

Water Operations Safety Manual

GILLINGHAM & ASSOCIATES

a division of Philadelphia Insurance Companies



The Great Outdoors Insurance Program

COMMENTS FROM THE UNDERWRITER/PROGRAM MANAGER

Gillingham and Associates, Inc. is an underwriter of insurance policies for outdoor recreation enterprises. We founded the company in 1990 for the purpose of insuring the outdoor recreation industry. We now insure thousands of Water Operations, Guest Ranches, Outfitters & Guides, Recreational Vehicle Facilities, Sporting Clay and Hunting Preserves as well as Destination Resorts.

We perceive a need for reasonable, dependable and quality insurance for the outdoor operators. To provide this, we have been thorough in our homework and selective of our insurance carriers and clients. Our intent is to provide you with a product delivering the peace of mind that comes from sharing your burden of liability with a trustworthy associate.

The purpose of our Risk Management Program is to further promote the valued association of operator and insurer by offering you a system of controlling risks while maintaining the recreational quality of your business. We ask that you apply these principles and procedures as appropriate to your operation.

Your industry is dynamic. Our Risk Management Program is too. We respect your technical expertise and experience in safely satisfying the desires of your guests. We welcome your comments, questions and suggestions.

Thank you for your confidence, for your business and for keeping the Outdoor Experience alive and available.



Thomas A. Gillingham
CEO
Gillingham and Associates, Inc.
Program Administrator

The Great Outdoors Insurance Program

Water Operations Safety Manual

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SECTION I WATER OPERATIONS

INTRODUCTION

Insurance coverage under the Great Outdoors Insurance Program is intended for recreational Water Operations that take place in, on, and around inland and nearshore bodies of water.

Watercraft may be captained or unguided rentals. Approved boating activities include fishing, hunting, transportation of guests, sightseeing and leisure boating.

Non-boating water activities such as tubing, wading and swimming are also approved for coverage and addressed in this Manual.

This insurance program is not intended for activities that feature speed, competition, endurance or "thrills".

Activities that are specifically prohibited and excluded from insurance coverage are:

- Use or rental of Jet Skis.
- Waterskiing, Towed tubing, or rental of ski boats or equipment.
- SCUBA or SNUBA Diving or rental of equipment.
- Boating on, or boat rentals for, blue waters (over 5 miles offshore).
- Boating on, or boat rentals for, rivers of class IV, V, or VI. (see Sec I-C, para 4).

I –A MANAGEMENT OF INFORMATION

You should ensure that all of your marketing and promotional material is accurate, up-to-date and presented in simple, straightforward terms that cannot be misinterpreted. This applies to the written word, art work, photographs, video, mass media coverage and oral remarks.

Special care should be given to visual material. The activities depicted should be only those in which a guest could expect to participate.

I – B ASSESSMENT AND EVALUATION OF GUESTS PARTICIPATING IN WATER OPERATIONS

A few operators continue to express concerns that oral inquiries, questionnaires, and/or statements of liability describing risk and danger may adversely affect marketing or guest morale. An overview of successful Water Operations indicates otherwise.

To the contrary: guest dissatisfaction, and litigation, often arise from those who felt that they were not adequately informed, screened, or prepared for the activity.

Your request for relevant information from prospective participants is as legitimate as their questions about your facilities or operation. The fact that there are certain contractual and liability aspects inherent in the recreational business is widely understood. The raising of either issue need not be offensive when presented in the positive context of guest information, satisfaction, and safety.

In this Manual we have presented general recommendations as to the type and amount of preliminary information you should obtain from prospective participants. Since each business is unique, we expect that operators will modify these requirements according to the individual Water experience to which a guest will be exposed.

I-C BOATING OPERATIONS

1. QUALIFICATION OF BOATING PARTICIPANTS:

In some cases boating may be primarily a sedentary activity and require little participation on the guest's part. On the other hand, the guests may be required to assist or operate the craft themselves. Regardless, the activity takes place on an element that offers the potential of catastrophic risk.

Therefore, whether boats are captained/crewed or rented, operators must give consideration to the suitability of the prospective participants to the proposed activity.

a. Boats, Captained/Crewed Passenger Qualifications

Age:

No requirement. However, the number and capabilities of young (under 12) and elderly passengers are significant. In case of an emergency, there must be a sufficient number of crew and able-bodied passengers to assist those less capable.

Experience:

No requirement unless duties are assigned. In such cases, the operator should ensure the participant's capability at dockside.

Swimming Ability:

No requirement. We recommend, however, that Captains inquire and make note of non-swimmers for special attention in case of emergency.

Physical/Medical Condition:

All passengers must certify in writing that they are physically, medically and emotionally capable of participating in the activity. Please see also paragraph 2, below, and Sample forms.

For guests with physical and/or mental disabilities, advanced age or frail condition, we recommend a courteous inquiry as to how their special need could be accommodated. You should provide only those services that you can safely deliver without excessive risk to the guest, other passengers or your staff. Be certain that your crew is aware of these circumstances.

Alcohol or Drugs:

No person under the influence of either may be permitted to board.

If alcoholic beverages are permitted to be consumed while afloat Captains/Crews must not tolerate overindulgence.

Protective Clothing and Equipment :

Clothing that is appropriate for the climate and experience must be required of, or available for all passengers.

Personal Floatation Devices (PFD's) are life jackets or life vests – not floating cushions. More detailed information about PFD's is located in Section I-D, Management of Boating Equipment and Facilities. Each passenger must be issued a PFD in the correct size and be instructed on the proper donning and fastening. Children under twelve (12) years of age must be required to wear their PFD at all times while aboard. Individual Operator's wearing requirements for older children and adults may vary with the activity, boat type, and water conditions. The safest policy is for PFD's to be worn at all times, by all hands. Captain and crew should set the example.

b. Boats, Rental

Renter Qualifications

Age:

For motorboats we recommend that the renter be at least eighteen (18) years old and possess a valid motor vehicle operator's license.

For non-motorized craft there is no standard age requirement – simply common sense. The age and maturity of the individual must match the boat and water conditions. Parents or legal guardians must be responsible and execute documents for their children under eighteen years old in accordance with Section B below.

Experience:

Regardless of whatever experience the prospective renter should allege, each must be given operational instruction and a safety briefing. Upon completion of the instruction/briefing the renter must demonstrate satisfactory ability to handle the boat (and motor, if so equipped) before the craft is released into his/her custody.

We recommend that this operation and safety instruction be standardized and in written form.

Swimming Ability:

No requirement, but rental operators should inquire and be aware of the presence of non-swimmers in case of a boating emergency.

Physical/Medical Condition:

All renters must certify in writing that they are physically, medically and emotionally capable of participating in the activity. Please see also paragraph 2, below, and Sample forms.

Women known, or claiming to be pregnant should not be knowingly accepted as renters or passengers where the combination of craft size and water condition is likely to produce jolting or rigorous conditions.

For guests with physical and/or mental disabilities, advanced age or frail condition that might jeopardize their safety afloat, we recommend a courteous denial unless their special need can be accommodated. You should provide only those services that you can safely deliver without excessive risk to the guest, other passengers or your staff. Be certain that your staff is aware of these circumstances.

