

Developing a Public Footpath within the Bras d'Or Lake Biosphere



A COMMUNITY TOOLKIT FOR GETTING STARTED



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1. SO YOU WANT TO BUILD A TRAIL? WE CAN HELP!

The long-term vision of the Bras d'Or Lake Biosphere Reserve Association (BLBRA) through its Trail Committee is to identify and encourage development of pathways, either existing or potential, within and between communities or natural features within the Biosphere. This vision foresees a trail system circumnavigating the Bras d'Or, with frequent access for day hikers, outdoor classrooms, or long distance thru-hiking.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) declared the Bras d'Or Lake watershed as Canada's 16th Biosphere Reserve in June 2011. The Biosphere Reserve designation bestowed international recognition to the area and connected it to a world network of over 600 Biosphere Reserves in 120 countries.

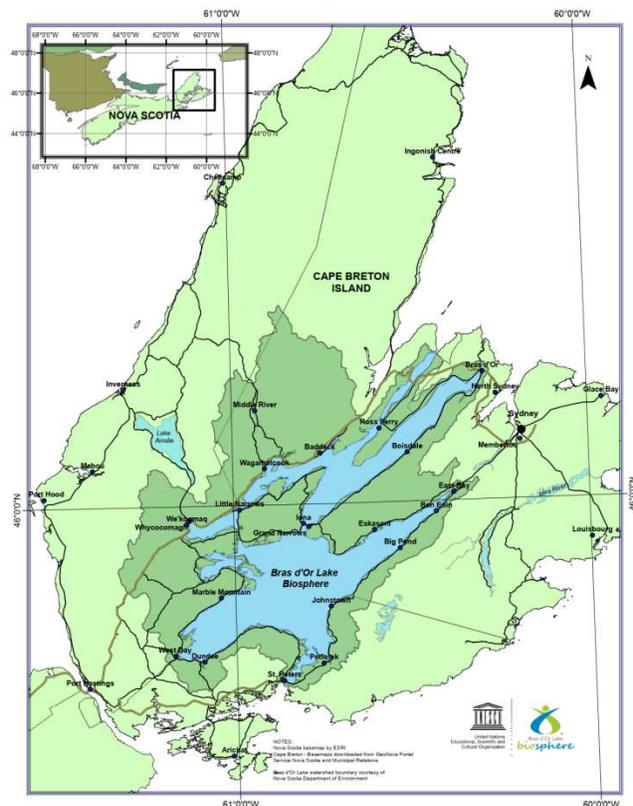
The Bras d'Or Lake Biosphere includes the Bras d'Or Lake and its watershed. It comprises over 3,500 km² of forest and watery ecosystems in the centre of Cape Breton Island, Nova Scotia, Canada. The lake is not really a lake nor an inland sea; it is actually an estuary where fresh and salt waters mix.

Exploring the Biosphere, the waterways and the watersheds, by any trail or footpath introduces the culture, heritage, resources and natural beauty of the place. People of the Biosphere have culturally resonant identities which include Mi'kmaq, Acadian, Scottish and English histories. Together they all share a history of mutual respect and a common vision of appropriate environmental stewardship and sustainable economic development.

The BLBRA Trail Committee is ready and willing to assist groups interested in trail development with logistics, mapping, promotion, educational projects, and appreciation of new links in the system of trails in our Biosphere.

This document is a living document - intended as an evolving guide for local community or recreational groups eager to Get Started on building a footpath or trail for people to explore, refresh and renew their relationship to the natural world of the Biosphere. It identifies significant issues that are likely to occur along the way, both regulatory and inspirational. An updated document will be available on the BLBRA website (www.blbra.ca) where the Trail Committee can be contacted, and where there is up-to-date information about what the Association is doing. CONTACT US – blbra.ca

SO LET'S GET STARTED.



2. MOBILIZING THE COMMUNITY AND GATHERING KNOWLEDGE

It will be necessary to raise awareness of any proposed trail, as well as the BLBRA's trail vision. It is critical to gauge the level of support for the project. The time frame for this process is expected to be at least four months. The following is a series of tasks involved in mobilizing your community; these steps need not necessarily follow the listed sequence, with some being undertaken simultaneously and others continuing throughout the process:

- 1) Form a committee of persons interested in having a walking trail in the community.
- 2) Produce materials describing and explaining the vision of your community's trail-building committee. This may include media presentations, website inclusions, newspaper articles, church bulletins, presentations to community groups/organizations, etc.
- 3) Initiate consultation with local interested parties to gain insight into their views on the proposed trail. It is important to remember that consultation will be an ongoing process, and that ensuring the community is kept informed and is given ample opportunity to share their concerns is crucial to the success of the project. The initial consultation could include a group discussion with a small number of interested individuals, and/or questionnaire to distribute more widely to interested parties with the objectives of:
 - a. collecting knowledge of the area (including potential routing options);
 - b. consulting with the community about what they may want to see (or not see); and
 - c. determining possible uses of the proposed trail.

