

David F. Barrett  
Corporate Secretary

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Vice President

Keith H.W. Barrett  
Vice President

*A Family Owned and Operated  
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December 23, 2021

BBATV  
c/o Jonathan Calmen  
210 Chani Drive  
Middle Sackville, NS  
B4E 3H3

### **REGISTERED NOTICE TO THE BEAVER BANK ATV CLUB**

It is with deep regret that Keith, Hugh and I, owners of Barrett Lumber Co. Ltd. (BLC), will not be continuing the contract with the Beaver Bank ATV Club (BBATV) to trespass on BLC timberlimit after February 28, 2023. This is a result of disrespect and thousands of dollars of damage being done by ATVs, snowmobiles and other off-highway vehicles (OHVs; monster trucks, Jeeps, 4-wheel drives etc.). For example, in 2020 we spent \$15,000 to repair damage to Roy Nick’s Property, just before the Beaver Bank Villa on the left going north. In 2021, we had to do the same in the Sandy Lake area. During the current agreement with BBATV (2021 to Feb 28, 2023), the club removed from the contract the section on limiting speeds to 20 km/h and will not have members provide assistance to the 83-year-old owner when there are reports of problems such as fires, parties, etc. on BLC land after dark when the property is closed for safety reasons. It appears that the BBATV Club feels it has very little responsibility to help protect our forest land from renegade ATVs.

ATV users have lost their lives travelling on forest land in the Maritimes, especially after dark. There have also been near misses with BLC logging trucks, private cars and horseback riders on BLC timberlimit (Oct 3, 2021, 1:30pm – a rider had to run their horse up the bank to avoid being hit by two ATVs going too fast). The design of ATV tires throws rocks of 2–5 inches onto the travel lane when driven over 20 km/h. These large rocks can puncture truck tires, each worth \$600–\$2000, and an 83-year-old landowner should not be expected to stop and remove rocks displaced by ATVs and others.

By driving off gravelled roads, ATVs destroy walking paths and young trees. By driving during the mud season (March 1 to April 30) ATVs destroy our roads. By driving too fast, especially in wet weather, ATVs make the roads impassable for cars, half-ton trucks and even log trucks. They also displace the gravel, exposing sharp rocks that puncture truck and car tires.

The situation is out of control, as also shown by the \$1500+ damage done to the BLC dozer in the Beaver Bank Sandy Lake area the weekend of September 10–12, 2021. Since others know who was responsible but haven’t reported it, everyone is paying for the lawlessness.

After March 1, 2023, to receive permission and a key to BLC lands, all off-highway vehicle family users will provide BLC with a sworn legal affidavit, signed and witnessed, which states that:

**I WILL:**

1. Review the Nova Scotia Off-highway Vehicles Act (<https://novascotia.ca/natr/ohv/>) and the NS Wildlife Act (<https://nslegislature.ca/sites/default/files/legc/statutes/wildlife.pdf>) with all family members to learn, understand and obey the rules. I will take ownership and accompany children under the age of 16 at all times. Anyone over the age of 16 will need their own signed legal affidavit.
2. Obey all Nova Scotia hunting and trapping laws.
3. Keep my speed at or below 20 km/h on BLC timber limit, reducing it to 5 km/h on turns to protect the road and when passing walkers and joggers for safety and to reduce dust.
4. Be courteous on BLC timber limit roads by stopping and removing helmet to say hello to walkers as well as turning off engine when meeting a horseback rider.
5. Report any speeding and near misses on BLC timber limit to David Barrett at [dfbarrett@eastlink.ca](mailto:dfbarrett@eastlink.ca) or 902-452-8137 so he can do **my** and **his** due diligence by reporting to proper authorities; my name will not be used.
6. Only access BLC timber limit with motor vehicle through BLC gravelled, ditched, culverted roads as per maps, to avoid killing new forest, destroying walking paths and silting ditches, brooks and lakes. If I do drive off these roads, I accept the cost of repairs, which could be thousands of dollars.
7. Obey all signs posted on BLC timber limit.
8. Always give right-of-way to log trucks and other equipment and not block access to boat ramps, truck-turning spots, gates, etc.
9. Use only rope and dead wood to construct a lean-to—NO NAILS. If plastic is used, it must be removed after each use.
10. Know where the gates are located. Watch for second gates, windfalls, washouts, narrow bridges and roads, people or vehicles working, roads that are off limits or have barriers, fire ponds, stream crossings, gravel pits, railway tracks, logging trucks, truck ruts, icy roads, sink holes, etc.
11. Inform David Barrett [dfbarrett@eastlink.ca](mailto:dfbarrett@eastlink.ca) or 902-452-8137 in confidence if I see anyone causing damage or breaking these rules.
12. Obtain and place on my OHV a BLC numbered sticker which anyone can see while I am sitting on my OHV
13. Accept that any disregard of these rules by me or my family will result in being banned from BLC timber limit for life.
14. Acknowledge that by signing the BLC Legal Affidavit and obtaining a sticker that BLC is released of any and all liability for any accident, injury or death, or damage to any person or property as a result of any negligence by BLC, its servants or agents. The sticker holder operating an OHV/ATV hereby agrees to indemnify BLC from any such accident, injury, death or damage to any person or property which may occur as a result of BLC granting permission to use BLC Forest Extraction Roads or any roads under BLC management.