Solo Renters:

We recommend that motorboats not be rented to individuals who intend to boat alone.

Alcohol and Drugs:

Eighty percent of boating accidents involve alcohol.

No person under the influence of either may be permitted to board.

Rental operators should be watchful for excessive quantities of alcoholic beverages being brought aboard and provide appropriate advice or action.

Protective Clothing:

Clothing that is appropriate for the climate and experience should be required of, or available for each passenger.

Personal Floatation Devices (PFD's) are life jackets or life vests – not floating cushions. More detailed information about PFD's is located in Section I-D, Management of Boating Equipment and Facilities. The renter and each passenger must be issued a PFD in the correct size and be instructed on the proper donning and fastening. Although the wearing of PFD's obviously cannot be enforced once the rental boat has departed the dock, we require that you strongly recommend that children under twelve (12) years of age be required to wear their PFD at all times while aboard. The wearing requirements for older children and adults vary with the activity, boat type, and water conditions but you should suggest that PFD's be worn by all hands, at all times.

2. MANAGEMENT OF BOATING PARTICIPANTS

a. Passenger/Renter Questionnaire (please see Sample Form):

All renters and adult passengers must complete such a document. It contains the information required for initial participant assessment.

Many operators include the questionnaire with the Risk Warning/Liability Release document.

b. Risk Warning/Liability Release Document

All renters and adult passengers must read and sign such a document prior to boarding any watercraft.. It shows that they acknowledge the risk and accept it as part of the experience. It can also mitigate claims and reduce your liability.

These documents require some specific statements and language that may vary from state to state. We strongly recommend that you have an attorney assist you in preparing a document that is suitable for your activities.

c. Safety Briefing (Given to Captained/Crewed boat passengers and Renters)

This briefing should be given to all passengers and conducted in a location and manner that maximizes their attention and understanding. It should be done prior to boarding and without distraction. An attorney can easily prove negligence from half-hearted or incomplete safety instruction.

At a minimum, the briefing should include:

- Rules for wearing of PFD's. See also Section I-D for additional information.
- Seating arrangements and any "off limits" areas of the boat.
- Prohibited conduct.
- Identification of non-swimmers
- Hazards or difficulties that may be encountered.
- Actions to be taken in emergencies (man or gear overboard, injury, extreme seasickness, assistance needed, etc.
- For Renters the time of return should be emphasized. The Renter must also be instructed in actions to take if stranded and advised of your rescue plan.

d. Operational Briefing (for Renters and their passengers)

This instruction and demonstration should be given under the same conditions as the Safety Briefing (above).

The instruction varies with the type and complexity of the watercraft and waters. It should include:

- Physical characteristics of the craft – emphasizing those relating to safety such as slipping/tripping hazards, draft, maximum capacity, propensity to tip, etc.
- Starting/Stopping and Operation of motor. This must be demonstrated by the staff member – then satisfactorily repeated by the Renter.
- Maximum permitted speed.
- Location and use of emergency gear (fire ext, signal device, first aid kit, etc).
- Location and use of anchor, if so equipped.
- Use of Radio or other communications, if so equipped.
- Any hazardous or “off-limits” areas. These might include very shallow water, below-surface snags, strong riffles, fences across waterways, etc).

WE STRONGLY RECOMMEND THAT BOTH THE SAFETY AND OPERATIONAL BRIEFINGS BE MAINTAINED IN WRITTEN FORM. THEY WILL PROVIDE A CONSISTENT CHECKLIST FOR THE BRIEFER . ADDITIONALLY, SHOULD AN INCIDENT, ACCIDENT, CLAIM OR LAWSUIT ARISE, THE PRESENCE OF SUCH A DOCUMENT LEAVES NO DOUBT AS TO YOUR PREPARATION OF THE GUESTS.

3. MANAGEMENT OF BOATING STAFF

General

Commercial boating activities, by their nature, can take place over extended geographical areas, in locations distant from immediate assistance and in an environment that is intolerant of carelessness.

The satisfaction, welfare and possibly the lives of your guests may depend on the competence and integrity of your staff members.

It is imperative that only well-qualified personnel be entrusted with the rental or operation of guest watercraft.

a. Employment Criteria

Captains, Crews and Rental personnel must be skilled boat operators and the employees, owners or the official representatives of the business – they may not be other guests.

They must speak fluent English and have no less than average communication skills.

They must have positive, responsible and authoritative personality traits which will encourage both adult and child participants to follow their instructions.

They must be thoroughly trained in operational/rental procedures, public relations, emergency and safety procedures.

Captains and Crew members who accompany guest passengers assume greater responsibility and require higher standards. A Captain must be twenty one (21) years of age. At least one crew member aboard should possess a current MEDIC FIRST AID and CPR certification. One crew member aboard must be a capable swimmer.

In U.S. Coast Guard regulated waters the Captain must possess a valid Operator of Un-inspected Passenger Vessel (OUPV) license.

b. Worker's Compensation and Labor Laws

If you have part-time or full-time employees, or contract labor workers, be certain that you are in compliance with Worker's Compensation and Labor Laws of your state. This can best be assessed by contacting an attorney or your state's Worker's Compensation Division or Department of Labor.

EMPLOYEE INJURIES ARE NOT COVERED UNDER A GENERAL LIABILITY POLICY.

c. Employee Records

These must be kept on file for twenty years or as recommended by your legal counsel. Each prospective employee should complete employment applications and provide references. Forwarding information, next-of-kin names, addresses and telephone numbers must be kept on file. Employees often become prime witnesses in claims or litigation and it may be important that they can be located after termination of their employment.

Seek legal counsel on all employee applications, agreements or contracts and be careful of what you promise to employees, in writing or verbally.

d. Risk Management Meetings and Safety Drills

We suggest that you have risk management meetings monthly or more frequently. All of your staff –administrative as well as operational- should participate. They would likely all play a role in a crisis.

Read and review policies, procedures and rules with all of your staff. Drill employees on reaction to emergencies by setting up or discussing mock crisis scenarios. Discuss previous incidents, their causes, actions taken, prevention and improvements in reaction.

Document these meetings and keep records on file.

e. Emergencies

Strict adherence to risk management rules and principles will substantially reduce boating hazards and incidents. The unpredictable or spontaneous however, are part of the outdoor recreation business and must be planned for as if they were a certainty. Murphy's Law applies.

The sample Emergency Procedure below pertains to physical management of general water emergencies. Administrative management of incidents is covered in Section I–F. INCIDENT MANAGEMENT.

We strongly recommend that Water Operators develop and publish Emergency Plans appropriate to their own situations.