That said, after the initial consultation, it is important for the trail-building committee to maintain open channels for communication and consultation, and to document these consultations with individual landowners and stakeholders. Consultation should be an ongoing process.

- 4) Invite community members to participate in focus groups to gain more insight into the community's needs and issues. For example, individuals may have concerns about improper waste disposal on the trail, or about parking, or increased traffic in the community.
- 5) Hold workshops in the target community to provide input for route planning; and to develop principles for the Trail including uses, permissions, maintenance, dealing with complaint issues, etc. For example, community members may be aware of interesting features, seasonal highlights, wetlands of significance, First Nations points of interest, or geological outcroppings which can be linked by the trail. It may be useful to identify sub-committees within the group to focus on specific issues, such as determining possible alternative trail routes.
- 6) Contact local agencies, organizations and individuals who can provide useful knowledge and guidance throughout the trail building process. **Appendix A** provides a detailed list of these bodies, a few of which are named below. As with consultation (Step 3), engaging knowledgeable organizations is an ongoing process that will occur at many points throughout the process.



Agencies:

- Economic development agencies such as ACOA, Destination Cape Breton, Cape Breton Partnership
- Municipal departments including Recreation, Planning, Economic Development
- Regional Education Centres
- Provincial Departments such as Health, Education, Lands and Forestry (formerly Natural Resources), Environment, and Transportation and Infrastructure Renewal
- Trails Nova Scotia

Organizations:

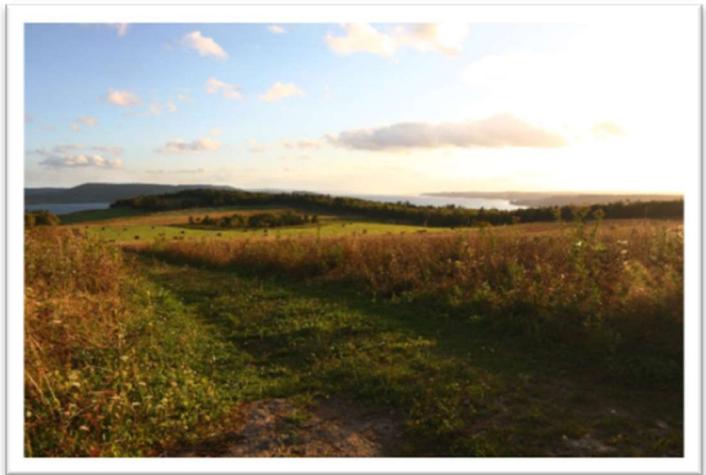
- Community volunteer organizations such as community councils, fire departments, church groups
- Other trail groups and people with a knowledge of trails
- Outdoor enthusiasts such as Cape Breton Naturalists Society and Unama'ki Cape Breton Outdoor Network

Individuals:

- People behind hiking websites, such as Moosebait and Hike Cape Breton
- Local Councillors, MLAs, and MPs
- Landowners along the proposed trail route and ascertain their level of interest. Refer to **Appendix A** for guidance on how to find information on land ownership along the trail route.

3. PROCESS FOR TRAIL DEVELOPMENT

At this time, a group of residents interested in building community trails has been established. Through initial consultations, the group has determined there is support in the community to build and maintain footpaths and it has an idea of where the trail will be located, whether it be on private lands, Crown lands, NSTIR lands (K-class roads), protected lands (Wilderness Protected Areas and Conservation Easements) or some combination of the above. The following steps are offered as a guide for the development of plans for a trail.



Step 1:

Form a community trail group as a Society under the Nova Scotia Registry of Joint Stocks, unless the trail group is under the jurisdiction of an already registered Society. This is where the community group needs a strong leader, a “champion” for the project, a person who is willing to take the project to its eventual fruition.

