

## DECLARATION OF CHRISTOPHER BYK

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2 I, Christopher Byk, declare as follows: I have personal knowledge of the facts set  
3 forth herein, which are known by me to be true and correct, and if called as a witness, I  
4 could and would competently testify thereto.

5 1. I have lived in the Brentwood area of Los Angeles for my entire life.

6 2. I have been mountain biking and hiking in the Santa Monica Mountains  
7 since at least 1974. I have ridden along the Kenter Fire Road and through the Canyonback  
8 Trail section of the Kenter Fire Road on countless occasions since 1974. Since the  
9 Mountaingate community was developed, the Canyonback Trail section has been  
10 contiguous with Canyonback Road and the paved access road connecting the southern  
11 terminus of Canyonback Road to DWP Water Tank. [See Exhibits K and N depicting the  
12 area.]

13 3. The Canyonback Trail is an popular trail connection route that is critical to  
14 maintaining unimpeded north/south access through the "Big Wild" trails. When biking or  
15 hiking along the Canyonback Trail, I typically see others enjoying the trail too, engaged in  
16 all a wide variety of recreational activities, such as riding bikes hiking, strolling, walking  
17 dogs and riding horses. In the many years that I have used the Canyonback Trail for  
18 recreational purposes since 1974, I have never seen any sign or other indication that  
19 recreational use of Canyonback Trail was restricted or limited in any way.

20 4. I live near Mount Saint Mary's College. My main access point to the Big  
21 Wild trails is from the Fire Road at the top of Mount Saint Mary's College. From 1974 to  
22 present, I have ridden across this Fire Road (the "Mt. St. Mary's Fire Road") in order to  
23 access the Canyonback Trail. When the Mountaingate project was developed in the 1980s,  
24 the Mt. St. Mary's Fire Road terminated at Stoney Hill Road in the Mountaingate  
25 development. [See Exhibits L and P, depicting the area.] The Canyonback Trail is just  
26 above Stoney Hill Road. [The area is depicted in Exhibit M.] The route from Mount Saint  
27 Mary's College through Stoney Hill Road and up to Canyonback Road/Canyonback Trail  
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1 is a common, long-used access route. Keeping this route open and unrestricted is  
2 important because Canyonback Trail is a major gateway to the Big Wild. The Mt. St.  
3 Mary's Fire Road-Stoney Hill Road-Promontory Road route is the most convenient, safest,  
4 and the only primarily natural route to the Canyonback trail for Brentwood residents  
5 residing north of Bundy Avenue. Although the Canyonback Trail can be accessed  
6 through Kenter Avenue or Mandeville Canyon Road, those access points are much further  
7 and require riding on Sunset Boulevard, a notoriously busy and often dangerous place to  
8 ride a mountain bike. The Mt. St. Mary's Fire Road provides safe, convenient and  
9 aesthetically preferable access to the Big Wild to those residing north of Bundy Avenue.

10       5.       Since 1974 to present I have freely traveled across the Mt. St. Mary's Fire  
11 Road to the area where Stoney Hill Road is now located. Several years ago, a fence and  
12 locked pedestrian gate were constructed across the end of Stoney Hill Road where the Mt.  
13 St. Mary's Fire Road ends. Until recently, however, that fence was relatively short and  
14 easy to traverse. It did not significantly impair my access to the Canyonback Trail. The  
15 fence, however, was recently made more difficult and dangerous to traverse by the  
16 installation of spire-shaped finials.

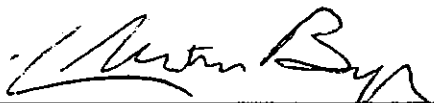
17       6.       There is a guarded security gate on Stoney Hill Road at Mountaingate Drive  
18 and the high fence with a locked pedestrian-access door on Promontory Road at  
19 Canyonback Road. These devices prohibit public access from the Canyonback Trail to the  
20 Mt. St. Mary's Fire Road. Only residents of the gated enclave are permitted to travel from  
21 the Canyonback Trail to the Mt. St. Mary's Fire Road. These security-gating structures  
22 substantially impair public access along this long-established recreational route.