Emergency Procedure Sequence (sample)

1. EMERGENCY OCCURS !!
2. Captain or Senior Renter reports initial assessment of situation to your headquarters.
3. Headquarters notifies external agencies, such as Emergency Medical Services or Law Enforcement, as needed.
4. If an injury is involved, the best qualified crew or renter takes charge of injured.
If another emergency type – mechanical, man overboard, boat damage, loss of direction etc – best qualified crew or renter attends to situation.
5. Other crew or renters establish calm.
6. Captain or Senior Renter reports detailed assessment of situation to headquarters.
7. Headquarters provides detailed assessment to external agencies.
8. If there is an injury, application of first aid is continuous.
9. Prepare and Execute appropriate action (search, med-evacuation, towage, equipment replacement, return to base, etc).
10. If practical and desired by guests, the activity should be reconstituted and resumed with appropriate staff and equipment as soon as possible.

4. MANAGEMENT OF BOATING EQUIPMENT AND FACILITIES

a. Watercraft

As specified in the Introduction of this Manual, this insurance coverage is intended for sedate, generally low-speed, leisure water activities. We require that the watercraft in use be consistent with that concept. There are different standards of boat size and power for Captained boats and Rental craft. A Captain can be expected to operate his craft responsibly and refrain from using its maximum performance except under circumstances where such is required. Experience has shown that this is not the case with Renters. Therefore rental boats must have lower performance abilities.

Acceptable Watercraft Standards

1. Boats with overall length (including motor) of thirty (30) feet or less.
2. Boats equipped with engines of sixty (60) horsepower or less. *
3. Boats accommodating a maximum of six (6) passengers. **
4. Canoes or kayaks may not be used on Class III rivers.

* Captained boats may be equipped with engines that exceed 60 HP so long as power is appropriate to boat size. Rental boats are restricted to 60 HP or less.

** Capacity may exceed six passengers on leisure pontoon boats that are Captained or Rentals. Captained boats that are used specifically to transport guests to and from lodging facilities may exceed the six passenger limitation.

b. Personal Flotation Devices (PFD's)

PFD's of appropriate size and design must be issued to all passengers. In federally and state regulated waters, it is not only an insurance requirement, it is the Law. Most drownings occur in inland waters; most within a few feet of safety; most would have been prevented had the individual been wearing a suitable PFD. The majority of adults only need an extra seven to twelve pounds of buoyancy to keep their heads above water. A PFD gives that extra lift until help comes. PFD's also assist in cold water survival: they conserve energy and help retain body heat. The facts below show buoyancy in pounds for the PFD types. However, weight isn't the only factor: body fat, lung size, clothing and water conditions are significant. **READ THE LABEL AND MAKE SURE IT'S THE RIGHT TYPE AND SIZE.**

Children require special attention. A PFD must fit snugly to keep a struggling child afloat and face up in the water. To check a proper fit, the parent or guardian should pick the child up by the shoulders of the PFD. If it fits correctly the child's chin and ears will not slip through. Type I or II PFD's are recommended for children.

There are several types of acceptable PFD's: they vary in style and cost. The most important basic features are their suitability to the wearer and water conditions the user is apt to encounter.

1. Type I PFD, Off-Shore Life Jacket
Adds 22 pounds of adult buoyancy.
This type is best for open, rough or remote waters where rescue may be slow in coming. It floats an individual well and turns most unconscious wearers face upward in water.
2. Type II PFD, Nearshore Buoyant Vest
Adds 15.5 pounds of adult buoyancy.
This is the "horseshoe" kapok type vest. It is satisfactory for calm, inland waters where there is good chance of fast rescue. It will not turn some unconscious wearers face upward in water.
3. Type III PFD, Flotation Aid
Adds 15.5 pounds of adult buoyancy.
This may be a vest or flotation coat. It is designed for general boating or the activity marked on the device. It is good for calm, inland waters where there is a good chance of fast rescue. It may not keep an unconscious person face-up in water.
4. Type V PFD, Special Use and Hybrid Inflatable Devices.
Adult buoyancy varies widely.
As the names imply, these devices are designed for specific purposes and situations. One or more of these types may be ideal for your business. The labels identify their applications and limitations.

Remember that in U.S. Coast Guard regulated waters each motorboat of 16 feet or more must have a throwable Flotation Device (Type IV PFD) aboard as well.

PFD's should not be left aboard for extended periods when the boat is not in use. They should be cleaned, dried thoroughly and stored in a dry, cool place. A weathered PFD tears easily. PFD's should not be used as cushions, kneeling pads or fenders – they lose buoyancy when crushed.

Before issuing to a passenger, each PFD should be checked for holes, tears, damaged or missing belts and hardware. There should be no signs of waterlogging, mildew odor or shrinkage of the buoyant materials.

c. Communication Equipment

Most Captained watercraft are equipped with radio or telephone communication equipment. Rental operators are increasingly providing communication devices as well. Although this is an additional expense it may be low in relation to boat cost and peace of mind.

The recent proliferation of guest-owned cellular phones is an added safety measure but should not be relied on as a substitute for commercial equipment. Ensure that Renters have your headquarters telephone number with them while they are afloat.

Any communication device is only useful if it is operable. Each craft, Captained or Rental, that is so equipped must make and receive a "communication check" transmission before leaving dockside. We recommend that periodic comm checks be made to the craft during its voyage.

d. Acceptable Waters

- Freshwater lakes, rivers, and streams. Rivers of Class I and II waters are preferred. Occasional exposure to Class III rapids is acceptable, but only in inflatable rafts, Mackenzie boats, dories or other special craft with high freeboard – NOT CANOES OR KAYAKS.
- Brackish water of coastal bays, inlets, and marshes.
- Salt waters up to five (5) miles offshore.

International River Classification Scale

Class I. Moving water with a few riffles and small waves; no obstructions.

Class II. Easy rapids with waves up to 3 feet. Channels are wide and obvious without scouting. Some maneuvering necessary.

Class III. Rapids with high, irregular waves that could swamp an open canoe. Narrow passages require scouting and complex maneuvering.

Class IV. Long and difficult rapids with constricted passages that often require precise maneuvering in turbulent water. Scouting from shore is often necessary and conditions make rescue difficult. Generally impossible for open canoes.

Class V. Extremely difficult, long, and very violent rapids. Complicated routes must be scouted from shore. Significant hazard to life in event of mishap.

Class VI. Difficulties of Class V carried to the extreme of navigability. Nearly impossible and very dangerous for closed canoes. Serious risk to life.

It is accepted practice to consider rapids one class more difficult in cold or extreme-wilderness conditions. Ratings change with river water levels.

e. Docks and Piers

These structures should be of good quality construction, in sound condition and appropriate to the type of craft and water for which they are used. Tripping and/or slipping hazards must be eliminated. There should be no rotten, loose or missing planks; protruding nails/screws/bolts; or fouling lines/cables. Sectional floating docks must be assembled without gaps or ledges. Railings should be installed where appropriate and wet/slippery areas covered with a non-skid material.

Electrical outlets should be covered and equipped with Ground Fault Interruption devices. Operators may desire to restrict access to dock/piers by gates or signage such as "Boaters Only", "No Fishing from Dock", " Off Limits between 8pm and 5am" etc.

Fuel pumps and fuel storage must have prominent signage "Flammable, No Smoking Within 50 Feet" or similar language. An ABC type fire extinguisher must be located nearby.

