

Oxbow River Snorkeling, LLC

WARNING: READ CAREFULLY, SIGN AND DATE BELOW.

There are inherent risks associated with this activity, including among others, risk of injury inherent to land, equipment used, running waters, and animals, as well as the potential for you to act in a negligent manner, or other participants to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this inherently dangerous activity.

Oxbow River Snorkeling (ORS)

(ORS) provides wetsuits, snorkels, and snorkel masks to all customers for all trips. We also provide thicker wetsuits, hoods, booties, and gloves during colder months where the water temperature drops between 45°C - 60°C. The participant and their party meet at appointed location (see website). A maximum of five to eight participants per guide per trip (depends on trip) for safety purposes. A riverside orientation is conducted before the trip begins (see website). The orientation covers potential dangers, safety protocols, ORS rules and laws that govern endangered species and the handling and collection of aquatic organisms. After the orientation, participants dress into their wetsuits and float the river. Since wetsuits are buoyant, there is no need for a personal flotation device (PFD). A PFD would inhibit maneuverability. The guide floats along with each party (sometimes in a canoe depending on trip) as a safety precaution, watching over each participant and possible dangers upstream (kayakers, canoers, john boats, tubers, etc.) and downstream (i.e. felled trees). Guides are equipped with a whistle, throw rope, and first aid kit. They are also at least First Aid & CPR certified through AHA or Red Cross. Participants are encouraged to bring waterproof cameras and/or GoPro devices.

Being part of the natural world, rivers and streams undergo constant changes both physically and chemically. Dangers are always present with any outdoor activity; therefore, guidelines and safety are a crucial part of our business. Some of the more common dangers for river snorkeling rivers are felled trees (strainers), objects below the surface, sharp objects on the streambed (e.g. glass, metal, etc.) hiking or walking across slippery river rocks, and thunderstorms.

Strainers create an environment where objects are “strained” through branches and pulled under the trunk of the tree. The higher the river/stream discharge (measured in cubic feet per second (CFS)), the higher the risk to be pulled under a strainer. Increases in stream discharge is indicative of rain events, and results in the increase in turbidity (cloudiness of water) due to scouring along the bottom of the riverbed, erosion, and runoff; therefore, decreasing visibility to zero. It is our mission to provide the participant with as much visibility as possible so they can enjoy their experience. Strainers are typically a result of severe weather, and in no way can ORS predict the presence of a new strainer downstream. ORS relies on the French Broad Stewards Facebook page for information regarding new strainers, and the USGS water data for Rosman, NC webpage for the purpose of monitoring water depth and discharge.

Objects below the surface, such as large rocks, can impede flow and can cause a snorkeler to come to a sudden halt or to become wedged between the object and the water coming downstream. Snorkelers should pay particular attention when floating downstream head first. The snorkeler will be able to see the object in time to hold out a hand or swim around it.

Like all other rivers this size, the upper French Broad River has litter along the riverbed. Broken glass and sharp metal from cars, metal cans, etc. can be a hazard to snorkelers. By remaining focused on the streambed, snorkelers can prevent most accidental cuts from occurring. At times, participants will have to walk upstream or downstream over slippery rocks. This creates a danger with many scenarios.

Thunderstorms are very common in WNC, and can arise with little warning. In the event of a thunderstorm, it is best to move out of the water to the right or left stream bank on a sand or rock bar. It is also important to stay off the bank and remain down at stream level. Trees along the French Broad River serve as lightning rods, and increase the danger of getting struck by lightning.

The services of ORS may also include canoeing, kayaking, hiking, backpacking, limited climbing, and camping. Other inherent dangers associated with these activities include but are not limited to snake bites, insect bites, allergic reactions, overexertion, heat stroke, hypothermia, illness due to contaminated water, cuts, bruises, abrasions, broken bones, property loss, drowning, serious injury or death.

Furthermore, you are assuming the risk of your being able to participate in these listed activities and you have taken into account your current physical condition, including any medical condition that you may have, and Oxbow River Snorkeling, LLC has in no way predetermined eligibility to participate in said activities.

I hereby acknowledge the preceding listed risks and other risks involved with these activities and I hereby assume the responsibility of such risks involved in these activities.

I hereby take full responsibility of any injury or death which may occur as a result of my participation in such activities.

I hereby release Oxbow River Snorkeling, LLC its agents, employees, contractors, member/managers from any and all claims of injury, loss or death which I may suffer as a result of my participation in the above referenced activities and use of its equipment. I further agree that I will not bring suit against Oxbow River Snorkeling, LLC, its agents, employees, contractors or member/managers arising out of my participation in the above listed activities or use of Oxbow River Snorkeling, LLC's equipment. I will further defend and indemnify Oxbow River Snorkeling, LLC its agents, employees, contractors or member/managers against any and all claims that I may have as a result of my participation in said activities or use of its equipment, including attorney's fees, court costs or any judgment obtained against such parties.

This agreement to release liability and indemnification includes all causes of action that I may bring against Oxbow River Snorkeling, LLC as a result of my participation and/or use of its equipment, except that Oxbow River Snorkeling is still liable for gross negligence.

I hereby authorize and direct Oxbow River Snorkeling, LLC, its agents or employees to render first aid or CPR for any emergency situation which prudently requires the same. I further waive any claim that may arise from the exercise of first aid or CPR on an emergency basis.

I hereby grant permission to Oxbow River Snorkeling, LLC and its agents and employees the irrevocable and unrestricted right to reproduce the photographs and/or video images taken of me, or members of my group, for the purpose of publication, promotion, illustration, advertising, or trade, in any manner or in any medium. I hereby, release Oxbow River Snorkeling and its legal representation for all claims and liability relating to said images or video. Furthermore, I grant permission to use any statements, with or without my name, for the purpose of advertising and publicity without restriction. I waive my right to any compensation.

"I HAVE READ THE FOREGOING ACKNOWLEDGEMENT OF RISK, ASSUMPTION OF RISK, RELEASE OF LIABILITY AND INDEMNIFICATION AGREEMENT AND UNDERSTAND THAT I MAY BE WAIVING VALUABLE LEGAL RIGHTS".

NAME OF PARTICIPANT: _____

SIGNATURE OF PARTICIPANT: _____

TIME: _____ DATE: _____

PHONE: _____ EMAIL: _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIPCODE: _____

IF PARTICIPANT IS UNDER AGE 18: By signing below, I acknowledge that I have read the preceding paragraphs, I acknowledge that I am the parent or legal guardian of the participant, and I execute this agreement on behalf of the participant.

Name of Participant: _____

Name of parent or legal guardian of Participant: _____

Signature of parent or legal guardian of Participant: _____

TIME: _____ DATE: _____

EMERGENCY CONTACT NAME: _____ PHONE: _____

MEDICAL CONDITIONS/ALLERGIES: _____