

The Heathens Club
125 B Taylor Way
Campbell River, BC
V9W 3A7
Ph: (250) 287-4611

February 25, 2017

Attn: Kristine Heaney
Re: Letter of January 30, 2017

There appear to be some subtle but important inaccuracies in your letter which summarizes our club's dispute with BC Parks. Perhaps I can add some perspective.

As I have asserted, the Ministry has often been dishonest with us and it seems that they have paid the Ombudsperson's office the same disservice. One item particularly struck me: the point that states "In August 2015 you were approached by BC Parks with a compromise regarding the volunteer sign-up process. In response to your concerns regarding the amount of paperwork required, you were offered a 'Multiple Individual Sign-up Form' as an option."

Some Compromise! Bear with me while I walk you through the administration regime that was suggested in the August 4th proposal.

To begin, I took an average of the number of annual work days completed by our volunteers over the decade preceding December of 2014. I arrived at the number 96, but I'm a lazy mathematician so I rounded the number up to 100 (one year two members of our club did more than 150 volunteer days). These workdays averaged three participants per day and involved an average of 39 individuals annually.

A very large number of the workdays involved a single member or a pair of workers whereas a much smaller number of workdays involved six participants or more. The largest number of volunteers that ever attended a single workday was 49. (This day was not included in the average because it occurred in 1999).

I imagined having to complete the required paperwork for a pair of scenarios. The first would involve a workday for a party of six while the second speculated on the process required to facilitate an average year of 100 workdays averaging three participants per day.

Important note:

Refer to the "Insurance Coverage" section on page 4 of Don Cadden's August 4th, 2015 letter where it is stated, "...coverage is...dependant on volunteers complying to the terms and conditions of the agreements, most notably; *only performing authorized work and complying with HMC Safety Plan*" (emphasis added). This means that, in order for the club to practise due diligence on behalf of its volunteers, the required work and safety plans must be written in exhaustive detail to ensure that the insurance company has no room to wriggle out of their coverage obligations. We allowed four pages for the "average" work or safety plan in this exercise, but that may be a very conservative estimate.

The administration plan for one workday with six volunteers:

1) A pre approved Project Description Form (P.D.) will be filled out. This document is extensive and includes:

- An extremely detailed work plan (page 1 of the P.D. form) 4 pages
- A list of necessary tools and materials (page 3 of the P.D. form) 1 page
- A list of potential short and long term impacts (page 4 of the P.D. form) 1 page
- A list of possible mitigations (page 5 of the P.D. form) 1 page
- A table of anticipated costs (page 5 of the P.D. form) 1 page
- An extremely detailed safety plan (page 6 of the P.D. form) 4 pages

2) The club volunteers arrive at a worksite with a pile of documents they are obligated to provide. The club provides a “Multiple Individual Sign-up Form” (Multiple), but before they sign, potential volunteers must “read, understand and be provided with”, additional documents:

- The “initial” Multiple form 1 page
- 6 copies of the Ten Year Plan (one per volunteer as required in The Multiple) 60 pages
- 6 copies of the Workplan (one per volunteer as required-Multiple) 24 pages
- 6 copies of the Safety Plan (one per volunteer as required-Multiple) 24 pages
- 6 copies of the other lists and tables (one per volunteer as required-Multiple) 24 pages

Once the volunteers have read and understood these documents, they can then sign the Multiple.

3) Attached to the Multiple is a “Volunteer Group Project Sign-in Sheet” (Sign-in) that must be filled out. It requires that personal and emergency contact information be recorded (a capacity of six volunteers per sheet). On it is a stipulation that the volunteer must have “read, understand and be provided with a copy of the “Individual Volunteer Services Agreement (IVSA)”, so the club must provide this document as well:

- 1 copy of the Sign-in 1 page
- 6 copies of the “IVSA” (one per volunteer as required by the Sign-in) 18 pages

4) Identical pages of administration would be required for Ministry and Club record keepers. Each would require a work plan, safety plan, lists and tables, Multiples and the Sign-ins.