If the shoreline is used to launch and recover boats the bank and nearshore bottom should be free of obstacles and hazards.

f. Rental or Courtesy Dockage

Although you may be liable for personal injuries which occur on your dock, your insurance does not cover loss of, or damage to guest's boats or personal property that are in your care, custody and control. . If you provide such dockage your guests should be aware of this fact. Many operators print such a warning on a slip assignment document.

g. Unattended Watercraft

Operators must ensure that there is no unauthorized use of their watercraft. Unattended boats with access to water are a temptation, especially to children and youths. We recommend that canoes, kayaks, pedalboats, etc. that are kept at waterside be secured by chain and lock or other means when not in use by authorized persons.

I – D TUBING, WADING & FLOAT TUBE FISHING

1. TUBING

General

During the warm weather months a number of resorts offer leisurely tubing floats on scenic rivers or streams. Independent outfitters also offer excursions or equipment rentals. A pickup or vehicle shuttle service from the downstream terminus is usually provided. Although there are some modern variations, the primary “craft” is still the auto or truck tire inner tube.

When managed correctly this activity has minimal risk and is acceptable for insurance coverage. Nevertheless, drownings have occurred in a few inches of still water. A few basic safety issues must be considered and appropriate safeguards provided.

a. Waters

Waters selected for tubing should have current of no more than 2.5 MPH. For most of the tubing run the water should be shallow enough that all participants can stand on the bottom with head and shoulders above water. Water that is downstream from dams is dangerous and unsuitable for commercial tubing unless the timing and volume of water release from the dam is 100% predictable. In our experience, such is rarely the case. Avoid these waters as you would avoid flash floods.

Bottom materials vary and may have sharp rocks, harmful objects or, unfortunately, refuse. We suggest that all tubers be warned and wear footwear.

b. Participant Qualifications

There is no age requirement; although as in boating, the elderly and very young must be accompanied by a sufficient number of able bodied adults for emergency situations.

Experience:

No previous tubing experience is considered necessary.

Swimming ability:

No requirement. However, since there may be natural holes and pools of deeper water, it is recommended that operators identify any non-swimmers for reference in an emergency.

Physical/Medical condition:

Each adult participant should complete a form attesting to his/her physical and medical condition. Please see Sample forms. Parents or Legal Guardians should provide information on their children.

Solo Tube Renters:

We recommend that tubes not be rented to individuals who intend to float alone.

Alcohol or Drugs:

No one under the influence of either should be allowed to participate. If alcoholic beverages are consumed during the float, the Operator/Staff, or the senior guest on unguided floats, should prevent overindulgence.

Personal Flotation Devices (PFD's):

We recommend that children under 12 be required to wear PFD's for the duration of the float. Please see Section I-C, Boating Ops, paragraph 4 for PFD information. For adults and older children, the tube itself is considered to be sufficient personal flotation.

Protective Clothing:

Since tubing is conducted in fair, warm weather and in temperate water, protective clothing is normally limited to bathing suits, footwear and tee shirts for sun protection as needed.

c. Management of Participants

1. Participant Questionnaire (please see Sample Form):

All adult tubers should complete such a document. It contains the information required for initial participant assessment. Parents/Legal guardians must provide information regarding their children.

Many operators include the questionnaire with the Risk Warning/Liability Release document.

2. Risk Warning/Liability Release Document

For tubing experiences that are of exceptionally low risk due to extreme supervision or absence of hazard, we permit Operator discretion in the use of these documents. We suggest, however, that you have all adult tubers read and sign one. Where normal risk is present, their use is mandatory. Executing the document shows that participants acknowledge the risk and accept it as part of the experience. It can also mitigate claims and reduce your liability.

Parents/Legal Guardians must indemnify for minors.

These documents require some specific statements and language that may vary from state to state. We strongly recommend that you have an attorney assist you in preparing a document that is suitable for your activities.

3. Safety Briefing (Given to accompanied Tubers and Renters)

This briefing should be given to all participants and conducted in a location and manner that maximizes their attention and understanding. It should be done prior to launching and without distraction. An attorney can easily prove negligence from half-hearted or incomplete safety instruction.

At a minimum, the Safety Briefing should include:

- Rules for wearing of PFD's
- Prohibited conduct
- Identification of non-swimmers
- Hazards or difficulties that may be encountered (bottom material, underwater obstacles, deep pools, presence of reptiles, etc.)
- Actions to be taken in emergencies

d. Management of Tubing Staff

General

The satisfaction and welfare of your guests may depend on the competence and integrity of your staff members.

It is imperative that only well-qualified personnel be entrusted with the rental or operation of guest watercraft.

a. Employment Criteria

Both Guides and Rental personnel must be experienced tubers and the employees, owners or the official representatives of the business – they may not be other guests.

They must speak fluent English and have no less than average communication skills.

They must have positive, responsible and authoritative personality traits which will encourage both adult and child participants to follow their instructions.

They must be thoroughly trained in operational/rental procedures, public relations, emergency and safety procedures.

b. Worker's Compensation and Labor Laws

If you have part-time or full-time employees, or contract labor workers, be certain that you are in compliance with Worker's Compensation and Labor Laws of your state. This can best be assessed by contacting an attorney or your state's Worker's Compensation Division or Department of Labor.

EMPLOYEE INJURIES ARE NOT COVERED UNDER A GENERAL LIABILITY POLICY.

c. Employee Records

These must be kept on file for twenty years or as recommended by your legal counsel. Each prospective employee should complete employment applications and provide references. Forwarding information, next-of-kin names, addresses and telephone numbers must be kept on file. Employees often become prime witnesses in claims or litigation and it may be important that they can be located after termination of their employment.

Seek legal counsel on all employee applications, agreements or contracts and be careful of what you promise to employees, in writing or verbally.

d. Risk Management Meetings and Safety Drills

We suggest that you have risk management meetings monthly or more frequently. All of your staff –administrative as well as operational- should participate. They would likely all play a role in a crisis.

Read and review policies, procedures and rules with all of your staff. Drill employees on reaction to emergencies by setting up or discussing mock crisis scenarios. Discuss previous incidents, their causes, actions taken, prevention and improvements in reaction.

Document these meetings and keep records on file.

e. Emergencies

Professional adherence to risk management rules and principles will substantially reduce tubing hazards and incidents. The unpredictable or spontaneous, however, are part of the outdoor recreation business and must be planned for as if they were a certainty. Murphy's Law applies.

The sample Emergency Procedure below pertains to physical management of general water emergencies. Administrative management of incidents is covered in Section I–G. INCIDENT MANAGEMENT.

We strongly recommend that Operators develop and publish Emergency Plans appropriate to their own situations.

Emergency Procedure Sequence (sample)

1. EMERGENCY OCCURS !!
2. Staff or Senior Renter reports initial assessment of situation to your headquarters.
3. Headquarters notifies external agencies, such as Emergency Medical Services or Law Enforcement, as needed.
4. If an injury is involved, the best qualified staff or renter takes charge of injured.
If another emergency type, best qualified staff or renter attends to situation.
5. Other crew or renters establish calm.

6. Staff or Senior Renter reports detailed assessment of situation to headquarters.
7. Headquarters provides detailed assessment to external agencies as needed.
8. If there is an injury, application of first aid is continuous.
9. Prepare and Execute appropriate action (med-evacuation, towage, equipment replacement, return to base, etc).
10. If practical and desired by guests, the activity should be reconstituted and resumed with appropriate staff and equipment as soon as possible.

f. Communication

We recommend that radio or cellular telephone communications be taken on the float for emergency purposes.

g. First Aid

A waterproofed First Aid kit should be provided and carried by a staff member or the senior guest.

h. Vehicle spotting or Shuttles

There is likely to be more risk in this activity than the float itself. Operators providing these services should ensure that their insurance policies provide specific coverage.

2. WADING AND FLOAT-TUBE FISHING

General

These activities are used to gain advantageous positioning while fishing salt or fresh waters. With various techniques and equipment they may be adapted to waters that are either still or moving.

As in all water operations, the element of Risk is present; risk level is based primarily on:

- Water conditions
- Bottom material
- Weather
- Equipment, suitability and condition.

And, of course, the judgment of Operator and Participant.

a. Qualifications and Management of Participants

Age:

This activity is generally for adults. Children are acceptable provided that the requirements of the activity, conditions and situation do not exceed their individual maturity and physical abilities.

Experience:

No previous experience is necessary. An Operational and Safety briefing must be given to all participants.

Swimming Ability:

No requirement. However, since there may be natural holes, pools of deep water or emergencies, it is recommended that operators identify any non-swimmers for reference.

Physical/Medical Condition:

We recommend that each adult participant complete a form attesting to his/her physical and medical condition. Please see Sample forms. Parents or Legal Guardians should provide information on minors.

Risk Warning/Liability Release Document:

For tubing/wading experiences that are of exceptionally low risk due to extreme supervision or absence of hazard, we permit Operator discretion in the use of these documents. We suggest, however, that you have all adult tubers and waders read and sign one. Where greater risk is present, their use is mandatory. Executing the document shows that participants acknowledge the risk and accept it as part of the experience. It can also mitigate claims and reduce your liability.

Parents/Legal Guardians must indemnify for minors.

These documents require some specific statements and language that may vary from state to state. We strongly recommend that you have an attorney assist you in preparing a document that is suitable for your activities.

Solo Float-Tube users:

We recommend that tubes not be provided to individuals who intend to float alone.

Alcohol or Drugs:

No one under the influence of either should be allowed to participate. If alcoholic beverages are consumed during the activity, the Operator/Staff or the senior guest should prevent overindulgence.

Personal Flotation Devices (PFD's) – please see also Section I-C, paragraph 4.

The requirement for waders to wear PFD's is based on water conditions: obviously still, ankle-deep waters require none – fast, waist-deep waters do. . We recommend that a PFD be worn in any situation where the wader could possibly be in jeopardy. This precaution also includes individuals fishing from steep banks over hazardous waters.

Although the float-tube itself can be considered to be a PFD, we recommend that floaters wear a Type I, III or V PFD as well – at least in deep, cold, or moving water.

Protective Clothing:

Clothing that is appropriate for the climate and experience should be required of, or available for each participant.

For Waders, footwear should provide protection from sharp objects and a safe, solid purchase on bottom material. When wading slippery bottoms the shoe/boot soles should be covered with a non-skid device or fabric.

Hip length boots or chest high waders are normally used in colder waters. There is an inherent hazard in this equipment – should a slip or fall cause the boot/waders to fill with water, the wearer may be in extreme danger. Wader belts should be worn and tightened snugly around the waist.

b. Management of Operations

Wading

As in many other activities, a combination of factors affect the degree of risk to which a wader is exposed. There are water depth, current, temperature; bottom makeup and stability; equipment and footwear in use and the physical condition and experience of the individual.

It would be presumptuous, and practically impossible, to offer a rule for each situation.

Instead, we depend upon the experience and professional judgment of the Operator or Guide to keep his guests out of harm's way.

Float-Tube Fishing

The equipment used for this activity includes a variety of devices to float the angler. They range from the simple "inner-tube" with suspended seat to small, inflatable boat-like devices with paddle or oars.

Any "float" is at the mercy of the water. The floater can quickly drift into perilous situations or hazardous objects.. Both Operators and participants must ensure that water conditions are favorable for this activity.

Human effort and skill may be inadequate to overcome a river or tidal current.

Since the user is afloat, the bottom material is not of particular significance. Footwear is recommended and floaters generally wear wading shoes when on streams and other shallow waters. Special swim fins for propulsion are often used in deeper waters where the angler cannot touch bottom. As in wade-fishing, chest high waders are recommended for cold water or long exposure.

The weather, especially wind, on larger bodies of water can be hazardous. Besides creating a drenching, chilling chop, an offshore wind can easily push a floater into open water. Like currents, windy conditions require caution.

c. Management of Equipment

Waders, Floats or PFD's should not be left in the open for extended periods when not in use. They should be cleaned, dried thoroughly and stored in a dry, cool place. Weathered gear tears easily. PFD's should not be used as cushions, kneeling pads or fenders – they lose buoyancy when crushed. Floats and waders may be easy to puncture.

Before issuing to a participant, all equipment should be checked for holes, tears, damaged or missing belts and hardware. Equipment showing excessive wear must be retired and replaced. For PFD's, there should be no signs of waterlogging, mildew odor or shrinkage of the buoyant materials.

Operators must ensure that all equipment is appropriate to the user's size and weight.

I –E SWIMMING OPERATIONS

1. SWIMMING POOLS

Swimming pools are a source of both guest enjoyment and inherent risk. There are several mandatory safety measures that are universally recognized and required by the insurance and pool industries.

All commercial swimming pools must have:

- a. Pool rules prominently posted. *
- b. Accessible life rings/buoys with rope and a shepherd's crook on pole
- c. Water depth clearly marked at pool edges. **
- d. A childproof fence with a self-closing, self-latching childproof gate surrounding the pool. ***

* If no lifeguard is on duty, the signage should so state - in bold lettering.

** Permanent markings, in lettering of contrasting color, at least four inches high, must be visible from both outside and inside of pool. They should be placed on the horizontal surface of the pool deck/rim and on the inside vertical wall above the waterline. Depth must be marked at the transition point between deep and shallow water and at depth changes of two feet.

*** The fence must be no less than four feet in height. If constructed of vertical bars or slats, spacing between them may be no more than four inches. If the fence is chain link, the openings in the mesh may be no larger than one and three quarter inches in diameter.

The gate latch mechanism must be out of the reach of children. If the latch mechanism cannot be placed at least 54 inches above ground level on the outside of the gate, then it should be placed on the inside (facing pool) of the gate and at least three inches down from the top. When the latch mechanism is placed on the inside, there may be no openings in the gate or fence within eighteen inches of the latch that are larger than one half inch. This is to prevent the latch being released from outside the fence.

No diving board may be present.

The pool deck and surrounding area where guests are likely to have bare feet must be free of slipping/tripping hazards or harmful objects.

Hot Tubs

Injuries, and some fatalities have occurred in hot tubs, jacuzzis, or spas. Generally, they have been a result of infection, disease, slipping/tripping, suction of outlet drains, and physiological effects of hot water. Unsupervised minors, persons with coronary/respiratory problems and those consuming alcohol may be especially at risk

We recommend that you:

- establish hours of use and secure the tub after hours to prevent unauthorized use.
- employ a lockable safety cover.
- ensure that your tub has dual drains with Consumer Product Safety Commission (CPSC) approved drain covers.
- Drain and completely replace water monthly or more frequently.
- Maintain water temperature at 104 degrees or lower.
- Test bacterial, disinfectant and temperature levels daily.

Recommended Standards are:

	<u>Min.</u>	<u>Ideal</u>	<u>Max.</u>
Temperature			105 degrees
pH	7.2	7.4-7.6	7.8

Water clarity of hot tubs, and swimming pools, should be such that the main drain and bottom are clearly visible from above the surface of the water.

We also recommend that you post signage that warns of slipping/tripping hazards, the potential danger of hot water - especially after consumption of alcohol - and drain suction.

The tub should be "off limits" to minors unless accompanied by adults.

Water Slides

We recognize that these slides can provide warm-weather enjoyment for your guests. Nevertheless, slides have risk potential. Improper construction, placement or user conduct can create a hazard. Your liability may be increased considerably.

For insurance coverage under The Great Outdoors Insurance Program, a water slide must meet the following standards:

- a. The slide may be no more that ten (10) feet in height and have a slide length of no more that fifteen (15) feet. Large "theme-park" type slides are not acceptable for coverage.

b. It must be securely affixed to the pool deck and positioned so that a user lands in water of adequate depth and well clear of pool sides or other hazards.

c. Rules must be established that preclude unsafe practices or "horseplay". Sliders must be required to descend seated, facing forward and singly. We recommend that rules be posted at the slide.

2. SWIMMING IN NATURAL WATERS

Swimming areas in lakes, rivers and seashore must be free of hazards.

Deep or swift water should be designated as "off limits" by floats, ropes, or other markers. Swimmers must not be permitted in areas used by motorboats. The shoreline and inshore bottom must be free of objects that might trip or otherwise injure pedestrians or waders.

Where supervisory staff personnel are not on duty, signage should be posted stating "No lifeguard on duty"; "Swim at your own risk"; "Parents are responsible for children"; and similar warnings.

A toss-ring buoy and rope should be present.

Apparatus such as swing ropes, floats, water trampolines or diving platforms are acceptable only if they do not expose the average user, or bystander, to excessive risk.

Remember Murphy's Law.

I - F INCIDENT MANAGEMENT

First priority is care of the injured

Much of what we have included in this booklet was designed to help you avoid incidents and to help you prevent "accidents" from becoming lawsuits. The recreational industry however, by its very nature, may have its share of injured guests.

Time is of the Essence

The brief period following the accident or incident can be the key to your legal defense several years later. That time must be used wisely. These are the minutes you have to treat and speak with the injured party, interview your staff and other guests while their recollections of the event are fresh, and perhaps to respond to the media. Let's look at each of those.

Your Guests:

Most lawsuits are entered into by guests who either believe they were not properly informed of the requirements and hazards of the activity, or guests who feel you have not demonstrated the highest level of care and concern for his/her well being and personal safety. That care and concern starts in the mind of the guests at the beginning of their activity with you. So make a personal connection. Address guests by their name. Treat them, their concerns, and their family members as individuals.

If a guest is injured, it is important to keep one staff member with the injured party from the time of the initial response and treatment through evacuation, waiting for him or her at the doctor or hospital, and following up afterwards. That personal relationship and consistency can reduce stress, help calm and assure the injured party, and is often the key factor in whether or not the injured party chooses to file suit. The personal care and attention do matter. Take the case of whitewater adventurers who were seriously injured. They or their attorneys subscribed to the belief that "...for every societal wound, there must be a financial poultice." However, they enjoyed their guide and appreciated the care and concern demonstrated after the incident. So they didn't sue the operator. They did sue the travel agent who booked them without providing adequate warning about the hazard of the activity!

What Do I Say?

If an incident occurs, be responsive. It's okay to let the guest know you're sorry they are hurt and you are doing everything you can. Be both empathetic and sympathetic. Show care and concern both for the injured party and other participants. While one person may be injured, family members and other guests may be experiencing shock, concerned about their own safety, or generally "shaken" by what they have seen or experienced.

Help your guests feel they are in capable hands. Check in with them about how they are doing. You need to provide a calm, settling influence on the guests. It is okay to say things like, "I've sent for help. The techniques we practiced in the Red Cross first aid class seem to have stopped the bleeding. I'll do everything I can to keep you comfortable (until we evacuate, continue, etc.)..." Both injured parties and others need to be reassured. Their evaluation of what happened and how you handled the incident can be important issues if litigation ensues.

What Don't I Say?

Don't admit wrongdoing, e.g.,

"Oh, you're the third person that hit that snag."

"Gee, I must not have adjusted your throttle correctly."

"That strap must have failed." Etc.

Don't make value judgements, e.g.,

"Well, that was a stupid thing to do."

"You said you were an experienced boater, anybody with half a brain could have..." Etc.

Don't guarantee a speedy evacuation.

You may have no control over the timing and your idea of "soon" may be very different from that of an injured party.

Don't profess to be a medical expert.

Photographs:

If you or guests have a camera available, get photographs of the incident site and of the injured party. Photos of the physical conditions encountered immediately prior to the incident, i.e., dock, shoreline, a snag obstructed from view, warning signage, etc. may be especially helpful in reconstructing circumstances surrounding the incident.

The Media:

If there is a serious accident or fatality, you can expect that the media will contact you. Often, that contact will be by phone. It is in your best interest to assign one spokesperson to handle those media inquiries. Let your staff know if inquiries are to go through one person. The person (with your supervision) should prepare a factual statement (which may need to be reviewed by legal counsel.)

*Be clear about the assignment. It is to provide the who, what, where, and when that goes into a typical media story (though you may not want to tell "who" at the time when you are still trying to locate their family.) You will probably want to provide some background on your organization's experience at providing the activities. It is not the place to assign blame, admit guilt, or speculate about what may have occurred. If a story is delivered in that manner you will get more press than you want.

*Attempt to be accurate and provide the facts. If the answer to a question is unknown, say it is unknown. Don't speculate.

*If you are dealing with restrictions, such as not releasing names until family members are contacted or you are unable to talk with the injured party until the doctor gives the okay, etc., explain that to the media.

*If you provide, see, or hear erroneous information, correct the error as quickly as possible. Provide correct information.

*No one (including your chosen spokesperson) is to release any information that assigns responsibility or admits liability for the accident without first consulting your insurer's legal counsel. Failure to observe this restriction can jeopardize your case and your insurance coverage.

*It is often best to say simply "the incident is under investigation at this time."

After the Incident:

When equipment is involved in an accident, and could have contributed to the incident, pull it out of service and discuss what you should do with the insurer's claims representative. They may suggest having equipment checked by an authorized dealer or repair facility, taking photographs, or returning it to service but marked for easy identification in the future.

Remember, everything doesn't end after the doctor sends the person home or admits him/her into the hospital. Nor should it end when an injured and

angry guest says "I'm going to sue you for this." Follow up with the injured party to see how he/she is doing. Send or hand deliver a card, note, and/or flowers, or just make a phone call. Let the person know that his/her well-being matters to you. If the injury prevents the person from completing the activity, offer a refund fee. Consider giving them a voucher to recreate with you again after he/she recovers. You would be amazed at the success other operators have had using the voucher to build positive relationships, even after serious accidents. Not only is it a great way to create customer goodwill, but the more friends he/she brings along, the less that "free pass" costs you.

Your personal attention, care, and concern can actually prevent litigation. If you end up with a lawsuit however, remember that everything you did/did not do or say before, during, and after the incident will be scrutinized by the injured party's attorney or by the Courts

ALL INCIDENTS, NO MATTER HOW MINOR, MUST BE REPORTED.

NOTIFY YOUR INSURANCE AGENT BY TELEPHONE WITHIN 48 HOURS OF THE INCIDENT.

FOLLOW UP WITH A WRITTEN REPORT.

SOME STATES HAVE MANDATED THAT LATE NOTIFICATION OF A POTENTIAL CLAIM INCIDENT CAN MAKE COVERAGE FOR THE RESULTING CLAIM NULL AND VOID.

INCIDENT REPORTS AND WITNESS STATEMENTS

Keep copies of the Incident Report and Witness Statement forms handy. Many Operators keep them with first aid kits. That way required information can be gathered and quickly recorded after an incident occurs.

Record the information as soon as possible, while memories are fresh and recollections are clear. These forms, and the information they contain, will be critical to your defense. Try to document everything that is said. Information you obtain immediately after the incident will usually be more accurate than statements taken at a later date.

It is also important that you establish a "timeline". That is the chronological listing of the sequence of events involved in the incident.

Discovery:

This term generally refers to a pretrial device that can be used by one party, i.e. a guest injured while participating in an activity offered by you, etc., in order to assist in that party's preparation for trial. Tools of discovery include facts, documents, or other things which are in your exclusive knowledge and possession. The litigating attorney can request and obtain any and all records. For that reason, it is essential that you (and persons working for or on your behalf) avoid comments which could be potentially damaging. Avoid writing or publicly expressing assumptions, opinions, and personal feeling which may arise during the stressful time at and after the occurrence of an incident. Even verbal statements can be subject to discovery.

Incident & Accident Report:

The Staff member in charge will complete the Incident & Accident Report Form. However, if a witness is hostile, or otherwise uncooperative after a catastrophic accident, make sure you have their name and how to reach them, but leave it to your insurer's claims staff or legal counsel to take their written statement. Take the written statements of witnesses who are positive, or neutral. When interviewing, ask the question, "What happened?" It's a simple question that each person needs to answer. The statement may be completed by the witness or taken by someone from your organization. Once completed, the witness must review, sign and date the statement.

You can use the same form to note the injured guest's version.

However, as stated at the outset, "FIRST PRIORITY IS CARE OF THE INJURED", not reporting.

We are not suggesting that you get a signed statement from the injured guest. That can be done later when the injury has been treated and the shock is past. If the person is in pain, in shock or agitated following an incident, it is not the time to be an investigative reporter.

Whenever you do speak with the injured you should note and record comments such as "If I'd only followed your instructions about...", "I knew I was in deep water". "I didn't think the boat would...", or "I just panicked, it wasn't anything you did...", etc. Those comments may be of assistance in defending you in the event of a lawsuit.

I – G SAMPLE FORMS

STANDARD GUEST INFORMATION FORM

SAMPLE RISK WARNING AND LIABILITY RELEASE

INCIDENT – ACCIDENT REPORT

WITNESS STATEMENT

NOTE: This is a “sample” form. It may not be appropriate for every activity or operation. Operators may modify it as necessary to obtain such information that will assist them to safely accommodate prospective guests.

STANDARD GUEST INFORMATION FORM

It is our goal to provide our guests with a safe, comfortable and enjoyable experience. We ask that you provide the following information:

NAME: _____
(PRINT)

1. Age: _____

2. Experience in this Activity: Please check whichever is most applicable:

Never Few Times Often; Last Time _____

3. Do you have any physical, medical or emotional condition that might be adversely affected by participating in this activity? _____

If yes, please explain: _____

4. Can you swim ? _____; well ? _____

5. Are you under the influence of drugs or alcohol? _____

6. Do you require any special assistance, medication or equipment of which we should be aware? _____

If yes, please explain: _____

Signature: _____ Date: _____

FOR EXAMPLE ONLY. CONSULT WITH YOUR ATTORNEY TO CREATE YOUR OWN LEGAL DOCUMENT.

Risk Warning and Liability Release Agreement

Please read carefully before signing
This is a release of liability and waiver of certain legal rights

In consideration for my being permitted to participate in the activities of _____, I agree to the following Waiver and Release:

I acknowledge that water activities have inherent risks, hazards, and dangers for anyone, that cannot be eliminated, particularly in a wilderness environment. I UNDERSTAND THAT THESE RISKS, HAZARDS, AND DANGERS INCLUDE WITHOUT LIMITATION:

1. Water hazards in boating and wading in the rivers including drowning;
2. Hiking in rugged country;
3. Injuries from fishing equipment and other participants;
4. Encounters with wildlife, animals, and insects;
5. Temperature extremes;
6. Inclement weather conditions and unavailability of immediate medical attention in the wilderness in case of injury.

I understand the risks, hazards, and dangers of water activities and have had the opportunity to discuss them with _____. I understand that these activities may require good physical conditioning and a degree of skill and knowledge. I believe I have that good physical conditioning and the degree of skill and knowledge necessary for me to engage in these activities safely. I understand that I have responsibilities. My participation in this activity is purely voluntary. No one is forcing me to participate and I elect to participate in spite of the risks. I AM VOLUNTARILY USING THE SERVICES OF _____ WITH FULL KNOWLEDGE OF THE INHERENT RISKS, HAZARDS, AND DANGERS INVOLVED AND HEREBY ASSUME AND ACCEPT ANY AND ALL RISKS OF INJURY, PARALYSIS OR DEATH.

Lastly, I, for myself, my heirs, successors, executors, and subrogees, hereby KNOWINGLY AND INTENTIONALLY WAIVE AND RELEASE, INDEMNIFY AND HOLD HARMLESS _____, their directors, officers, agents, employees, and volunteers from and against any and all claims, actions, causes of action, liabilities, suits, expenses (including reasonable attorneys' fees) which are related to, arise out of, or are in any way connected with my participation in this activity including, but not limited to, NEGLIGENCE of any kind or nature, whether foreseen or unforeseen, arising directly or indirectly out of any damage, loss, injury, paralysis, or death to me or my property as a result of my engaging in these activities or the use of these services, animals or equipment, whether such damage, loss, injury, paralysis, or death results from negligence of _____ or from some other cause. I, for myself, my heirs, my successors, executors, and subrogees, further agree not to sue _____ as a result of any injury, paralysis, or death suffered in connection with my use and participation in the activities of _____.