23       7.       If developers or residents are allowed to construct gates along the  
24 Canyonback Trail section of the Kenter Fire Road, it will have a devastating impact on  
25 recreational access through the "Big Wild" parklands. Locking gates restrict public access,  
26 and even unlocked gates inhibit public access and create the architecture for future abuse  
27 by private security guards. These gating devices impair public access to public parklands  
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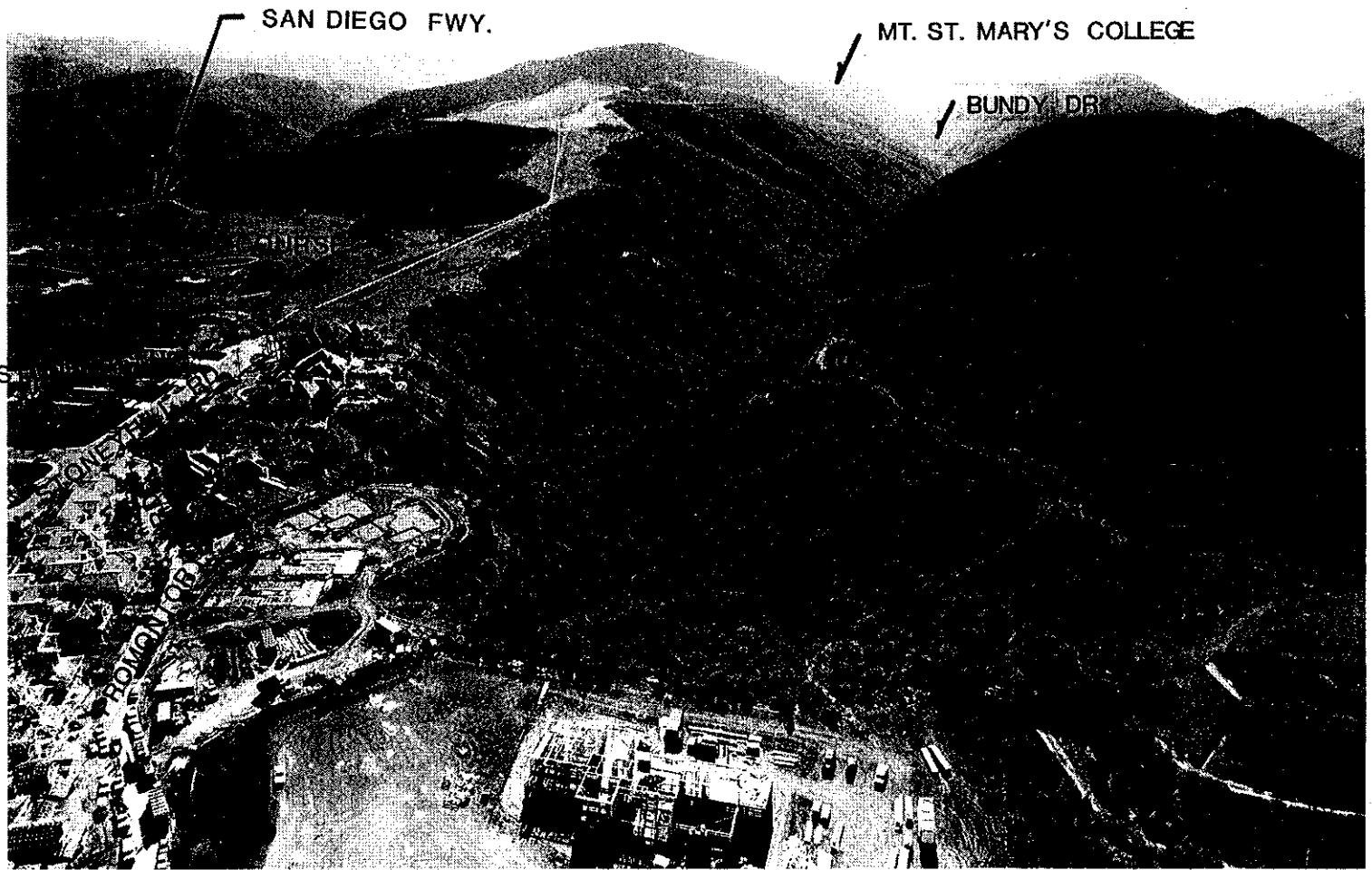
1 bought, paid for and protected by public entities with public funds. The installation of  
2 gates (locked or unlocked) will impair the long-established recreational use of these  
3 parkland trails. The existing gates and fences blocking public access between Stoney Hill  
4 Road and the Canyonback Trail should be removed to restore the public's historic access  
5 to public parklands. Castle & Cooke's plan to realign the section of Canyonback Trail that  
6 passes through the proposed Canyonback Ridge Development site and palce it along a  
7 private road should be rejected because doing so would substantially and adversely  
8 degrade the public's recreational use of the Canyonback trail..

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11 Executed May \_\_, 2005, at Los Angeles, California.