Step 2:

Obtain all available mapping – topography, ecological, and geological mapping along with air photos to assist with route determination. The BLBRA can help with this, so please reach out! As well, obtain property mapping to determine which and how many properties the trail will transect. Some tips on how to find property ownership information for a proposed trail area are provided in **Appendix A**. It is advisable to consult with landowners early in the process, to determine their enthusiasm for the trail project. Landowners may have a preference for one or another area of their property for trail development. There is much to be done before actually getting out on the ground to mark a trail.

Step 3:

Determine the purpose for the trail. Will it be a footpath joining communities? Is it a path to a recreation area or some special area of interest? Is it a loop or a relatively straight line? Does the trail have a unique theme? Will it be an interpretative trail or simply a recreational trail? Will the trail allow mountain biking and or horseback riding?

While most trails will be simple footpaths, if a section of trail will have broader usage (a multi-use trail) and involve significant construction activity, consultations with First Nations (KMKNO and local Chiefs), trail planners, and government officials may be required. The BLBRA’s Trail Committee has recently initiated discussions with the Chiefs of communities within the Biosphere with respect to construction of footpaths within the BLBR; please contact the Committee for updates on this process.

Step 4:

Join the Nova Scotia Trails Federation (NS Trails). Among many member benefits, NS Trails provides a regular newsletter, advice and support, funding opportunities, and trail promotion. NS Trails also offers group insurance policies (including general liability, accident, and director's insurance) along with a risk management program, Nova Scotia Trail Patrol.

Step 5:

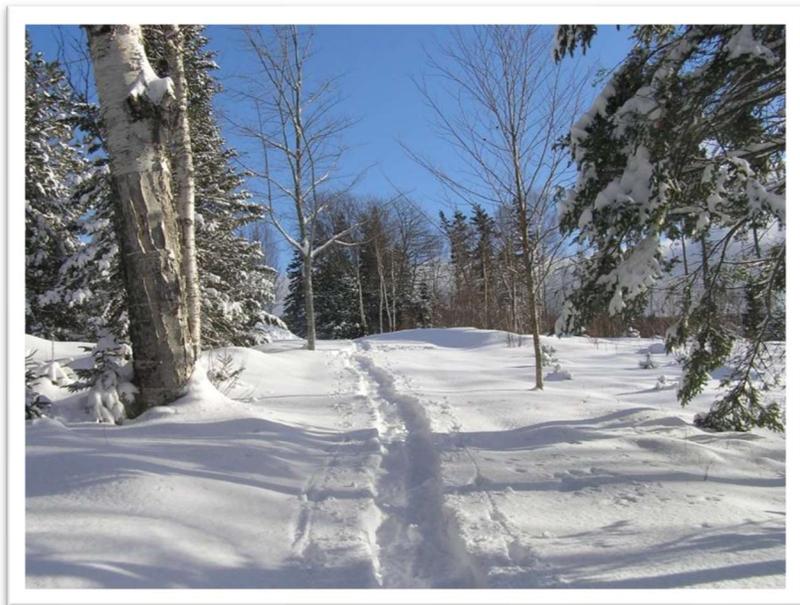
Determine funding requirements, and where and how to obtain the necessary funding. These will only become clear as firm decisions are made about subsequent steps to be taken with respect to trail development. Refer to **Appendix B** for a list of potential funding sources.

Step 6:

If private lands are involved in the planned alignment, get Landowner Agreements in place. Step 1 to Step 3 of this document, inclusive, are prerequisites for landowners signing the Landowner Agreement. Landowners will want to know what type of trail is being planned prior to signing a Landowner agreement. An example of a landowner agreement is provided in **Appendix C**.

If abandoned roads (K-class) are in the alignment, contact the NSTIR office for your municipality for permission to:

- use the road
- have them install an 'un-maintained road' sign at the trail head
- repair washouts and install bridges and culverts



Step 7:

Plan the trail alignment carefully, avoiding steep slopes, potentially dangerous sites, and environmentally sensitive areas such as wetlands and rare plants. Consider including features such as view planes, mature forests, water features (streams, stream crossings and waterfalls), historical and cultural artifacts, and opportunities for learning (i.e., interpretative signage) where possible.

There can never be too much planning. The trail committee may wish to hire a trail planner to determine if the potential route is satisfactory; contact the Nova Scotia Trails Federation for guidance. As well, ecologists, wetland specialists and holders of traditional knowledge can help to ensure sensitive areas are avoided and can collaborate on interpretative signage for the trail.

