A topographic map with blue contour lines and elevation labels (e.g., 500, 750, 1000, 1200, 1400) serves as the background. A central blue rectangular box with a white border contains the text. The text is white and centered within the box.

Section 1

PROJECT INITIATION

1.1.1 WHAT ARE THE BENEFITS OF TRAILS?

As a trail developer or operator, you will be giving a gift to the people of Nova Scotia and our visitors. The benefits that can result from the development of trails are endless. Examine the potential benefits specific to the trail project, for these will be the central forces for gaining support and funds. It is crucial to be able to clearly present the project's values when seeking public support or applying for funding. The following are some key benefits of trails in general.

Recreational and Health Benefits

Trails give people safe surroundings in which to have fun. A trail is a recreation facility; trails allow easy access to recreation. They help foster active and healthy lifestyles through leisure and physical activity in the outdoors. Trail activities such as hiking, walking, or cycling are relatively inexpensive activities.

Tourism Benefits

The tourism market is changing. Studies show that tourists have an increased interest in the outdoors and nature-based activities and that they travel to pursue special interests and fulfilling experiences. A recent survey conducted by Tourism Nova Scotia revealed that 59% of visitors walk and 18% hike, while in another category, 29% visit parks and 11% birdwatch. Trails offer an ideal means of satisfying these interests and trails that permit these activities attract more visitors to an area, producing longer stays, and draw them to places they would not ordinarily visit.

Economic Benefits

Trails bring several economic benefits. Trails that generate more tourism activity bring in new money. Trail development creates paying projects for local companies. Existing businesses and municipalities benefit when residents increase their expenditures by purchasing activity equipment, clothing and accessories, food, and fuel. Employment can be created through development and sometimes in trail operation.

New business opportunities can arise with the introduction of a trail facility. Concessions, equipment rentals, restaurants, lodging, interpreting, and touring facilitators are good examples. Events like a cross-country ski race or a bicycle fundraiser attracts crowds, thereby stimulating economic activity.

Residents see property resale values increase in (or at least remain the same) with a recreation trail in the vicinity.

When companies are relocating or opening new sites, they tend to look for locations that offer a variety of recreation amenities to their employees.

Environmental Benefits

Using a trail can instill greater appreciation and respect for nature and local heritage. The experience of being in nature is an exceptional means of environmental education.

People can commute along trails as a more ecology-friendly form of transportation. For instance, well-routed bicycle trail is ideal for urban transportation.

Corridors protect natural settings, particularly in populated areas where they could otherwise eventually be destroyed.

Social and Community Benefits

Communities reap social advantages from having a trail in the local area. It builds partnerships among private companies, landowners, neighbouring municipalities, local government, and advocacy groups. This community involvement and trail participation can unite people and foster pride in the neighbourhood.

When residents are encouraged to be involved in a community project, like a trail project, they feel more connected to the community.

Educational Benefits

Trails bring Nova Scotians and visitors closer to the province's nature, history, heritage, and culture through a hands-on experience.

A simple stroll along a trail can teach people much about their surroundings. Interpretative materials, signage, and tours are some ways in which information can be related. They help foster understanding of nature and humans' relationship to it.

1.1.2 TRAIL CLASSIFICATIONS

Trails of different classifications can yield distinctive experiences for the trail user. Trails need not strictly follow definition of the following classifications. The classifications provide developers with a basis for designing a trail and to assist users in identifying which trails are suitable for them. This manual offers a classification system that is based on the setting, type of trail activity, difficulty rating, identified users, frequency of use, physical criteria, and purpose.

Primitive Trails

Primitive trails are typically for hikers or cross country skiers who are experienced in the wilderness and seek overnight trips. Generally these trails are kept very simple except for basic signage, some minor clearing for a narrow corridor, and limited development at dangerous zones. This is to minimize environmental impact and keep the site primitive. Maintenance is not done frequently, except where the needs of safety and environmental protection are concerned.

Countryside Trails

A countryside trail is more accessible than a primitive trail and it may approach areas of civilization. Greater development may be incorporated where necessary, while keeping in mind that minimizing environmental alterations is still important. Scenic routes and goal-oriented trails accessing a popular natural attraction are typical of this classification.

Family Trails

These trails should be capable of maintaining a high level of use by virtue of carrying capacity. Although a high quality environment would increase users' enjoyment, environmentally significant or sensitive locations should be avoided for family trail sites. Continual and high use of a trail will eventually, if not immediately, prompt unmanageable environmental impacts. For such a trail, developing for safety, comfort and ease is crucial, and maintenance is a high priority. Family trails most often feature visitor attractions and sometimes serve as a terminus for countryside and primitive trails.

Urban Style Trails

Urban style trails are located near or in urban areas: they connect developed areas, act as transportation routes, or provide opportunities for recreation in a more natural setting. These trails are designed to accommodate people of the most modest abilities based on age, experience, fitness level, and mobility. High standards are used for construction of tread surface, stairs, bridges, and so on. Maintenance work is frequent and extensive.

Special Purpose Trails

In some cases, trails are constructed specifically for one activity. Trails may be operated especially for uses such as snowmobiling, cross-country skiing, bicycling, sight-seeing, fitness, or horseback riding. Trails in this classification have only one use for varied reasons:

- incompatibility (e.g., wildlife viewing and loud or fast activities)
- special requirements (e.g., tracked ski trails)
- operators developing trails to suit their members only (e.g., mountain biking group needing practice and competition site).

1.1.3 ACTIVITIES FOR TRAILS

There is a growing number of uses for trails these days. The popularity of trails has extended opportunities beyond the traditional hiking and cycling. Classifications have some bearing on what activities a trail is able to offer. Identifying which activities are desired will determine which classification of trail should be offered. A primitive trail should not accommodate every use, however knowing the possibilities is important. For an urban style trail, it may not be feasible, for example, to accommodate all uses, but you should consider all possibilities (baby strollers and pets) before developing the concept of your trail. Examining the potential uses will benefit management efforts in the future. The following is a list of activities for trails.

Walking	Fitness/cross-country running
Hiking	Interpretation
Sight-seeing/viewing wildlife	All-terrain-vehicle riding
Traditional biking	Off-road motorbike riding
Mountain biking	Horse riding (Equestrian)
Wheelchair use	Snowmobiling
In-line skating	Snow-shoeing
Skate-boarding	Cross-country skiing

People also use trails to get to a place where they can participate in another activity, such as camping, fishing, canoeing, kayaking.

1.1.4 TRAIL TYPES

This section outlines five common trail types — hiking trails, bicycling trails, equestrian trails, cross-country ski trails, and snowmobile trails — based on the activities for which they are designed for.

- ensure the trail users' comfort, safety and ease of movement,
- respect wildlife and plant life
- offer an aesthetically pleasing experience. Each trail has its requirements. The layout, width, height, surface, signage, facilities, and other details will be quite different from one trail to another. However, these differences do not necessarily constrict a trail to one activity/use.

Too often, operators blindly develop trails that host only one activity. There is a common misconception that one trail type should not or cannot partner with others. Each trail type has special needs; however, these can still accommodate or adjust to the needs of other trail types. Compare what you need for your trail project, then assess how it can combine with other trail types. You will likely discover that combining trail types may enhance the trail product. Or, after careful consideration a combination may not suit your organization's goals. It is perfectly acceptable to develop one trail type; however, remember to make an informed decision.

Hiking Trails

There are six categories of hiking trails, each having similarities, yet attracting different users for various reasons. As we move down the continuum of these categories, you will notice that walking and wheelchair accessibility are added purposes of “hiking trails.” Walking, jogging and wheelchairs are hourly activities done on a regular basis, primarily for fitness reasons. Basically, hiking means a longer-distance walk, that is perhaps laborious at times, in natural surroundings. Hikers use hiking trails for varied reasons; tourist hikers for sightseeing; naturalist hikers for nature education and photography; harvest hikers for fishing, food gathering and flower gathering; adventure hikers for challenges and solitude. Persons who walk or wheelchair on trails do so to get fit, sightsee, relax, socialize, commute, interpret, or commune with nature.

Wilderness Trails

Long-distance routes give experienced hikers the opportunity to seek challenges and camp for at least two nights. The terrain can be physically fatiguing to the user but he/she welcomes the challenge. Here, the hiker is able to be isolated from signs of civilization and focus on nature, as there are minimal facilities and few other trail users. The trail tread and bordering zone is left in its natural state.

Backcountry Trails

Similar to wilderness trails, backcountry trails offer at least one night's camping in nature's setting. These trails differ in that there can be more use of simple structures (e.g., puncheon, bridges, etc.) to make movement somewhat easier for the moderately experienced hiker. Also, the need for distance from civilization is important but not as crucial as wilderness trails.

Frontcountry Trails

Hikers have easier access to frontcountry trails because these are located in semi-rural areas. This means there is moderate use. There is no concern for being isolated from signs of humans. In fact, hikers will commonly encounter other hikers because of the trail's location and the amenities it offers (picnic and rest areas, parking, etc.). Generous tread width, gentle terrain, even tread, more structures, and the layout make a more user-friendly trail for casual hikers.

Day-Use Trails

Such a facility accommodates large numbers of people for walking and has elaborate structures and signage, wide treads, gentle grades, and shorter lengths. People with disabilities can use this type of trail. Day-use trails could include features that give a feeling similar to a frontcountry trail.

Urban Trails

Located in developed centres and municipal parks, these trails are used by many more people than the previous trails. Urban trails are used for commuting, strolls, accessing an attraction, casual walking, or tourist promenades. The tread is wide enough to carry many people, even with strollers and pets, in both directions at once. Compared to other trails, these are the most useable by persons with wheelchairs, mobility impairments, and visual impairments. Extensive amenities, such as rest facilities, information centres, parking, and vending booths, bring conveniences to suit just about any user.

Interpretive Trails

Other than signage and directing the trail past interest points and viewing areas, an interpretative trail does not have separate development specifications from the other hiking trails. Interpretation is a major feature that enhances either a front-country, day-use, or urban trail. An interpretive trail highlights natural, heritage, or historical attractions that people are curious about or might not otherwise appreciate. It connects people with the best features of an area. Interpretations can be done either by conducted tours or self-guided tours; the first requires staff and the later requires extensive signage.

Bicycle Trails

There are two distinct types of bicycling, traditional biking and “all-terrain” or “mountain” cycling. Traditional cyclists and all-terrain cyclists seek different experiences, thus there are special needs for each kind of trail.

Traditional Biking

These bikers cycle to tour, exercise, or to get around. “Getting around” can be either commuting between urban locations or cycling to a point of interest that is not accessible by other methods (campgrounds, lakes, etc.). Traditional biking trails have smooth surfaces, two-way traffic, wide curves, and gentle grades and tend to avoid multiple hills.

Bicycle paths on roadway shoulders are becoming more prevalent in Canada. This manual will not discuss these systems because they are a lengthy, detailed topic in themselves.

Mountain Biking

These bikers seek adventure and challenges within nature. These challenges are found in rough terrain, steep grades, hills, curves, and the unknown. Traffic is generally not heavy and is two-way.

