

- Administration's proposed changes to the *Trail Maintenance Policy* to address what currently appears to be a minor problem, (only two rogue trails have been publically reported in the last two years), may well result in an increase in the number of rogue trails constructed.
- Administration has used the example of *2nd Gen* to illustrate the need for changes to the *Trail Maintenance Policy*, in that the people who built *2nd Gen* were not aware of the trail application process. If this is case, then administration should first address *that issue* rather than propose changes to the recently updated (Feb. 09, 2015) *Trail Maintenance Policy*.
- Newspaper reports suggest that administration believes that those involved in the construction of the rogue *2nd Gen* trail were enthusiastic innocents. ATWA finds that hard to believe. Yes, they may have not known about the trail application process, but surely in this day and age they would realize that what they were doing was not an acceptable activity. Both schools and society as a whole teach us to respect our environment.
- Administration proposes changing the *Trail Maintenance Policy* to allow for the *approval* of rogue trails. The changes do not provide for the *closure* of rogue trails, *only for their approval*. There is no option in Sec. 26 for *closure*. In effect, in ATWA's view administration is suggesting the creation of a *Rogue Trail Approval Process*.
- What happened to those who built the illegal *2nd Gen* trail? According to the Whitehorse Star, administration put them in touch with the CMBC "to further pursue their efforts." (June 21, 2016 Whitehorse Star article by Stephanie Waddell) According to administration this was a more positive approach than simply "slapping them with a fine."

ATWA would agree, if the approach included getting those responsible to work with the City's trail crew to repair (as best as possible) the damage. That would be a learning experience. They would learn why the trail they built for mountain biking purposes was not up to the required standards for such a trail. They would learn about the impact their activities had on vegetation, wildlife, bird life, other trails in the area, and other users. They would learn what has to be done in an effort to repair the damage incurred. They would learn about the trail application process. (At the very least they should have been required to observe the rehabilitation process, if there are legal/liability concerns with having such people work with a City Trail crew.)

- There should be no "consultation and cooperation with rogue trail builders" with the goal of *approving the illegal trail* that they built. This is what could easily happen if the proposed changes are approved, and is not the message that the City should be sending its citizens.

- All illegally built trails should be closed down and repaired (as best as possible). If the builders of rogue trails are identified they should be subject to the penalty provisions of the *Parks and Public Open Space Bylaw*, or put to work with the City's trail crew in an effort to repair the damage incurred, or at least to observe the rehabilitation process.
- Administration's proposed changes would make rogue trail construction even more likely to occur, as it gives rogue trail builders one more reason to pursue their illegal activities.
- Rogue trail builders are often aware of the existence of a trail application procedure. However, they know that approval could take some time and they want the trail built immediately. They also know that their application could be denied. So, they decide to avoid the legal process and start construction.

They count on the following possibilities: it may be some time before the authorities are informed of the existing illegal trail, and by that time it is in active use and more difficult to close; the local authority may not have the funds to have the trail closed and remediated; its trail crew may be too involved in working on legal trail creation and/or on trail maintenance. Hence, the trail remains and we have a *fait accompli*.

Rogue trails should be closed permanently and rehabilitated with *no possibility of future approval*. Why does ATWA suggest the inclusion of the words in italics?

What can happen is that an illegal trail is built, but the builder is not identified. The existing authorities close the trail. However, those who might benefit from its existence know about the trail. Someone (could actually be the rogue trail builder) will then approach an existing club or trail steward and ask them to put forward an application to turn the former rogue trail into a legal trail. The application has a good chance of being approved if promoted by a well-known association.

If the words "no possibility of future approval" were included in the TMP, any potential rogue trail builder would know that such trails will always be closed and rehabilitated, and will never be considered as potential legal trails in the future. Therefore, they are not only hurting themselves, but also others who might at some time see potential in developing a legal trail in the area.

Administration's proposed changes to the *Trail Maintenance Policy*, will establish a means to do an *end run* around the Trail Application process.

Active Trails Whitehorse Association has included its recommended changes to the *Trail Maintenance Policy*. (Please see our other attachment.) in a second document. ATWA also recommends the following:

- a) Ensure the public is made better aware of the manner in which new trail creation projects are to proceed.
- b) Ensure the public is made aware of the provisions of the new *Parks and Public Open Space Bylaw*, which mention the activities that may result in the application of penalties.
- c) Direct administration to ensure that all reported rogue trails will be closed and efforts made to restore the impacted area.
- d) Direct administration to review the current trail application process in an effort to improve and clarify the procedure, and to improve public involvement in the activity.

ATWA appreciates members of the WTGC taking the time to review our two documents before considering administration's proposed changes to the *Trail Maintenance Policy*.

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