Step 8:

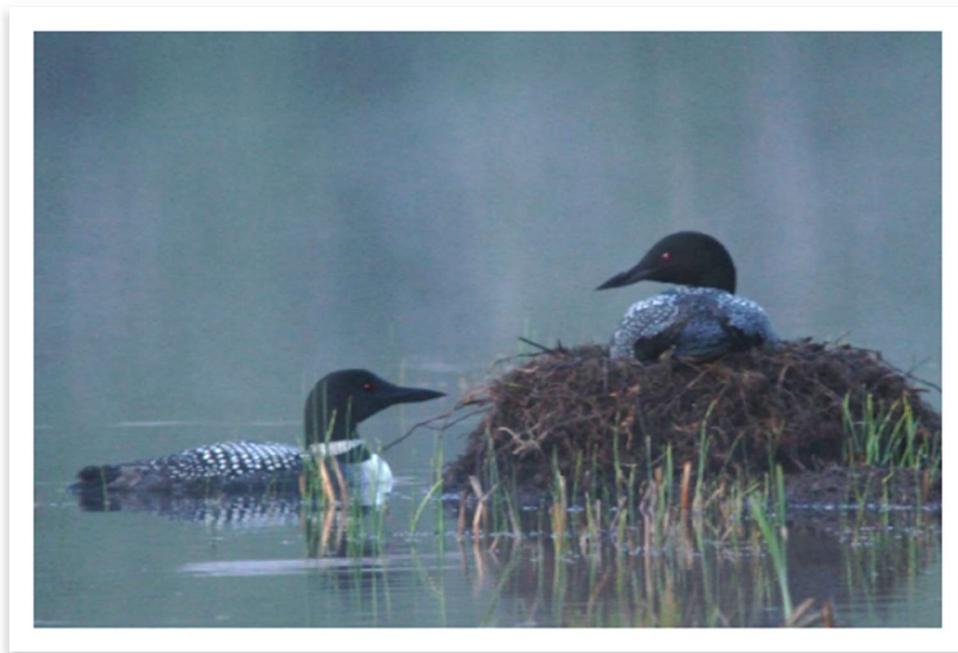
The route can be flagged by the trail group, in conjunction with the trail consultant (if hired). Insurance should be in place at this time to cover accidents and general liability for volunteers working on the trail.

Step 9:

A sign should be placed at the “trail head” announcing the “Trail Under Construction – Proceed at your own risk”. The trail is not completed until an inspection is conducted by the landowners/Crown. At that time, the ‘under construction’ sign can be removed and other more appropriate signage (i.e., “Managed Trail”) installed.

4. BEST PRACTICES TO PROTECT SENSITIVE SPECIES AND HABITATS

The BLBRA’s values include the protection of the sensitive species and habitats within the biosphere. As such, community trail-building groups must take steps to ensure that trails do not cause harm to populations of species of conservation concern through trail building and its associated increases in foot traffic and human activity. The Bras d’Or Lake Biosphere Reserve (BLBR) includes a diverse array of ecosystems, both terrestrial and aquatic, and rare and unique species may be found throughout the biosphere. This includes legally protected endangered species, as well as warm-water aquatic species that are regionally unique to the Bras d’Or Lake.



The Nomination Submission from Canada for the Bras d’Or Lake Biosphere Reserve and the Ecosystem Overview Submission and Assessment Report for the Bras d’Or Lakes Nova Scotia, both available on the BLBRA website (www.blbra.ca), provide excellent overviews of notable species found in the biosphere. A link to complete and up-to-date listings of federally and provincially protected species is found in

Appendix A. These sites provide detailed information on identification as well as habitat preferences and steps that can help protect these species.

Simple steps that can help protect wildlife, including rare species and their habitats include:

