survey would have based their responses on this definition.

The goal of the EYR Trail Plan was to clarify once and for all where motorized users could recreate in the area, and to give better protection to the remaining trails and to all Environmentally Sensitive Areas (ESAs) within the region. (Please note I sat on the EYR Trail Task Force representing the Non Motorized Trail Advocacy Group, a group that eventually became ATWA.)

Just because the City did not carry through with adding all the trails not designated as motorized in the EYR Trail Plan into Schedule “E” of the Snowmobile Bylaw does not make them *less* non-motorized and open to snowmobile use.

Of course, as previously mentioned, there was no *Excluded Trails* section in the Snowmobile Bylaw of the time to which such trails could be added, which may well account for the *omission*.

There are a number of trails East of the Yukon River and in other areas of the City of Whitehorse that are signed non-motorized summer *and* winter, and yet are not included in Schedule “E” of the Snowmobile Bylaw. Some examples follow:

(See Photo 2: Pee Wee Hill.)

(See Photo 3: The Hidden Loop trail.)

(See Photo 4: The Lakes Trail.)

One section of the so-called “Great Trail” or TCT in Porter Creek is also signed in a similar manner, and indicates that snowmobiles are not permitted in winter. (This section runs off the paved trail south of the Power Line, past the Arts Centre and down to the YTG building.) Yet, this section is not listed under Schedule “E” of the Snowmobile Bylaw.

Photo 5 is of another trail in Porter Creek that is signed non-motorized (summer and winter), and one that took years to get signed as such. It is also not included in Schedule “E” of the Snowmobile Bylaw.

We have approximately 29 kilometres of paved trails in the city. They are known as active transportation/recreation trails and almost all were paid for under the gas tax grant program.

A few are open to motorized use, one of which is the Hamilton Blvd. paved trail. The Pine St. Extension paved trail is another one.

Both have signs indicating they are *multi-use* and feature the image of a walker and a snowmobile.

This indicates that *only those* paved trails that have signs indicating that they are open to motorized use are MMU trails, and that all the rest are non-motorized summer and winter. However, these trails are not included in Schedule “E” of the Snowmobile Bylaw.

My point that is that just because such trails (including the Heartbreak Hill trail) are not included in Schedule “E” of the Snowmobile Bylaw, it does not mean that they are *not* non-motorized in winter. As to why these trails and others in the city so signed were not listed in the Snowmobile Bylaw after Schedule “E” was added to the bylaw in 2018, one can only wonder.

However, the time and cost to the City of opening up the Snowmobile Bylaw several times to amend it in order to include each of these trails, might have something to do with it.

In any case, we now have a new Trail Plan with new definitions of both a non-motorized multiple use trail and a motorized multiple use trail, which frankly makes this whole discussion moot.

Now, all motorized multiple use trails have to be “*designed and designated* by the City to be used by *both* non-motorized and motorized users including snowmobilers.” So if a trail has not been designed and designated by the City as an MMU trail then it is (by definition) a non-motorized trail summer and winter . . . period!

The new Trail Plan states that non-motorized multiple use trails are to be used “by a variety of *non-motorized users*.” Now, “no” means “no” when it comes to winter snowmobile use of non-motorized trails. There is no longer any need for an *Excluded Trails* section in the Snowmobile Bylaw.

Any trail found on the City’s soon to be updated and improved *Motorized Trail Map* would be open to motorized use: snowmobiles in winter, and ATVs and dirt bikes in

the summer. Any trail not found on the map would be considered to be a non-motorized multiple use trail all year round.

The only trails that have to be formally “designed and designated” by the City will be motorized multiple use trails that accommodate both motorized and non-motorized users.

As the approved Trail Plan claims that it will “build upon and integrate existing policies, bylaws, management plans, memoranda of understanding[s], and safety documents associated with City trails,” the Snowmobile Bylaw must now be amended to reflect the intent of the new trail plan’s definition of a motorized multiple use trail and that of a non-motorized multiple use trail.

As for the new sign on the Heartbreak Hill trail, we would ask for all the reasons stated, that it be replaced with one that reflects the intent of the original sign, the intent of the EYR Trail Plan, and the intent of the new Trail Plan, namely that the trail is off-limits to motorized use in both summer and winter.¹

Sincerely,

Keith Lay (Active Trails Whitehorse Association)

www.activetwa.org

May 27, 2021

¹ It is difficult to imagine that due to its gradient that the Heartbreak Hill trail could ever be considered as one that was *designed* for snowmobile use in a regional park.