

**KENTUCKY RECREATIONAL TRAILS AUTHORITY
MINUTES
April 28, 2010, 11:00 a.m.**

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

Members Present: Virginia L. Grulke, Chair; Debra K. Balliet; Judge Executive Carolyn C. Belcher; Ronald D. Caldwell; Dennis E. Crowley; J. Patrick Collins; Alvin J. Cox; E. Lee Davis; Charles Oran Little, Ph.D.; W. Preston McLain; Kim Nelson; Sandy Runyon; Jenny Sewell; Jeffrey D. Spainhour; Matt Sawyers, Deputy Secretary, Tourism, Arts and Heritage Cabinet (TAHC) (designee); and Mark Cramer, Department of Fish and Wildlife Resources (designee)

Members Absent: David L. Campbell; D. Brian Patton III; Malcolm C. Winsper; Kristen Branscum, Department of Agriculture (designee); Robert Vance, Secretary, Energy and Environmental Cabinet or designee; J. Michael Brown, Secretary, Justice and Public Safety Cabinet or designee; and Keith Damron, Kentucky Transportation Cabinet (designee)

Guest and Staff Present: Kay Berggren, Kentucky Tourism Council (KTC); Rick Clewett, Sierra Club; Cynthia Higgs, Kentucky Horse Council (KHC); Joel Little, Kentucky Appalachian Outdoors Adventures; Jodie McDonald, Department for Local Government (DLG); Tourism, Arts and Heritage Cabinet; Elaine Wilson, Executive Director, Office of Adventure Tourism; Melany Crawford, Attorney; and Mary Jean Atchison, Executive Secretary

WELCOME AND CALL TO ORDER

Ms. Grulke welcomed everyone and recognizing a quorum present she called the meeting to order.

APPROVAL OF MINUTES

Ms. Grulke asked for a motion to approve the Minutes of the Kentucky Recreational Trails Authority (KRTA) February 24, 2010 meeting. Mr. Nelson made a motion to approve the Minutes of the February 24, 2010 KRTA meeting. Ms. Balliet seconded the motion. Motion carried by a voice vote.

CHAIR'S REPORT

Ms. Grulke suggested KRTA look into the possibility of forming a foundation, mainly due to funding. The traditional mechanisms will be difficult due to the economy and budget constrains through state government. Grants are an option, donations, and corporations who want to do adventure tourism promotions through KRTA; but of course corporations usually go though a foundation. This needs to be discussed and investigated for future consideration.

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Liability has multiple levels that we need to discuss, for example liability to the land owner, liability for the group maintaining the trail, and liability for the individual using the trail.

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EXECUTIVE DIRECTOR'S REPORT

(See report attached to Minutes)

Assistance Request Form: Ms. Wilson reported that Melany Taylor, TAHC's attorney, and she met with Eric Fox who has 2,600 acres near Tompkinsville that has been in his family for over a century

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and would like to have horse riding trails on the property. He does not live in Kentucky and would like to work with KRTA by implementing a Land Use Agreement to build trails.

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Status of Land Agreements Throughout State To-Date:

Mammoth Cave – No progress to report.

Floyd County ATV Trails – It appears they may be proceeding without a Land Use Agreement. It is possible it will be a local agreement and the land owners. If they do they, counties / cities, are not covered under the state’s liability which has better coverage. Ms. Wilson will be looking into the issue.

New Adventure Tourism Businesses:

Pike County Canoe and Kayak Outfitters – This business opened in Pikeville in March.

Work from February 28, 2010 To-Date:

Mapping the Coal Heritage Trail – Auto Trail – Working with Harlan County relating to the Coal Heritage Trail involving four or five counties and approximately 200 miles of trail. They are doing something similar to Virginia and West Virginia; who are tying the trail into Kentucky. It will involve Benham – Lynch, Kingdom Come State Park, coal camps, Portal 31, up into Pike County. In Harlan County some of the trail will be equine, hiking and mountain bikers accessible. No fees will be involved.

Received the Appalachian Regional Commission (ARC) Grant for Trails at Kingdom Come State Park, Buckhorn Resort State Park, and Pine Mountain Trail – TAHC was for the ARC grant; \$[redacted],000, to do work at Kingdom Come State Park, Buckhorn Resort State Park, and Pine Mountain Trail. It will link Lynch – Benham to Kingdom State Park and [redacted] to Buckhorn State Resort Park and the lower end to Pine Mountain Trail (non state property) have to have archaeological surveys in order to be finished. The purpose is to link local communities to an adjacent state park for recreational purposes through non-motorized trails.