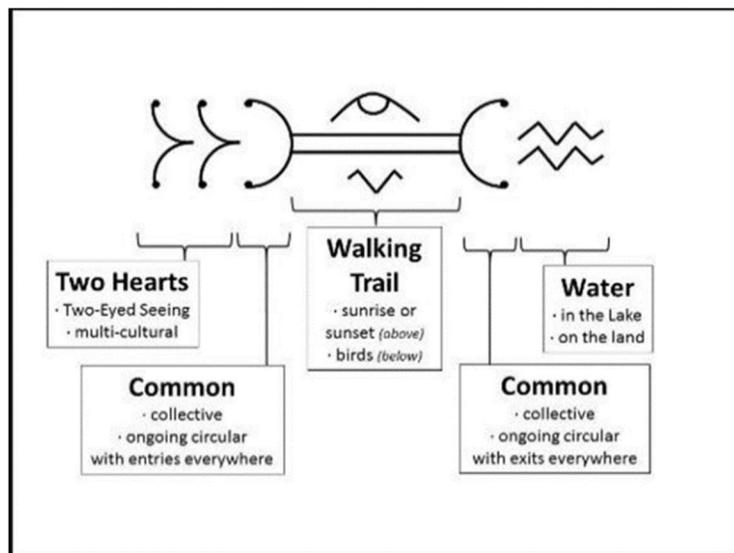
- Avoiding sensitive habitats such as wetlands. These delicate ecosystems are home to many rare and special species.
- Maintaining good housekeeping on the trail. Encouraging users and volunteers alike to ‘leave only footprints’ keeps your trail free of both garbage that may harm wildlife, and food waste that can attract nuisance animals.
- Being mindful to avoid active nesting areas within the trail route.

If a rare species is spotted in the area of the proposed trail development, and there is concern that the trail may have an effect, the Nova Scotia Department of Lands and Forestry (formerly Natural Resources) can be contacted for guidance on appropriate steps to be taken to protect the species for the future enjoyment of nature lovers on the trail. A link to special management practices developed by the Department of Lands and Forestry is found in **Appendix A.**

Putting our hearts into a Bras d'Or Lake Walking Trail: Nuji Anko'tminew

***Etuaptmumk* / Two-Eyed Seeing, a guiding principle**

Mi'kmaq Elder Dr. Albert Marshall, who lives in the community of Eskasoni within the Bras d'Or Lake Biosphere Reserve in the Traditional Territory of Mi'kma'ki, coined the English phrase "Two-Eyed Seeing" many years ago, intending it as a guiding principle for inter-cultural collaboration. The principle draws upon understandings within Mi'kmaq Knowledge of "the gift of multiple perspectives" as reflected in the word "*Etuaptmumk*" in the Mi'kmaw language. It encourages the realization that beneficial outcomes are much more likely in any given situation if we are willing to bring into play two or more perspectives, two or more paradigms, or two or more knowledge systems. A core understanding within Mi'kmaq Knowledge that can be highlighted is wholism wherein one strives to include and integrate in harmonious ways the four aspects of humanness, namely the physical, cognitional, emotional, and spiritual. And thus, in regards the Bras d'Or Lake Walking Trail, arose the suggestion to consider language and imagery to encourage the understanding that the Trail will only come about, as well as enjoy long-term stewardship, through efforts that see us put our hearts into both the vision and tremendous amount of work that will be required (along with our heads and hands, etc.) ... a collective vision enabled by potentially different approaches among the diverse communities or groups in the Biosphere Reserve.