Equestrian Trails

Horseback riding on trails is a desirable pursuit for equestrians because it offers a different experience than riding indoors, in-ring, or on farmland. There is a false perception amongst multi-purpose trail operators and users that horses are dangerous, create user conflicts, and damage the trail. The result of this is that riders are prohibited from using many trails. Experienced trail-riders advise that equestrian traffic is compatible with all uses except snowmobile trails over dangerous terrain (hidden by snow). Public trails are not used by inexperienced riders from a commercial riding stable; these businesses have their own trails for their customers. Riders using public trails own their horses, therefore, know the horse’s behaviour in various situations.

Few problems exist when trails are properly designed and regulations are enforced. Equestrians can use the same trail as other users or, alternatively use a separate tread parallel to the main trail. Good management will encourage riders and other users to get along harmoniously.

Cross Country Ski Trails

Many trails used for biking, walking, or horseback riding in summer can convert into cross country trails in the winter. Often it is a loop layout located in a scenic

area. The site should have at least 15 cm to 30 cm (6"-1') of snow for several months. The route must avoid areas where climate does not work for the trail (e.g., slopes facing south and strong winds). Skate skiers require a wider groomed trail and would therefore be better suited to a double-track trail. Classic style skiers can use single-track trails, however it is most desirable to have a two-way track system. It is not a must to groom classic style trails, but be aware of the implications. Groomed trails cannot allow other activities, whereas ungroomed trails or those not designated as ski trails can allow hikers, horses, snowshoers, and snowmobilers.

Snowmobile Trails

A booming winter activity in the Atlantic provinces is placing greater demand on developing top-notch snowmobile trail systems. Abandoned railways and old logging roads are ideal sites for snowmobile trails. A single snowmobile trail runs an average of 80 km, often connecting with other trails that total a greater distance (350 km). They need to be wide, flat, and free of obstructions. Safety is crucial because of snowmobiles' capability to travel at fast speeds, so this means good horizontal sight distances, proper grooming, extensive signage, and blazing are needed. Snowmobilers travel considerable distances therefore they need warm resting facilities with some amenities. The trail should connect to developed areas to access fuel and repair stations, emergency services, and food services.

Multi-Purpose Trails

Multi-purpose trails are ideal for a community because of their capability to offer more than one opportunity. Any trail has the capability to host at least two uses, either simultaneously with the main activity or in another season. Seasonal multi-purpose trails feature a different recreational use for separate seasons. As an example, a trail used for biking in the summer can be used by cross-country skiers in the winter. Given that proper measures (design, signage, regulations, etc.) are taken to avoid potential conflicts, a trail can be versatile within the same season. These trails combine activities that are able to exist simultaneously on the same trail, such as walking, cycling, and in-line skating.

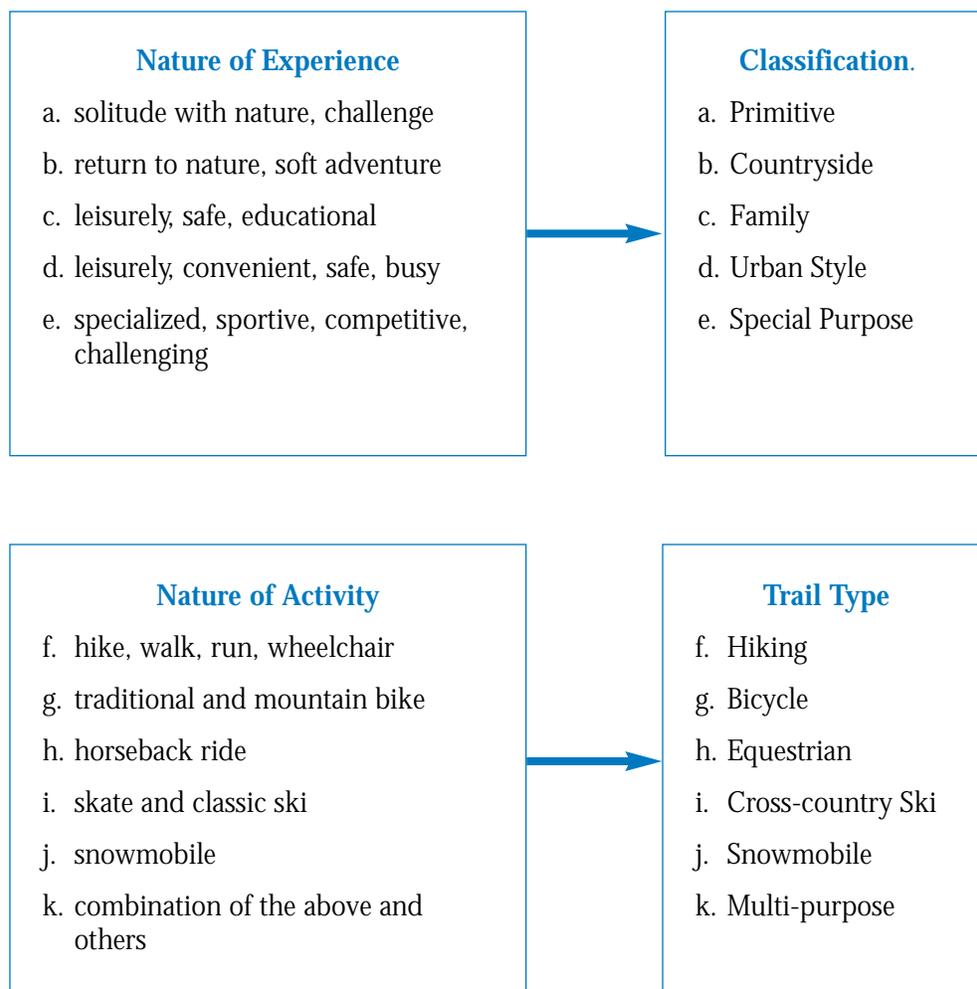
Other

The above trail types are not the only ones that exist; they are simply the most common types. New activities continuously evolve and gain popularity. For this reason, try to keep your trail flexible for possible changes in the future.

For instance, the number of in-line skaters (or "rollerbladers") is increasing dramatically among both the very young and adults. Most people did not predict just how explosive this activity would be, so there is some confusion about how to handle this new form of traffic. Currently, skaters are using streets, country roads, and sidewalks for both commuting and recreation purposes, posing serious threats to their own lives and the lives of others. Essentially, the problem is that these people do not have anywhere to enjoy this activity, or that is suitable for safe skating. It is possible that in the near future laws will force skaters off the streets and sidewalks. Now the question is, where can these people participate in their activity happily and safely? The answer is to incorporate in-line skaters' needs in some trails.

The trail *classification* essentially describes the *experience* that a trail offers to its users. A primitive trail offers a different experience than an urban trail does mainly because of the setting and level of use. Each classification of trail has characteristics that yield a particular *experience*. The trail *type* describes a trail on the basis of the *activities* it hosts. Each type of trail has characteristics that make the *activity* possible.

To explain the relationship of *classification* and *type*, think of a trail that offers opportunity for running, walking, biking, in-line skating and cross-country skiing; this makes it multi-purpose. Now, think of a trail that is easy to access, has features enjoyable for all ages, follows minimal/few slopes, and offers a distance(s) for a leisurely pace; this is an urban style trail. This multi-purpose *type* of trail is *classified* as an urban trail. Together, the classification and type help define what sort of trail will be developed.



1.1.5 DEFINING THE TRAIL PURPOSE

A very important first step of a trail project is to determine the purpose of the trail. Essentially, a purpose statement defines why the trail is being developed and what the desired outcome is. Be sure that the members of your organization collectively establish a purpose statement that is understandable by all. Having a clear purpose at the onset of the trail project is the key guiding factor in the planning, design, construction, and management of the trail. Every trail project should have a clear, concise, and written purpose statement that answers the following questions:

What is the name of the trail ?

The official name may not be known until there is input from the community, sponsors, or others therefore this detail can be added later.

Where is the trail site located ?

In what town, county, region, along what lake, river ?

Why is the trail being built ?

Is it being built for community development, recreation, access to a natural attraction, transportation link, to preserve a unique environment, ... ?

Who is the trail intended for ?

Is it for town residents, tourists, wildlife viewers, club members, ?

What is the trail used for ?

Is it used for alternative transportation in the city, interpretation, hiking, biking, competitive sport events, ... ?

Who manages the trail ?

Is it the organization, municipality, volunteers, government, committee,... ?

As an example, here is what a purpose statement may look like.

The Municipality of Someplace operates the Waterfall Trail, with the direction of the Trail Committee, to provide resident and visiting families with quality passages for walking and interpretation of the Sparkling Stream ecosystem.

1.1.6 SETTING OBJECTIVES

Objectives are statements that complement the purpose statement and which lend further direction to your trail project. Objectives take fragments of the purpose and expand on them.

Your organization should include clearly written objectives specific to your trail. The following are examples:

To provide a facility that offers quality outdoor recreational opportunities, for residents of Municipality of Someplace having minimal experience.

To develop a trail involving interpretative features that will interest tourists to stimulate tourism and economic activity in Somewhere County.

To educate people to appreciate and respect the Sparkling Stream ecosystem and other similar ecosystems with on-site interpretation kiosks and guided interpretations.

To offer an enjoyable experience for all people that is completely accessible and highly safe.

1.1.7 VISION FOR THE FUTURE

Anticipating the future of your trail in the preparation stage is just as important as having objectives and a purpose statement. Trail operators must realize that their role continues after the trail has been opened. For some organizations, it is unlikely that a trail project will be completed to the desired level at once. Developing a new trail is sometimes a procedure that progresses over several years. Maintenance and management are ongoing for the duration of the trail's existence. Do not regard your trail as ever being complete because development is a continuous process.

The vision identifies the future desired state of your trail, for anywhere between 10 and 25 years. It has a positive motivational tone and focuses on future benefits. Pinpoint what your trail group's vision is for the trail's future and record it in words. Do not let it get lost in the files; rather, display it, print it in a newsletter, or read it aloud at meetings. The vision is a goal for the future; it is what ensures that the original philosophy behind the trail continues after the current group members are no longer involved.

Here is an **example** of a vision:

The Waterfront Trail shall nurture all living things and preserve all natural elements of the Sparkling Spring ecosystem, from the respect and care fostered through years of interpretative education, so people in 20 years can take pleasure in the pristine nature as it is today.

The vision statement needs to have its own objectives. Separate objectives from the previous ones need to follow the vision statement. Carefully identify visionary objectives that will prepare your organization and your trail to deal with possible future obstacles or issues. An example issue is expanding the trail in ten years and an example obstacle is dealing with a future logging industry on surrounding land.

The worksheet titled "Defining Your Trail" will guide the group in formulating a concept for the trail. Once this is complete, the first step of planning the trail will be finished. Congratulations!

WORKSHEET

Defining Your Trail

What is the classification of your trail?

- Primitive Urban Countryside Special Purpose Family

More specifically, describe the range and variety of experiences will the trail offer.

What is the main trail type and what (if any) other activities will be permitted?

