

**KENTUCKY RECREATIONAL TRAILS AUTHORITY  
MINUTES**

**October 16, 2008, 11:00 a.m.**

**Salato Education Center  
One Sportsman Drive  
Frankfort, Kentucky**

**Members Present:** Virginia L. Grulke, Chair; Judge Executive Carolyn C. Belcher; Ronald D. Cardwell; J. Patrick Collins (via conference call); Dennis E. Crowley; E. Lee Davis; Jerry P. Hancock; Charles Oran Little; W. Preston McLain; Kim Nelson; Sandy Runyon (via conference call); Jenny Sewell; Marcheta Sparrow, Secretary, Tourism, Arts and Heritage Cabinet; Jon Gassett, Commissioner, Department of Fish and Wildlife Resources; Boyce Wells, Justice and Public Safety Cabinet designee; Bill Burger; Environmental and Public Protection Cabinet designee; and Kristen Branscum, Department of Agriculture designee

**Members Absent:** David L. Campbell; L. M. Caudill; Alvin J. Cox; D. Brian Patton III and Malcolm C. Winsper; and Joe Prather, Secretary, Kentucky Transportation Cabinet

**Guest and Staff Present:** Dr. Michael Harford, Morehead State University; Jeff Sizemore (representing Sandy Runyon); Becky Raff, Kentucky Resources Council; Sherry Otto, Sierra Club; Tim Guilfoile, League of Kentucky Sportsmen, Sierra Club; Tom Troth, Kentucky Association of County Officials (KACO); Pulaski County Fiscal Court: Tiffany Finley, and Barty Bullock, Pulaski County Judge/Executive; Carolyn Mounce, Somerset-Pulaski County CVB; Jon Grace, Bell County Fiscal Court; Gregg Motter; Dennis Blackburn, Kentucky BCH, Fort Harrod BCH, Kentucky Horse Council; Roy M. Cornett, Kentucky BCHA, TREK, Kentucky Horse Council Trail; Susan Rieber, First Lady's Office; Darin K. Moore; Kentucky Department Fish and Wildlife Resources; Tourism, Arts and Heritage Cabinet: Matt Osborne, Director, Adventure Tourism; Mona Juett, Program Coordinator, Office of Intergovernmental Affairs; Melany Taylor, Attorney and William Dexter, General Counsel, Legal Affairs; Mary Jean Atchison, Executive Secretary, Secretary's Office

**WELCOME AND CALL TO ORDER**

Ms. Grulke welcomed everyone and after calling roll she declared a quorum present and called the meeting to order.

**APPROVAL OF MINUTES**

Ms. Grulke asked for a motion to approve the Minutes of the September 4, 2008 meeting. Mr. Cardwell made the motion to approve the September 4, 2008 Minutes. Ms. Sewell seconded. Motion carried by voice vote.

**DIRECTOR'S REPORT**

Mr. Osborne reported on the following:

*Recent events:*

- ATV Ride in coordination with the Black Gold Festival in Perry County was well attended raising \$75,000 for charity.
- Knott County Trail Ride had over 8,000 riders to visit Knott County Recreation Park.
- Central Kentucky media event announcing *Adventure Tourism* in coordination with the American Quarter Horse Association Fall Trail Ride in Taylorsville.

*Upcoming opportunities:*

- Garmin International, Inc., which manufactures Global Positional System (GPS) navigation, communication and sonar products, requested we share our GPS trail data, allowing it to be accessed on every GPS instrument for autos, personal and marine use.

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*Comments:* Data is submitted to the Cross Kentucky Trail map on-line. The Commonwealth Office of Technology said they need some level of approval to post it live to the internet. It is unclear if trail approval is a staffing issue or is a Kentucky Recreational Trails Authority (KRTA) issue. Ms. Grulke suggested Mr. Osborne and the Commonwealth Office of Technology look into and decide what roll the KRTA needs to take in gathering the "raw" data for us on the online system.

- We have been working with the Department of Travel on a brochure and a travel display to use at trade shows and festivals.

**SPECIAL PRESENTATION**

**HB 196 Section 4** *The Kentucky Recreation Trails Authority (KRTA) is hereby directed to study the impacts of, and ways to significantly reduce, illegal trespass by all-terrain vehicles and off-highway vehicles, with an emphasis on private farmland. The KRTA shall also produce recommendations for increased, coordinated enforcement of current and proposed law that could significantly reduce trespass and damage to private landowners. By December 15, 2008, the KRTA shall submit to the Legislative Research Commission for referral to the appropriate committee or committees, a final report, with any recommendations for proposed legislation, on its implementation of the requirements provided for in this section.*

Ms. Grulke prefaced the introduction of Dr. Michael Harford, Morehead State University, with the above reading of Section 4 of House Bill 196 and explained the charge of the KRTA and the purpose for Dr. Harford's study and presentation. (Copy of presentation Working Report to KRTA, October 16, 2008, *Trespass as a Barrier to Trail Development* attached.)

**NEW BUSINESS**

**LAND ACQUISITION**

A **sample** contract provided to the members at a previous meeting is available to use until one can be permanently established. It was recommended that Mr. Osborne be the contact person for all land acquisition information. Mr. Osborne stated the Cabinet will have informational material that can given to landowners you contacted. Ms. Grulke stated she would like to have a review, at the next meeting, as to what land uses are in existence; what the issues are; what has worked and what has not worked.