And that **I WILL**:

15. NOT drive any motorized vehicles on BLC timber limit without a Nova Scotia driver's licence and insurance.
16. NOT use any two-wheeled motorized vehicle on BLC timber limit.
17. NOT have fires and tent or camp on BLC timber limit.
18. NOT drive or be on BLC timber limit from one hour after dark until one hour before daylight.
19. NOT consume alcohol or drugs or be intoxicated while on BLC timber limit.
20. NOT use BLC roads or property for any illegal activity (deer jacking, drinking and driving, marijuana planting, stealing, etc.).
21. NOT leave beer cans and other litter on BLC timber limit.
22. NOT go around BLC forest road gates, encourage anyone else to do so, or be a party to going around BLC gates.
23. NOT organize or participate in any ATV or snowmobile rallies on BLC timber limit roads; these cause extensive road damage and must be reported.
24. NOT bring a car or truck onto forestry roads that have been snow-plowed, or park at the entrance to such roads so as not to impede the ability of logging tractor trailers to operate.
25. NOT drive any motorized vehicles on BLC forest extraction roads from March 1 to April 30 when frost is coming out of the road; this does great damage to the roads.
26. NOT build any camps, tree stands or bear stands with nails on BLC timber limit; builders must remove these structures by February 28, 2023, or be charged to the full extent of the law.
27. NOT drive nails into BLC trees to affix any signs.
28. NOT tear down or destroy BLC signs.
29. NOT cut any BLC trees without BLC written permission.
30. NOT spin tires to do wheelies on BLC timber limit; this causes potholes, throws out sharp rocks and destroys gravel surfaces.
31. NOT drive into any lakes or streams to a) play around in the water, b) to wash the mud off my OHV, c) as a short cut or d) to cool off the OHV motor because of mud / debris around motor.
32. NOT give access to those who have not taken the affidavit for a) ATV/OHV, b) cars and/or trucks unless they are just walking on BLC timber limit.

**Please send David Barrett an email at [dfbarrett@eastlink.ca](mailto:dfbarrett@eastlink.ca) with any other suggestions you feel should be added to this affidavit.**

**Permission is good for one year unless extended by BLC at its sole discretion.**

Thanks to community help in the past, I was able to use the 88 key until 2006. I am using the BL03 key three more years than I should—to February 28, 2023. In the past, I was able to extend the Forestry Agreement yearly. It's up to you, the users of our forest, to step up to the plate so we at BLC can continue this practice in the future.

OHV users have a bad reputation on forestry lands and the best way to change this is for ATV drivers to show respect for those who share the road with them, and thus enhance people's opinion of all ATV drivers.

ATVs and snowmobiles have destroyed approximately 100 acres of BLC forest, including the decommissioned porter harvesting roads. For the last 30 years, I have personally levelled the ruts and restored the original drainage pattern. If for some reason, you have to go into a ditch, make sure you do NOT change the watercourse so that water flows onto the road and washes it out.

This is a family agreement and the person who signs it must ensure that their whole family, including sons and daughters, follow the rules. If not, you risk being banned from BLC timber limit. Anyone over the age of 16 must have their own agreement for ATVs and snowmobiles, including any other motor vehicles yet to be invented or used as OHVs.

Nothing pleases me more than a family enjoying our forest land. Nothing makes me angrier than seeing wanton destruction of our forest land.

To those who want to tear up land, destroy trees, drive through water and mudholes, drive dangerously or drive off the specified roads—obtain your own land, but don't do it on BLC timber limit.

A handwritten signature in cursive script that reads "David F. Barrett".

David F. Barrett

Copied to:

ATVANS

Snowmobile Association of NS