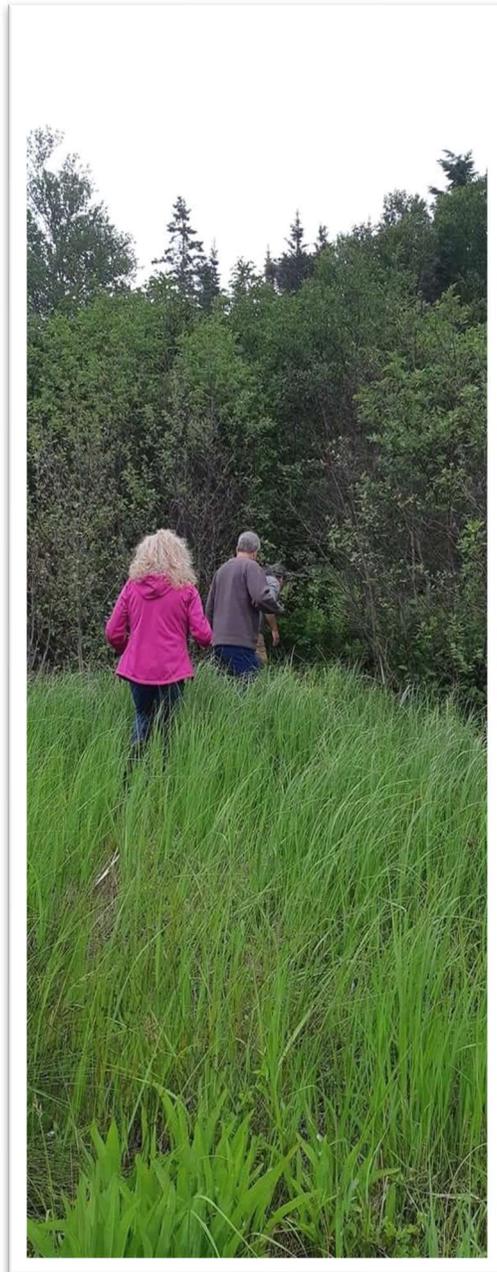


***Nuji Anko'tminew* ... wholistic encouragement**

Given the above, Mi'kmaq Elders Murdena and Albert Marshall of Eskasoni offered the Mi'kmaq words *Nuji Anko'tminew* which can be translated as "to care with your entire being" (hope, love, and possibility) for a Walking Trail around the Bras d'Or Lake. To deepen this encouragement beyond words, Elders Murdena and Albert created and offered the glyph depicted here, along with explanation.

Acknowledgements

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Appendix A: Resources

The following are helpful links for information and contacts for trail building groups:

Bras d'Or Lake Biosphere Reserve

- Bras d'Or Lake Biosphere Reserve website: www.blbra.ca
- Ecosystem Overview and Assessment Report for the Bras d'Or Lakes, Nova Scotia: <http://www.dfo-mpo.gc.ca/Library/327652.pdf>
- Nomination Submission from Canada for the Bras d'Or Lake Biosphere Reserve. http://www.blbra.ca/docs/CCUNESCO/Nomination%20Document/BLBR_final_2010_screen.pdf

Trail Mapping Resources

- Nova Scotia Provincial Landscape Viewer: <https://nsgi.novascotia.ca/plv/>
- David Rumsey's Historical Mapping of Cape Breton: https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~2625~280039:Composite--Nova-Scotia-17-24-?sort=Pub_List_No_InitialSort%2CPub_Date%2CPub_List_No%2CSeries_No&qvq=q:cape%20breton;sort:Pub_List_No_InitialSort%2CPub_Date%2CPub_List_No%2CSeries_No;lc:RUMSEY~8~1&mi=62&trs=98

Species at Risk

- Federal Species at Risk Public Registry: www.sararegistry.gc.ca/sar/index/
- Nova Scotia Endangered Species list: <https://novascotia.ca/natr/wildlife/biodiversity/species-list.asp>

Nova Scotia Department of Lands and Forestry

- Special Management Practices for wildlife and their habitats: <https://novascotia.ca/natr/wildlife/habitats/terrestrial/>
- Guide to Forest Biodiversity Stewardship: <https://novascotia.ca/natr/library/forestry/reports/Biodiversity-Stewardship-Guide.pdf>

Other Supporting Organizations for Trail Builders

- Nova Scotia Trails Federation (NS Trails): <https://nstrails.com/>
- Hike Nova Scotia: <https://www.hikenovascotia.ca/>
- Moosebait: <https://www.moosebait.com/>
- Hike Cape Breton: <https://hikecapebreton.ca/>

Agencies

- Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO; also known as Mi'kmaq Rights Initiative): <http://mikmaqrights.com/consultation/>
- ACOA: <https://www.canada.ca/en/atlantic-canada-opportunities.html>

- Destination Cape Breton - Cape Breton Partnership: <https://capebretonpartnership.com/investors/destination-cape-breton/>
- First Nations: <https://novascotia.ca/abor/aboriginal-people/community-info/>
- Municipal departments including Recreation, Planning, Economic Development
- Regional Education Centres: <https://www.ednet.ns.ca/our-schools-regional-centres-education>

Other Organizations and Individuals

- Cape Breton Naturalists Society: <https://www.facebook.com/CapeBretonNaturalistsSociety/>
- Unama'ki Cape Breton Outdoor Network: <https://ucboutdoornetwork.ca/>
- Local Councillors
 - Cape Breton County (<https://www.cbrm.ns.ca/mayor-council-2.html>)
 - Inverness County (<https://invernesscounty.ca/government/>)
 - Richmond County (<http://www.richmondcounty.ca/council.html>)
 - Victoria County (<https://www.victoriacounty.com/council.html>)
- Members of Legislative Assembly (<https://nslegislature.ca/members/profiles/contact>)
- Members of Parliament (<https://www.ourcommons.ca/Members/en>)
- Community volunteer organizations
 - community councils
 - fire departments
 - church groups

Tips for Identifying Property Ownership when Planning a Community Trail

(from a local Community Trail Group volunteer)

- **Nova Scotia Land Registry** manages land ownership record and offers the Property Online database which includes land ownership and related property information.

