

Risk Management Strategy and Handbook

Cobequid Eco-Trails Society

edited by

Bonnie Waddell

Cobequid Eco-Trails Society
Truro, NS 2011

Introduction

The Cobequid Eco-Trails Society (CE-TS) Risk Management Strategy and Handbook was approved by the Board of Directors of the Cobequid Eco-Trails Society on June 15, 2010. It satisfies the requirements of the Trail Management Agreement for the Gully Lake Protected Wilderness Area signed with the Nova Scotia Department of the Environment in August 2009. The strategy applies to all sections of the Gully Lake to Nuttby Trail System and other trails as they are developed by CE-TS.

Bonnie Waddell prepared this document with the assistance of Gwen Mader and CE-TS member Ashley McNutt. It is based on information gleaned from the Internet as well as resources recommended by Oliver Maass, Protected Areas Coordinator – Central Region, N.S. Environment. Norris Whiston researched and wrote the overview of risk management, liability, and legislation. Terry Norman, Past-President of the NS Trails Federation prepared the list of links to Nova Scotia legislation relevant to recreation.

Sheila Wilson and Bettie Spence developed the Event Planning Policy and Guidelines as well as the Waiver form, both approved by the Board in June 2010. During the fall 2010, John Sullivan walked the entire trail system to review and confirm the GPS location of the trails. Garnet MacLaughlin (Cobequid Trails Consulting) and Chair of the Cobequid Eco-Trails Society, prepared the Gully to Nuttby Trail System map.

You may cite this document as follows:

Waddell, B. (editor) 2011. Risk management strategy and handbook. Cobequid Eco-Trails Society. Truro, Nova Scotia.

Bonnie Waddell, Secretary
Upper Onslow, NS
January 2011

Risk Management Plan & Strategy

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I. CONTACTS - In the event of an emergency, please contact:

Medical Emergency or Poison Emergency: CALL 911

Fire Emergency CALL 911

Police Emergency CALL 911

Colchester Regional Hospital CALL 893-4321 ; Lillian Fraser Memorial Hospital CALL 883-8444

Department of Natural Resources
Fire Centre (AFTER 8 PM) CALL 1-800-565-2224

Valley-Kemptown & District Fire Brigade CALL 895-2032

Tatamagouche Fire Hall CALL 657-2321

Special Hazards Response Unit CALL 893-1810 (Pictou Road, Bible Hill)

RCMP Bible Hill Detachment CALL 893-6820

For Trails in the Gully Lake Wilderness Area - CALL 902-424-2123 Oliver Maass, Protected Areas
Coordinator – Central Region
Dept of Environment e-mail: maassoc@gov.ns.ca

***To report incidents or adverse trail conditions, please contact:
Nuttby – Gully Lake Trail Committee of the Cobequid Eco-Trails Society***

1) Norris Whiston, Trail Committee Chair – Earltown resident
657-3476 (h) norrisw@ns.sympatico.ca

2) Quita Gray or Scott Whitelaw, Sugar Moon Farm - Earltown residents
657-3340 (w)

3) Ineke W. Bakker - Kemptown resident
895-1887 (h) 897-5166 (w)

4) Layton Lynch – Earltown resident
657-0110 (mobile)

5) Garnet MacLaughlin, Cobequid Eco-Trails Society (Trails Consultant) - Economy
647-2271 (h) 890-0771 (mobile)

II. EMERGENCY RESPONSE

Descriptions of adverse trail conditions are normally received through the generous participation of staff at Sugar Moon Farm Pancake House, which is the nearest public place to the Rogart Mountain Trail. These comments and suggestions are passed on directly to Norris Whiston, the Chairperson of the Nuttby to Gully Lake Trail Committee. He normally contacts others in the community to address the issue, usually within days.

Emergency situations may be reported to other people on the trail, to the nearest residence which has consented to be a contact, to the Medical Emergency, Police and Fire officials through 911. Alternate contacts are provided for after hours.

Trail users should be aware of cell phone coverage on all trails.

Coverage to be determined during the first and thereafter annual Trail Audit, with GPS locations noted.

Method: Lines of site (LOS) will be drawn from the nearest tower to all trails. All reports of signal strength will be recorded and random checks made. Incident reports will note whether cell phone coverage was available.

Trail Users should have contact information available:

Contact information will be placed in brochures which will be placed throughout the community as well as at tourist information centres, emergency response agencies, local stores and shops, at the post office. It will also be available in consenting residential homes near the trail, at the Trail head for individual trails and the main Kiosk, and on the CE-TS web site.

Trail users should have adequate mapping of the trail, particularly since they are all back country or wilderness trails.

