Subject: [Fwd: Fromme Mt. trails]
Date: Sun, 06 Feb 2005 20:26:43 -0800
From: Brian Platts <bplatts@shaw.ca>
To: Corrie Kost <kost@triumf.ca>

Subject: Fromme Mt. trails
Date: Sat, 05 Feb 2005 00:50:51 -0800
From: Tom Mackesy <tmackesy@shaw.ca>
To: Janice_Harris@dnv.org, Barry Potvin <bpotvin@dnv.org>, charlene grant <cgrant@dnv.org>, richard boase <rboase@dnv.org>, susan rogers <srogers@dnv.org>, DNV council <dnvcouncil@dnv.org>
CC: fonvca@fonvca.org

Dear Mayor, Council, and District Staff

I am not a resident of the District of North Vancouver. However, I have had the pleasure of visiting the District on several occasions with the purpose of enjoying the mountain bike trails in the Mt. Fromme area. I have also spent literally thousands of dollars at bike shops and other businesses in the District. I have provided input as a user of the area through the Alpine Recreational Strategic Study. This study was necessitated by the valid concerns of residents over parking issues. I have the utmost respect of the city planners and staff who are partaking in this process. When I left the public meeting (Alpine Study) on November 18, 2004, I felt the process was moving in the right direction. The District seemed comitted to providing access for ALL user groups (hikers, equestrian, mountain bikers) and provide the necessary facilities (parking, etc.) needed for those services, and to reduce the impact felt by residents of the area (parking issues).

After reading about the Council meeting held on January 31, 2005 on NSMB.com and reported in The Province newspaper, it now seems that the whole process has been derailed. A very small minority of residents who are intent on preventing mountain bikers from accessing this public area, have clouded the issue. Rather than working with district staff, they wish to go back to square one. Rather than providing amenities for EXISTING uses of public land, they wish to exclude a user group by any means necessary. They have raised environmental issues which are not be based on scientific fact. To suggest that mountain bikes and trails have caused more damage to the eco-system and animal habitat in the Mt. Fromme area than the construction of the homes they live in and the emissions of their cars, lawnmowers, gas trimmers, and leaf-blowers is questionable. They are also clouding the issue by manipulating the District's concern over liability issues. The Occupiers Liability Act, while untested in any court cases, absolves the District of liability.

taken from the Occupers Liability Act

(3.2) ***A person who enters any of the categories of premises described in subsection (3.3) is deemed to have willingly assumed all risks and the occupier of those premises is subject only to the duty of care set out in subsection (3) if***

(a) the person who enters is trespassing, or

(b) ***the entry is for the purpose of a recreational activity and***

(i) ***the occupier receives no payment or other consideration for the entry or activity of the person, other than a payment or other consideration from a government or government agency or a non-profit recreational club or association, and***

(ii) the occupier is not providing the person with living accommodation on those premises.

(3.3) The categories of premises referred to in subsection (3.2) are as follows:

(a) premises that the occupier uses primarily for agricultural purposes;

(b) rural premises that are

(i) used for forestry or range purposes,

(ii) vacant or undeveloped premises,

(iii) forested or wilderness premises, or

(iv) private roads reasonably marked as private roads;

(c) ***recreational trails reasonably marked as recreational trails;***

(d) utility rights of way and corridors excluding structures located on them.

It is my hope that this issue gets back on track, and funding for the parking lots is approved. I hope to be able to continue to participate in the Alpine Recreation Strategic Study and other public forums. I hope to be able to continue to visit the District, spend my hard-earned money there, and participate in trail maintenance activities.

Sincerely,

Tom Mackesy
Surrey, B.C.