Sec. Sparrow suggested a panel of representatives from these agencies for the next meeting;

Wildlife Management Area (WMA)  
Army Corp of Engineers  
US Department of Forestry  
Department of Parks  
Various other agencies

To discuss the use of their land, their mission, the system of laws and how they acquired the property.

*Comment with announcement*

Emily Dennis, President of the Ft. Harrod Back Country Horsemen, Harrodsburg/Mercer County, stated she received a press release (attached National Park Service to Provide Technical Assistance to Local Conservation & Recreation Projects, October, 15, 2008, to the Minutes) from the Southeast Regional Office of the National Parks Service announcing the 2009 Recipients of Technical Assistance Grants from the River Trails and Conservation Assistance Program. Of the 15 communities in the Southeast that were awarded these grants, four are in Kentucky. The Ft. Harrod Back Country Horsemen was granted a technical assistance grant to develop a strategic plan for the preservation for the property known as Eagle Nest

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Equestrian Trail Preservation, which contains approximately 1,000 acres of privately owned property. The landowners, Michael and Carol Conover, have personally developed more than 30 miles of horseback riding trails, which they have graciously shared with horse clubs, scouts, religious and other groups. They have allowed camping and hiking free of charge for several years.

Mr. and Mrs. Conover are committed to protecting their property for future generations to enjoy horseback riding and other conservation, educational and recreational opportunities. Ms. Dennis stated because of situations such as this one, Administrative Regulations could serve the landowners and the clubs/groups well.

Mr. Osborne announced Big Sandy River Water Trail was also a recipient of a grant. Mr. Sizemore stated the Big Sandy Area Development District and local communities are collaborating on a water trail plan between Prestonsburg and Paintsville.

Ms. Grulke stated the other two recipients of the 2009 Recipients of Technical Assistance Grants from the River Trails and Conservation Assistance Program are Jessamine County Historic Bluegrass Trail Project and the Louisville Loop Trail.

**KRTA INTERNAL WORK GROUPS  
STRATEGIC DEVELOPMENT**

Mr. Cardwell stated the Strategic Development's challenge is to chart the course of the KRTA. He submitted the written report attached to Minutes.

**LIABILITY ISSUES**

Judge Executive Belcher reported the committee discussed the landowner's liability issues. They felt the language of the liability regarding the landowners was good because it limits their liability and they can dictate the type of use they want for their land. One of the concerns is for public use, i.e. counties that want to participate; there is no structure or direct language for their use. Counties do not have protection from the Board of Claims which is an issue for them. The Kentucky Association of Counties (KACo.) is working with the KRTA on these issues. There are some issues and language that need to be clarified and detailed before everything is finalized.

*Question:* Ms. Grulke asked as a private landowner, even with this land use agreement, are you only protected if you are not reimbursed?

Dr. Harford replied if the state pays the landowner that is not a fee, under the Statute. If the landowner does not charge a user fee, then he/she is protected under KRS 411.190.

For example, if someone signs an agreement with the state and does not charge a fee, then they have the liability protection, even if someone deviates from the trail or trespasses. If the landowner charges a fee to allow a recreationist to use the property, the liability protections disappear.

Mr. Grulke suggested as part of the information to be distributed to landowners the law needs to be put into lay terms so it can be easily understood.

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*Discussion on criteria of trails:* at what level does the Authority define the criteria of a trail? This is one of the things the Authority has to decide in the coming months, and to what degree to get down to the actual management of the trail. At the present time, the Authority does not have the resources for a hands-on management style. Setting standards or best management practices should be recommended by the Authority.

**FUNDING**

Mr. McLain submitted the written report attached to Minutes.

**SAFETY AND EDUCATION**

The committee had not met and had no report.

**INFORMATION RESEARCH / ECONOMIC IMPACT / MAPPING**

The committee had not met and did not submit a report.

**TRESPASSING REPORT TASK FORCE**

Ms. Grulke suggested a task force group to draft the Authority's report to the Legislature, from Dr. Harford's report on trespassing, due on December 15, 2008. Dr. Harford will provide the preliminary report at the November 20<sup>th</sup> meeting of the Authority for review. The authority will then send their comments to the Task Force to compile the final report to be presented to the Authority before making recommendations to the General Assembly.

**OTHER NEW BUSINESS**

Mr. Cardwell suggested the working groups set specific dates and times to meet in order to more effectively keep up with the direction of the groups and the Authority as a whole. Ms. Grulke stated that each group is expected to have met between each meeting and present a report at each meeting. She also stated that each group is, also, expected to submit a written report stating the deliverables and each timeframe (approximate.) A Mission and Goal Statement are important as well.

**ANNOUNCEMENTS**

The next meeting of the Kentucky Recreational Trails Authority will be November 20, 2008 at 11:00 a.m. EST, location will be determined at a later date.

**ADJOURNMENT**

With no other business to conduct Ms. Grulke asked for a motion to adjourn. Mr. Burger made a motion to adjourn and Ms. Sewell seconded. Motion carried by voice vote.

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Virginia L. Grulke, Chair

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Mary Jean Atchison, Executive Secretary  
Tourism, Arts and Heritage Cabinet