The result is that for every six person workday, the club would have to provide and handle 192 pages of administration (much of it in rainy, windy, muddy conditions) which averages out to 32 pages of paperwork per volunteer!

Now for fun, let's spin that over an average Heathen's work year:

The administration for one "average" year is as follows:

1. The "Ten Year Plan" is resubmitted and approved (note that this document only covers a portion of the crags which means that work proposed for other areas or after unexpected events would require an additional application process).

➤ The Ten Year Plan (Ten Year) 10 pages

2. There will be 100 P.D. forms to be filled out including

➤ 100 detailed work plans as required (page 1) 400 pages

➤ 100 tools/materials lists as required (page 3) 100 pages

➤ 100 potential impacts lists as required (page 4) 100 pages

➤ 100 mitigation lists as required (page 5) 100 pages

➤ 100 costs tables (page 5) 100 pages

➤ 100 detailed safety plans as required (page 6) 400 pages

➤ At least one time and work summary as required by January 31st every year (page 4) see below

➤ Possible additional annual summaries see below

3. 100 "Multiples" will need to be provided by the club, including:

➤ The Multiples themselves 100 pages

➤ 39 copies of the Ten Year (1 per volunteer as required-page 2) 390 pages

➤ 300 copies of the Work Plans (1 per volunteer per day as required-pg 2) 1200 pages

➤ 300 copies of the Safety Plans (1 per volunteer per day as required-pg 2) 1200 pages

Note: once again, these documents are to be provided to the potential volunteer before the Multiple is signed. (We will assume that volunteers don't need the lists and tables, but if they do, then 400 more pages must be added to the total.)

4. Next is the Sign-in sheet and its IVSA stipulation, therefore:

- 100 sign-ins 100 pages
- 300 copies of the IVSA (1 per volunteer per day as required-Sign-in) 600 pages

5. Annual summaries will require at least a page to record the volunteer hours and about a page to summarize each day's work (as required on page 4-P.D.):

- At least one time and work summary 101 pages

The consequences to the various participants in the proposed agreement are quite profound. Of course, the club would keep a copy of the listed documents for their records (but to be prudent, the club should also keep a second version in a separate location to guard against the possibility of fire, etc):

- | | |
|-------------------------------|--------------------------------|
| ➤ 100 Multiples (100 p) | ➤ 100 impact lists (100 p) |
| ➤ 100 Workplans (400 p) | ➤ 100 mitigation lists (100 p) |
| ➤ 100 Safety Plans (400 p) | ➤ 100 cost tables (100 p) |
| ➤ 100 Sign-ins (100 p) | ➤ 100 tools lists (100 p) |
| ➤ Minimum of/ Summary (101 p) | |

The Ministry would require copies of the following documents for their records:

- | | |
|----------------------------|--|
| ➤ 100 Multiples (100 p) | ➤ 100 mitigation lists (100 p) |
| ➤ 100 Workplans (400 p) | ➤ 100 cost tables (100 p) |
| ➤ 100 Safety Plans (400 p) | ➤ 100 tools lists (100 p) |
| ➤ 100 Sign-ins (100 p) | ➤ Minimum of/ Summary (101 p) |
| ➤ 100 impact lists (100 p) | Potential additional proposals and summaries |

The club would be obligated to supply, print, store, transport and file the following forms and documents-probably in foul weather:

- | | |
|---|---|
| ➤ 100 Multiples | ➤ 300 Safety Plans(one per volunteer per day) |
| ➤ 39 Ten Years (one per volunteer) | ➤ 100 sign-ins |
| ➤ 300 workplans (one per volunteer per day) | ➤ 300 IVSA (one per volunteer per day) |

The totals of all these requirements:

- Over 6400 pages of paperwork for an average year
- Almost 4900 pages handled by the club including 3890 pages that would have to be processed on-site
- Over 1500 pages handled by the club but stored by the Ministry
- Over 164 pages per volunteer, or over 64 pages per workday
- The Ministry requires that the documents are retained for seven years beyond the termination of the agreement, which would result in the club handling some 64, 000 pieces of administration per decade. (An agreement could potentially last a lifetime-if a "lifetime" is 40 years, then the result would be up to 256, 000 pages of documentation stored for 47 years!).

Further:

- I estimate that if I really hustled, I could process the 64 pages required for one workday in about 8 hours (8 pages per hour). To administrate 100 workdays would then require 800 hours. Each year, the club's 100, 8 hour workdays require exactly the same amount of time, meaning that if the club accepted this regime they would have to at least double their efforts just to complete the average years work!
- Of course, this does not include the administration and organization work we already undertake at Crest Creek, nor our several other projects outside of Strathcona, and in other provincial parks.
- Additionally, this accounts for only the "paperwork". The actual "administration" for this regime would also include the recruitment of suitable volunteers, their supervision, a storage space to accommodate the files and a computer expert and web connection (to cut down on the paper as much as possible) would have to be acquired and paid for.

Final notes:

- Imagine storing and filing this stuff-what if you have to move?
- This is the MINIMUM administration requirement, in practise it could be much larger.
- This scenario does not include proposals for unforeseen work or projects outside the Ten Year.
- This does not include the Risk Management document referred to in the insurance document addenda to the Aug. 4th letter.
- There is so much redundancy. For example, there are two annual summaries proposed in the P.D.; the Ten Year we are trying to get approved is comprised of repairing trail projects the Ministry has previously approved, and the projects would be described in the Ten Year, the Work Plan, the Safety Plan, the Multiple, the "impacts and mitigations" lists and at least one annual summary! I mean, really, how many times do you need to describe the same project?
- How about the irony that BC Parks would not receive the emergency contact info collected on the "Sign-ins" until the Multiple is due at BC Parks "...within 14 days of project completion", at least a day after an accident would have already occurred (they really care about us volunteers!). (August 4th letter, page 2, point 3)

- If all this is a “compromise”, I’d love to see the regime they are comparing this proposal to! To begin with, the August 4th proposal is the only volunteer agreement proposal we received from the Ministry regarding Crest Creek so how can they describe it as a compromise? We did see a document in November of 2013 that was an agreement between the Ministry and the Back Country Horsemen Society of BC, located in Cobble Hill, that bears little resemblance to the “Cadden” proposal. This sample document, though missing an important addendum (schedule G) features a much more reasonable administration load than the “compromise” offered by the Regional Director. I have a copy of the sample (and the club’s response) if you would like to compare the two proposed regimes.

So, why are BC Parks trying to pass off the August 4th proposal, which would more than double our administration burden, as a “compromise” and a “response to your concerns regarding the amount of paperwork required”, to the office of the Ombudsperson?

With regard to the rest of what is mostly an excellent summary, there are still some minor inaccuracies that I may be able to help clear up. The following points refer to paragraphs of your summary letter:

- Paragraph 4: First it should be mentioned that the club was never in negotiations related to pre-approval of new trail routes. The reality is that the entire plan in question is old trail that was previously approved by the Crest Creek Steering Committee in the 1990’s.

Even though the condition that volunteers not work alone seems silly in light of the fact that exploring dangerous terrain while hiking or mountaineering alone in the Park is commonplace, and hundreds of days have been worked by solitary volunteers without incident, this is not a primary concern for the club. (I noticed the last time Andy Smith was at Crest Creek for an inspection he was working alone!)

By contrast, the confidentiality agreement clause is counter to the charter of rights and freedoms and should offend all Canadians, but there is much more to object to. I listed these objections in a letter I sent to Dave Baar (please find attached) to which I refer you for background.