Mapping at appropriate levels will be available at all trail heads – as vandal proof as we can afford. Downloadable trail maps will be available on our web site as well – for colour, and black and white printers.

Method: GPS readings have been taken for the trail system and trail mapping is being verified for entry into the mapping program of the Trail Building Contractor and Dept of Environment

Trail Users should know where they are.

All trails are marked with red or yellow metal markers, affixed to trees with adequate space for growth. At intersections / decision points a trail system map will indicate where a trail user is and how far they have come. Carrying a compass on back country Crown Lands is required by law.

The nearest residences to the trails should have relevant information

Permission of individual homeowners will be required for us to advertise them as a contact in an emergency. However, the homeowners all will be offered contact information in a laminated notice that could be kept near or in a phone book.

Emergency Services will have access to the trail:

The RCMP, Volunteer Fire Brigade, Ambulance service will be given instructions and directions to the various access points to the trail from tertiary roads. There are three or four main ones, plus times, distances, conditions, and locations. They will be invited to meet with us to receive a description of the trails and to answer questions.

Appropriate services will receive up to date, detailed maps of the trails and trail system.

The trail system will be assessed to identify areas which provide an opportunity for helicopter access in the event of an extreme emergency.

Main Trail Head:

The main Trail Head for the Nuttby to Gully Lake Trail System is a kiosk located in the parking lot at the Sugar Moon Farm Pancake House, Alex MacDonald Road, off Rte. 311 near the intersection with the Kemptown Road before reaching Earltown.

Contact Information, maps, advisories, hazards(e.g. meteorological, hydrological, topographical geological), shared-use trails with snowmobiles/ ATVs), sections designated as bike friendly, regulations, dates of scheduled events, as well as interpretative material (flora (esp. mosses and lichens), fauna (e.g. coyotes), geology (e.g. geocaching in area) , and cultural (e.g. settlement history) is located at the kiosk. Many people and agencies have contributed to the development of the trail system and they are acknowledged here as well, with our thanks.

Please leave your name at the Sugar Moon Farm Pancake House or on the sign-up sheet when you head out onto a wilderness trail. There is a suggestion box for your compliments, complaints, and comments or speak to staff of Sugar Moon Farm who will relay information and comments on your experience.

Most of the information at the kiosk and Trail Head, as well as historical and administrative information also is available on our web site:

<http://www.cobequidecotrails.ca>

NOTICES AND TRAIL MAPS (NOTE: Distribute Notice and Trail Maps to)
EMERGENCY MEASURES, GROUND SEARCH & RESCUE,
FIRST RESPONDERS, RCMP, POISON CONTROL
911 EMERGENCY SERVICES

III. TRAIL WORKERS – TRAINING, SUPERVISION

Liability insurance starts at the designer and building level. Government tenders on design and on building contracts require those wishing to bid on a contract or apply for a grant must have general liability insurance of at least \$2,000,000.00. Cobequid Eco-Trails Society has had contracts with Cobequid Trail Consulting to design and supervise trail construction. Cobequid Trail Consulting carries \$3,000,000.00 liability insurance with the broker Caldwell – Roach, underwritten by ING. Their design liability insurance coverage continues as an engineering firm's would, beyond the building contract.

General Safety Concerns Related to Trail Volunteers

Generally there are four types of volunteer activities sponsored by CE-TS. Trail volunteers must sign a Waiver and Liability and Assumption of Risk form for each event attended.

- Trail building must be done with the landowner's prior knowledge and approval including approval of the specific details of the physical construction planned. (These approvals are in place for the Rogart Mountain Trail, Earltown Lakes and Portage Trail, Sandy Cope Trail, William Kitchener MacDonald Trail, and the Gully Lake Protected Wilderness Area Trail May 2010).
- Trail Building and maintenance is to be done by / supervised directly by those who have been trained and equipped for the tasks at hand
- Volunteers should be made aware of the hazards and risks involved.
- Power equipment (e.g. chainsaws, string trimmers, brush cutters) must only be operated by professionals or those whose experience with such machinery can be documented (e.g. experienced woodsman, groundskeeper, farmer)
- Power equipment should never be used by inexperienced operators.
- Safety equipment must be supplied and worn at all times when using powered equipment.
- When repairs are required to a trail, first ask yourself who has the primary responsibility to make the repair.
- Trail maintenance must be conducted within the restrictions and limitations specified in any land use agreement signed by CE-TS and the landowner.

In addition:

Individuals: undertake trail maintenance on an ad hoc basis when small repairs, such as brush or small trees falling on the trail, or small stones being displaced by normal processes of erosion. It is expected that the individual

- Must notify at least one person about destination, work to be undertaken, and expected time of return.
- Should never work alone on a trail.
- Has had training and/or experience using any tools required esp. use of chainsaws is permitted only by those with formal training or work experience.
- Has a simple "wilderness" first aid kit.
- Has a Map indicating trail features, decision points, and nearby houses.
- Carries a knife, a compass &/or GPS, matches

Small Group Volunteer Trail Building / Trail Maintenance Events:

These events, often called “Trail Building Days” are organized seasonally by notices distributed online to members of CE-TS and the public who have expressed an interest. Alternatively, Trail Building Days, may be scheduled by any group of people who wishes to volunteer their time and energies to the Trail system. Normally, one of the group notifies the Chair or member of the Nuttby-Gully Lake Trail Committee, who arranges access to trail building and maintenance tools and equipment (fire-rakes, shovels, wheelbarrows, clippers of various different kinds, hammers, trail markers and the like.) Notifying the chair / committee member also ensures that a record is kept of the number of volunteers who are contributing, which is helpful in preparation of grant proposals. It is expected that for Small Group Volunteer Days, the leader:

- Must notify at least one person about the destination on the trail, work to be undertaken and expected time of return.
- Must conduct a short informal training session before leaving for the trail, outlining any anticipated hazards, describing the purpose or objectives of the work day, going over any safety issues, particularly with respect to the tools, sharing any comments or observations related to safety by the people in the group, many of whom have considerable experience with trail building, or working in the woods.
- Has at least one first aid kit (level #2). This should be made available by CE-TS, or by a member of the group.
- Has a Map indicating trail features, decision points, and nearby houses.

Large Group Trail Building / Trail Maintenance Days: These trail days are more widely advertised and are open to the general public with no registration required. Normally a large turn-out will be divided into small work crews, each assigned a different project and destination.

- Follows the “CE-TS Event Planning Guidelines & Policy”
- Must notify at least one person about the destination on the trail, work to be undertaken and expected time of return
- Must conduct a training session before leaving for the trail, outlining any anticipated hazards, describing the purpose or objectives of the work day, going over any safety issues, particularly with respect to the tools being used, sharing any comments or observations related to safety by the people in the group, many of whom have considerable experience with trail building, or working in the woods.
- Has at least one first aid kit (level #2). This should be made available by CE-TS, or by a member of the group.
- Has copies of the Trail Map indicating trail features, decision points, nearby houses.
- When anyone decides to leave early, they must be accompanied out by another person.

Hike Leaders

- must notify at least one person about destination, where the group will enter the trail, the route, and expected time of return
- agrees to follow the CE-TS Event Planning Guidelines
- in addition, it is understood that hike leaders:
 - Have the right and responsibility to turn away anyone from a hike if they think that person is putting themselves and others at risk by participating.
 - Have the right and responsibility to cancel the hike due to dangers and hazards
 - Have the right to permit or refuse dogs on hikes. For the safety of hikers and property owners, dogs should remain leashed at all times.
 - Should ensure participants understand the waiver of liability, emergency procedures (e.g. whistle code, cell phones, who has first aid training, who has GPS or compass, knife and matches) .
 - Distribute copies of a Map indicating trail features, decision points, and nearby houses
 - Explain any hazards of the trail
 - Hike leaders should be knowledgeable of hunting seasons and snowmobile activity in the area, as well as any forest management activity going on.

OH&S : Nova Scotia Occupational Health & Safety Legislation

Are Volunteers Employees? [FAQ December 11, 2000] Answer: No.

Various agencies, most visibly local Fire Departments, use volunteers to provide their services. In general such volunteers are not “employed” by these agencies. Thus, they are not “employees” as contemplated by the Act. The effects of this conclusion include:

- 1) the host agency has no obligation under the Occupational Health and Safety Act to provide services to these volunteers beyond the general obligation in section 13 to ensure the health and safety of all persons at or near the workplace (note that a place is not a “workplace” of the employer if none of its employees are found there);
- 2) Volunteers are not counted when determining numbers for joint occupational health and safety committees, first aid supplies and training, rest rooms or any other factor determined by the number of employees;
- 3) Volunteers are not bound by the duties set out in section 17 of the Occupational Health and Safety Act;
- 4) The Division is not obligated to investigate a work refusal by or provide services to a volunteer. Given the obligations in “1)” the further question arises as to what role should the Division play in enforcing employers’ obligations to protect non-employees. This question is most effectively answered by referring to subsection 9(a) of the Occupational Health and Safety Act (1996) that states: The Division shall be concerned with occupational health and safety and the maintenance of reasonable standards for the protection of the health and safety of employees and self-employed persons. This wording instructs the Division to concern itself primarily with **occupational health** and safety of **employees and self-employed persons**.