Leave No Trace – Trail Ethics Program Begins May 8 through July 1:

Beginning May on the weekends five state parks will begin Leave No Trace workshops. These trail ethic workshops are being presented across the United States and the national parks with the purpose of helping with the litter problem, destruction of trails, etc. The workshops are about 30 minutes and participants will receive a sticker as an incentive allowing a ten percent (10%) discount for camping and lodging at all state parks. We will be working to have it presented on private / public land that has ATV, OHV, etc. trail activities.

Policy Proposals Need Motions and Approval:

KRTA Policy Statement on Dialog with Landowners – A policy statement has been drafted as how to talk to landowners. (See attached.) Judge Belcher made a motion to adopt the policy statement as written, seconded by Mr. Collins. Motion carried by voice vote.

KRTA Policy Statement on Bill Positions – A policy statement has been drafted as how to approach legislation that KRTA has an interest. If KRTA takes a position on a piece of legislation a member may speak on behalf of KRTA regarding that piece of legislation if the KRTA has passed jt. If not, a member may not say they are a member of KRTA and speak for or against the bill. If an individual wants to lobby for a piece of legislation there is a process you must go through to register as a Lobbyist. Mr. Nelson made a motion to accept the KRTA policy statement on legislative bill position; seconded by Ms. Runyon. Motion carried by voice vote.

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Website:

The website, www.kyunbridleadventure.com, is live, however it does not have all of the [redacted] on it. We are still receiving information from the counties.

The mapping site, which we have been working with Commonwealth Office of Technology (COT) and the Department of Fish and Wildlife Resources, Department of Parks, and the National Park Service, is almost completed. When it goes live it will be linked from www.kyunbridledadventure.com

Marketing:

TAHC is sponsoring several ads on National Public Radio (NPR) that mention Unbridled Adventure in Kentucky. www.getoutky.com is mentioned in the ad which is the shortcut to www.kyunbridledadventure.com

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LEGISLATIVE REPORT

Deputy Secretary Sawyer stated the Pine Mountain Trail State Park name has been changed. There was a late effort in the session to have an agency (?) formed for the purposes of getting SKYward Trails project started again, which needed more information and the bill did not make it out of Committee. The Cabinet would be in favor of the forming the agency. The Kentucky Horse Council, the Cabinet, the Department of Fish and Wildlife Resources, the Kentucky State Nature Preserves Commission, and Harlan County worked together to design a resolution to open up a historic horse trail in Cumberland National Park.

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Comment [u1]: Might check this statement with Sawyer, doesn't sound right.

USER GROUP REPORTS

All-Terrain Vehicles (ATV): Mr. McLain reported their club had their annual winter fun ride with 350 participants from seven different states. Ramp Fest – The attendance was larger than they expected. Lightening Bug Ride – This is a night ride of the season is the next coming event. There is an event every month until December. He and Bill Burger, assistant to the Lieutenant Governor, attended the Eastern Kentucky Region Trail System, Laurel, Lee, Owsley, Breathitt, Perry, Knott and Letcher Counties, meeting. This is not the official name due to waiting for the state to decide if they are going forward with SKYward Trails. They are moving forward by mapping the trails and meeting with legislators. There is a meeting May 12 with Letcher County that involves tourism on how to become incorporated. Virginia passed legislation this year to allow ATVs on certain highways. Tennessee is in the process of passing the same type of legislation, however they have added an ATV tag which must be purchased. The majority of the tag fee will go to an agency, (state / regional), that will govern the state owned trails and the remaining portion going to our Department of Fish and Wildlife Resources counterpart and the children's hospital.

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Comment [u2]: I would check with McLain to understand this statement.

Ms. Grulke stated one of the goals of KRTA is to identify issues that will pass legislation to help our trails in Kentucky. She addressed all users – if there is an issue, such as landowner liability concerns, the Authority needs to investigate and discuss for recommendation to the Cabinet, to be presented for legislation for the next session.

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Mr. Caldwell suggested studying other states that are ahead of Kentucky to possibly use as a model for Kentucky.

After some discussion Ms. Grulke set up a Task Force to study this issue. Members are:

- Pat Collins
- Debra Balliet
- Melany Taylor (cabinet attorney)
- Cynthia Higgs (non member)

Off Highway Vehicle (OHV) – No report.

Equine – Ms. Balliet reported the work on White Sulphur Horse Camp, an RTP Grant, has begun. The Horse Council formed a task force to study liability issues for landowners. She will be attending the Leave No Trace Master Educator’s course to become a master educator. _____ The Harlan County Horseman have just organized into a Cumberland Gap Back Country Horsemen group, including members from Virginia and Tennessee.

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Mr. Davis reported the equine trail at Mammoth Cave is “back on track”.