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13 \_\_\_\_\_  
14 Christopher Byk

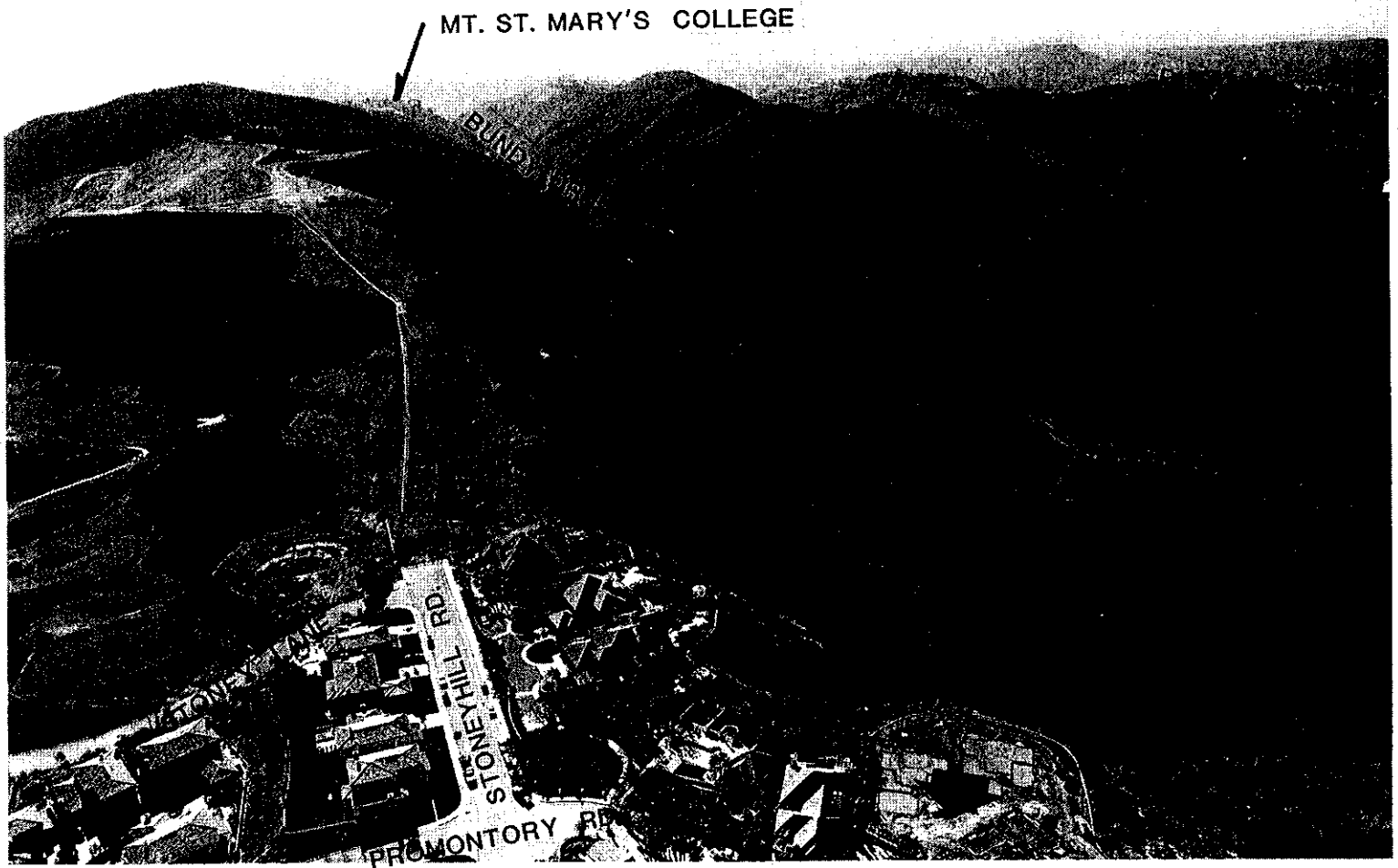
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LOOKING SOUTH INTO MAIN CANYON  
THRU TRACT

TT 44958 CPC 88.0755.ZC CPC 88.0801.ZBA

EXHIBIT L



LOOKING SOUTH ALONG EASTERN RIDGE  
EXHIBIT M

TT 44958 CPC 88.0755.ZC CPC 88.0801.ZB/



VIEW LOOKING UP BUNDY DRIVE  
TO MOUNTAINGATE

EXHIBIT P

TT 44958 CPC 88.0755.ZC CPC 88.0801.ZBA