Local trail groups have noted that Property Online should be a last step. Much of the information you want is free; it is best to wait until you have narrowed down your search and use Property Online for information you are not able to obtain other ways. To use Property Online, you will need to pay a base monthly subscription fee of \$99.65 plus tax which gives you five hours of search time; additional time is charged at a rate of \$19.93 per hour plus tax. You can use Property Online at one of the Land Registration offices on a half day basis for a fee.

- **Other Information Sources for Local Property Boundaries**

The NS Land Registry Civic Address Finder (<https://nsgi.novascotia.ca/civic-address-finder/>) can be used to access a map of the area which includes the property boundaries, civic numbers and roads. It does not provide owner information or PIDs (property identification numbers) but it does have very easy to see boundary lines.

Viewpoint.ca is a real estate brokerage agency that has built a database of all the properties in Nova Scotia. It is free to register for a login. They show the same map as in the civic address finder, although not as finely drawn. Viewpoint provides information about the properties up for sale, including civic number (if any), PID, lot size, tax assessment and listing history (if any). Individuals familiar with the area can usually identify the owners of most properties using this information. For those properties you

are unable to identify, you can either pay Viewpoint a fee to provide owner information or go the route of the NS Property Online database (above).

Remember you only **need** to identify owners of those properties that you hope to cross with your trail, although it would be wise to inform all the permanent residents near the trail of the plan.

- **Creating a working map of the trail, including property boundaries**

Creating a working map will be much simpler if you have the use of someone familiar with geographic mapping software, but it is possible without it as well. One could use screenshots of the maps on Viewpoint; from there, one can create an overall map of the whole trail area using image software (open-source programs are available for this, such as GIMP), and then add individual property information to the composite image using simple text boxes. Note that some open-source programs may not be user friendly; alternatively, one could combine the maps using a more familiar program (e.g. MS PowerPoint). A spreadsheet can be used to record the information about each property.



Appendix B: Potential Funding Sources

The following are links to some potential funding organizations for trail development:

The Great Trail Foundation

- <https://thegreattrail.ca/>

MEC Community Grants Program

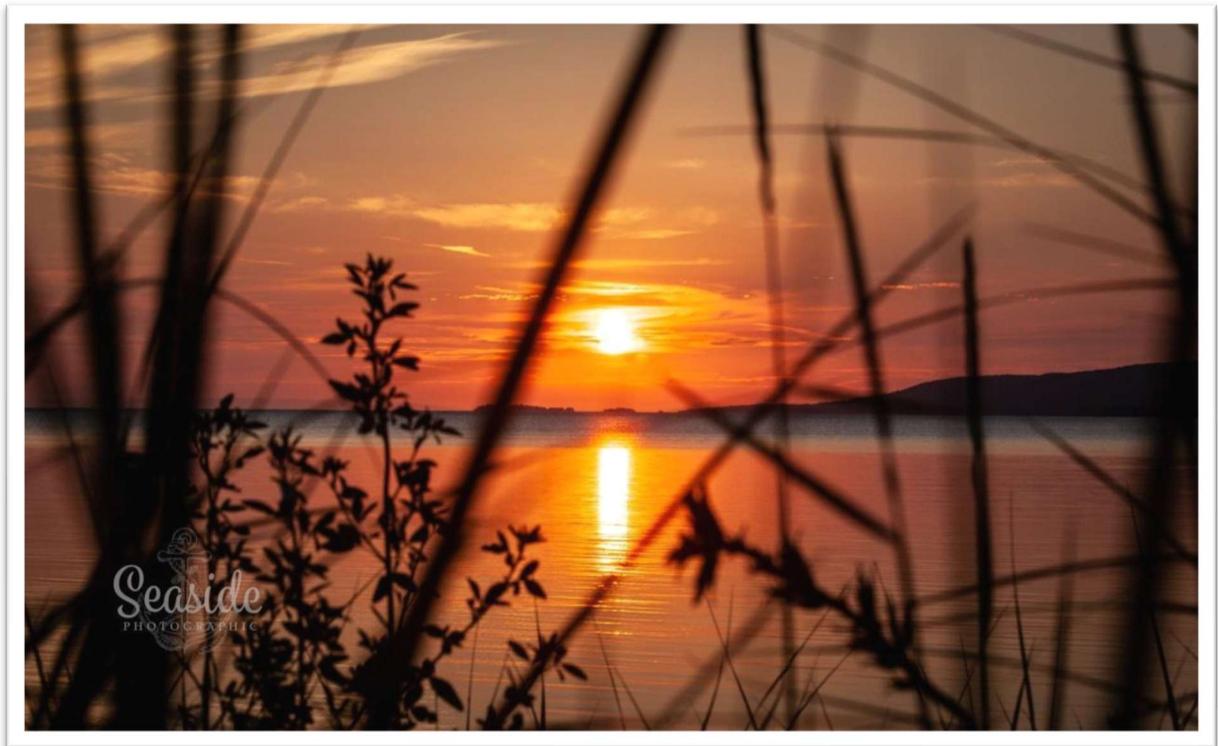
- <https://www.mec.ca/en/explore/spring-and-fall-grants>