Cycling – Mr. Collins reported the Mammoth Cave National Park has submitted new regulations for a bike trail and which should be approved soon. They will build a new mountain bike trail.

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Hiking – Mr. Crowley reported he met with Sheltowee Trace Association. The work event for the 200 miles of trail in March was very successful and they will be developing a trails management plan. The National Trails web site has nine events posted for National Trails Day the first Saturday in June. Ms. Grulke and he met with the Harrods Creek Trail Association. Southeast Foot Coalition Conference is in May. Great Eastern Trail board meeting will be in May in Mont Eagle, Tennessee. American Trails Conference will be in November.

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COMMITTEE REPORTS

Board Management Committee: Ms. Grulke state the second reading of the Bylaws will take place in the Old Business. The Bylaws as they stand will allow for a Vice Chair to be elected she suggested if they are passed KRTA would immediately elect a Vice Chair.

Community Development Committee: Mr. Caldwell stated they did not have a meeting. He referred to the Recreational Trail Program (RTP) grants listing (see attached). Ms. McDonald, DLG, stated there was the possibility of losing some program funding so grants have not been awarded. However they have received notice funding will not be cut and grants will now be awarded.

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Mr. McLain asked Ms. McDonald to explain how the User Agreement is to be worded. _____ those are the projects which will be eligible for federal grants

Comment [u3]: I don't remember this question, maybe Jodie does.

Financial Management Committee: Ms. Wilson stated we are in the process of contacting other states and identifying all sources of funding that would be available for all trail users. When it is completed it will be shared with the members. Ms. Grulke asked for a summary report to be presented at the next meeting.

Statewide Stake holders Network Committee:

Landowner’s Sub-Committee: Dr. Little reported the biggest factor is farm land as far as discussions of developing more trails. Farmers that do not want the trails are “scared” of the liability of users trespassing. We are a long way from being able to convince farm landowners that trails would be beneficial. The perception with farm landowners is, with trails will come vehicles and trailers, etc. and where will they go, plus the possibility of off-trail activities. Trespassing is a huge concern.

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Trail Management Committee: Ms. Wilson reported the ‘Tool Kit’ is bring revised. (See Executive Director’s Report attached.)

OLD BUSINESS

Approval for RFI on Trail Master Plan: Ms. Grulke asked for a motion to approve the RFI. Mr. Collins? made a motion to approve the RFI on the Trail Master Plan; seconded by Ms. Sewell. Motion carried by voice vote.

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Status of Mountain Trail Authority: Ms. Grulke reported the Kentucky Mountain Trail Authority bill was amended to have a Senate task force study the issue over the summer. The Legislative Session adjourned before it could pass.

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She suggested a recommendation / resolution to support future legislation that may be proposed. Ms. Wilson stated the Authority was to investigate whether or not the counties still wanted to put together a trail coalition. She stated her opinion was that there still needed a lot of work: i.e. getting them organized, bylaws, an agreement between them and KRTA, fee structures, policing, etc. These types of things need to be done before passing legislation. If this is not done, there will be a struggle between the two Authorities as to their responsibilities. Ms. Runyon stated KRTA should support regional efforts such as this to be successful. Ms. Sewell stated a local effort by constituents encouraging their legislators, as well, will be more effective than KRTA. Further discussion took place.

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Mr. Collins made the following motion: The Financial Management Committee research and prepare a request for funding for specific initiatives with accompanying lost benefit and background information; seconded by Ms. Sewell. Motion carried by voice vote.

Pilot Project Replaced with Project Assistance Request Form? No report.

Research – Funding Sources from Other States: Tabled. Ms. Grulke asked Ms. Runyon to give her report at the next meeting. Ms. Runyon passed information for the members to study.

By-Laws – Second Reading: Ms. Grulke stated some changes had been made from the first reading which will require a second reading. Judge Belcher made a motion to accept the first reading of the corrections and with the additional corrections made to the By-Laws; seconded by [redacted]. Motion carried by voice vote.

NEW BUSINESS

Liability Insurance Issue for KRTA members: Ms. Crawford reported the Authority members are not presently covered by the Commonwealth's Liability Insurance because members are not classified as employees. However, she will be exploring the issue further. The cost for insurance is \$1,000 - \$1,300 per year.

Landowner Liability; Indemnification under KRTA Land Agreement: This issue is to be researched by the legislative task force established above.

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ANNOUNCEMENTS

The next meeting date will be changed from the scheduled date and members will be notified at a later date.

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ADJOURNMENT

With no other business to conduct Ms. Grulke adjourned the meeting

Ginny Grulke, Chair

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

ASAP