Other persons, including volunteers, are not to be a major focus of our activities. In line with that mandate, the policy of the OH&S Division will be to decline to issue orders that affect only the health and safety of persons who are neither employees nor self-employed persons.

Orders are to be considered in cases where:

- 1) At least one employee or self-employed person is at risk, no matter how many other persons may be simultaneously at risk. In such cases, our response will deal solely with the employees or self-employed persons. Other persons will not be considered.
- 2) No employee or self-employed person is immediately at risk, but one may be placed at risk if the employer does not ensure the health and safety of other persons. An example of this may be where a non-employee present at a worksite may do something that would create or increase a hazard to an employee. More specifically:
 - a) Persons acting only as true “volunteer firefighters” do not have legal obligations under the Occupational Safety General Regulations or the Occupational Health and Safety Act itself.
 - b) A Volunteer firefighter who happens to give service at a place where a paid firefighter is at work will still have no personal obligations under the Occupational Health and Safety Act or its regulations. However, if the unsafe conduct of a volunteer is a hazard to the paid worker, the employer has to have a strategy to address that problem.

Nova Scotia Labour and Workforce Development – OH&S Division

OH&S Reference – Section A – Page 2 ; Printed Wednesday, May 12, 2010 – Subject to change without notice

Available: <http://www.gov.ns.ca/wd/healthandsafety/docs/OHSActRegGuide.pdf>

[Accessed: 12 May 2010]

IV. TRAIL BUILDING AND MAINTENANCE STANDARDS

Provincial standards govern the construction of a trail. These are described in the Trail Construction manual produced by the Nova Scotia Trails Federation. It may be found at www.novascotiatrails.com/ The manual gives guidance to trail builders on things like clearing, grubbing, tread width, row width, drainage, retaining unstable slopes, crossing streams, going up slopes, and much more.

Before a trail is open to the public, it is inspected by a professional trail builder, or an inspector from the NS Department of the Environment or the Department of Natural Resources. On private lands, landowners approve the trail alignment before construction begins. Trails in designated Protected Areas, and often those in other jurisdictions, are regularly inspected by a government worker.

Cautionary and Hazard Warning Signs

Cautionary signage (for hiking a wilderness trail), posted at trail heads and main entry points, means that the trail contains all of the objects that might be found in a wilderness.

Examples of other signage include: Seasonal Risks (hunting season); Regulatory signage (the rules for trail use); Directional (the appropriate direction to go in, at every decision point)and Reassurance signage (where a trail user is).

Waiver and Liability and Assumption of Risk

Waivers shift the risk from the Association and the Hike Leader to the participant. A Waivers and Liability and Assumption of Risk form should be signed by all participants in a CE-TS sponsored hike or volunteer activity.

The advantages to the Association are that the forms provide data for the Association to document the number of hikes on the trail system and number of participants. They are useful to the Hike Leader in planning parking, car shuttles, and in keeping track of all hikers during a hike.

In the legal realm, the Waiver and Liability and Assumption of Risk document discourages aggrieved parties from suing the Association, although it does not prevent lawsuits or court awards against the Association. Waivers may eliminate an allegation that an individual would have refrained from the activity had s/he known of the dangers involved. Waivers provide a list of participants who could serve as witnesses.

V. APPENDICES

APPENDIX A. PURPOSE OF THIS PLAN – WHY RISK MANAGEMENT?

Accidents can and do happen. People can be injured. Property can be damaged. Accidents can have serious repercussions for a trail association, from a damaged reputation and bad publicity to an expensive lawsuit settlement. A sound risk management plan is the best defense against liability claims, and will minimize the risk of injury or damage to people and property. It also helps defend against claims by demonstrating that the trail association has fulfilled its duty to take reasonable care for the safety of trail users.

Risk Management helps to:

1. reduce risk by limiting the chance of mishap
2. transfers risk by making others responsible for injuries or loss (e.g. waivers, insurance)
3. retains risk by being prepared for mishaps (e.g. training, documentation, emergency planning)
4. eliminates risk by stopping activities that will cause injury (e.g. marking hazards, closing trails, cancelling hikes in dangerous situations).