- | | | |
|--|---|-----------------------------------|
| <input type="checkbox"/> Walking | <input type="checkbox"/> Fitness/running | <input type="checkbox"/> Camping |
| <input type="checkbox"/> Hiking | <input type="checkbox"/> Interpretation | <input type="checkbox"/> Fishing |
| <input type="checkbox"/> Sight-seeing/wildlife viewing | <input type="checkbox"/> All terrain vehicle riding | <input type="checkbox"/> Canoeing |
| <input type="checkbox"/> Traditional biking | <input type="checkbox"/> Off-road motorbike riding | <input type="checkbox"/> Kayaking |
| <input type="checkbox"/> Mountain biking | <input type="checkbox"/> Equestrian | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Wheelchairing | <input type="checkbox"/> Snowmobiling | <input type="checkbox"/> _____ |
| <input type="checkbox"/> In-line skating | <input type="checkbox"/> Snow-shoeing | |
| <input type="checkbox"/> Skate-boarding | <input type="checkbox"/> Cross-country skiing | |

How and who will the trail benefit in terms of:

recreational/ physical activity and health?

tourism?

economics?

environment?

social and community?

education?

What is the name of the trail?

Where is the trail site located?

Why is the trail being developed?

Who is the trail intended for?

What is the trail used for?

Who manages the trail?

Formulate and write a Purpose Statement for your trail:

(Has the purpose statement answered who, what, where, when?)

Formulate and write at least five objectives to more clearly define the trail:

1. _____

2. _____

3. _____

4. _____

5. _____

Formulate a Vision Statement:

Formulate and write at least three Vision Objectives:

1. _____

2. _____

3. _____

1.2.1 PROFESSIONAL CONSULTATION

Members of an organization can accomplish many tasks for developing a trail, provided there are dedicated persons who are willing to learn, research, plan, and have some applicable knowledge or skills. However, there will be more than one component of development that calls for expert advice or service. Hiring a consultant can eat up your budget, but may be absolutely necessary for certain situations. For instance, restructuring or renovating an abandoned railway bridge will need the direction of a civil engineer. Do not compromise the safety of people and wildlife or the protection of the environment. Use your network of connections to professionals in the community for donated consultation. It would be ideal to recruit these people as volunteers of the organization. The following is a list of specialists you may consider approaching:

Consultant	Service
Lawyer	Liability issues, draft/edit land-use agreements & waiver
Insurance Broker	Liability issues, suggest insurance plans, review waiver
Engineer	Inspect conditions, design or rework a structure, supervise construction
Landscape Architect	Tree & vegetation care, aesthetic layout, planting new growth, soil identification, consulting on building a tread
Forest Officer	Identify trees, dryness, infestations, wildlife, etc.
Environmentalist	Protect wetland, watercourse, wildlife. Test water & soil
Soil Scientist	Identify types of soil and its characteristics, erosion, etc.
Parks People*	Examples of maintenance & management. Advice on inventory, routing, techniques for problem areas, etc.
Museums	Identify landscape characteristics, rocks, minerals, animals, plants.

* The Parks and Recreation Division of Dept. of Natural Resources actively builds recreation trails, therefore have a lot of valuable knowledge through experience. These individuals sometimes facilitate sessions in workshops offered through NSSRC. Although not for every case, the division will sometimes provide consultation and some supervision to non-governmental trail projects through formal agreements.

Written resources produced by such professionals are sometimes just as sufficient as in-person consultation. The information in manuals, books, guides, maps, and other materials can lead to solutions, explain alternatives, and describe inventory. In other words, it is unnecessary to seek the services of a professional when sufficient information is already available. For example, the Nova Scotia Wildlife Habitat Conservation Manual can explain how to prevent erosion and contamination of a pond. Refer to the Appendix titled Reference Material.

1.2.2 OPERATORS OF EXISTING TRAILS AND TRAIL “INVESTORS”

Perhaps the most valuable information you can gather is from those organizations or groups who are currently operating a trail. Many operators would be willing to speak with a first time trail developer. Both success and failure proceed experience, therefore, existing trail operators who will share their experiences, can help your trail avoid failure and attain success. Locate a few existing trails that are similar in type to yours and arrange to speak with someone who was involved in the development and operation. Request a guided tour of the trail to get a better understanding. Ask if they would speak to members of your organization.

There are several groups, organizations, associations, and clubs who, although they may not operate trails, are enthusiastic about trail development. Because they have an interest, the members are knowledgeable, skilled, and resourceful. These groups can put you in contact with other key people, locate reference materials, or explain what is needed in a trail. The Nova Scotia Trails Federation (NSTF) is an umbrella group representing a range of trail users that promotes the development and wise use of trails and voices issues. The Federation is comprised of:

- Bicycle Nova Scotia
- Canadian Motorcycle Association, Nova Scotia Chapter
- Canoe Nova Scotia
- Dartmouth Volksmarch Club
- Halifax Field Naturalists
- Nordic Ski Nova Scotia
- Nova Scotia Equestrian Federation
- Nova Scotia Section, Canadian Hosteling Association
- Snowmobilers Association of Nova Scotia
- Associated members

The NSTF is also the provincial contact of the Trans Canada Trail. The Trans Canada Trail is a network of trails crossing every Canadian province and territory that is currently under planning and development. It is a multi-purpose trail accommodating five core activities; walking, cycling, horseback riding, cross-country skiing and snowmobiling (where possible/desired). It is managed nationally by the Trans Canada Trail Foundation, an independent non-profit, registered charitable organization. The general route in Nova Scotia is planned to travel from Amherst through the Pictou County shore to Canso, then Baddeck and finally, North Sydney.

NSTF is also becoming a trail resource centre. This manual is a written resource of NSTF. In addition to this, NSTF is the first organization in Canada to have a computerized data inventory of all the trails in the province, with descriptions, directions, maps and other details. In the future, the database will be accessible to the public at selected tourist bureaus, provincial and municipal government, and other locations yet to be selected.

The Recreation Association of Nova Scotia (RANS) has taken a leading interest in trail development, especially those on abandoned rail lines. RANS regards trails as important recreation facilities for the people of Nova Scotia. The RANS conference holds seminars on trail topics. RANS can assist a group at the initiation stage of a trail project with workshops and consultation on leadership, volunteers, and fundraising.

Scouts Canada, Girl Guides, Federation of Naturalists, Climb Nova Scotia, municipal recreation departments, and county recreation associations are additional groups with “invested” interest in trails. They have either developed trails themselves or supported trail development.

The Nova Scotia Sport and Recreation Commission (SRC) fully supports and encourages community trail initiatives. The SRC assists trail operators by providing consultation and guidance to help groups become more self-sufficient. The SRC periodically offers hands-on trail development workshops. Representatives from the Parks and Recreation division of the Department of Natural Resources (DNR) are often the facilitators at these workshops. The NSTF, SRC, and Recreation Facility Association on Nova Scotia expects an assessment of all provincially owned abandoned rail corridors to be complete by 1998.

The Department of Natural Resources is also concerned with trail development as part of its responsibility for provincial parks, protected areas, abandoned railway lines, and Crown lands. Natural Resources administers the Trails Act, which provides a procedure for designating recreational trails on Crown lands and over watercourses and on privately owned lands (with the consent of the landowner), with reduced liability and effective management.

Industry, government, and communities have collectively prepared the Nova Scotia Tourism Strategy, which outlines a plan leading into the 21st century to position Nova Scotia as a major travel destination. One of the priorities identified in this provincial strategy is “to develop products and experiences in which Nova Scotia has a competitive strength, which have market appeal and which have the potential to contribute to increased demand and spending.” Nature tourism is one such product. Both the Nova Scotia Tourism Strategy and the Nova Scotia Nature Tourism Strategy list trail development, particularly abandoned rail lines and the Trans Canada Trail, as a course of action towards this expansion. Our tourism industry believes Nova Scotia has the potential to be one of the world’s premier trails destination. Tourism Nova Scotia can put developers in contact with people who can discuss such topics as where tourists come from, what tourists want in nature activities, what features and services make a trail appealing to them, how the community can benefit economically, and how best to market trails to tourists.

As an organization planning to develop a trail, you are most likely doing so with the intention to benefit the community in more ways than one. Perhaps you envision the trail attracting tourists or strengthening community ties and family relations. It is possible that someone in your community does not share the same vision. Opposition from the community can impede a project's progress or completely discontinue development. Everyone in the community needs to be a player (or at least a fan) on the same team in order to see the completion of the trail.

1.3.1 STRATEGY

First impressions often dictate how well a person will be received. The same holds true for introducing an addition or alteration, like a recreation trail, to a community. An announcement of the exciting plans for a trail in your area may not necessarily yield positive first impressions amongst everyone. Your organization needs to define and implement a strategy for gaining community support. A support strategy includes these components

- the organization's image and how to impress it on others
- issues and concerns and how these will be handled
- your case — know the facts
- a plan for approaching local government representatives
- a plan for approaching landowners
- a plan for approaching community at large
- desired roles for the government, landowners, and community
- complaints and negative feedback
- a spokesperson
- reward for support
- keeping people's support

The strategy should assure people of the community that the organization is

- open and responsive to their concerns
- competent to manage the project
- responsible and trustworthy.

1.3.2 ISSUES AND CONCERNS

Implementing a support strategy will help ensure that rumours or false perceptions about the project do not spread throughout your community. These rumours and perceptions arise from issues and concerns based on fear. A common fear is that change will bring more people, particularly strangers/outside into the area. In the minds of uncertain or opposing people, extra traffic means noise, trespassing, loss of privacy, vandalism, crime, loitering, littering, and liability suits. Adjacent landowners, particularly have these concerns. Some community members may believe that a trail will increase their taxes or impose other financial responsibilities. How these issues will be handled (policies, policing, risk management, legal agreements, signage, etc.) should be outlined in the support strategy (#2 & #3) and shared in response to people's concerns. Different communities will have different concerns, and, no doubt, an unpredictable issue will arise. Putting yourself "in his/her shoes", knowing the facts, and sometimes being patient and persistent will assist you through such a concern.

1.3.3 POTENTIAL TEAM PLAYERS

There are certain desirable players for your trail team and they are discussed here. You will receive positive and negative responses at varied degrees. Let them know what level of support you are requesting — from a simple approval to formalized agreements.

Related Interest Groups

Probably the easiest players to attract to the project's "team" are those people or groups that would use the trail themselves. This could be the local field naturalist group, ATV riders, bicycle rental store, summer camp, or cross country club. The more of these people you get excited about your trail, the more people you will have advocating for its development. Consider ways you can involve them in the project.

Government

Political support is a good bet for gaining support more quickly from difficult community members. The term 'support' here is not referring to government financial assistance, but to public endorsement and encouragement for the project. Having a municipal, provincial, and/or federal (regional) representative on board can give the project credibility. Keep your government representative(s) informed and updated and involve them publicly (e.g., press releases statements, official openings). Also, consider approaching the municipal departments and affiliated groups that will most likely be supportive, such as the recreation department, tourist bureau, and economic development authority.

Community

A recreation trail is an outdoor community centre, therefore it is important for residents to be in favour of the plans. Find out how the residents react to the idea of having a trail in the district. Survey a sample of residents using a questionnaire that asks

- what trail-related activities the household participates in
- what benefits and problems could they see
- they would use the trail and how often
- they would approve of it
- they would like to be updated on the project.

With the answers you will be better able to estimate the responsiveness of the entire community so you can be prepared to get more complete feedback.

The third element of the support strategy is “your case — know the facts.” Package the potential plans in a newsletter or pamphlet, providing solid solutions/answers to the issues raised in the surveys. Build a case with facts and community and individual benefits. Be honest, but do not divulge too much information because plans set in stone do not allow you to be open and responsive to the community. Instead of explaining the plans in detail, share the purpose and objectives to illustrate the direction of the project.