In any case, it’s hard to describe the limited contact we had with the Ministry over the timespan of the dispute as “negotiations” for several reasons:

- They only ever issued one proposal and never made any concessions.
- The Ministry never provided us with the contact information of their legal advisors so we could subject their decisions to the scrutiny of a second legal opinion.
- Only two meetings of a couple of hours each were held about Crest Creek; one in July of 2014 and one in February 2015.

- The club was never notified regarding the “public consultation” process that the Ministry alleges took place. Being their most active volunteer group in the region, one would wonder why not.
- Paragraph 5: I apologize for misinforming you. The actual date we withdrew was March 27, 2014 (I didn’t get the minutes until April).
- Paragraph 6: Actually, Parks did not approach us, we requested the August 4th letter, but it was supposed to be a concise list. Refer to my letter to Dave Baar for further clarification.

In the “your complaint” section:

- Paragraph 1: It is not so much that the Ministry changed the minutes to “make the club look bad” (I prefer the term “discredit”) as it is that they did so to deflect attention from our claims that we were treated negligently by the Ministry. Documents that we have sent you demonstrate that Andy Smith has lied to us on several occasions, not just in the instance of the 2014 meeting minutes, and now we are defending ourselves against a misinformation campaign (as described in my letter to Dave Baar) waged by Andy despite being undisputedly out of the project since January 2016 at the latest.
- Paragraph 3: If you read the stop work order that was sent to the club on January 25, 2016, it clearly states that neither “...the Heathens Mountaineering Club, OR MEMBERS,...” can conduct activities listed in the agreement without signing it. This contradicts BC Parks response to my August 2016 inquiries which states: “...members of the Heathens, as members of the public, are able to develop new climbing routes...” Also, the statement “,...intended to incorporate all volunteer activities the club indicated they wished to pursue...” is bunk! The club never indicated this-in fact we have stated on many occasions that new route development and maintenance is far too advanced an activity to suit volunteers.
- Paragraph 4: I certainly object to the Ministry’s characterization of our club’s summer camp. I assume that you have not spoken to anybody besides the Ministry and I about the nature of the camp. Though volunteer work often occurs there, permission to hold the camp was never contingent on work occurring. Rather, previous Branch Managers allowed us to hold a camp because we had already been long time volunteers, and even encouraged it as an alternative to hosting large impactful camps in alpine locations (as had been our practice before 1993). The phrasing “free camp”, like much of the Ministry’s language, is more political than accurate.
- Paragraph 6: I believe I said that my immediate concern was with regard to the fines, not my primary concern which is that BC Parks is abusing the good faith of volunteers that are important to Strathcona Park and deceiving the public to cover up their behavior. Recently, they have been waging a propaganda campaign against our group of volunteers in an effort to download blame for ill-conceived and unsuccessful volunteer agreement proposals from the Ministry to the club. (Refer to my letter to Dave Baar for complete information.)

Sadly, when the SPPAC meeting minutes were published recently they revealed that the Ministry was spreading similar misinformation via the SPPAC website, where Andy Smith is up to his old tricks again, his false statements and opinion presented as fact. I include a copy of a portion of the minutes and my response for your perusal.

The Heathens Club thanks you for the time and interest you have invested in our case. I trust you understand that my frustration during our recent phone conversations is rooted in the continuous mistreatment that we have experienced at the hands of the Parks Branch and not in our interactions with the Ombudsperson. Understand that the Ministry's actions have caused considerable hardship to many club members, put an end to the life's work of many individuals, delivered a crushing blow to the Heathens Club by withholding permission for our only opportunity to gather in an appropriate location, ensured the degradation of Vancouver Island's most visited climbing area and made a mockery of the vision statement for BC Parks...and I'm only stopping because it's getting boring!

I suggest we set up a time so we can speak about this issue over the phone, with the documents in hand. Even when the subject matter is frustrating I have enjoyed our conversations which have mostly been respectful and productive. I would be interested to hear your thoughts on the administration regime, and other points, and look forward to our next contact.

Yours,

Chris Barner
The Heathens Club