Six steps in Risk Management

- ✓ Acknowledge that risk exists.
- 1. Identify your risks
- 2. Evaluate your risks
- 3. Create a risk management plan
- 4. Put the plan into action
- 5. Monitor the performance and use of the plan

A Trail Association's risk management strategy includes:

- ✓ Trail built and maintained to a standard
- ✓ Monitoring of trail conditions
- ✓ Trail repairs made promptly
- 1. Hazards marked, trail re-routed or closed
- ✓ Training of hike leaders, trail workers and other volunteers
- ✓ Waivers of liability and acceptance of risk forms
- ✓ Accident and incident report forms
- ✓ Land use agreements with owners
- ✓ Insurance

APPENDIX B. OVERVIEW OF LIABILITY AND RISK

Liability exposure of property owners', supervising organizations', and trail builders' for the users of hiking trails is limited in many ways: through trail designers' and builders' insurance, through general liability insurance, through Nova Scotia legislation, through history, and through risk management.

Designers' and Builders' Insurance

Liability insurance starts at the designer and building level. Government tenders on design and on building contracts require those wishing to bid on a contract or apply for a grant must have general liability insurance of at least \$2,000,000.00. Cobequid Eco-Trails Society has had contracts with Cobequid Trail Consulting to design and supervise trail construction. Cobequid Trail Consulting carries \$3,000,000.00 liability insurance with the broker Caldwell – Roach, underwritten by ING. Their design liability insurance coverage continues as an engineering firm's would, beyond the building contract.

Trail liability Insurance

Once the trail is completed, the designer and builders' liability coverage continues, but construction and maintenance insurance coverage is added through an insurance program of Nova Scotia Trails / Snowmobilers Federation of Nova Scotia. This is the source of the greatest liability protection. Coverage begins automatically as soon as an organization receives acknowledgement of their membership in Nova Scotia Trails Federation. Trail groups are invoiced for their share of the total cost of the program by a formula which includes a basic fee plus a per kilometer fee for the trails they manage. The Cobequid Eco-Trails Society, and, of course, many other groups are members of Nova Scotia Trails Federation. The Risk Manager for the Government of Nova Scotia developed this insurance program such that the first \$1,000,000.00 annual aggregate is self-insured by the Province of Nova Scotia and the next \$5,000,000 is purchased through the broker Marsh Canada, underwritten by Lombard Canada. The policy includes a \$250,000 per occurrence Forest Fire Fighting Expense clause. The program specifies that "Landowners who have a formal land use agreement with a trail group may be added as an additional insured with respect to negligence of the named insured." NS Trails/SANS and the Risk Manager will have small claims investigated and settled.

These and more details are available from Vanda Jackson Executive Director, NS Trails, 5516 Spring Garden Road, 4th Floor, Halifax, Nova Scotia B3J 1G6 425-5450 ext 325 nstrails@sportnovascotia.ca

Nova Scotia Legislation

The Nova Scotia Department of Health Promotion and Protection responded to our enquiry as follows, "Nova Scotia is the second smallest province by area in Canada. Combine that fact with over 400 years of European settlement and the result is a province where much of the land base is privately owned. Nova Scotia has also been blessed with great natural beauty. It's no wonder so many Nova Scotians and visitors to our province are passionate about the outdoors and make use of recreational trails to experience all our small Province has to offer."

"Nova Scotia has long enjoyed a culture of sharing with private landowners to allow others the privilege of recreation on their property. The Government of Nova Scotia values this sharing of the outdoors and has created enabling legislation to provide protection for landowners who continue to allow others access to their property. Two such Acts are the Trails Act and the Occupiers Liability Act. These two Acts provide considerable protection to landowners who allow a recreational trail to cross their property. Both Acts greatly reduce the duty of care owed to a user of a trail. Under Section 18 of the Trails Act: "A user of a trail voluntarily assumes all risks that may be encountered on the trail when using a trail whether the person is on the trail or not."

"Section 18 (3) States: 'Subject to subsection (4) where land has been designated as a trail, the owner or occupier of land, including the Crown, together with their agents, employees and servants, owes no duty of care towards a person who is using the land or that persons property whether that person is on the trail or not.' "

“The only duty of care owed to a user of a trail under the Trails Act is “...Not to create a danger with the deliberate intent of doing harm or damage to the person or the persons property”. Therefore, the only liability that could conceivably arise would be if the occupier conducted some activity with the sole and deliberate intent of harming a trail user.”

These and more details are available from Stephen Vines, Trails Consultant, Nova Scotia Department of Health Promotion and Protection, New Glasgow, 396-1325 fax 902-396-1456 Halifax, Nova Scotia B3J 1G6 Stephen.Vines@gov.ns.ca

Here are the titles and links to some of the NS Acts that impact on recreation .The conservation act is a little different and would not ordinarily be used for trails; however one never knows. This list contains more acts than needed, but may impact special circumstances. Prepared by

Terry Norman, President of NSTF tnorman@novusconsulting.com
Debra Ryan, Recreation Coordinator, Municipality of Annapolis County debryan@annapoliscounty.ns.ca
or www.annapoliscounty.ns.ca

Trails Act CHAPTER 476 OF THE REVISED STATUTES, 1989 **amended** 1993, c.
<http://www.gov.ns.ca/legislature/legc/statutes/trails.htm9>

Volunteer Protection Act CHAPTER 14 OF THE ACTS OF 2002
http://www.gov.ns.ca/legislature/legc/bills/58th_2nd/3rd_read/b098.htm

Occupiers' Liability Act CHAPTER 27 1996 <http://www.gov.ns.ca/legislature/legc/statutes/occupier.htm>

Conservation Easements Act CHAPTER 28 OF THE ACTS OF 2001
<http://www.gov.ns.ca/legislature/legc/statutes/consease.htm>

Protection of Property Act CHAPTER 363 OF THE REVISED STATUTES, 1989 **amended** 2001, c. 12, s. 47
<http://www.gov.ns.ca/legislature/legc/statutes/protect.htm>

Provincial Parks Act CHAPTER 367 OF THE REVISED STATUTES, 1989
amended 1992, c. 30; 1993, c. 9, s. 7; 2007, c. 22
<http://www.gov.ns.ca/legislature/legc/statutes/provpark.htm>

Off-highway Vehicles Act CHAPTER 323 OF THE REVISED STATUTES, 1989 **amended** 2002, c. 5, s. 46;
2005, c. 56
<http://www.gov.ns.ca/legislature/legc/statutes/offhighw.htm>

Angling Act CHAPTER 14 OF THE REVISED STATUTES, 1989 **amended** 1998, c. 18, s. 546
<http://www.gov.ns.ca/legislature/legc/statutes/angling.htm>

Risk Management

Risk management includes all the ways a trails group demonstrates due diligence in preventing injury to users.

Construction

Provincial standards govern the construction of a trail. These are described in the Trail Construction manual produced by the Nova Scotia Trails Federation. It may be found at www.novascotiatrials.com/ The manual gives guidance to trail builders on things like clearing, grubbing, tread width, row width, drainage, retaining unstable slopes, crossing streams, going up slopes, and much more.

Inspection

Before a trail is open to the public, it is inspected by a professional trail builder, or an inspector from the NS Department of the Environment or the Department of Natural Resources. On private lands, landowners approve the trail alignment before construction begins. Trails in designated Protected Areas, and often those in other jurisdictions, are regularly inspected by a government worker.

Routine Trail audits are done in the late spring and fall each year. In addition, a trail audit is done whenever trail users bring issues to our attention, following major storms, and prior to each scheduled hiking, cross country ski or snowshoe event.

Signage

Cautionary signage: indicates that this is a wilderness trail. Normally posted at trail heads and main entry points, it means that the trail contains all of the objects that might be found in a wilderness: mud, roots, rocks, branches, fallen trees, stumps, water crossings, etc. Users know they take natural risks using a wilderness trail and going past signage reminding them reinforces that notion.

Seasonal Risks: Other signage which helps to limit risks on CE-TS trails advises users that appropriate footwear and a reasonable level of fitness are required and warns users to wear Hunter “brights” (iridescent orange vests or coats and hats) during Hunting season (last Friday in October through first Saturday in December).

Regulatory signage: states the rules for trail use, for example, stay on the designated trail; pack out what you pack in; all dogs must be on a leash; no smoking or fires; camping in designated areas only, and no motorized vehicles.

Directional signage: Lastly, the directional and reassurance signage allows users to know where they are, and indicates the appropriate direction at every decision point.

Hazard Warnings:

- Should be placed where trail users could not be expected to see or anticipate a hazard
- If the hazard is repairable, CE-TS must take immediate steps to do so.
- A warning sign does not absolve CE-TS or the trail user of responsibility.
- Trail hazard signs should be tested by inexperienced hikers, and their comments noted with corrections made as quickly as possible. A method should be devised for people to record any difficulties they have in following the trail signage, at Sugar Moon Farm at the main Trail head.

History

Do the above strategies limit liability? They appear to so far. Provincial legislation, care in building, and risk management via signage would appear to be the biggest factors explaining why Nova Scotia has not experienced much litigation. In fact, many forestry companies see hikers as helpers, providing extra oversight for preventing problems and protecting property.

APPENDICES

APPENDIX C.1 - EVENT PLANNING GUIDELINES AND POLICY

The original document, prepared by Board Directors Sheila Wilson and Bettie Spence, was approved by the CE-TS Board on June 15, 2010. It is a standalone document, but is also a part of the CE-TS Risk Management Strategy.

Advertising

1. Kind of event (snowshoe, ski, hike, etc.)
2. Name & description of area - ie: Gully Lake Wilderness Area - this is a wilderness area and you may come across conditions found in a wilderness area - roots, stumps, rocks, water, fallen trees. Etc.
3. Date & Time (registration should start ½ hr. before start time)
4. Contact Person, Phone Number - Email Address .
5. Meeting place with directions.
6. Distances and approximate time to complete the event (s).
7. What to bring - ie : Water, lunch, proper clothing etc.
8. Age restrictions.
9. Sponsors - ie: Hike N.S., CE-TS, etc.

**Event will take place Rain or Shine -

If in doubt call contact person or check our website www.cobequidecotrails.ca before heading out.

Guidelines for Directors - Hosting an Event.

1. Any proposed event with CE-TS being advertised as a sponsor be presented to the board for approval. At the time of acceptance of the proposal two coordinators be appointed and they report to the board.
2. Before advertising is done the Coordinators report to the board with the particulars of the event. - when, where, times, volunteers, parking, etc. for their approval.
3. Review the Risk Management Plan for the area.
4. Review/Update “Waiver/Registration” form if necessary.

Guidelines for Event Day

1. As close to the event day as possible the Coordinators have prewalked/checked or been informed of conditions and route is based on those findings.
2. Coordinators should be at the Trail Head early and have things set up - registration area, signage posted, parking, etc. before people start to arrive.
3. Leaders/Sweeps have been briefed on trail conditions, risk management plan, have first aid kits, whistles, maps (or are familiar with the area) and are in place for when people start to arrive.
4. Registration should start ½ hour before the Event starts. The Registration area should be well marked.
5. When people register they will specify which distance they are doing, and then be directed to their specific group. Keep the groups separated if possible.
6. At start time have a “Brief” Welcome Speech. (people are anxious to head out)
7. Check again to ensure everyone has signed the “Waiver/Registration” form.
8. Introduce the Leader and Sweep for each group.
9. Once in their groups - the Leader & Sweep should introduce themselves.
Check once again that everyone has signed the “Waiver/ Registration” form.
Inform participants who has the First Aid Kit.
Make sure people are in the right group and that their gear is working/fitting properly.
Do a head count.
10. On the trail try and keep your group together. Let the sweep catch up occasionally and wait for them to have a rest before heading out again.
11. At intersections always wait for the whole group to catch up to ensure that everyone goes in the right direction.
12. And most importantly - relax, have fun & enjoy your day. “Don’t Sweat the Small Stuff”

APPENDIX C.3 – INCIDENT/ ACCIDENT REPORTS

- Carefully document every accident, injury or incident which could result in a claim.
- Record location, nature of the hazard and the injury, the circumstance, contributing factors, witnesses, medical attention if any and agency response.
- Reports should be kept for years (until statute of limitations satisfied).
- File reports with CE-TS President and Secretary for future reference.
- Significant incidents should be reported to the Nova Scotia Trails Federation. Don't wait for a lawsuit.
- Nova Scotia Trails Federation will forward reports to the insurer.
- If in doubt, write the report and submit it.

APPENDIX C.4 - RISK AND HAZARD INVENTORY/ MAINTENANCE AUDIT
Nuttby to Gully Lake Trail System:

Rogart Mountain Trail: (GPS of trail head)

Description:

Distance:

Duration:

Degree of Difficulty:

Fitness Level Recommended:

Cell Phone Coverage:

Signage: Decision Points

Signage: Interpretation

Signage: Hazard

Hazard / Risk Inventory:

Maintenance Needs Identified:

Earltown Lakes and Portage Trail: (GPS of trail head)

Description:

Distance:

Duration:

Degree of Difficulty:

Fitness Level Recommended:

Equipment Required:

Cell Phone Coverage:

Signage: Decision Points

Signage: Interpretation

Signage: Hazard

Hazard / Risk Inventory:

Maintenance Need Identified:

MacDonald Xmas Tree Farm (GPS of trail head – at access for Kemptown Road) to Sandy Cope Trail (GPS of trail head) - Connector

Description:

Distance:

Duration:

Degree of Difficulty:

Fitness Level Recommended:

Cell Phone Coverage:

Signage: Decision Points

Signage: Interpretation

Signage: Hazard

Hazard / Risk Inventory:

Maintenance Need Identified:

Sandy Cope Trail: (GPS of trail head)

Description:

Distance:

Duration:

Degree of Difficulty:

Fitness Level Recommended:

Equipment Required:

Cell Phone Coverage:

Signage: Decision Points

Signage: Interpretation

Signage: Hazard

Hazard / Risk Inventory:

Maintenance Needs Identified:

**William Kitchener MacDonald Trail: (GPS of trail head) -
To Gully Lake Wilderness Trail - Connector**

Description:

Distance:

Duration:

Degree of Difficulty:

Fitness Level Recommended:

Equipment Required:

Cell Phone Coverage:

Signage: Decision Points

Signage: Interpretation

Signage: Hazard

Hazard / Risk Inventory:

Maintenance Needs Identified:

**Gully Lake Wilderness Trail (Loop):
(GPS of trail head)**

Description:

Distance:

Duration:

Degree of Difficulty:

Fitness Level Recommended:

Equipment Required:

Cell Phone Coverage:

Signage: Decision Points

Signage: Interpretation

Signage: Hazard

Hazard / Risk Inventory:

Maintenance Needs Identified:

**Juniper Head Trail (Headwaters of Juniper Brook): Gully
Lake Wilderness Trail to the Glen Road: (GPS of trail head)
- Connector**

Description:

Distance:

Duration:

Degree of Difficulty:

Fitness Level Recommended:

Equipment Required:

Cell Phone Coverage:

Signage: Decision Points

Signage: Interpretation

Signage: Hazard

Hazard / Risk Inventory:

Maintenance Needs Identified:

C.5 TABLES

Scope of Risk Assessment

Features	Within Scope	Excluded from Scope
Geographic	Walking path, wide enough for snowshoeing and XC skiing	Abandoned railways, woods roads (K3)
Trail Types	Back country and wilderness / non-motorized	SANS, ATV
Potential Problems	Trail user injuries Adverse publicity, lack of understanding of risks of Wilderness hiking	
Activities	Hiking, XC skiing, snowshoe	Camping and biking are under consideration, since they are happening informally already
Hazards	Natural, infrastructure, communication, trail user characteristics	Biking on Earltown Lakes & Portage
Facilities	Solar powered toilet facility, inadequate parking for amt of use	

Trail Uses

Feature	Activities	Interpretation Program
Rogart Mountain Trail	Hiking, xc skiing, snowshoe	Yes – extensive Cultural – settlement history
Earltown Lakes & Portage Trail	Hiking, xc skiing, snowshoe (biking under consideration)	Yes - moderate
Connector	Not yet completed	
Sandy Cope	Hiking, xc skiing, snowshoe	Yes - Light
William Kitchener MacDonald	Hiking, xc skiing, snowshoe	No
Gully Lake Protected Wilderness Area Trail	Hiking, xc skiing, snowshoe	

Risk Assessment Updating & Action Plan

Hazards	Description	Action	Schedule	Type of Hazard
Geological				natural
Fauna (coyote?)				natural
Cultural	Historic sites			cultural
Topographical	Steep, rugged			
Floral	Weak trees from Hurricane Juan; poisonous			natural
Meteorological	Weather, climate			
Insect, Parasite, Disease				natural
Hydrological	Waterfalls, flooding, crossing streams			natural
Trail Hazards	Trail tread, rock work, tree falls			infrastructure
SAN Shared Use				infrastructure
Road Hazard	Rte 311 entrance to Earltown Lakes & Portage Trail			infrastructure
Structures	Plank paths, bridge			infrastructure
Buildings	Kiosk trail head, solar compost toilet			infrastructure
Operational	Snow plowing , trail breaking in winter			infrastructure
Signs	Not standardized			communication
Text				communication
Training/ self Assessment for wilderness Trail Users				communication
Outreach	Brochure is out of date and not trail specific; web site out of			communication

	date, signage incomplete			
Personal Equipment	User preparedness			Trail Users
Cell phone	Inconsistent or none			communication
Group Dynamics				Trail Users
Individual Characteristics	Disabilities, education, preparedness Inadequate self-assessment			Trail Users
Other	Clear cutting could make trail less appealing			Environment

In addition, the Cobequid Eco-Trails Society is committed to maintaining, in good standing, existing agreements with the Department of Natural Resources and The Department of the Environment as well as maintaining our non-profit charitable status through the Nova Scotia Registry of Joint Stock Companies, maintaining liability insurance (general trails, directors, volunteers) through the Nova Scotia Trails/ SANS Federation, to complete an annual plan and budget for trail improvements and maintenance. The Cobequid Eco-Trails Society also commits to sponsoring at least two major public trail events, one in mid-winter and one in the summer months.