I HAVE CAREFULLY READ, CLEARLY UNDERSTAND, AND VOLUNTARILY SIGN THIS WAIVER AND RELEASE AGREEMENT

Date

Signature

Print Name

Mailing Address

City

State

Zip

Phone

If under eighteen years of age, parent, guardian, or custodian must sign the following indemnification:

INDEMNIFICATION

In consideration for the above minor being permitted by _____ to participate in the activities of _____ which include, without limitation, the use of its services, animals and equipment, I agree to the following waiver, release, and indemnification:

The undersigned parent, guardian, or custodian of the above minor, for himself/herself and on behalf of said minor, hereby joins in the foregoing Waiver and Release and hereby stipulates and agrees to save and hold harmless, indemnify, and forever defend _____, their directors, officers, agents, employees, and volunteers from and against any claims, actions, demands, expenses, liabilities (including reasonable attorneys' fees), and NEGLIGENCE made or bought by said minor or by anyone on behalf of said minor, as a result of said minor's participation in the activities of _____ and his or her use of the property, animals, if any, and facilities of _____. I, for myself and on behalf of said minor, further agree not to sue _____ as a result of any injury, paralysis or death that said minor suffers in connection with his/her participation in the activities of _____.

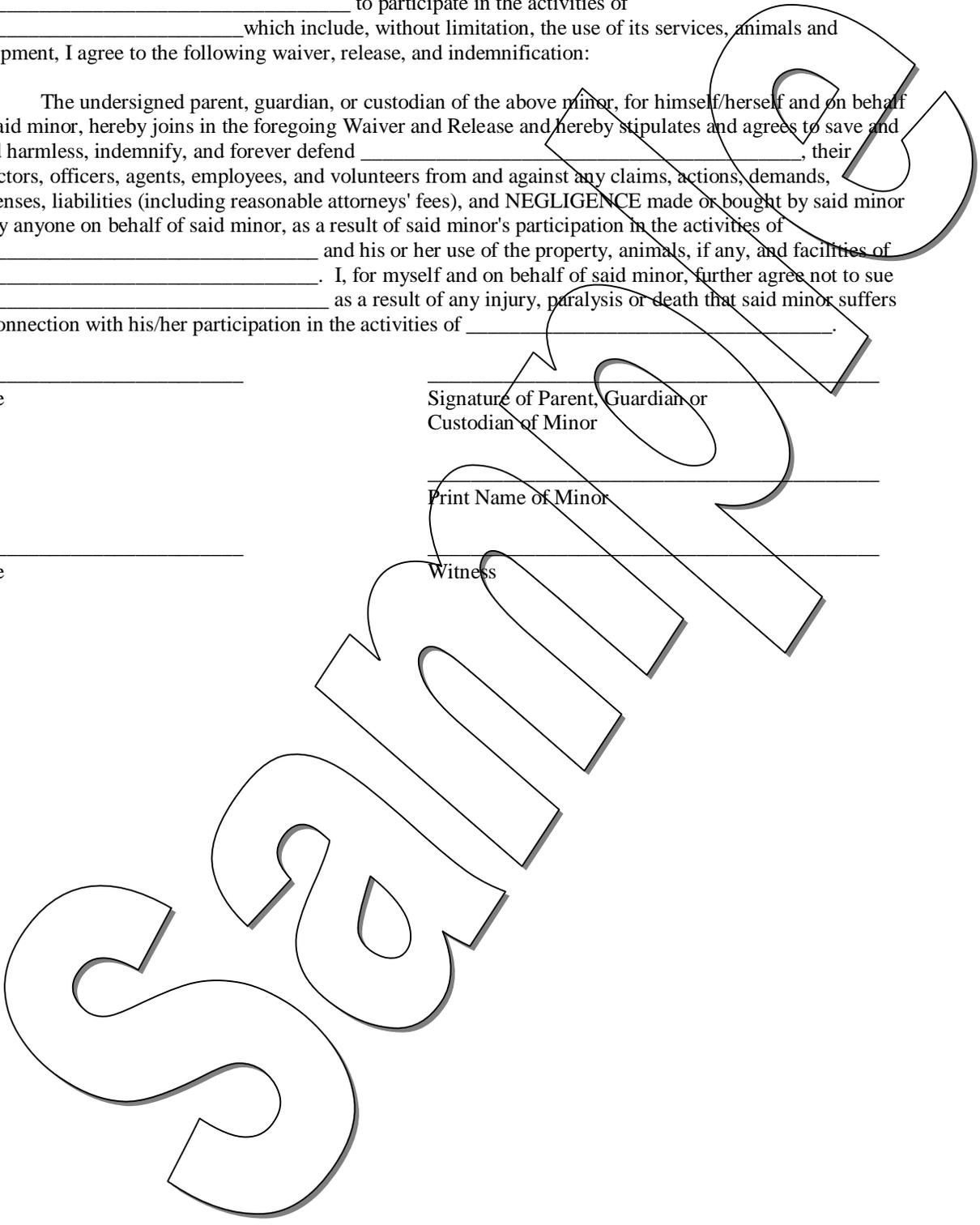
Date

Signature of Parent, Guardian or
Custodian of Minor

Print Name of Minor

Date

Witness



INCIDENT – ACCIDENT REPORT

Insured: _____

Address: _____

Contact Person: _____

Best time to Contact: _____

Office Phone: _____ Home Phone: _____

Guide operating tour on which incident occurred: _____

Age: _____ Phone Number: _____

Date of Incident: _____ Time: _____ am/pm

Location of Incident: _____

Name of Person Injured: _____

Activity: _____

Did the incident occur on Federal or State regulated water/land ?

Yes No

Was an accident or incident report made by any police, or governmental agency? Yes No

If yes, please attach copies.

Are photographs available? Yes No.

Describe in detail how the incident occurred: _____

Use the reverse side of this sheet if additional space is needed.

Include a diagram if a collision.

Was First Aid administered? Yes No.

Was person taken to doctor or hospital? Yes No.

If yes, who and where? _____

Treatment given: _____

Describe injured person's reaction to incident: _____

Other employees involved, who witnessed incident, or were involved in post incident care: _____

Person making report

Date

WITNESS STATEMENT

NAME OF WITNESS: _____ AGE: _____

PERMANENT ADDRESS: _____

HOME TELEPHONE: _____ WORK: _____

OCCUPATION: _____

RELATIONSHIP TO INJURED: _____

TEMPORARY ADDRESS: _____

UNTIL: _____ PHONE: _____

NAME OF INJURED PARTY: _____

DATE OF INCIDENT: _____

SPECIFIC LOCATION OF INCIDENT: _____

Describe the incident – Who? What? Where? When? How? _____

Use reverse side or additional pages if needed.

Describe Accident Site Conditions: _____

Had the staff provided any instructions which the injured person was not following at the time of the incident? yes no If yes, explain: _____

Did the injured person state that the accident was his or her fault? yes no

Signature of Witness: _____ Date: _____

Statement Taken By: _____ Date: _____