You can better inform a community by holding an open house workshop which will bring you closer to the people. These workshops (a more relaxed term for “meeting”) are to inform residents about the project, discuss concerns, and seek input into the development (route, users, policies, etc.).

Community support is a continuing need that must be maintained during the operation of the trail. Hold events to keep them interested and hold more events to show your appreciation for their interest. Also return to them what they have given to your organization, that is, get your organization involved in other community projects, events, and interests.

Adjacent Landowners

Adjacent landowners are usually the most sensitive to a trail project entering the area because it means there will be an increase in traffic along their property line, where there may have been none before. They are the most difficult to convince to grant approval for a trail. It's not that they dispute the value of a trail, but they fear losing privacy or quiet, and feel vulnerable to strangers and criminals. The best way to get these people on board is to have a representative talk one-to-one with them. This way, the root of the concern will surface and the representative can negotiate some kind of agreement. The representative needs to be someone who knows the people, is neighbourly and personable, and has effective communication skills. The person should be patient, a good solution-finder, and able to commit a considerable amount of time.

During these one-to-one visits, the representative should ask the landowner to sign an agreement stating their support for the trail to be built along or over their land. Once the landowners have given approval, the organization must maintain a good track record and promptly address their new concerns as these arise.

1.3.4 TACTICS FOR SOLICITING SUPPORT

There are ways to steer people on track with the trail project. Each representative of the organization should practise honesty and professionalism, keep informed, know the facts and benefits, and know more about the trail than anyone else. Remember to keep plans flexible until you have heard from all parts of the community. Here are some tactics to move your project ahead and maintain support:

Open House Workshops

Schedule a meeting open to all community members to inform them of the project, assess reactions, answer questions, and gather input. The spokesperson for the organization who facilitates these workshops should have several of the following skills: communication, public speaking, presentation, creativity, people relations, public relations, marketing, or sales. Note that she/he should not come across as a salesperson pitching a product, but should present the idea in a way that stimulates curiosity, interest, and support.

Door Knocking / One-To-One

Find volunteers who will go door-to-door with surveys, spread the word, and answer questions. Find someone with that special knack for people relations to speak one-to-one with adjacent landowners and other reluctant persons.

Introductory Resource

Compile photos, history, map, general proposed plans, purpose, objectives, sponsors, etc. in a printed form to be distributed to homes or made available at various locations. This resource could be a preliminary brochure or pamphlet (not for marketing to trail users), newsletter, or letter.

Promotional Campaign

Promote the trail to increase awareness prior to development and once in operation.

Media Relations

Send press releases to inform the local media of the project's progression. Speak with them and establish a relationship so they will report facts and positive stories instead of rumours. They can also help advertise workshops and events.

Special Events

Hold events to increase awareness and maintain interest: an official opening, a fun run, a mountain-biking competition, a pet walk, a chili day at the trail head, a scavenger hunt, nature interpretations. The possibilities are endless — let your creativity run wild!

The biggest concern of trail developers is the price tag attached to a trail project. Many trail projects are developed by non-profit groups, and there is minimal money available. And operators rarely build trails with the intention to turn a handsome profit. So if a group has only a tiny fraction of the money needed and will not be making 'big bucks' from trail users, then where can this group find the funding? This is the big question that everyone answers. Unfortunately there is no magical answer that comes in one neat package. It is rare for a trail project to be almost entirely funded by one outside source. To gain funds successfully a group has to collect from various pools of money. And the group has to seek alternatives to money. Money does matter, but non-monetary resources can often be much more valuable and beneficial to the progress of the project. Contributions of people-power, expertise, services, and materials usually have a value greater than what could be bought with cash contributions.

1.4.1 PROJECT EXPENSES

It is very important to know the project's expenses before funds are gathered. It will give an idea of how much money or other resources are needed, but it will also help attract contributions. People are more likely to contribute to a project that is certain about the costs; they will regard a well-planned project as an investment. There are many expenses but here only labour and materials are discussed. Labour and materials are the two greatest expenses of a trail project, but choosing wisely from the available options will help expend funds effectively.

Labour

Labourers are those who do the manual work such as clearing the corridor, preparing the tread, building stairs, maintaining the facility, and installing signs. Labourers can be either volunteers, paid workers, or a combination of the two. The choice of these three options will depend upon:

- the sophistication / complexity of the project
- the scale of the project
- the time frame for completion
- the human resources available
- how much the organization is able/willing to spend

Volunteers

Volunteers are people who offer their time, skills, talents, and/or work efforts (physical and non-physical) to reach a common goal and do so without monetary reward.

Volunteers are inexpensive human resources. Building a trail can give volunteers a sense of community spirit, accomplishment, and pride. They are what adds distinctive character to a trail system. This will not only translate into productivity in the development, but will help secure the future of the trail. Members of the community who put so much of themselves into a trail project feel ownership and will see to the best interests of the trail. Although volunteers can be as dedicated as hired help, their available time is sometimes limited and not guaranteed. These schedule constraints, along with the need for training and close supervision, mean it may take longer to complete the trail.

Paid Workers

Professionals

The term “professional” may be misleading: as of yet there are no trail construction companies that build your trail from the first stage through to the last. You will need to contract the jobs individually or hire a contractor for the entire project who will take care of the bits and pieces. This is the most costly labour alternative, but if the contract and quote are lived up to, then usually the quality of work will be higher and jobs completed sooner than if done by volunteers.

Hired help

Persons could be hired for a full-time crew for less than a professional contract. Although they would not be “professionals” they can be trained to do good quality work. Consider hiring high school graduates or post-secondary students; they are energetic and some are available between April and September. Those studying surveying, forestry, natural resources, biology, rural and urban planning, environmental design, carpentry, recreation, or having an extra-curricular interest in outdoor recreation may be candidates who would love an opportunity to develop trails.

The Combo

A common choice is to use both volunteers and paid workers. Use volunteers where they will be most effective: on tasks where they can apply their knowledge, skills, talents, and assistance. Hire skilled persons where complicated work is to be done. Some trails have situations where only experts can get the job done, such as the construction and installation of a long span bridge.

Materials

Money is by no means the only way, nor the best way, to get needed materials. There are generally four alternatives to getting the materials (or some other feature, tool, structure, etc.). You can

- *Reuse/recycle it*
Check with factories, building and road construction sites, and manufacturers for things they discard. One person's junk is another person's treasure!
- *Build/find it yourself*
Need something built? Make it a do-it-yourself project. Volunteers can read about it, attend workshops, watch instruction videos, ask experts if they do not know already how to make it. Need a material? Look and you shall find. The very material you need may be under your feet or towering above you. Local materials at the trail site such as soil, stone, logs, and wood may be appropriate for your purposes.
- *Have it donated*
People and business outfits are more likely to donate something (rather than hand out money) such as a loan of tools and equipment, a donation of benches with contributor's name displayed on each, a donation of saplings.
- *Buy it*
Sometimes it is necessary to purchase a service or product, in which case, funds must be raised.

1.4.2 BUDGETING

Before collecting money for a trail project, prepare a budget. It will assist in allocating money efficiently and appropriately. It is especially important to have a budget when seeking sponsorship (fundraising, grants). Most sponsors will request one; sponsorship is more likely to be granted if the budget is realistic.

At the beginning of the project, only a rough estimate can be made. A more accurate budget will be possible once the initial trail concept has shifted to an actual plan. Prepare a budget early on (as rough an estimate as it may be) then fine tune it after the site analysis and corridor planning (Section 2.4). Developing a trail is like opening a business; one step does not necessarily begin after the prior step has been completed. In other words, steps or stages can be concurrent. This means you will need to budget once you have sufficient details.

The budget format is a personal preference. It could list the cost for each item. Take this portion of such a budget for an example:

Wetland Crossings

Bridges	\$ x,xxx.xx
Puncheons	\$ xxx.xx
Boardwalk	\$ x,xxx.xx

Each item's total takes into account the cost of everything used to develop it: labour, lumber, nails, nuts and bolts, etc. This is a method for a detailed budget, which is good if you want to know exactly what every component of the trail costs. Some may say this method is illogical because it does not reflect how things are purchased. Materials are not purchased for the bridges, then for the boardwalk, and so on. The best rates are for materials bought in bulk. That is, budget for all the material (or what have you) you need. Determine the cost for the lumber needed for all the bridges, boardwalks, fences, retaining walls, the gravel needed for fill, surface, gabions, and so on.

lumber	\$ xx,xxx.xx
hardware	\$ x,xxx.xx
gravel	\$ x,xxx.xx
soil fill	\$ x,xxx.xx
tools	\$ xxx.xx

You may wish to give more detail to services and labour, rather than grouping it in two headings. The following example shows some details.

Services:

Legal fees	\$ x,xxx.xx
Engineering fees	\$ x,xxx.xx
Drafting fees	\$ xxx.xx

Labour:

Corridor alignment	\$ xxx.xx
Tread preparation	\$ x,xxx.xx
Surface installation	\$ x,xxx.xx
Structure building	\$ x,xxx.xx

See Checklist For Expenses at the end of this section for items that may be applicable to your project. Note that your project's costs are not restricted to this list, and that every situation is different.

On the revenue side of the budget, record the estimated income from each sources in-kind, fundraising, donations, foundations, grants, and generated income through sales, events, etc.

Totalling the Budget

In the budget, assign a monetary value to all services, labour, and materials not purchased (i.e., in-kind, donated, etc.). As an example: if four volunteers will clear the route for an estimated 40 hours each and each hour valued at \$8 (if they were paid workers), this would equal \$1,280 (4 people X 40 hrs = 160 X \$8 = \$1,280). In other words, include the cost as if you were to pay for it. Highlight, mark, or have a separate column for such items in the budget so you can easily identify where money will actually be spent. Add all the costs and use this sum as the project's true expense total. Record a separate total for the actual expense total by omitting the highlighted values (non-purchases) from the sum. The true expense total will show the value of the project and the actual expense total will show the total funds to be spent.

Follow the same method for totalling the revenue side of the budget.

1.4.3 HOW TO SEEK SPONSORSHIP

Prior to seeking funding your organization will have to establish a “package” that will market the trail. The purpose and the method are quite similar to the support strategy for seeking community support. Although in one case, money (or the equivalent) is sought and in the other case support is sought, both fundamentally share the same purpose, which is to get targeted persons excited and ‘on board’ the trail project. So how does a trail project get sponsors ‘on board’? Follow these principles:

1. *Gain community support*

Follow the Support Strategy described in 1.3 Community Support. Sponsors want to know that a project is viable (which can be demonstrated by the people behind it) before sponsoring it.

2. *Team up*

Are there other initiatives in your community with components that might correspond to part of the trail project? Folks working on one Nova Scotian community trail teamed up with the local waterfront development project people to construct a portion of the trail along the water. Search for opportunities like these in your community. This kind of partnership is not necessary, but it will give extra validity to your project and increase the number of people who benefit from it.

3. *Get an image*

Package an image for the organization and the trail. Present the project visually, tangibly — anything that will help the targeted people understand the project. Use a document similar to what might have been used to seek community support. Add more detail, but keep it clear and concise for easy review.

Chances are, several of the sources you will approach get many requests for sponsorship, so grab their attention with creativity and use their time wisely. Include maps, site descriptions, plans, expenses, revenues, list of supporters, articles, and quotes from media or prominent figures. Make your project stand out from the rest — include pictures of features and wildlife, aerial photos, samples of the wild flowers, short videos.

4. *Build a case*

Be able to demonstrate why the trail is worth funding. Present the benefits of the trail and include statistical/factual information: project the increase of visitors and their spending activity, show how railway history will be preserved, note the location of the closest trail, note the number of bicycles per household, tell how the trail would keep snowmobilers off dangerous roadsides. Identify who it will benefit: a trail near a school is ideal for cross-country running and ski teams; it provides experiential education in geography, maritime studies, geology, biology, physical education, and environmental studies. Be able to explain how a contribution will benefit the sponsors: name the trail after them, display their name or logo at trailhead. Show that it will complement their own goals.

5. *Selecting sponsors*

Choose methods of raising funds and indicate the percentage in relation to the total expenses. As an example: 50% fundraising, 15% donations, 10% in-kind, and 25% foundation. Research all the possibilities and identify the potential sponsors to approach.

6. *Complete prerequisites*

Most often there are special application procedures for becoming eligible for a grant, foundation, and donation. Find out exactly what is needed and complete all prerequisites that are prescribed.

7. *Approach the sponsors*

Do not let the application stand alone — arrange a meeting. Choose the “trail marketer” to represent the organization and the project. This person should have a knack for “selling” the project plans. Follow it up with phone calls, request a meeting, and have a slide show. Periodically send additional bits that keep the file active.

8. *Reward the Contributor*

Show appreciation for the sponsorship, no matter how big or small it is, with a plaque, gift, news release, opening ceremony. And carry through with all agreements: if it was agreed that the sponsor’s name would title the name of the trail, then make sure the name/logo appears on signs, banners, press releases, and promotional material.

1.4.4 FUNDRAISING

Fundraising will undoubtedly be the key method of gathering funds for many trail projects because the most immediate sources of funding are local sources. There are many causes all competing for the same limited pot of money. As a result, fundraising takes time, planning, and a strong volunteer base to ensure success. Although this requires much effort, the rewards are worth it. Besides the obvious monetary reward, there are other benefits associated with fundraising activity:

Increased Independence	Can plan and allocate expenses without pressure from an organization granting large funds.
Peace of Mind	Income is not dependent on corporations or government sponsors, therefore not vulnerable to demands or sudden changes in priorities.
Leverage	Provides wide support and encourages broader support.
Recognition of Support	Successful fundraising and numerous donors are indications of interest in your organization and its work.

Tests Your Program If financial support is not readily available, then perhaps community approval is not sufficient or plans are shaky.

Publicity Raises profile of the organization and the project with more interaction with the community.

Volunteer Recruitment Can provide a new source of volunteers.

To help fundraising efforts achieve these rewards more easily, consider the status of the organization. Certain governing constitutions for organizations will affect what kind of fundraising activity occur. Also foundations, funds, and grants often specify eligible applicants as incorporated, non-profit, or charitable organizations.

Incorporated Incorporation gives an organization a greater sense of creditability and stability. An organization may hold title to property or let contracts in its own name and its members cannot be held legally responsible for a debt or liability. It may assist an organization to become a registered charitable organization under the Canadian Income Tax Act.

Non-Profit Such an organization is any club, society, or association that is organized and operated solely for any purpose other than profit such as for social welfare and recreation. A group with non-profit status does not have to pay tax on most types of income, but it cannot issue official donation receipts for tax purposes.

Charitable To qualify as a registered charity, the organization must be established and operated for charitable purposes, and must devote its resources to charitable activities. An organization that is a registered charity is allowed to issue official donation receipts for gifts received. This reduces the a donor's income tax and the taxable income of a corporate donor. It also assures the donor that their donation will be used solely for charitable reasons. This means people are more inclined to donate.

Contact Revenue Canada for information on and an application form for receiving a tax number. The application process can be quite lengthy, so allow up to one year.

A very good nation-wide education program on fundraising is available to all interested parties. It is part of the Skills Program for Management Volunteers and is titled Resource Generation: An Integrated Approach to Fundraising. Contact the Recreation Association of Nova Scotia (RANS) for more information and for workshops. RANS has their own resource titled Fundraising for Community Groups, which contains an extensive list of fundraising ideas.

1.4.5 IN-KIND DONATIONS

In-kind is a term used for indirect funding, which is any contribution that helps finance the trail without the transfer of moneys. In-kind funding is by and large what has been discussed under the titles of “Volunteers” and “Materials” in 1.4.1 Where to Find a Helping Hand. Some examples include:

- volunteer labour
- free expert consultation/advice
- permission to use land
- donations of materials
- equipment loans
- cost-sharing by municipalities and community groups.

In-kind can often go much further than financial funding does because usually the equivalent monetary value of a donated service or product is greater than the cost of hiring or purchasing. Also, the contributor is less likely to give as generously with cash. It would make sense to target companies or individuals for specific in-kind donations.

1.4.6 DONATIONS

A service or product donation is essentially the same as in-kind or indirect funding. The slight difference between the two is that in-kind sponsorship is from those that are selected and then approached directly, whereas service/product donations are from planned fundraising campaigns/activities. A cash donation is typically claimed through planned fundraising activities. Cash donations are gifts that the general public or businesses give to benefit a project without conditions or restrictions like those from foundations or grants. A registered charitable organization will find it easier to attract product/service donations and cash donations because the tax deduction is an incentive for people to make contributions.

1.4.7 FOUNDATIONS

Foundations are non-government or non-profit organizations that establish funds for charitable purposes to assist projects that are of benefit to the general public. Foundations are advantageous in that they are flexible, more likely to support unusual projects, and are able to act quickly. Foundations have guidelines for eligibility and approval, application processes, and evaluation criteria.

The *Environmental Funding Guide* provides basic information on funding programs for non-government and non-profit organizations, individuals, and municipalities who are initiating environmental projects in the Atlantic Region. Most programs are funds or grants, however, some foundations are listed. A free copy of this guide may be obtained from Action 21, c/o Environment Canada (see Directory in the Appendix) or from the Internet at <http://www.ns.doe.ca/action21/menu.html>.

Visit the “Government Documents” section of a municipal library for guides to foundation programs across Canada. These guides list the qualifications and contact addresses.

1.4.8 FUNDS AND GRANTS

There is a significant amount of money made available through grants, funds, and foundations for projects concerning recreation, education, culture, environment, community togetherness, and economic development. Trail projects have the potential to access this money. Because each trail facility can be so unique from the others and there are so many funding programs, it is impossible to list them all here. Grants and funds are mostly established in federal, provincial and municipal governments (or a combination of these), and private sector companies. The Environmental Funding Guide lists funds and grants from all of these sources that are available to Nova Scotians.

Federal

The “Government Documents” sections of regional libraries contain reference books about funding programs in Canada. There is one called *Guide to Canadian Grants and Assistance Programs from Government and Private Sources* released by the Canadian Grants Service. If you browse through these publications you may find a program for which your project may be eligible. Here are a few possibilities (found from the *Guide to Canadian Grants*):

Community Planning Fund ~ The project is to enhance cooperation among local or regional groups to address local environmental problems.

Environmental Partners Fund ~ The project is to encourage new community based activities that protect, preserve or restore the environment, or provide knowledge on environmental issues that enable people to take action.

Volunteer Support Fund ~ This fund helps local and community groups with operating expenses related to environmental or heritage matters.

Provincial

The Nova Scotia Sport and Recreation Commission (SRC) has a capital grant program titled Recreation Facility Development Program. It provides “provincial government financial assistance for the provision and conservation of recreation facility infrastructure throughout Nova Scotia.” “Provision and conservation” means the construction, renovation, or acquisition of recreation facilities. The SRC supports trail development in Nova Scotia and sees trail systems as outdoor recreation facilities. Among the types of projects that are generally eligible are community centres, pools, sport facilities, parks, playgrounds, trails, and outdoor facilities. A trail project submitting a grant proposal should:

- increase sport and/or recreation opportunities for residents of a community or region
- be designed for multi-use
- reflect public participation in the planning process.

Two major criteria are: 1) applicants must be a formal organization, meaning registered as a non-profit organization and 2) applicants must present a lease or a deed for the land the trail will travel across. This second requirement poses difficulty for some trail projects because a trail may pass over more than one property. If the trail does not have legal contract for one of those properties, funding cannot be granted. This criteria is not intended to discourage trail development, rather it is

to protect the trail's life and the grant investment. Do not discard this as a funding possibility; rather, use it as an incentive to secure some form of landownership.

The SRC also provides planning and audit assistance. Funding will not exceed 50% of costs to a maximum of \$3,000.

Generally up to one-third of a project's budget can be awarded (there is a limit). In addition to this grant, SRC also provides financial assistance towards facility planning and audits. Funding shall not exceed 50% of costs to a maximum of \$3,000 for planning and a maximum of \$5,000 for audits. For more information and to apply, contact your local Commission Regional Representative as listed in the Directory.

The Community Economic Development Division of the Department of Economic Development and Tourism (EDT) administers a reimbursement program called Community Opportunities Fund. This program is in support of community projects that contribute significantly to both the present and future economic viability of the area. Specifically, it is intended to apply to those projects that either do not qualify for, or cannot be adequately undertaken using the resources of government, community groups, or the private sector. Projects will be funded to a maximum of 50% of the total cost of the project, but contributions will not exceed \$100,000. All applications, claims, and monitoring for this fund will be received and evaluated for funding by the Regional Offices of the Community Economic Development Division of EDT (see Directory).

There is funding available to assist in hiring students to work. Although student employment programs change from time to time, there are usually at least a few available at once. The Department of Education and Culture administers NS Links which typically subsidizes 50% of a post-secondary student's wage for an internship of 12 to 18 weeks. This program is available for three terms per year. The Nova Scotia Employment Program For Students from the Department of Economic Development and Tourism is available to non-profit organizations and government funded organizations. It funds full-time wages of a recent high school graduate pursuing advanced education or post-secondary student returning to full-time study after the work term. Contact EDT for more information on this and other employment programs.

Tourism Nova Scotia (TNS) is placing priority on the development of trails to strengthen Nova Scotia's position in the nature tourism market and to establish a tourism product that is globally competitive. TNS is working with the federal government and other provincial agencies to financially assist eligible trail projects. Trail projects worthy of funding from the tourism industry are those which are being developed for the primary purpose of generating further visitation and spending in the community. A trail project is ineligible if it is purely for local recreational purposes, such as a sport group seeking a facility in which to practice the sport. Contact the development division of Tourism Nova Scotia for more information on tourism funding possibilities.

Two other possibilities are the Nova Scotia Youth Conservation Corps Regular Summer Program and the Nova Scotia Youth Conservation Corps Youth Environmental Challenge Program sponsored by the Nova Scotia Department of Environment. In the past both of these programs have awarded funds to hire youth between the ages of 17 and 24 to develop trails. Contact the Nova Scotia Youth Conservation Corps for more information.

Municipal

Funding at the municipal level is individual to each municipality. Some municipalities provide assistance, however most are not in the position to supply generous capital funding programs. It is best to speak with your local recreation department or association and municipal office.

Non Government

Private businesses and non-government organizations have good funding programs available to Nova Scotians as well. Companies typically establish programs that fund projects related to their line of business for goodwill or public relations. Non-government organizations (e.g., World Wildlife Fund) establish programs to support projects that complement the organizations' purposes and objectives.

The Nova Scotia Go For Green Fund is sponsored by Active Living Canada, The Clean Nova Scotia Foundation, Nova Scotia Sport and Recreation Commission, and Recreation Association of Nova Scotia (RANS). The aim of the fund is to provide support to municipalities and community groups/organizations with projects that will a) preserve and/or create quality, safe environments for outdoor active living and b) engage more responsible and active outdoor physical activities that foster environmental stewardship. Trail development is eligible under this program for a grant of up to \$2,500. Contact the RANS office for up-to-date information, application procedures, and the annual deadline.

Regional Development Authorities (RDAs) are organizations that have close ties to the Economic Renewal Agency. These were established to facilitate the coordination and prioritization of economic development efforts at the community level. Each of the 14 regions has approximately \$125,000 to fund projects. The basic qualification for eligibility for funding is the project's (in our interest — trail project's) ability to spin off economic benefits for the region. A trail facility whose key purpose is to attract tourists is a good candidate. Contact your local RDA office for further descriptions and application procedures.

Browse through reference books such as the one titled *Directory of Corporate Giving in Canada* by Rainforest Publications Inc. This can be found in the "Government Documents" section of your regional library.

1.4.9 SUSTAINABILITY

The need for money goes far beyond the completion of development. The expenses will continue for maintenance, repairs, further development, insurance, land taxes, and so on. This means the trail group has to continuously seek money through the means discussed previously and/or by generating revenue. Once the trail is in operation there are opportunities to generate money to support its future.

- | | |
|-----------|---|
| Permits | As an example, snowmobilers wishing to use trails operated by the Snowmobilers Association of Nova Scotia must pay for a permit. Permits not only regulate the users on a trail system, but are also a means of raising money for the up-keep of the trail. |
| User pay | This is not done all that often, except in provincial parks and private parks, however it still is a possibility. A fee may be charged through membership or on a per-use basis. For a per-use fee, this means an attendant would have to be hired and a pay-booth constructed.

<i>Note:</i> Remember that as soon as users pay to use a trail facility, the operator assumes the highest level of legal responsibility. Print a thorough disclaimer on permits. See 1.6 Legal Liability for more on this subject. |
| Donations | Provided there is a supervised location, have a donation box for people to make contributions. Approach local store owners who support the trail to put a donation bin at the cashier counter. |
| Services | Your organization could provide services for a profit at the trailhead such as canteens, equipment rentals, cassettes for self-guided tours, etc. Invite entrepreneurs to start such businesses on your site and collect a percentage of the profit. |
| Events | Once the trail is open, there is the chance to build awareness of your trail and make some money at the same time. Hold races, a-thons (walk-a-thon, etc.), family fun days, and activity instruction clinics. |

1.4.10 HOW TO CORRECTLY COMPLETE FUNDING APPLICATIONS

Every funding program will either have an official application form or an application format for a written proposal. Application forms are generally straight forward and easy to complete because they clearly ask for specific information and provide space to respond. Each funding program specifies different information and formats to follow for proposals. Proposals require more detailed information and the format is specific to each funding program.

From *proposals*, sponsors usually look for a project summary, budget summary, description of the organization, need/purpose of trail, objectives, project development plan, budget, and endorsement letters. Sponsors have guidelines for appraising funding proposals. They look for applicants with a proven reputation and a project that compliments the goals of the sponsoring agency. They want to be sure that there are substantial benefits to show for their contribution and that the project will become relatively self-sufficient. Keep these points in mind when preparing a proposal or application:

1. *Meet the criteria as outlined by the funding sponsor:*
 - Include all the requested information in the detail specified. For example, if only the budget summary is necessary, do not submit an item-list budget.
 - Apply only if the project meets the eligibility criteria. Sponsors are not likely to consider a proposal any further when a project does not have the fundamental qualifications.
2. *Thoroughly describe the trail project:*
 - Explain and justify the need for the trail. Demonstrate its worthiness for sponsorship.
 - Purpose, objectives, design, development plan, management, and budget should all support each other.
 - Identify who the project will benefit and how.
3. *Make the proposal credible:*
 - Clearly, neatly write the content and present the proposal with a professional appearance.
 - Never assume the sponsors are already familiar with the details of the project.
 - Prove that the project has community support and that the community members are involved in the planning.
 - Be reasonable: have attainable objectives and a realistic budget.

Checklist for Expenses

- | | |
|--|--|
| <input type="checkbox"/> incorporation fee | <input type="checkbox"/> trailhead building & inside |
| <input type="checkbox"/> purchased / leased land | <input type="checkbox"/> components |
| <input type="checkbox"/> research materials (maps, books) | <input type="checkbox"/> shelters |
| <input type="checkbox"/> environmental testing fees | <input type="checkbox"/> restroom facility |
| <input type="checkbox"/> community surveys | <input type="checkbox"/> picnic tables |
| <input type="checkbox"/> meeting and event expenses | <input type="checkbox"/> benches |
| <input type="checkbox"/> consultant fees | <input type="checkbox"/> fireplaces |
| <input type="checkbox"/> travel expenses | <input type="checkbox"/> campsites |
| <input type="checkbox"/> office supplies | <input type="checkbox"/> lighting |
| <input type="checkbox"/> office expenses (postage, fax...) | <input type="checkbox"/> ski/bike racks |
| <input type="checkbox"/> legal fees | <input type="checkbox"/> garbage disposals |
| <input type="checkbox"/> insurance | <input type="checkbox"/> firepits |
| <input type="checkbox"/> permits | <input type="checkbox"/> water sources (wells, etc.) |
| <input type="checkbox"/> tool/equipment rentals | <input type="checkbox"/> electricity |
| <input type="checkbox"/> tool/equipment purchases | <input type="checkbox"/> parking lots |
| <input type="checkbox"/> machinery rentals | <input type="checkbox"/> landscaping (new trees, plants, etc.) |
| <input type="checkbox"/> machinery purchases | <input type="checkbox"/> signage materials |
| <input type="checkbox"/> safety equipment | <input type="checkbox"/> signage fabrication and installation |
| <input type="checkbox"/> construction contracts | <input type="checkbox"/> maintenance labour |
| <input type="checkbox"/> payroll | <input type="checkbox"/> maintenance equipment/machinery |
| <input type="checkbox"/> land surveying | <input type="checkbox"/> maintenance supplies |
| <input type="checkbox"/> clearing | <input type="checkbox"/> promotional materials |
| <input type="checkbox"/> tread construction | <input type="checkbox"/> interpretative materials |
| <input type="checkbox"/> structures to control ground water | <input type="checkbox"/> promotion events |
| <input type="checkbox"/> structures for travelling slopes | <input type="checkbox"/> _____ |
| <input type="checkbox"/> structures for retaining slopes | <input type="checkbox"/> _____ |
| <input type="checkbox"/> structures over water | <input type="checkbox"/> _____ |
| <input type="checkbox"/> structures for traversing obstacles | <input type="checkbox"/> _____ |
| <input type="checkbox"/> view stations | <input type="checkbox"/> _____ |
| <input type="checkbox"/> access control structures | <input type="checkbox"/> _____ |
| <input type="checkbox"/> medical emergency supplies | <input type="checkbox"/> _____ |

So the perfect site for a trail has been chosen? But there is a problem? The trail group does not own the land? And the owners are unknown? This section should help you move more smoothly through the process of accessing land.

1.5.1 IDENTIFYING LANDOWNERS

It is very important that agreements be made with all landowners whose land the trail will cross. If more than one individual claims ownership for a parcel of land, it is more important to reach an agreement with all claimants than it is to resolve actual ownership (although you should still ensure that you are actually dealing with an owner).

There are a number of places where you can find out who owns the land. The following section will list these sources in the order in which you should contact them. Any one source should not be approached until the previous one has been attempted and proven unsuccessful.

L.I.M.S. Mapping

The Land Information Management Service (L.I.M.S.) maintains property mapping for much of the province. Be advised however, that these records are only as accurate as the most recent revision. For this reason, information found here should be used as an initial source only. It will serve as a “lead” as to who the owner likely is. L.I.M.S. can also provide you with 1:50,000 topographical maps, 1:10,000 orthophoto maps and 1:10,000 aerial photographs. A fee is charged for these resources. Each office represents only certain counties, except for the Halifax office and the Geomatics Centre, which holds information for the entire province. Visit the office that represents the area where the trail site is. A search must be done in person and a small fee is charged. Bring as many reference points as possible for simple location of the trail site on the computer generated map. This will give the property identification number which in turn should give the landowner’s name.

Regional Land Information Centres:

<i>Office</i>	<i>Telephone</i>	<i>Representing Counties</i>
Halifax	424-2735	Halifax and most of province
New Glasgow	752-1331	Cumberland, Colchester, Pictou
Sydney	563-2281	Cape Breton, Antigonish, Guysborough
Lawrencetown	584-2266	Digby, Annapolis, Kings, Hants
Bridgewater	(to be opened)	Yarmouth, Shelburne, Queens, Lunenburg
N.S. Geomatics Centre	667-7231 or 1-800-798-0706	Amherst area and most of province

For areas not covered by L.I.M.S. property mapping (Kings, Lunenburg, Queens, Yarmouth and Shelburne counties), you will have to begin your search using the 1:10,000 scale orthophoto maps. Mapping of original crown grants, crown lands, survey plans and assessment mapping can be used to delineate property boundaries. Determination of current landowners and unidentified properties must be accomplished as described in the remaining steps.

Local Assessors

These people may be your most valuable resource. Assessors for the area in question will likely have a good knowledge of landownership near the trail site, and can be contacted through regional Department of Housing and Municipal Affairs offices. L.I.M.S. mapping can be used as a starting point and will simplify delineation of property boundaries. The assessor can identify the landowner by name and can provide Registry of Deeds book and page reference numbers for each property.

Department of Natural Resources - Field Staff

The field staff for a particular jurisdiction are often familiar with land ownership within that area, or have established contacts with local residents who have such knowledge. Again, the L.I.M.S. property mapping should serve as the basis for discussion.

N.S. Department of Natural Resources regional offices:

<i>Region</i>	<i>Office</i>	<i>Telephone</i>	<i>Representing Counties</i>
Central	Bible Hill	893-5627	Halifax, Hants, Cumberland, Metro, Colchester, Cumberland, Oxford, Windsor
Western	Bridgewater	543-8167	Annapolis, Digby, Yarmouth, Kings, Shelburne, Lunenburg, Queens
Eastern	Antigonish	863-4513	Antigonish, St. Mary's, Victoria, Inverness, Cape Breton, Richmond, Guysborough

Neighboring Landowners

This source should not be used until you are prepared to describe and explain the trail project fully. Before residents in the area are contacted to further your search, any landowner already identified (anyone owning land where the trail corridor runs) should be informed of the project. You do not want landowners finding out about their possible involvement in a trail project through a neighbour.

Most people find it easier to identify land using topographic maps or aerial photography, rather than property maps. Therefore, bring these along with you on any visit to a resident (along with the L.I.M.S. property maps). Local residents can sometimes offer an abundance of information, however, some of it may be incorrect.

Registry of Deeds

The documents at the Registry of Deeds will not identify unknown landowners. However, they are valuable when a landowner or landowners have been identified for a single property and it is necessary to confirm ownership. The book and page numbers obtained from local assessors mentioned earlier are the easiest means of referencing the information; otherwise a long search using landowners' names will be in order. Therefore if local residents refer to a property as (for example) "Charlie Smith's old place," take note of the name as it may be needed to identify the current landowner.

Registry of Deeds:

Amherst	667-3131	Pictou	485-4223
Antigonish	863-2677	Port Hood	787-2281
Arichat	226-2818	Shelburne	875-3409
Baddeck	295-3234	Sherbrooke	522-2600
Bridgewater	543-5095	Sydney	563-3539
Guysborough	533-4011	Truro	893-5869
Halifax	424-8571	Weymouth	837-5111
Kentville	679-4320	Windsor	798-3015
Liverpool	354-5715	Yarmouth	742-3125

Lawyer

If you prefer there be no doubt as to whether you are dealing with the actual owners, you may wish to hire a lawyer to have the title searched. This will cost some money but you will have the benefit of being able to fully rely on the information; there should be no surprises down the road (e.g., unknown landowners). Take all the information you have collected (assessment, LIMS mapping, etc.) to your lawyer.

Public Notification of Intent

Finally, if ownership remains unclear or unknown, advertise your interest in developing a trail on the property and ask for the owner(s) to contact you. This should be done only as the last resort. Releasing the right information at the right time is crucial for gaining approval or acceptance from the community (see 1.3 Community Support). Make sure that any additional landowners identified are informed of your intent before circulating the advertisement.

1.5.2 ABANDONED RAILWAY CORRIDORS

In Nova Scotia there are three rail line owners: Canadian National (CN), Canadian Pacific (CP) and the Cape Breton Development Corporation (DEVCO). Each handles the distribution of their abandoned corridors differently.

Canadian National (CN): Currently CN has divested all of its abandoned lines to the Province (about 1100 km) or the private sector.

Canadian Pacific (CP): CP Rail, a privately owned company, has followed the policy of discussing a sale with any willing purchaser.

Cape Breton Development Corporation (DEVCO): This crown corporation follows the practice of automatically offering abandoned corridors to the Department of Natural Resources at market value.

To date, the federal government has shown little interest in acquiring abandoned railway corridors. Because of this the province gets first choice by default. Department of Natural Resources is currently negotiating to gain ownership of all currently abandoned CP corridors in Nova Scotia for recreation trails.

If you are interested in obtaining access to an abandoned railway corridor owned by the province for trail development, your first step is to contact your regional representative of the Department of Natural Resources or the Nova Scotia Sport and Recreation Commission (SRC) for advice and guidance (see the Directory). They will discuss your project proposal with you, suggest an approach that seems most appropriate to your situation, and put you in contact with the relevant government and non-government resources that can help to make your trail proposal a reality.

Together, SRC and Department of Natural Resources administer a provincial policy called Rails to Trails in Nova Scotia. These two departments will share primary responsibility as the lead agencies at the provincial level, in regards to the management and use of acquired abandoned railway corridors. The policy responds to the wide-spread public interest, both on part of trail user groups and of community development interests in the conversion of abandoned railway corridors into public recreation trails. Also, it is intended to ensure that an acceptable balance can be achieved between public recreational use and the interest of private adjacent landowners. According to this policy, municipalities and community organizations are encouraged to take the lead role in the development and management of abandoned railway corridors as public recreational trails.

1.5.3 ACQUIRING ACCESS TO LAND

Basically, there are four different ways that your group can gain access to land, depending on a number of factors, such as who owns the land now and the group's financial situation and so on. These four ways are:

- buy the land
- seek a donation
- use it cooperatively
- lease from the original owner
- agreement from original owner (Crown or private)

Buy the Land

Although this is obviously the most expensive alternative (upfront), it is attractive for several reasons. Once the purchase has been made, your group will have control of the entire trail development process without having to worry about landowner agreements, landowner stipulations, and other sources of red tape. Also, a landowner may be more receptive to the idea of your group purchasing the land outright, as they may not want to deal with landowner agreements and liability issues (assuming the land is of no use to them).

As mentioned above, this alternative can be quite expensive. For this reason, you may want to consider a joint purchase of the land. A joint purchase is one shared by two or more groups and it has many benefits:

- the cost of land purchase is shared
- the cost of development, management and maintenance is shared
- it demonstrates the tremendous support for the trail project
- it fosters good relations between groups
- it expands the trail's human and physical resources

Before deciding to purchase land with another group or other groups, make sure that all groups involved share the same vision for the trail being developed. Agree on who will have specific responsibilities for everything from planning to long-term maintenance. This will limit the potential for future conflict. You may want to enter into a written agreement so that even when members of the groups change, the "operating rules" will remain constant.

Seek a Donation

This is definitely the cheapest alternative and probably the rarest, however, the possibility should not be overlooked. A donation is most likely to be given if the landowner is a private company or organization who has no use for the land and is looking for a public relations opportunity. Draft a proposal outlining the purpose of the trail project. Include the benefits that the public will enjoy from the creation of the trail and how those benefits may relate to the image that the company or organization you are targeting wants to portray. Ensure that the landowners will be mentioned in any advertisement for the trail (e.g., "This trail lies on land graciously donated by the Eastern Utilities Corporation of Nova Scotia.").

Use the Land Cooperatively

In some cases it may be possible for a trail group and a private company to share use of land. In this situation there is no change in land ownership, but the trail group has an agreement allows it to operate a trail on company property. Bowater Mersey Paper Company Ltd., Scott Paper Ltd., Stora Forest Ltd. and the N.S. Power Corporation are examples of companies in Nova Scotia that own large amounts of land (FYI: Most N.S. Power Inc. power corridors are leased and are not owned by N.S. Power, however they do own other land).

In these situations you may be able to enter into an agreement allowing your group to develop a trail on company land provided that company employees can use the trail for maintenance of property or operations (woodlot management, timber cruising, water/sewer pipelines maintenance etc...) and accessing adjacent lands or other activities (depending on the nature of the company). The company benefits from your trail group maintaining a quality access route, and you benefit from operating a recreational trail on the land.

Lease from the Owner

This option allows you to own rights to the land without owning the land itself. A lease can exist between large or small landowners, on utility corridors, or on Crown Lands. The abandoned rail line between Liverpool and Summerville is owned by the province (Crown) but leased by a local community group. Leasing is a popular alternative when the long-term use of the land is undecided.

Note: If you enter into a lease, usually liability for any use of the land will be shifted to you in the lease and will not be assumed by the landowner.

The Planning Act

Besides the above land access options, there is one final alternative. Under the Planning Act there is a provision that allows municipalities to require that subdivision developers reserve 5% (current legislation) of their development for recreational use. This can be in the form of useable land, cash in lieu or a combination of these. Talk to your municipal planning personnel to see if this by-law exists in your municipality and how it may be able to work for you.

Explore land access possibilities thoroughly with your project team, other stakeholders, and potential owners. Regardless of the method chosen, the project team must decide and remain committed to it. The entire project will be given a boost in stability when the ownership issue is resolved so people can invest their energies and resources in the actual development of the trail.

1.5.4 LAND ACCESS AGREEMENTS

If it is decided to purchase the land then legal procedures for purchasing land are in order. Likewise for leasing, legal leasing procedures are followed. If a landowner is willing for a trail group to use the land cooperatively, still have a written and signed agreement to protect your trail. The following are some points your group should consider incorporating into the agreement. These could also be incorporated in a lease or land use agreement.

- Provide that the trail developer has access to the land for trail development and maintenance.
- Provide that the public (or club) has access to the land to use the trail.
- Provide authority to the developer to alter the land (e.g., cutting of trees, landscaping, etc...) or place structures on the land where appropriate.
- Provide for removal of structures if agreement terminates.
- Provide for the types of usage permitted by the landowner [e.g., motorized vehicles (or not) with times of day and year].
- Identify the area of land on which the trail will be developed and prohibit use of any of the remainder of the landowner's land.
- Require that the trail developer clearly mark the boundaries of the trail (to prevent users wandering from it).
- Provide that the trail developer will be responsible for trail construction, inspection, and maintenance including signage and garbage.
- Have the landowner agree to not obstruct or prevent usage of the trail and, in particular, not to place obstructions on the trail.
- Provide a term for which the agreement is to run.
- Provide that the agreement should not be terminated without adequate notice (the trail developer should have enough notice to advise/warn the public and close the trail).
- Determine what liabilities the landowner and the trail developer will assume. If the trail developer agrees to assume all liabilities, the landowner should be liable for any deliberate obstruction, blockade, etc., placed on the trail (this does not assume landowners will try to deliberately cause harm. It is simply a reminder to the landowner to properly terminate the agreement).
- Provide for any insurance requirements. If there will be an insurance clause, who buys it? What are the limits? Who does it protect?
- Provide for a dispute resolution mechanism.

1.5.5 APPROACHING LANDOWNERS

Approaching landowners is a very important step in trail development and, as mentioned earlier, should not be done until you are prepared to fully explain your proposed trail project. Meet with landowners one at a time. The primary meetings provide the landowners with their first view of your group or organization. Prepare yourself for these meetings by putting yourself in their shoes. How receptive would you be in the same situation? What questions would you ask and what concerns or worries would you have (responsibilities, vandalism, liability concerns, etc...)? Do your homework and have realistic and honest answers for these questions.

When approaching a landowner to ask permission to use his or her land, do the following:

- If you are representing a club or community group, outline the activities and purpose of the group.
- Explain the responsibilities of group members with regards to potential trail development and maintenance.
- Present any letters of recommendation that you may have from other landowners that you have had agreements with.
- Take along a copy of any provincial legislation that deals with liability (Trails Act, Occupiers Liability Act) and make sure both sides understand what they mean.
- Ensure that the landowner is aware that any agreement reached can be cancelled at any time with adequate notice.
- If possible obtain a written agreement for land use rather than a verbal one.
- Let the landowner know that he would be involved in all aspects of the trail's development (he may become one of the trail's main supporters).
- Offer the landowner and family a free membership to the club (if applicable).
- Thank them for considering your proposal. Remember that landowners are the life blood of trail development and that *the use of private land is a privilege, not a right.*

1.5.6 APPROACHING THE CROWN FOR ACCESS TO LAND

If your proposed trail or part of it is on provincial Crown land, the process of contacting the landowner will be a little different than that for approaching private landowners.

Your initial contact should be with the Department of Natural Resources office in your area. You should be prepared to provide a brief outline of your proposed trail project.

Regional staff will explain the normal review and approval process and will direct you to the appropriate contacts within the department.

If the land in question is managed under the Crown Lands Act, Regional Services staff will continue to be your main contact in the department. They will normally contact Parks and Recreation staff for advice and assistance. If the land is designated or recognized as part of the Parks and Recreation Program, Regional Services staff will forward your proposal to Parks and Recreation staff.

In either case, a detailed proposal or plan will be requested. Department of Natural Resources staff will help you prepare this proposal to ensure that it contains all the information required for a proper assessment. The proposed plan may have to be made available for public review.

If the plan is approved, the Land Administration Branch of the Department of Natural Resources will authorize your group to proceed with the proposed project, subject to conditions negotiated in the proposal and review process. A formal management agreement will clearly outline the respective responsibilities of the department and your organization or agency.

Discussions regarding access to Crown land and negotiations regarding the terms and conditions of a management agreement should be initiated early in the trail planning process and should be finalized (or at least “approved in principal” by all partners) before you apply for development funding.

Liability is a hot topic for trail developers. To date, there have been no known liability claims against trail operators in Nova Scotia. However, people are suing each other more commonly every year, and trail operators and landowners need to know their rights and responsibilities.

The following is general information only and should not be used as a substitute for specific legal advice. It is highly recommended that trail developers seek legal advice respecting their trail development before starting to develop the land.

1.6.1 NEGLIGENCE

Negligence is any conduct involving neglect or a failure to act with reasonable care under the circumstances. In a case of negligence, the plaintiff (the person who has suffered harm or loss) is trying to receive compensation (money or other award) for the failure of the defendant to act with reasonable care. Occupiers' liability is part of the law of negligence. The following is a brief explanation of the principles of negligence law.

To be successful the plaintiff must prove:

- 1 that the defendant owed the plaintiff a certain standard of care (for occupier liability issues, this standard is now prescribed in the Occupiers' Liability Act)
- 2 that the defendant did not meet the standard of care
- 3 that the plaintiff suffered harm or loss
- 4 that this harm or loss was a direct result of the defendant's failure to act with the required standard of care.

Who is Negligent ?

Liability for negligence may be allotted to more than one defendant.

Personal Liability — You can be held personally liable if you have not done what a reasonable person would have done to protect people on your property or if you have done something that a reasonable person would not have done.

Corporate Liability — Governments, organizations, and companies that have legal existence can be negligent as a whole, and consequently, can be sued.

Vicarious Liability — May be attached to any organization, government, or company for the negligence of anyone acting as a paid or unpaid agent of that organization. The actions of the agent are the actions of the organization, as long as they were acting within the scope of their authority. This authority is gained through both policies/ guidelines as well as implicitly (if you know they did something inappropriate and they were not taken to task for it).

1.6.2 RESPONSIBILITIES

The person or organization who is in control of or responsible for the condition of a property and activities conducted on the property is called the occupier. The occupier is not necessarily the owner and can be more than one person. If not the landowner, the occupier could be the trail operator.

In general, occupiers are responsible for:

- the condition of the property
- activities carried out on property
- actions of third parties on their property
- third party in this case is a person other than the occupier or entrant who is on the property.

1.6.3 LANDOWNERS' LIABILITY

According to the new Occupier's Liability Act, occupiers, including landowners must take reasonable care to see that all persons entering their premises are reasonably safe while on the premises. If the landowners' property, however, falls within the classifications outlined in Section 6 (1) (e. g., land used primarily for agriculture or forestry purposes, vacant or undeveloped rural land, forested or wilderness land, recreational trails reasonably marked by notice as such, etc.) then the duty owed would be not to create a danger (e. g., traps) and not to show reckless disregard of the presence of the person unless other laws impose a special standard of care on particular classes of premises. Reckless disregard is when an occupier knows that people may be on the land and that something on the land that could hurt them and does nothing effective to try to protect them.

If landowners need to cross the trail via a right-of-way or travel along it with motorized vehicles, this section should be signed appropriately and the landowner should use extreme caution. The occupiers or trail operators should also make some arrangement to address repairing the trail in case the landowners' presence damages the trail surface. The trail builders may also be held responsible for irresponsible behavior by the landowner. Landowners may also be held responsible for activities that occur on their land that affects the trail corridor and/or trail users, for example, livestock getting loose on trail. A good agreement with landowners would help clarify responsibility and outline appropriate uses.

Occupiers may choose to modify, alter and/or restrict their liability by agreement or notice but it must be reasonable and the occupier must take all reasonable steps to bring the change to the attention of the visitor, e. g., suitable placement of signage. Courts interpret this limitation strictly so, again, legal advice would be useful if a trail developer wishes to try to modify or restrict liability.

Occupiers may have a higher duty of care under other laws.

Liability is a complicated area of the law. At least one person in your group should be apprised of the details of the Occupiers' Liability Act so that your decision making can be based upon sound risk management. However, the bottom line is that you need to provide as safe an experience as possible for the people visiting your trail. This is not unreasonable.

1.6.4 PRECAUTIONARY MEASURES

Preventive efforts are, in a sense, more logical than reactive efforts to liability. Prevention will not eliminate the possibility of liability, nor is it always protective, but it may reduce the potential for accidents. The following are a few suggestions:

- Determine who the trail users are and construct the trail to suit their abilities and the activity(ies).
- Determine if children unaccompanied by an adult may be using the trail. If so, special care should be taken to reduce the risk for children (e. g., very young children cannot read signs).
- Avoid building trails in high-risk areas, like steep inclines or along the edges of banks or cliffs.
- Where potentially dangerous areas are unavoidable (you may want your trail to include a scenic look-off), protect users where possible with barriers and signage.
- Always give adequate notice of any unusual or dangerous situation on a trail that can not be avoided or eliminated. Adequate notice means far enough in advance for appropriate reaction time and worded clearly enough to give proper warning (a DANGER sign is not enough).
- Indicate which uses are prohibited and which are permitted on the trail. (This should tell the users that they may not be able to expect the trail to be safe for their particular use if that use is prohibited).
- Mark the boundaries of the trail to prevent users from wandering off into unknown territory.
- Where appropriate, mark times of permitted use (hours of the day or months of the year). Signs should indicate that the trail may not be safe during "off" times.
- Create and follow an inspection and maintenance schedule for the trail, tread, signs, markers, bridges, retaining walls, drainage structures, facilities, etc.
- Consider insurance. If you plan to insure your risk, include a term in the trail agreement stating that you will purchase and maintain a policy of insurance that includes the landowner as a named insured. Insurance does not prevent liability, it shifts the financial responsibility (if the policyholder is found liable/negligent) to the insurance company. Even if you successfully defend a claim against you, you are not always awarded your total legal costs. Coverage under an insurance policy can include coverage for your legal costs.
- Obtain legal advice in preparing agreements.

The above suggestions are simply examples of what may be included in a risk management policy for your trail. If you practice an adequate level of risk management, you have a better chance of not being found negligent and therefore, not liable.

1.6.5 LIMITING LIABILITY

Your goal as a trail owner/manager should be to take all necessary precautions to ensure that the required standard of care is upheld. However, there are several reasons you may not be held entirely liable for an injury to someone on your property.

Contributory Negligence — The plaintiff (the person suing) or another party may have helped cause the harm or loss suffered. The plaintiff should take a certain responsibility for their own well being as well, and not simply rely on safety measures in place. You may be able to use signage to make this known.

Voluntary Assumption of Risk — You may not be held liable for harm or loss suffered through an activity where risk is inherent. All recreational activities involve a degree of risk. You can erect signage to make this known. This limitation on liability will not be valid if the risk that the plaintiff was exposed to is not inherent in the activity. This method of limiting liability is not viewed favourably by the courts.

Exclusion of Liability (Waivers) — A waiver is a contract signed by participants waiving responsibility for harm or loss from those people or organizations named in the waiver, or can be a notice or stipulation (e.g., a sign).

The value of waivers has been the source of debate for years. Some say that they are virtually useless, while others hold that they are invaluable. The key to the value of a waiver lies on what it says and on how it is presented or issued to participants. If you intend to rely on a waiver, the waiver should:

- clearly state the risks inherent in the activity (signs can be viewed as waivers in some cases)
- relate specifically to the action that caused the loss/harm
- be signed by the participant or be clearly brought to the attention of the person affected.

A minor cannot waive liability, and a parent or guardian cannot waive liability for them.

Waivers will not exempt you from liability for your own negligence unless they clearly state that they exempt you and unless this is clearly understood by participants.

See the example of a waiver on the next page.

This is a **sample** only, and should not be used as a precedent as it may not be applicable to all situations.

Assumption of Risk Agreement and Indemnifying Release for Ragged Edge Trails owned and operated by the Recreation Council of the Municipality of Capetown

Caution:

Please read the entire waiver form thoroughly before signing. Please understand that by signing this form you are accepting physical and legal responsibility for all the risks that are described in this form, including the risk of injury from the negligence of the municipality. It is the intent of this waiver that you are waiving your right to take legal action for any injuries or losses which you may suffer as a result of using the trail.

Agreement and Indemnifying Release:

I _____ hereby recognize and confirm that in
(please print participant's full name) using the Ragged Edge Trails of the Municipality of Capetown (herein referred to as the Trail Operators):

1. I hereby agree: to release the Municipality of Capetown, its executive, employees, advisors, Recreation Council board members, volunteers, and independent contractors from all liability and from all causes of action of any sort of mishap, including physical damage to myself or my property, which may occur while using the Ragged Edge Trails of Municipality of Capetown, in spite of such damages having been caused solely or partly by the negligence of the Municipality of Capetown, its executive, employees, advisors, Recreation Council board members, volunteers, and independent contractors.

(sign first initial and complete last name)

I do hereby recognize and confirm:

- a. that the activity of hiking can be dangerous in itself, and in particular at the Ragged Edge location, presenting participants with possible risks including but not restricted to: loss or damage of personal property, slipping, falling, overheating in summer temperatures, hypothermia from cold and wet weather, fatigue, and suffering any type of accident or illness without guaranteed immediate emergency aid;
- b. that as a result of the previously mentioned risks and hazards, I as a participant may suffer serious injury, even **death**, as well as property loss;
- c. that using the Ragged Edge Trails shall be completely at my own risk;
- d. that I am responsible for preparing myself before attempting this hike. My preparation will include, but not be limited to: 1) proper clothing, footwear and sunscreen, 2) sufficient food and liquids, 3) basic skills and capabilities to complete the hike, 4) good physical health, 5) prescribed medications;
- e. that although I understand the Trail Operators are knowledgeable and experienced and will make every attempt to minimize susceptibility to known risks, that I am personally responsible to understand and follow safety rules and procedures informed by the Trail Operators both verbally (interpreters, etc.) and in written form (signage, guidebooks, etc.);

- f. that I will refrain from participating if my health state could lead to greater suffering;
- g. that I will refrain from substance abuse (alcohol and drugs) before and during use of Ragged Edge Trails;
- h. that I consent to receive first aid and medical treatment by trained individuals and medical personnel in the event of an accident, injury, and/or illness during use of Ragged Edge Trails; although I understand that provision of first aid or medical treatment is not guaranteed;
- i. that I clearly understand by signing this release, I will be forever prevented from suing or otherwise claiming against the Municipality of Capetown, its executive, employees, advisors, Recreation Council board members, volunteers, and independent contractors from any loss related to any property loss or personal injury that I may sustain while preparing or using the Ragged Edge Trails, whether or not such loss or injury is caused solely or partly by the negligence of the Municipality of Capetown, its executive, employees, advisors, Recreation Council board members, volunteers, and independent contractors;
- j. that the terms of this contract do not have to be repeated after my name is signed and dated;
- k. this Assumption of Risk Agreement and Indemnifying Release is binding on myself, my heirs, my executors, my administrators, my personal representatives and assigns;
- l. that I am of legal age (19 years), mental capacity, and not under the influence of intoxicants in order to sign and date this ASSUMPTION OF RISK AGREEMENT AND INDEMNIFYING RELEASE.

Signature of Participant

Dated _____ this _____ day of 19 _____.
month day year

Witnessed by _____
Print full name Signature of witness

Date witnessed _____ this _____ day of 19 _____.
month day year