Nova Scotia Communities, Culture & Heritage “Investing In Our Future”

- <https://cch.novascotia.ca/investing-in-our-future>

OHV Infrastructure Fund

- <https://novascotia.ca/natr/ohv/fund-application.asp>



Appendix C: Example Landowner Agreement

Many trail-building organizations have developed private landowner agreements for trail organization; the Nova Scotia Trails Federation's sample agreement, shown below, is available for download at: <https://nstrails.com/wp-content/uploads/2018/10/Revised-Private-Landowner-Agreement-2016-Approved-April-2015.pdf>

| | |
|---|---|
| Private Landowner Agreement | |
| THIS AGREEMENT made | , 2018 |
| BETWEEN: | _____ |
| | _____ |
| | _____ |
| | hereinafter called the "Landowner" |
| | OF THE ONE PART |
| | - and - |
| | _____ |
| | _____ |
| | _____ |
| | hereinafter called the "Trails Association" |
| | OF THE OTHER PART |
| WHEREAS this is an Agreement between the Trails Association and the Landowner for the use of the parcel of land described in Schedule "A" (hereinafter referred to as the "Land") as a recreational trail. | |
| AND WHEREAS this Agreement is not intended to restrict the Landowner's use of his/her Land, but to establish parameters for use of the said Lands by _____. | |
| WITNESSETH that the following terms and conditions are mutually agreed upon between the two parties named above: | |
| 1. All work and improvement to the Land will be in accordance with the guidelines established in the Provincial Trails manual, Developing Recreational Trails in Nova Scotia: Planning, Design, Construction, Maintenance and Management. | |
| 2. The Trails Association agrees to maintain the trail in accordance with the Provincial Trails Manual. The Landowner agrees to notify the Trails Association of any maintenance requirements which he/she becomes aware of. | |

3. The Landowner in turn agrees to inform the Trails Association of activities they engage in which will impact on the trail and the safety of trail users.

4. Trail use in the province is generally defined as multi-use; however, the uses on the section of trail as identified in this agreement between the Trails Association and the Landowner is to be defined operationally as: _____

5. The trail will be open for use _____
(year-round/specify when)
and between the hours of _____
(24 hours/day or specify when)

6. The Trails Association will post and maintain signs on the trail for safety purposes, information, and acceptable trail uses.

7. The Trails Association will provide proof of general liability insurance to the landowner and agrees to add the landowner as an additional insured.

8. This Agreement shall continue in effect from _____, 2015, until terminated by either party, upon giving the other party no less than ninety (90) days notice in writing.

9. The Trails Association will not transfer any of the rights or privileges granted in this Agreement to any other body without the written consent of the Landowner.

10. This Agreement and any uses of the Land shall not create a public right of way or easement over the said Lands.

11. In **WITNESS WHEREOF** the parties hereto have executed this Agreement the day and year first above written.

| | | |
|-----------------------------------|---|--------------------|
| SIGNED, SEAL and DELIVERED |) | |
| in the presence of: |) | |
| |) | |
| |) | |
| _____ |) | _____ |
| Witness |) | Landowner |
| |) | |
| |) | |
| |) | _____ |
| |) | Landowner |
| |) | |
| |) | |
| _____ |) | _____ |
| Witness |) | Trails Association |
| |) | |

SCHEDULE "A"

The following map is a representation of the parcel of land referred to in this agreement. The highlighted corridor represents the proposed trail route: