

# Cross Kentucky Master Trail Plan

A How-to Guide for Trail Development



Big South Fork National River & Recreation Area  
Photo provided by Mark Wetherington Jr

Made in cooperation with



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# Vision

Jane Beshear, Kentucky's First Lady, has a vision to be able to travel across Kentucky on foot, by bicycle, or by horseback. The Tourism, Arts, and Heritage Cabinet's Office for Adventure Tourism was provided an opportunity to create the Cross Kentucky Master Trail Plan for non-motorized trails to help realize that vision.

A trail can be as subtle as a game path through dense undergrowth or as prominent as the Wilderness Trail. Trails can guide travelers toward special locations. They open up innumerable possibilities and create the potential for memorable experiences. They can bring communities together and carry us far from home. Users on these trails reap the physical, mental, and social benefits of increased health and wellness while actively enjoying the beauty of each unique community across the state.

Kentucky's varied landscape and numerous existing trails created an opportunity and a need to acquire input from area development districts and local communities in order to outline anticipated routes; a north-south route, an east-west route, a northern route, and a central Kentucky route. These routes will also tie into the trail systems of surrounding states to create an interstate trail system. A Trails map is included within this document showing proposed corridors for each general route.

Cross Kentucky Trails routes are envisioned to provide interconnection between existing long-distance trails, state and national park trails, forest trails, and Kentucky towns. The trails on the map are strategically located to serve travelers on long excursions. The scale of the First Lady's vision makes it necessary to create a plan that will help identify assets and challenges, inspire opportunities, energize local efforts, and help shape the future of trails in Kentucky.

The Cross Kentucky Trails serve as 'interstate trails' from point A to point B with the specific trail alignments to be determined by local communities. Communities not on or near the 'interstate trails' can connect into them at any point they wish. Multi-county efforts will involve evaluation of old county roads, easements, public lands, private lands, and other locations to make connections.

The goal of these trail connectivity projects is to inspire communities across the State of Kentucky to become Trail Towns. The Kentucky Trail Town Program is an official tourism development designation available to communities through the Office for Adventure Tourism. The "Trail Town" designation is given to those communities that have met specific criteria as set forth by Adventure Tourism. These criteria include proximity to trail systems, public recreational destinations, and which integrate cultural, historical, and agricultural elements into the overall experience of visiting the community. Currently, several communities have applied to become Kentucky Trail Towns. Many of these communities are located near federal lands, state parks, and forest areas and will eventually serve as portals into the recreation areas and as connection points to other proposed routes within this plan. Trail Towns will provide trail services and entertainment options to visitors along the trails. Five communities are designated as Kentucky Trail Towns, specifically, Dawson Springs, Stearns, Livingston, Morehead and Olive Hill.

This document will serve as a template to expand existing trails and create new trail systems. Organizations and communities may also refer to this document as a starting point to align their efforts to build trail networks and tie into the Cross Kentucky Trails which will serve as statewide arterial connectors between numerous points all over the state.



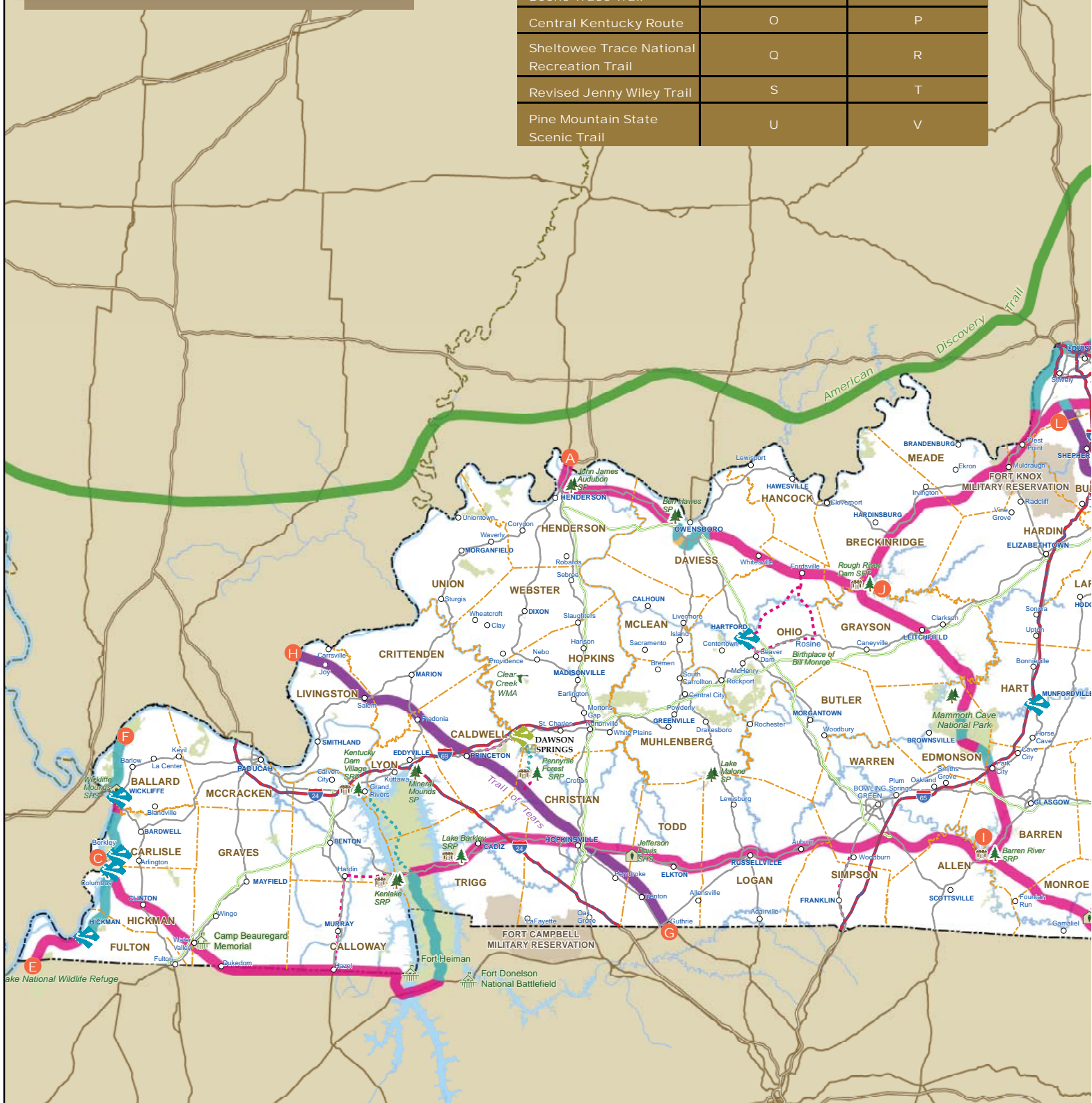
# COMMONWEALTH OF KENTUCKY

## Statewide Trails Map

Bluegrass Area Development District  
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 Lexington, Kentucky 40517  
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 www.bgadd.org



NAME	STARTING POINT	ENDING POINT
Ohio Valley Trail	A	B
Trans Kentucky Trail	C	D
Great River Road Trail	E	F
Northern Historic Trail of Tears	G	H
Kentucky Caves Trail	I	J
Wilderness Road Trail	K	L
Boone Trace Trail	M	N
Central Kentucky Route	O	P
Sheltoewe Trace National Recreation Trail	Q	R
Revised Jenny Wiley Trail	S	T
Pine Mountain State Scenic Trail	U	V

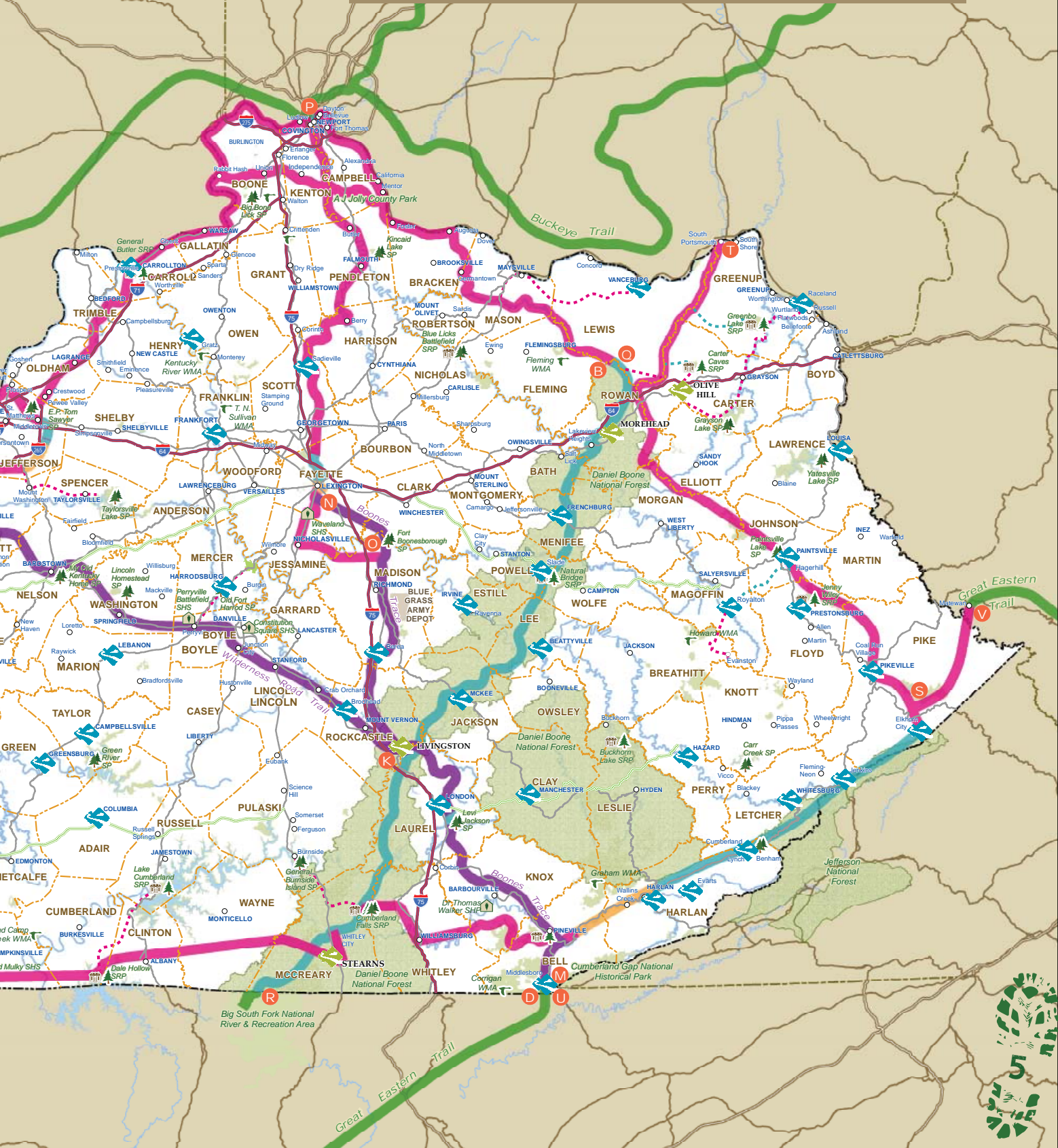


### Map Legend

- Cities
- 🏡 Official Trail Towns
- 🚧 Proposed Trail Towns
- 🏠 State Historic Site
- 🌲 State Park
- 🏨 State Resort Park
- 🌿 Wildlife Management Area
- 🌳 Parks
- 🌊 Lakes
- Interstate
- Parkway
- US Route
- River
- Existing Routes
- Proposed Routes
- Proposed Historical Routes
- Routes Under Construction
- Regional Interstate Trails
- Existing Connecting Routes
- Proposed Connecting Routes



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# Planning the Trail

## THE PROCESS

In order to proceed from the initial concept to finished trail a fluid and dynamic process should be followed that includes the following points:

- Develop a vision
- Articulate the vision to the community
- Build community consensus
- Gain official support for the vision
- Acquire access to land and funding to construct the trail
- Provide long term maintenance and sustainability

While there is no specific or mandatory order to follow, the bullet points above outline how the vision might be realized. It cannot be overstated that communicating the vision to local citizens and soliciting participation to determine the route is critical to the vision's success and ultimately seeing the trail become a reality.

Further, by the time construction on the trail begins, most of the issues that affect the location and extent of the trail should have been discussed and addressed.

Successfully built trails were often the result of a planning process that involved months or even years where trail advocates nurtured community support, drafted a trails or bicycle-pedestrian component to their community's comprehensive plan, educated and encouraged decision-makers and future trail users. A feasibility study may be necessary and should include environmental, historical and/or archaeological elements. Anticipating the need for this study is important for the funding portion of the trail as it will require additional funds.

Communities designated as Kentucky Trail Towns will have the physical infrastructure and political/organizational support necessary to proceed into the trail planning process. If these elements do not exist then a committee of the right mix of participants will need to be formed. Refer to the Trail Town Development and Certification document for a suggested list of participants which can be found at <http://www.krta.ky.gov/documents.php>.

## COMMUNITY BENEFITS

Identifying the beneficial results of creating a new trail is one way to gain support from the public and from those in decision-making positions. Examining all of the potential benefits of having access to trails is also a way to determine which issues are most important to specific community needs and develop trail projects that expressly meet those needs and strengthen support for the project.

Trails can provide a wide array of community benefits. They can enhance quality of life, improve the livability of communities, and protect and showcase an area's natural resources and beauty. Researching the needs and desires of residents, businesses, and visitors within a community may help trail advocates create the best facilities for any given situation. Generally, trails provide a myriad of benefits for residents, businesses, and visitors to the community, including Social and Physical Well-Being, Economic Vitality, Resource Protection, Educational Opportunities, and Transportation Enhancement. Further, Kentucky Governor Steve Beshear has set a goal to reduce the obesity rate of Kentuckians by ten (10) percent. Strategies anticipated to help achieve this goal include certifying new Trail Towns, adding miles of trails in Kentucky, and investing in pedestrian and bicycle paths.



General trail benefits include:

- Social and Physical Well-Being
- Economic Vitality
- Resource Protection
- Educational Opportunities
- Transportation Enhancement

## **SOCIAL AND PHYSICAL WELL-BEING**

Regional trails can connect neighborhoods and cities, bringing people into contact with each other across physical and political boundaries. Trails, similar to public parks, can be places to socialize and congregate. Trails also offer a safe and appropriate place for recreation. A well-designed trail system will attract people to an area and will strengthen community ties.

The Centers for Disease Control recommends getting at least thirty (30) minutes of physical activity a day and 150 minutes per week. Regular physical activity is important for individuals to maintain physical and mental health. Healthy individuals lead to a healthy population and workforce.

## **ECONOMIC VITALITY**

Recreational destinations, historic sites, natural scenic areas, wildlife viewing opportunities, and aesthetically beautiful towns are well documented as major tourist-oriented revenue generators. Visitors to a community often have needs that support a wide range of small businesses including, food, lodging, and automotive services. As a trail becomes pop-

ular, the demand for additional services will increase and attract more businesses. Ease of access to trails and the associated amenities provides increased incentives for local residents to exercise, recreate, and spend locally. Existing and new trails that include improvements, amenities, and any constructed infrastructure associated with the trail have an indirect economic benefit by potentially increasing local property values. Property values increase when natural features are protected, and access to trail facilities are nearby. Walkable neighborhoods, specifically housing developments or subdivisions that incorporate pedestrian trails, sidewalks, bike lanes, and other pedestrian oriented amenities generally provide an increase to property values as well.

## **RESOURCE PROTECTION**

Trail corridors can be used to protect unique environmental areas or features. These corridors can help protect species of rare plants and protect the natural ecosystem. Trail corridors minimize disturbances to these ecosystems by focusing a majority of their attracted “traffic” along a designated improved route thereby reducing “off-roading,” and erosion cause by pedestrian, bike, and animal traffic. Trail corridors also make good buffer zones by maintaining a reasonable distance between developments and waterway edges. Runoff can be filtered through the corridor to remove sediment and pollutants and to retain stormwater. Greenways built within floodplains provide another type of trail amenity for a community. Greenways protect communities from flooding issues by discouraging development within the floodplain, while also preserving developable areas within the community more suited for residential and non-residential development. Further, wildlife corridors are pro-



tected by separation from busy roadways and migratory patterns are preserved within developed areas.

## **EDUCATIONAL OPPORTUNITIES**

Trails provide access to natural features, historic sites, and other cultural resources making them great educational opportunities. Students and teachers can use trails for interactive learning experiences. Interpretive signage placed along trails encourages users to move along the trail and learn at their own pace. Topography and geology can play a critical role in site access. Constructing or improving trails allows easier access to these sites for education purposes or for study and observation of the area.

## **TRANSPORTATION ENHANCEMENT**

Trail systems provide direct, efficient, and safe connectivity between destinations within a community or region. Trails designed to connect primary destinations and serve as active transportation corridors enhance the greater transportation system and make the communities they serve more appealing to potential residents and businesses. A robust trail system provides an alternate mode of transportation for a community and can encourage commuters to travel by bicycle or foot. This may help improve residents and visitors mental and physical health. A reduction in vehicle travel within a community may help lower pollution, reduce energy consumption, and minimize congestion.





# Organizing the Effort

A successful trail project may be organized by various types of individuals or organizations. An existing non-profit group, government agency or an informal (grass-roots) group of citizens are a few examples who may be able to adequately coordinate and take the lead on the project. It would be beneficial if the group, or individuals in the group, have specific practical knowledge of how government works and a direct connection to local politics (i.e. have members who are residents within the area or community). Area Development Districts (ADD) are in an ideal position to be partners in coordinating stakeholders and decision makers.

If the effort is being led by a large group or agency, it may be beneficial to form a steering committee. The committee should be comprised of representatives from communities along the corridor, representatives of potential user groups, individuals in the business and civic communities, and, if applicable, representatives from management agencies for any independently managed properties including preserves, parks, and/or forests. If the committee lacks a representative from the locally involved government then local government officials should be informed of the project's progress through direct reports given at public hearings to the community's authoritative body.

In the event that an existing non-profit group or government agency does not take the lead on the project, it is advisable for the lead group to form a non-profit organization. By obtaining 501(c)3 status the organization will be able to raise funds by charitable contributions, receive grants, and hold titles and easements. Another important reason for forming a 501(c)3 is to provide the organization members protection from personal liability in performance of duties related to the trail project. Also, liability insurance can be obtained for events and other related endeavors. A

501(c)3 allows the group to enter into contracts, borrow money for development or operations and hire personnel.

Nonprofit trail organizations in Kentucky should consider entering into a memorandum of understanding (MOU-**See Appendix A**) with a state agency, local government, or Area Development District in order to fully benefit from KRS 411.190 (**See Appendix B**). KRS 411.190 was created in 1966 and was most recently amended in 2002. It protects landowners who allow the public to use their land for recreational purposes from liability. Specifically, the statute states it is "applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof." Under the MOU the nonprofit organization can create, build, manage and maintain the trail, and be supported by the state agency, local government, or Area Development District.

In order to form a non-profit organization in Kentucky, the group will need to contact the Secretary of State's office, and file Articles of Incorporation, write bylaws, and apply for tax-exempt status with the IRS. The organization will also need to contact the State Department of Revenue to apply for tax exempt status. Local tax exempt status should also be obtained. This process is started by contacting the county or municipal Department of Revenue and county or municipal clerk's office. Many states and some local jurisdictions regulate organizations that participate in fundraising activities. As such, the organization will need to contact the state Attorney General's office to register as a charitable organization. Additional information may be obtained by contacting the state and local Departments of Revenue and county or municipal clerk's offices.

More information on how to start a **non-profit organization** is attached as **Appendix C**.



Contact the Office for Adventure Tourism and the National Park River, Trails, and Conservation Assistance to acquire free expertise in trail creation. This can be done before or after a committee is formed.

- Office for Adventure Tourism, Kentucky Tourism, Arts, and Heritage Cabinet - (502) 564-4270
- National Parks Service Rivers, Trails & Conservation Assistance - (270) 758-2191



# Land Acquisition

A critical and often challenging step in the trail planning process is acquiring public access to lands owned or managed by a variety of different parties. Lands along the proposed route may be owned or managed by an assortment of national, state, local, corporate, and private parties. It is better when landowners are involved in the trail development process from the beginning rather than approached after all studies and plans are complete.

Land acquisition involves two steps:

- Identifying the route
- Public Agreements

## IDENTIFYING THE ROUTE

An important facet of trail or route planning is laying down several optional routes. These routes should be placed on a map with a generalized location denoting that proposed locations are general in nature. The multiple routes should then be ranked initially with best, good, last choice. As the process continues and as the committee begins working with land owners this initial ranking will change.

## IDENTIFY LANDOWNERS

Once the general locations for the future trail are mapped and before the organization moves forward with a trail project, an “inventory” of property owners should be created. Landowners in the proposed route can be identified by the Property Valuation Administrator (PVA) in each county. Some PVA offices provide an online searchable database, whereby searches can be per-

formed by parcel number, address, owner’s name, township name, neighborhood, or property class group. For counties that are not online, requests can be made over the phone, in person or in writing. The process of identifying the total number of property owners will be directly proportionate to the size of the trail project and can inevitably turn into a lengthy process for longer trails. This is where having multiple options for trail locations will be important as you will also find a large mix of people interested and disinterested in providing trail access across their property.

Copies of the tax parcel maps for each parcel of land in the project corridor can be gathered at the PVA’s office. Requests for this data from Property Valuation Assessors can be cost hundreds of dollars depending on the number of parcels and length of the trail. These maps will show the boundaries of individual parcels. The current owner’s address and the parcel number should also be collected from the PVA’s office, so that the chain of title on each separate parcel can be checked. The organization or committee should collect individual parcel information on each owner/parcel within and adjacent the corridor. This information should be placed in a file and further supplemented with all documentation related to correspondence with the owner and any other additional pertinent information.

Once collected this information may provide the organization with a better sense of how many landowners will need to be contacted. The information may also give the organization better insight as to the best route for the trail (and may change the initial route ranking) based on the number of landowners or type of landowners with whom the committee or organization will need to negotiate. The committee may find it easy to negotiate with fewer owners with larger parcels of land than larger numbers of owners with smaller parcels.



However, ultimately this will be dependent on each individual landowner's feelings towards granting access or selling a portion of their property for this type of project.

The organization should also verify there are no other entities—such as Kentucky Fish & Wildlife, or other state or federal agencies—that have an interest in or rights to the property. If there are other interested entities it may be necessary to obtain additional permissions or agreements. Trail groups should also research and determine if mineral rights are held by the primary landowner or by someone else. Extraction operations could limit access to or destroy trails regardless of any other agreements or permissions.

## INITIAL CONTACT/ MEETING WITH LANDOWNERS

After the organization has collected landowner's names and addresses from the PVA, it should contact and arrange to meet with each landowner. These meetings should be an introduction to the vision and project. The owner should be shown a map of what is being considered for the particular trail. If applicable, the organization may choose to show them the overall Trail Master Plan for Kentucky and how the proposed trail corridor that will affect their property fits into the larger picture. If known by the meeting date, the owner should be given a list of the person(s) who will be responsible for the trail plan, construction, maintenance and management. Please note that providing an atmosphere of active listening is important to the landowner and concerns and comments should be written down and addressed at a later meeting. Based on property owners comments and concerns the organization may need to adjust the proposal.

## EXAMPLE LANDOWNER CONCERNS WITH POSSIBLE ANSWERS

The organization should expect landowners to have concerns. Some possible concerns the organization should be aware of and ready to provide answers and reassurance are:

### “Can I be held liable if someone has an accident?”

*The landowner may be concerned that they could be held liable for accidents, injuries, or deaths that may occur within the trail corridor crossing their property. The organization should be able to discuss in general terms liability protection. The owner should be given a copy of **KRS 411.190** which explains how they are protected. **KRS 411.190** was created in 1966 and was most recently amended in 2002 in order to encourage property owners to make land and water areas available to the public for recreational purposes. The statute states that the landowner is not responsible for keeping the land safe for entry or recreational use or for warning of dangerous conditions. The statute also states the landowner is not responsible for and will not incur liability for any injury to a person or a person's possessions. The statute does say the landowner should not have willful or malicious intent to harm a person on their property and that they will*



not be protected from liability via 411.190 if they charge admission to their property for recreational use. However, if the landowner were to receive compensation for leasing their land to the state or a subdivision of the state for recreational purposes, it is not considered “charge for admission” and the landowner is still protected under the above statute.

A copy of **KRS 411.190** can be found under **Appendix B**.

## “They’re trying to take my land”

The landowner might be concerned that their land could be taken from them. This is not the case nor will that happen. Property owners have several options to allow the public to access their land. They may grant access to their land for recreational use by formal or informal agreement as follows:

- a. The owner can enter into a land use agreement with the organization, committee or State - refer to Appendix F.
- b. Sell or donate an easement to give the public access to a specified portion of the property (trail path) and the grantee the right to use that area to construct, develop, man-

age, maintain, operate, improve, and finance the designated land for recreational activities, preferably in perpetuity. However, a specific timeframe may also be used to alleviate property owner concerns.

Under a land use agreement or easement the owner maintains all rights as owner of the property, including the right to sell, lease, mortgage their property, pass it on to their heirs, and use the property for any purpose not inconsistent with the agreement.

## “It will reduce the value of my land!”

The landowner may be concerned that their land will be reduced in value. This is not the case according to research. National studies show property values typically increase slightly or remain the same. One study, written by two researchers at the University of Cincinnati provide some of the first quantifiably evidence that home buyers are willing to pay a premium to live within 1,000 feet of a trail. The Study shows on average the increase was nine (9) dollars for every foot closer to the trail entrance, ultimately up to a \$9,000 premium (<http://www.uc.edu/news/NR.aspx?id=14300>, article written by Dawn Fuller). Another study from central Indiana focuses on the



fact that location is not only a huge issue on property values, but also choices made by public jurisdictions also greatly affect value. The Indiana project uses three models to evaluate prices and effects on property. It concludes by stating, "Location. Location. Location. This cliché clearly is an exaggeration: the structural characteristics of a piece of real estate affect its price. But the cliché is useful from a policy perspective for it underscores the important fact that public choices can create or diminish property values in particular places. Policy makers in Central Indiana must make difficult choices regarding investment of scarce dollars to provide essential public goods and services. Good decision-making requires consideration of all relevant factors, including the effects of public choices on property values."

(<http://www.brucefreemanrailtrail.org/pdf/lindseypropvalues.pdf> , Center for Urban Policy and Environment, December, 2003).

## **“Will this keep me from developing my land as I choose?”**

The landowner may fear that the trail will impose conservation restrictions that will limit future opportunities to sell or develop land for profit. As stated previously, pri-

vate landowners have several options for allowing public access to their land. Land use agreements and easements can be modified to meet the needs or concerns of the owner. The land use agreement or easement can be entered into for a period of time. For example, the agreement could be made incrementally on a year-to-year basis with automatic renewals unless either party gives written notice to the other party a minimum of thirty days prior to expiration of the existing agreement. Transfer of Development Rights (TDR's) may also be an option for areas that have zoning in order to mitigate the lost development potential on the property.

## **“How will this affect my personal privacy?”**

The landowner might be concerned about how the trail will affect their privacy and safety. The organization should work with the landowner to minimize the trail's impact by siting the trail away from areas of concentrated use or concern such as residences and agricultural fields. Locate trails along property boundaries wherever and whenever possible. This minimizes the total impact on the property owner by reducing total acreage of land used while preserving their privacy and security. The organization and landowner should consider natural barriers and topography when



*deciding where the trail should be placed. Landscaping and fencing are other alternatives for providing separation between landowner and trail users.*

*The organization should also educate trail users of trail use ethics. It should be stressed that public use of private lands is a privilege and personal stewardship is expected. Trail users should be directed, via signage, printed materials, and other information sources, to respect private property by entering and exiting at designated points and staying on designated trails. The organization should also have a trail management plan that includes safety plans before opening the trail to the public. A partnership between the organization and law enforcement authorities, such as the county sheriff or local police, would be beneficial and help overall trail security with active trail monitoring.*

## **PERMISSION TO ENTER AND RESEARCH PRIVATE PROPERTY**

At the initial meeting with the landowner, the organization should ask the landowner to allow the organization's representatives to enter the property in question. Obtaining a site survey of the historical and natural features on the property will help determine if the parcel should be included in the trail alignment. The landowner or the landowner's representative should always be present when the organization conducts work onsite. This will protect the organization and allow the

owner to see exactly what is occurring on the property. Active owner involvement may also help build a relationship of trust between the organization and the owner and promote interest in the project. The landowner should be consulted about areas of concern on the property that may negatively affect the siting of the trail. The organization's representatives should only enter the property on dates and times agreed upon with the landowner.

An example of a **permission form and liability waiver** is attached as **Appendix D**.

## **REQUEST TRAIL LOCATION ON PROPERTY**

After the organization has conducted research as to the ideal location of the trail and established a relationship with the landowner, the next step is to ask the owner to open a portion of their land for the trail. There are several different options for a landowner who is interested in granting access to their property for a trail. The organization may find that each of the landowners it is working with has different wants and concerns. Because of this, the organization will most likely use different types of agreements tailored to meet the needs of landowners.

## **PUBLIC AGREEMENTS**

The organization has multiple agreement options to propose to each property owner. Each agreement type has advantages and disadvantages, and will affect the property owner in different ways. While each property owner along the entire length of the trail may technically enter into a different type of agreement, it should be noted that managing, main-



taining and monitoring each individual agreement or contract will ultimately be the organization's responsibility. The difficulty of this task increases as both the total number of agreements and number of types of agreements increase.

## TRAIL ACCESS ALTERNATIVES

**Informal Agreement (also called a Parole Contract)** - An informal agreement with a landowner can be both a written or verbal agreement. It is not recorded nor sealed by a notary and does not follow a set form as prescribed by law. While the agreement is binding it is the hardest agreement type to find and hold someone in breach. This is not the most ideal agreement for the organization. This option gives the landowner the ability to cancel the agreement at any time. A long-term agreement is preferred, but an informal agreement may be a good way to introduce the organization to the landowner. As the relationship grows and the landowner is more confident with the organization and the trail, the owner may consider committing to a more permanent agreement. This agreement does not allow community use of Recreational Trail Program funds as federal monies cannot be used for short term use trails.

**Revocable Written Agreement** - A revocable written agreement is an agreement which can be revoked or where one party revokes or takes back a privilege. A contract that has been formed can only be cancelled or revoked if agreed upon by both parties. A court may also order the revocation of an agreement for illegality, unfairness, or if some other legal right was violated. While revocation may seem fairly straightforward there are additional laws and rules that govern when a contract may or may not be revoked. Again, this is not the most ideal agree-

ment for the organization, but may be a good start for some landowners prior to signing a more permanent agreement. A revocable agreement can be written to give permission for one or more particular activities on a specific area of land. However, it is important to note that a revocable agreement does not allow the use of Recreational Trail Program funds as Federal monies cannot be used for short term leases or agreements.

**Land Use Agreement** - A Land Use Agreement may be entered into by any owner or owners and any governmental entities including a state government agency, city, county, urban-county government, consolidated local government, unified local government, or charter county. The agreement shall be a contractual arrangement that authorizes the public to utilize the owner's land for a recreational purpose. The allowable recreational purpose or purposes may include but are not limited to all-terrain vehicle riding, public hunting, nature conservation, biking, rock climbing, hiking, and horseback trail riding and may be limited in scope by the terms of the agreement. It may specify that the governmental entity or entities may be responsible for the maintenance and upkeep of the land. A land-use agreement is required to have certain provisions in order to be enforceable and effective. The agreement must contain a precise legal description detailing that extents of land included in the agreement along with all legal names of all parties to the agreement. The terms of the agreement will need to set forth total years and months the agreement will be in effect along with a note detailing whether there will be an option to renew after first term. Confirmation of whether the agreement extends beyond the surface to include mineral or subterranean rights shall be included. Provision must also be set forth detailing how the property will be used and which party will be





responsible for real estate taxes during the terms of the agreement. Unless otherwise agreed by the parties, the agreement may be terminated by either party at any time for any reason if thirty (30) days' notice is given. (adapted from KRS 148.795) This agreement does not allow community use of Recreational Trail Program funds as Federal monies cannot be used for short term use trails.

**Easement** - An easement is a legal document which establishes certain rights and land uses on a specific area of land. Landowners retain full title to the land and are able to sell, lease and pass the property on to heirs. An easement is recorded with the property deed at the county clerk's office. Easements are a good alternative because each easement can be adapted to meet the needs and concerns of the landowner. Easements can be permanent or term limited with the ability to renew. An easement survives transfer of land ownership and is generally binding upon future owners until it expires on its own terms. There are two types of voluntary easements most commonly used by private landowners for trail development: right-of-way easements and conservation easements. Usually between a county and land owner, these types of easements can be considered for Federal Recreational Trail Program funding.

**Right-of-Way Easement** - A right-of-way easement establishes the right to use a particular area of land for one or more specific recreational purposes. The easement can restrict the uses of the trail corridor, for example, only allowing hiking. The easement can also specify management requirements, like landscape screening. It is important to note that this "right-of-way easement" is not associated with the "dedication of right-of-way" of a portion of property by a property owner to a government jurisdiction. A right-of-way easement is a private

agreement between two or more persons or entities that grant access across a property.

**Conservation Easement** - A conservation easement permanently protects land from subdivision and intensive development. A conservation easement does not necessarily give the public access to the land, but it can be written to include that privilege. The organization would be interested in conservation easements that also allow public access to a portion of the land for a trail. Conservation easements may be desirable to landowners because they are a way for landowners to make a personal contribution towards the preservation of the area's unique character and natural resources for future generations. Conservation easements are also desirable because they offer substantial estate and income tax benefit. To qualify for tax benefits, the easement must be made in perpetuity and donated "exclusively for conservation purposes" to a qualified recipient, as defined by Internal Revenue Code Section 170 (h). The code states that "the term conservation purposes means the preservation of land areas for outdoor recreation by, or the education of, the general public." If applicable, local land trusts can give more information about conservation easements. In order to make sure the transaction is completed correctly, the services and advice of a lawyer and accountant (and other applicable professionals) is highly recommended. Compensation from the organization to the property owner may be necessary as this type of easement has been viewed as an exaction, or taking in that the property owner loses all future use and develop-ability of that portion of their property (which may also split their property depending on trail location).

**Sale, Donation, or a Combination** - Land can be sold or donated to the organization. Full ownership of the land, known



as fee simple interest, is transferred to the organization. Depending on the financial situation of the organization, it may not be in a position to purchase the land at full market value. The organization may be able to work with the landowner to facilitate a bargain sale. A bargain sale occurs when a donor sells the property for less than the fair market value. Other options the organization may pursue if they are not in the current financial position to purchase the property at full price would include a lease purchase or right of first refusal. A lease purchase may be beneficial because the owner continues to receive income from the property and the organization is able to use the right-of-way without having to provide the full purchase price up front. Ownership of the property is transferred to the organization at the end of the lease term. A right of first refusal is a long term sale method where the organization pays a nominal fee to the landowner in order to have the first chance to buy the land should it come up for sale. Both bargain sales and total donations may offer significant income, property, and inheritance tax benefits for the landowner. Total donations offer the maximum tax advantage to landowners because they may be able to claim a tax deduction based on the full appraised value of the donated land. The landowner may also realize estate tax benefits. A bargain sale may entitle the landowner to an income tax deduction and a reduction in capital gains tax. Capital gains must be calculated on the sale part of the transaction. Again, seek the advice of tax and legal professionals.

**Life Estate** – A life estate is the ownership of land for the duration of a person’s life. A landowner can choose to donate property to the organization while maintaining the right to use and enjoy the benefits of ownership, including income derived from rent or other uses of the property for the rest of their life. The property

cannot be left to heirs, but would transfer to the organization as named in the life estate agreement.

Examples of the **above types of agreements and easements** are attached in **Appendix F**.

## TRAIL ACCESS THROUGH PUBLIC LANDS

The organization may find additional challenges while working to acquire trail connections through State or Federal lands. Developing trails on Federal or State lands definitely requires additional time due to stricter regulations, dealing with other entities who have leased the land, additional required permits, required studies, and the potential need for public meetings. One such regulation is the National Environmental Policy Act (NEPA), which requires Federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. Meet NEPA requirements usually involves obtaining an Environmental Assessment or more detailed Environmental Impact Statement.

It is important to note here that use of Federal funds to construct trails, access on waterways, or use of public lands all require NEPA studies.

An example **memorandum of agreement** used for trail access, management and maintenance on public land is attached as **Appendix G**.



These public agencies should be contacted directly when identified as property owners or as land managers in proposed trail locations:

- Kentucky State Parks
- Kentucky State Forest
- Kentucky Department of Fish & Wildlife
- U.S. Forest Service
- National Park Service
- U.S. Army Corps of Engineers



# Trail Construction

It is important that a trail is designed and constructed correctly to accommodate the types of users it is intended for in order to avoid long-term maintenance costs. If the trail design requires reviews and approvals by reviewing agencies, such as planning commissions, or is using public funding, it will most likely require the signed seal of a professional architect, engineer, or other qualified professional. Professional consultants are usually hired to prepare plans and construction documents, manage construction bid negotiations, and perform construction administration.

The actual construction phase of the project can be accomplished through different means. Depending on the scale and type of trail to be constructed volunteer groups may be utilized to create trails with hand tools under the supervision of trained trail designers, or in the case of modern hard-surface multi-use trails it may be necessary to contract with a construction company experienced in trail building methods.

Most construction projects, including trails, require permits and approvals to ensure all laws are followed and important resources are protected. The organization may have to consult with environmental and cultural agencies, such as the Army Corps of Engineers, U.S. Fish and Wildlife, Kentucky Department of Fish and Wildlife, and the Kentucky Heritage Council. The construction plans may also require review by local municipalities for compliance with state, county, or city codes and ordinances. The organization may also need to obtain construction related permits.



**Building Trails**  
*Photo by Chris Chaney*

There are numerous types of trails. The organization should select the type of trail based on potential users, environmental conditions, cost, and any requirements from funding sources.

A good resource for trail organizations is American Trails. American Trails is the only national, nonprofit organization working on behalf of all trail interests, including hiking, bicycling, mountain biking, horseback riding, water trails, snowshoeing, cross-country skiing, trail motorcycling, ATVs, snowmobiling and four-wheeling. <http://www.americantrails.org/>

The Federal Highway Administration (FHWA) and the National Recreational Trails Advisory Committee developed a report titled, "Conflicts on Multiple-Use Trails" that identifies 12 principles for minimizing user conflict on shared use trails. It can be found at the following link:

[http://www.fhwa.dot.gov/environment/recreational\\_trails/publications/conflicts\\_on\\_multiple\\_use\\_trails/conflicts00.cfm](http://www.fhwa.dot.gov/environment/recreational_trails/publications/conflicts_on_multiple_use_trails/conflicts00.cfm)



Depending on the funding source or trail sponsor, accessibility to the trail may be regulated by the American with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). The U.S. Forest Service also has trail and facility accessibility guidelines that are legally enforceable within the National Forest System. More information regarding these guidelines can be found at the following websites:

- ADA Standards  
<http://www.access-board.gov/ada>
- ABA Standards  
<https://www.access-board.gov/the-board/laws/architectural-barriers-act-aba>
- U.S. Forest Service Trails Accessibility Guidelines & U.S. Forest Service Outdoor Recreation Accessibility Guidelines  
<http://www.fs.fed.us/recreation/programs/accessibility>

- International Mountain Bike Association (IMBA) Trail Standards  
<https://www.imba.com/resources>

More **information on funding sources** can be found in **Appendix H**.

## OTHER USEFUL RESOURCES

- The FHWA has published numerous other documents pertaining to construction of recreational trails and are available on-line at:  
[http://www.fhwa.dot.gov/environment/recreational\\_trails/publications/fs\\_publications/](http://www.fhwa.dot.gov/environment/recreational_trails/publications/fs_publications/)
- USDA Trail Construction and Maintenance Notebook  
<http://www.fs.fed.us/t-d/pubs/htmlpubs/htm07232806/index.htm>
- USDA Equestrian Design Guidebook for Trails, Trailheads, and Campgrounds  
[https://www.fhwa.dot.gov/environment/recreational\\_trails/publications/fs\\_publications/07232816/](https://www.fhwa.dot.gov/environment/recreational_trails/publications/fs_publications/07232816/)



# Trail Sustainability

Trail sustainability is the act of creating a trail that requires little to no maintenance, utilizes, to a large degree, existing materials found on site, and minimizes negative impacts to the ecosystem (plants and animals).

Sustainable trail design should be a priority for any trail construction project. A well-designed trail may withstand years of weathering and user traffic and promotes “Leave No Trace” practices (<https://LNT.org>). A key to sustainability is to have an organization or agency that is committed to designing a trail system that will require little to no long term maintenance. Poorly designed trail systems create financial and volunteer resource drains.

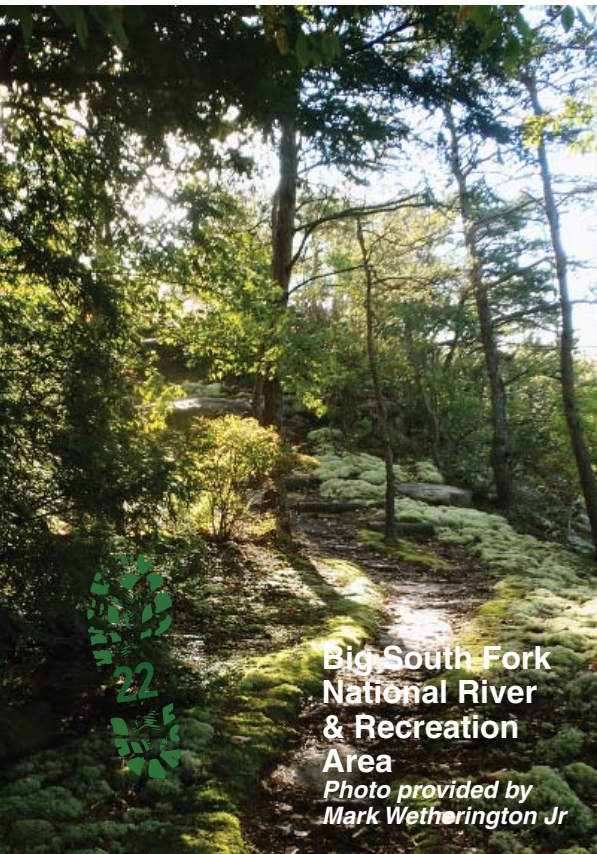
Erosion is one of the key issues that leads to trail failure. Water, trail slopes, and trail users, are major causes of erosion and, if not controlled, will undermine the structure of the trail. A sustainable trail will limit erosion and control soil loss. This is done by creating grade reversals. A grade reversal on a trail includes a downward slope followed by an upward slope. This will allow

the water to exit the trail. Downward sloped trails that do not include designed “exits” will trap water on the trail and effectively increase erosion levels. Out-slopes (a sloped grade) on the trail can mitigate this issue and will allow water to flow off the trail.

Gateways and Control points located along the trails will slow various types of trail traffic and act as funnels for where trail users should or should not go. Specifically, gateways are narrow areas on the trail meant to slow down bikers and other non-pedestrian type trail traffic. Control points identify areas of access and non-access. Both of these types of design points along a trail are meant to increase trail safety for hikers while also minimizing impacts on environmentally sensitive plant and wildlife ecosystems.

Contour trail planning is a vital step in creating a trail. Topographic maps should be used when planning the trail routes and will help determine what type of trail traffic to whom the trail will cater. Contour planning helps determine the trail flow. Well-designed trail flow, where one turn of the trail blends into the next will help increase the enjoyment of the trail user, reduce erosion, and minimize “short-cutting.” Using all or some of these methods of designing a sustainable trail will result in lower maintenance costs and will provide an enduring asset to the communities it serves.

After planning, acquiring land, and building the trail, the organization must make plans to ensure the trail is preserved and maintained. Proper management and maintenance practices will aid in the long term success of the trail. Management of the trail will include ongoing upkeep of the corridor, signage, trailheads, and access points across private property, as well as raising operational funds or enlisting volunteer support for the trail maintenance. Maintenance tasks will vary by the type of trail surfacing, weather conditions, and the amount of use the trail gets. The organization may consider developing an Operations and Maintenance Plan (O&M Plan) that includes all policies, risk management, maintenance schedule, budgets, and other relevant important information. The organization should consult with other trail



Big South Fork  
National River  
& Recreation  
Area  
Photo provided by  
Mark Wetherington Jr

organizations, parks and recreation departments, and consultants who have experience with trail management and maintenance when developing the schedule. The O&M Plan should be reviewed at least once a year and after any significant event to ensure it is up-to-date and effective.

There are several options for the organization to consider when deciding on the best method of trail management and maintenance to utilize. If the organization wants to utilize a public-private partnership, it may want to enter into an agreement via a Memorandum of Understanding (MOU) to formally and legally assign responsibilities. A non-profit trail organization may take the responsibility of managing the trail, while the local government agrees to use their Parks and Recreation or Public Works Department staff to perform necessary maintenance tasks. The local government may also agree to use local police officers to help monitor the trail.

Volunteers may also be used to maintain portions of the trail. Kentucky Trail Town communities, specifically, should have volunteer groups in place to use as a resource for this purpose. Scouting groups, youth organizations, and other civic institutions are ideal in this role and can be instrumental in the success of any community trail project.

The organization should coordinate volunteer work days based on a predetermined list of tasks to be completed. Coordination and planning of these work days, along with training for the volunteers will help them feel their time and effort was both needed and beneficial. This will prompt and encourage them to return and help in the future. Volunteers may need to sign waivers before they begin work in order to limit liability for the organization.

Emergencies, where trail failure has occurred, may require repairs to be made by an individual or agency with more technical and professional knowledge. In this instance the organization may need to hire the city or county or use a private contractor to make the repairs.

Statewide advocacy and volunteer groups:

- Kentucky Mountain Bike Association: <http://kymba.org>
- Kentucky Backcountry Horsemen: <http://www.kybch.com/>
- Sheltoewe Trace Association: [www.sheltoweetrace.org/](http://www.sheltoweetrace.org/)

Sustainable Trail Documentation (used and or paraphrased above) was found in the following document:

- “Sustainable Trail Development” (<http://www.crgov.com/DocumentCenter/Home/View/1430>)



# Cross Kentucky Master Trail Plan Routes

The Cross Kentucky Master Trail Plan contains eleven (11) major routes. Two (2) of the routes run from the eastern side of the state to the western side. Seven (7) routes run north to south across the state. The two (2) remaining routes run east to west through portions of the state.

The plan also describes connector trails that start or end along one of the main routes. Seventeen (17) connector trails are identified within the Plan. These routes represent general connections between two points of reference. The actual design, location, and final constructed route will be decided by local communities or organizations. Final location will ultimately depend on landowner willingness, existing trail utilization, local citizen desires, interconnectivity of the trail to neighboring cities and counties, funding, and other various other concerns.

NAME	MILES	STARTING POINT	ENDING POINT	CONNECTOR TRAILS
<b>Ohio Valley Trail</b>	430 (49 exist- ing)	<b>A</b> North of John James Audubon State Park/ across Ohio River	<b>B</b> Northern End of Sheltowee Trace National Recreation Trail	2
Connector Trails				
	43 (loop)	Fordsville, KY	Fordsville, KY	
	34	2 miles from unincorporated Murphysville, KY through Maysville, KY	Vanceburg, KY	
<b>Trans Kentucky Trail</b>	370 (27 exist- ing)	<b>C</b> Columbus-Belmont State Park	<b>D</b> Cumberland Gap National Park	5
Connector Trails				
	31	Hazel, KY - to Hardin, KY	Land Between the Lakes North/South Trail at US 68	
LBL North/South Trail	31 existing	Land Between the Lakes North/South Trail at US 68	Tip of LBL National Recreation Area at Barkley Canal	
	17	Woodburn, KY through Franklin, KY	TN border	
	23	Dale Hollow Lake Wildlife Management Area	Lake Cumberland State Resort Park	
	19	Cumberland Falls State Resort Park	General Burnside Island State Park	
<b>Great River Road Trail</b>	56 (34 exist- ing)	<b>E</b> Reelfoot National Wildlife Refuge, TN, KY	<b>F</b> Ballard Wildlife Management Area	0



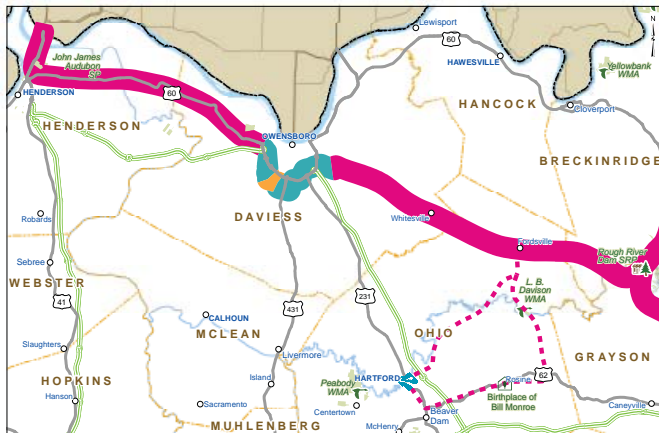


NAME	MILES	STARTING POINT	ENDING POINT	CONNECTOR TRAILS
<b>Northern Historic Trail of Tears</b>	90	<b>G</b> Guthrie, KY	<b>H</b> Unincorporated community of Joy, KY	1
Connector Trails				
	24 (4 existing)	From Route through Pen-nyrile Forest State Resort Park	Princeton, KY	
<b>Kentucky Caves Trail</b>	70	<b>I</b> Barren River Lake State Resort Park	<b>J</b> Rough River State Resort Park	0
<b>Wilderness Road Trail</b>	115	<b>K</b> Livingston, KY	<b>L</b> Louisville, KY	1
Connector Trails				
	16	Perryville, KY	Shaker Village of Pleasant Hill	
<b>Boone Trace Trail</b>	159 (4 existing)	<b>M</b> Cumberland Gap National Historic Park	<b>N</b> Lexington, KY	0
<b>Central Kentucky Route</b>	123 (12 existing)	<b>O</b> Livingston, KY	<b>P</b> Butler, KY (connects to Ohio Valley Trail at Butler)	0
<b>Sheltoewe Trace National Recreational Trail</b>	307 existing	<b>Q</b> Northern end of Daniel Boone National Forest/ Northeast of Morehead, KY	<b>R</b> Big South Fork National River and Recreation Area, TN	1
Connector Trails				
	5 to 10	Sheltoewe Trace	Revised Jenny Wiley	
<b>Revised Jenny Wiley Trail</b>	129	<b>S</b> Fishtrap Lake	<b>T</b> Unincorporated community of South Portsmouth, KY	3
Connector Trails				
Dawkins Line Rail Trail	Currently 18, 36 when 2 <sup>nd</sup> phase complete	Unincorporated Hagerhill, KY through Royalton	1 mile south of unincorporated Evanston, KY	
(Simon Kenton Trail is existing)	57 (7 existing)	Revised Jenny Wiley	Raceland, KY	
Mike Tygart Trail	17 existing	Greenbo Lake State Resort Park	Revised Jenny Wiley	
<b>Pine Mountain State Scenic Trail</b>	120 (82 existing)	<b>U</b> Middlesboro, KY	<b>V</b> Matewan, W.VA	0



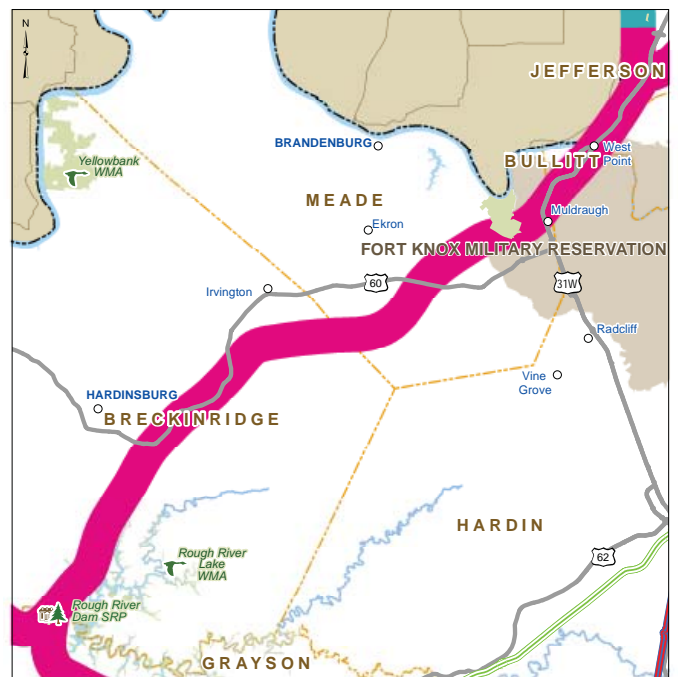
# Ohio Valley Trail: 430 miles

The Ohio Valley Trail (trail points between 'A' and 'B') is the longest of the routes proposed in the Cross Kentucky Master Trail Plan. At full constructed trail buildout users will have 430 miles across the state in a northeasterly direction until it connects with the Northern Kentucky/Cincinnati area and turns southeast and ties into the northern end of the Sheltoewe Trace National Recreational Trail.



The route begins just across the Ohio River, north of the John James Audubon State Park. The route then roughly follows US 60 to Owensboro where it connects to 14 miles of the Adkisson Greenbelt Trail. Thirteen (13) of these miles are completed with an additional one and one-tenth (1.1) mile currently under construction. The trail is open to hikers and cyclists.

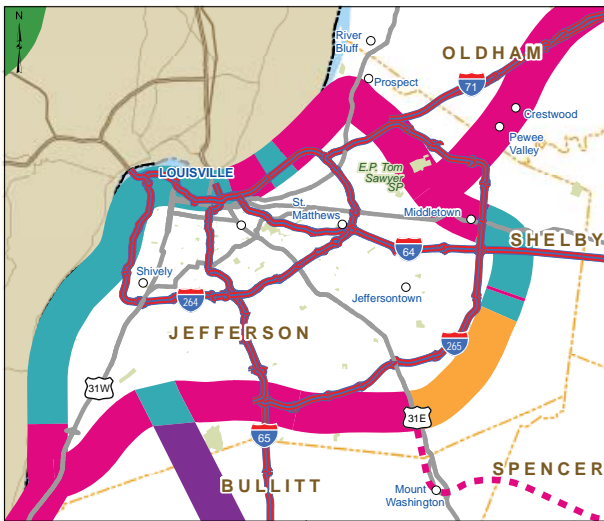
From Owensboro the route continues to Rough River Dam State Resort Park, which is also the northern tip of the Barren River Lake State Resort Park. An approximate 43 mile connector trail is also proposed along this stretch of the route that would loop users from Fordsville to the proposed Trail Town of Hartford, then through Rosine, the birthplace of Bill Monroe who was known as "The Father of Bluegrass" music, and finally back to Fordsville. Along this loop's alignment are multiple abandoned rail lines that have potential to be converted into trails.



The route continues from Rough River Dam State Resort Park and follows a more northerly direction past Fort Knox Military Reservation into the Louisville Loop. The Louisville Loop is an estimated 100 mile trail system that will encircle the City of Louisville. The Loop is divided into five distinct physiographic regions; the Ohio River Valley, the Knobs, the Shale Lowland, the Floyd's Fork watershed, and the Limestone Belt. Currently, 35 miles are completed,



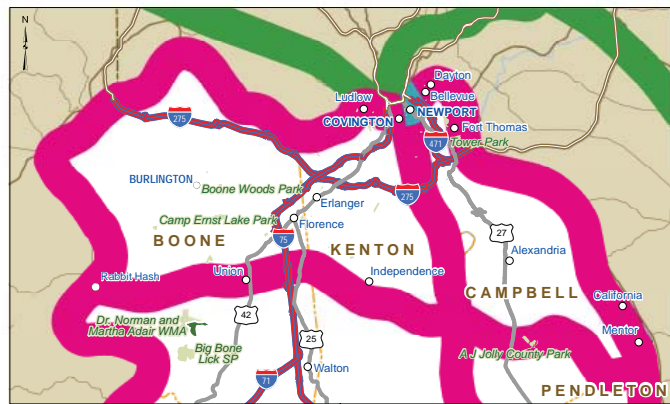
**John James Audubon State Park**  
Photo provided by Kentucky State Parks



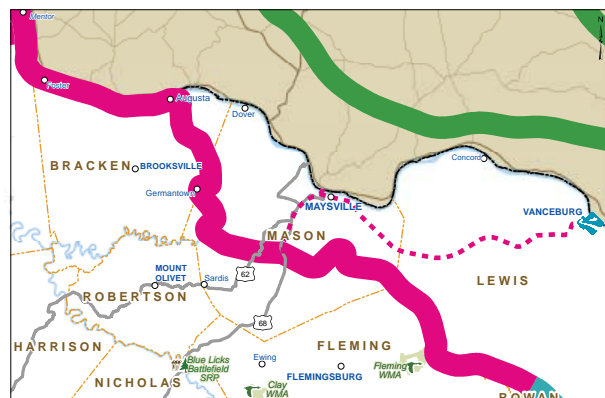
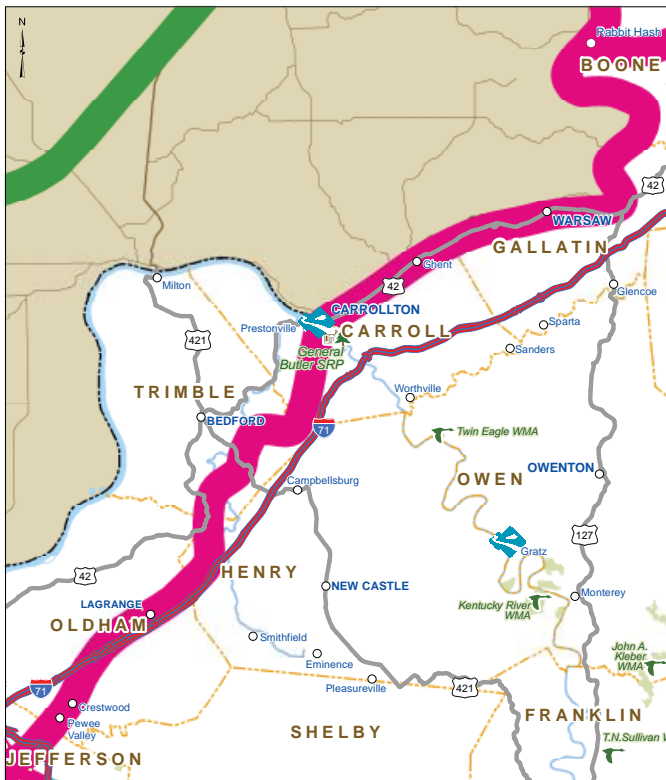
while other parts are under construction or in various phases of design.

From Louisville, the route continues in the same northerly direction through Carrollton, a proposed Trail Town, to Rabbit Hash, where the route splits. One leg of the route continues north along the Ohio River into Covington. The route incorporates the Riverfront Commons trail system.

Currently, 1 mile of this proposed 11.5 mile trail system has been completed. From the Covington/Cincinnati area the route turns, following the Ohio River in a mostly south-east direction towards Mentor. At Mentor,

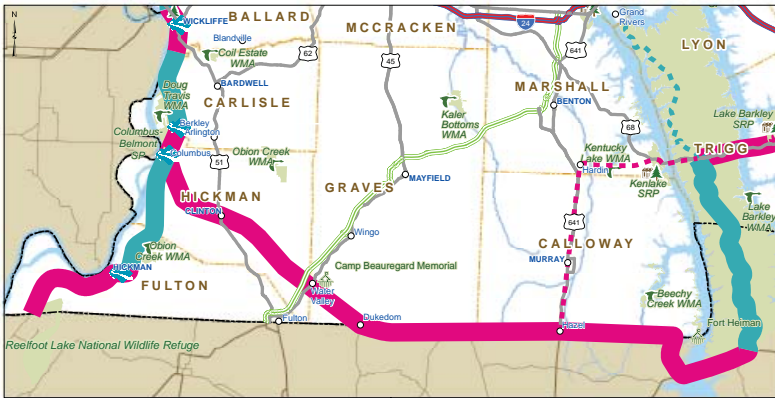


it rejoins the southern leg of the route. The southern leg of the route generally follows KY 536 from Rabbit Hash through Union, eastward to I-75. At I-75 the southern leg drops slightly southeast through AJ Jolly County Park before rejoining the northern leg of the route near Mentor. From Mentor the route continues south/southeast until it connects to the northern end of the Sheltowee Trace National Recreation Trail. Before reaching the Sheltowee Trace, a 34 mile connector trail is proposed to connect users from the route through Maysville to Vanceburg.



# Trans Kentucky Trail: 370 miles

The Trans Kentucky Trail (connected on the map at points 'C' to 'D') starts at Columbus-Belmont State Park and ends at Pine Mountain State Resort Park. The route is approximately 370 miles, include 27 existing miles or trail. At completion, the trail will connect users from the western border of the Commonwealth of Kentucky to the eastern border. The route will also include five (5) suggested connector trails.

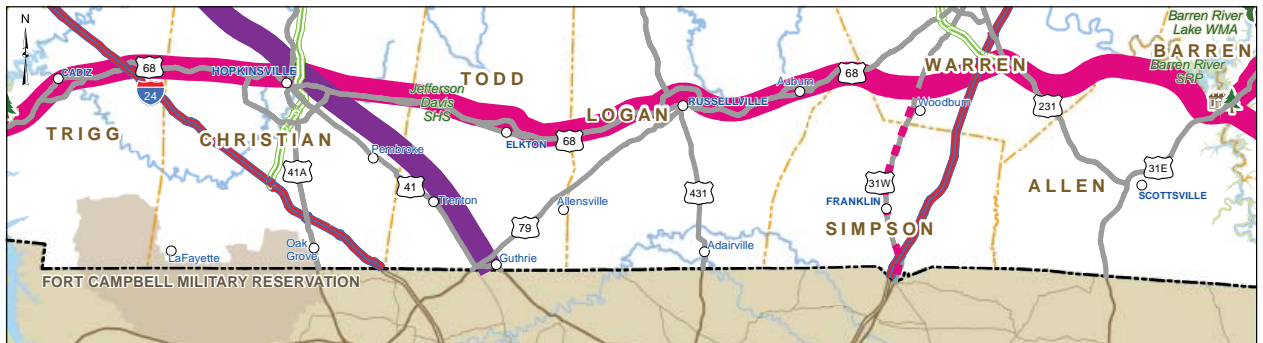


The far western portion of the Route follows the Benge Route of the National Historic Trail of Tears from Columbus-Belmont to Dukedom, TN. The Benge Route, which passes through Alabama, Tennessee, Kentucky, Missouri, and Arkansas, commemorates a detachment of over 1,000 Cherokee led by John Benge into Indian Territory in 1838. Columbus-Belmont State Park is a National Scenic Byway, part of the National Trail of Tears Site and located along the Civil War Heritage Trail.



Columbus-Belmont State Park  
Photo provided by Kentucky State Parks

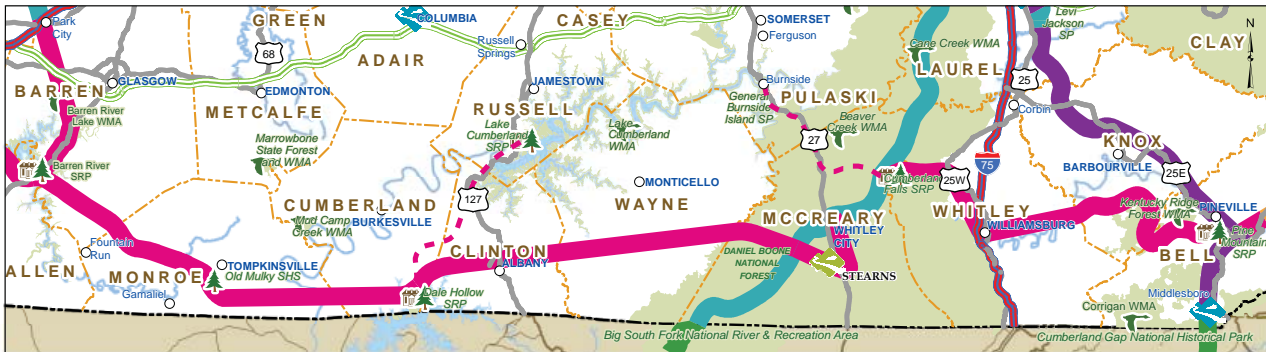
Continuing from the unincorporated Town of Dukedom, the trail follows the Kentucky/Tennessee state line, crosses the Tennessee River and connects the Land between the Lakes National Recreation Area (LBL). The Land between Lakes North-South Trail is shown in blue on the map below as it is an existing trail. The Trans Kentucky Trail follows the LBL North-South Trail for 27 miles north and then turns east at US 68. The LBL North-South Trail spans the entire length of the LBL National Recreation area, totaling 58 miles, and is shown on the map as a blue dotted line connector trail. The trail ranges from rugged, hilly terrain in the north to low-lying hills and relative flatlands in the south. A connector trail is proposed linking users from Hazel to Hardin and the Kenlake State Resort Park.



The route continues east passing through Lake Barkley State Resort Park, the Jefferson Davis State Historic Site, and Barren River Lake State Resort Park. A connector route is suggested to connect users to Tennessee through Franklin, KY.

The route continues in an easterly direction passing Old Mulkey State Historic Site, Dale Hollow Lake State Resort Park, and then into the Daniel Boone National Forest. The Trail crosses from Daniel Boone National Forest to the Sheltoewe Trace National Recreation Trail, passing through the Town of Stearns (a Kentucky Trail Town) and continues east to US 27. The route then continues north along US 27 until it intersects the Sheltoewe Trace Trail a second time. It then continues north along the Sheltoewe Trace Trail to Cumberland Falls State Resort Park where it then turns east and southeast toward Williamsburg. The route exits the Daniel Boone National Forest, passes through Williamsburg and then to the Pine Mountain State Resort Park on the Pine Mountain State Scenic Trail then going South via the Pine Mountain State Scenic Trail ending at the Cumberland Gap. As shown on the map below, two connector trails are recommended along this portion of the Route. One would connect users from Dale Hollow Lake State Resort Park to Lake Cumberland State Resort Park.

The other would connect users from Cumberland Falls State Resort Park to General Burnside Island State Park.

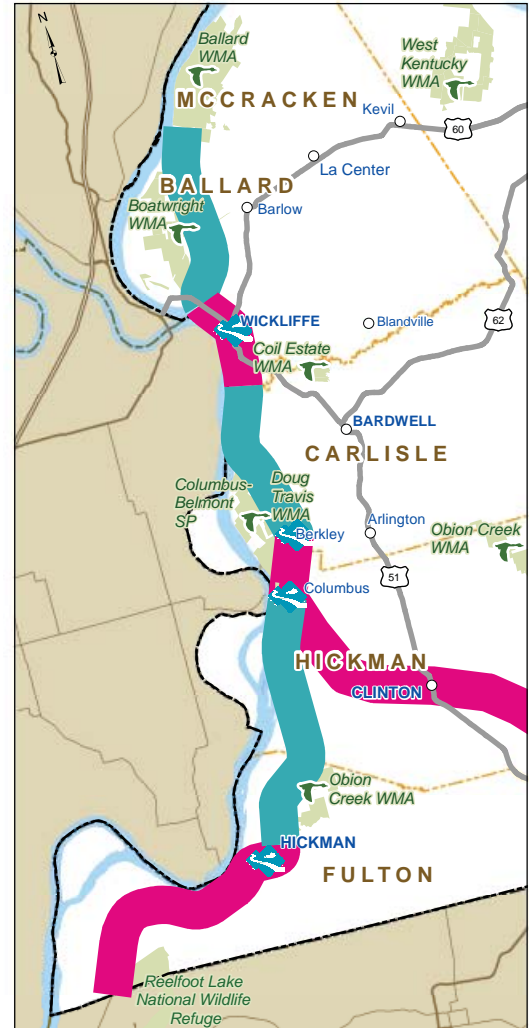


# Great River Road Trail: 56 miles

The Great River Road Trail begins at the Reelfoot Lake National Wildlife Refuge ('E') on the Kentucky/Tennessee state line and runs north ending at the Ballard Wildlife Management Area ('F'). The Kentucky Great River Road Scenic Byway runs along the same corridor. As illustrated on the map below, several segments of the trail already exist, totaling approximately 34 miles.

This trail system has been designated by the four Kentucky counties bordering the Mississippi River: Fulton, Hickman, Carlisle, and Ballard. The counties have utilized old county roads that are no longer open to motor vehicles for the trail system. The riverside trails created by the Mississippi River are excellent for viewing wildlife, including birds, water fowl, deer and feral hogs.

There are four cities along the trail that are working towards becoming certified Kentucky Trail Towns. Those cities are Hickman, Columbus, Berkley and Wickliffe. The East-West Southern Route begins along this trail in Columbus at the Columbus-Belmont State Park.



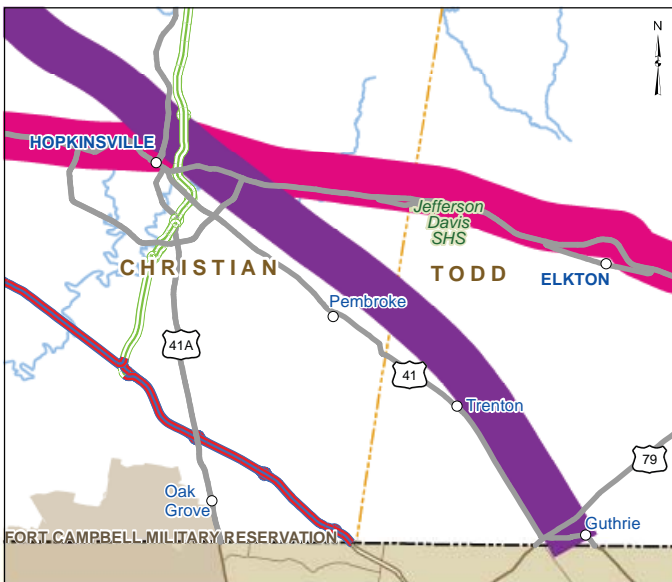
# Northern Historic Trail of Tears: 90 miles

The Cross Kentucky Master Trail Plan proposes developing a pedestrian trail along the same corridor as the Northern Historic Trail of Tears. The proposed pedestrian route begins in Guthrie ('G') at the Tennessee border and runs in a northwesterly direction ending near the unincorporated community of Joy, KY ('H') at the Illinois border. The Plan includes one connector trail, approximately 24 miles in length, which would pass through Pennyrile Forest State Resort Park to Dawson Springs and turn back to the route ending in Princeton. Approximately four (4) miles of this connector trail currently exists in Pennyrile Forest State Resort Park, known as the Pennyrile Nature Trail. Dawson Springs is a certified Kentucky Trail Town.

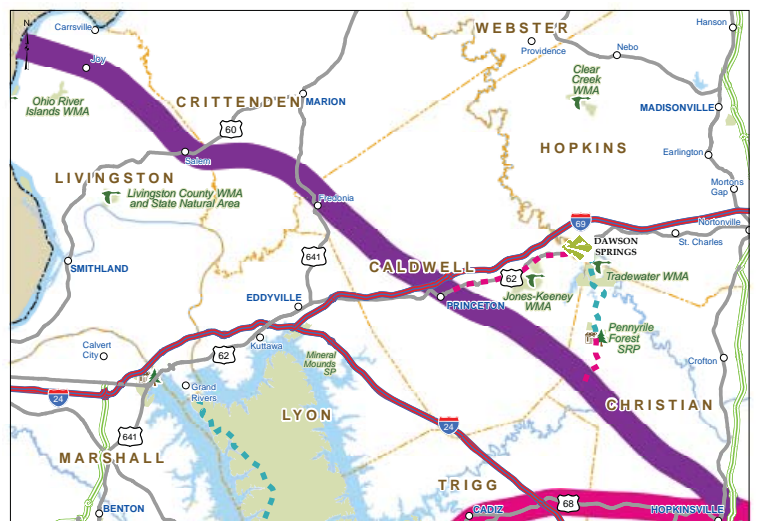


**Pennyrile Forest State Resort Park**  
Photo provide by Kentucky State Parks

The pedestrian route will pass through Hopkinsville where users can visit the 12.5 acre Trail of Tears Commemorative Park which contains the graves of two Cherokee chiefs, Fly Smith and Whitepath, who died along the Trail of Tears. The Trans Kentucky Trail intersects this trail in the vicinity of the Trail of Tears Commemorative Park.



The existing scenic Northern Historic Trail of Tears begins in Tennessee, passes through Kentucky, Illinois, Missouri, Arkansas and ends in Oklahoma. The route honors the thousands of Cherokee who were forcibly removed by the United States government in 1838 from east of the Mississippi River to lands in the West.



# Kentucky Caves Trail: 70 miles

The route starts at Barren River Lake State Resort Park ('I'), which is a spot on the Trans Kentucky Trail, and takes users 70 miles in a generally north/northwest direction to Rough River Dam State Resort Park ('J').

to springs, from old guide's cemeteries to overlooks, and from historic engines to the Historic Entrance.

The route continues north from Mammoth Cave National Park to Nolin River Lake where it turns northwest, passing through Leitchfield and ending at Rough River Dam State Resort Park.



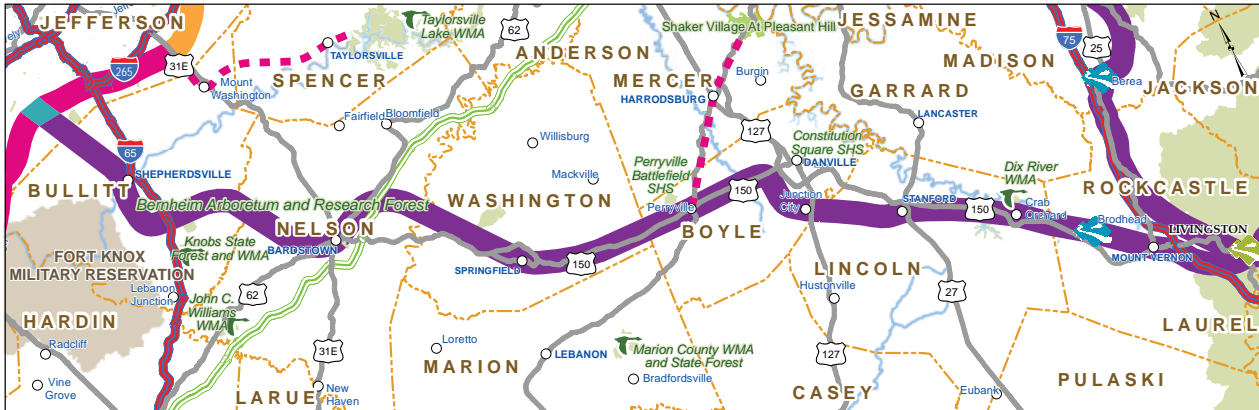
**Barren River State Resort Park**  
Photo provided by Kentucky State Parks

One of many highlights along this route is Mammoth Cave National Park. Mammoth Cave is the world's longest known cave system, with more than 400 explored miles. The National Park status was established in 1941 to protect the unparalleled beauty of the underground labyrinth of caves, the rolling hill country above, and the Green River valley. The proposed Route connects into the park's existing trail system which contains nearly 84 miles of trails, 65 miles of which are known as backcountry trails designed specifically for pedestrian and horseback use. The two exceptions to this are Big Hollow Trail, which was designed for pedestrian and mountain bike use only, and Maple Springs Trail and White Oak Trail, which are all-use trails. Trail users may explore a total of 10.8 miles along the Cedar Sink Trail, Sand Cave Trail, Sloan's Crossing Pond Walk, Turnhole Bend Nature Trail, and the Mammoth Cave Railroad Bike and Hike Trail. The area around the park Visitor Center offers 7.2 miles of scenic trails that venture from ridgetop to river, from sinkholes





# Wilderness Road Trail: 115 miles



The proposed Wilderness Road Trail runs in a north/northwest direction for approximately 115 miles (between 'K' and 'L' on the map). Near Livingston (a certified Trail Town) the proposed route splits from the Boone Trace Route and generally follows the historic route of the Wilderness Road that millions of pioneers took seeking a new and better life in the 1700's.

Users follow the Route from Livingston to Mount Vernon where it then generally follows US 150 on to the proposed Trail Town of Brodhead, through Dix River Wildlife Management Area and continues through Crab Orchard, Junction City, Perryville, and Springfield before diverting from US 150 and then passing through Bardstown and Shepherdsville.

The Route crosses I-65 and turns generally north to connect to the Ohio Valley Trail at the Louisville Loop. The Fort Knox Military Reservation is located west of I-65. Several conservation easements exist on the Military Reservation which could provide opportunities for trail connections.

Perryville Battlefield State Historic Site is the location of the

most destructive Civil War battle in the state which left more than 7,600 killed, wounded or missing. The battlefield is one of the most unaltered Civil War sites in the nation.

A connector trail is suggested from Perryville through the proposed Trail Town of Harrodsburg to Shaker Village of Pleasant Hill. Pleasant Hill is also home to America's largest restored Shaker village. The site includes 40 miles of trails.

The route also passes through Bernheim Arboretum and Research Forest. Bernheim has over 35 miles of trails available for biking and hiking.



**Perryville Battlefield**  
Photo by Chip Clark



# Boone Trace Trail: 159 miles

## Levi Jackson State Park

Photo provided by Kentucky State Parks



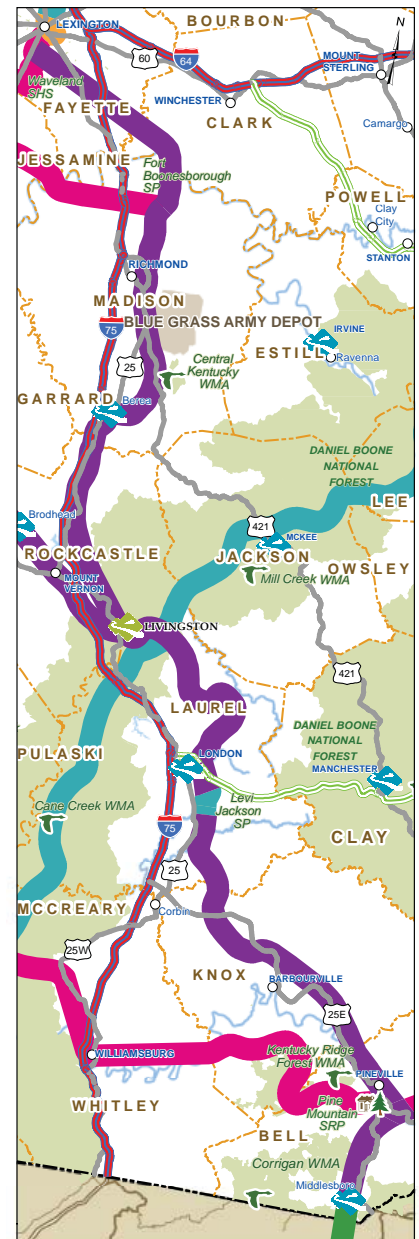
The Boone Trace Trail begins at Cumberland Gap ('M') and heads north approximately 159 miles past Fort Boonesborough to Lexington ('N'). It generally follows the historic route that Daniel Boone and his axmen blazed through the Kentucky wilderness in 1775 for the Transylvania Company of Virginia.

Beginning at Cumberland Gap National Historical Park the proposed Boone Trace Trail runs through Middlesboro with the proposed Trans Kentucky Trail and the Great Eastern Trail for 10 miles near Corrigan Wildlife Management Area and Pine Mountain State Resort Park before splitting off to head north through Pineville. It then continues through Levi Jackson State Park. It utilizes two existing trails within the State Park. The first existing trail is called the Wilderness Road Park Trail and is approximately one and one-half (1.5) miles in length. The second existing trail in the park is called Frazier Knob Trail. Which extends approximately two and one-half (2.5) miles.

The route continues from Levi Jackson State Park and crosses the Sheltoewe Trace National Recreation Trail before continuing on to Livingston, which is also an exist-

ing trail town. The Boone Trace Trail also crosses the Daniel Boone National Forest in this area.

North of Livingston the Boone Trace Route splits from the historic Wilderness Road Route and continues through Berea, a proposed Trail Town, and then on through Richmond to Fort Boonesborough State Park. From the State Park the proposed route continues north to the unincorporated community of Athens in Fayette County near the Boone Station State Historic Site. The proposed route generally follows US 25 from Athens into Lexington where it intersects the Central Kentucky Route at the existing Legacy Trail.

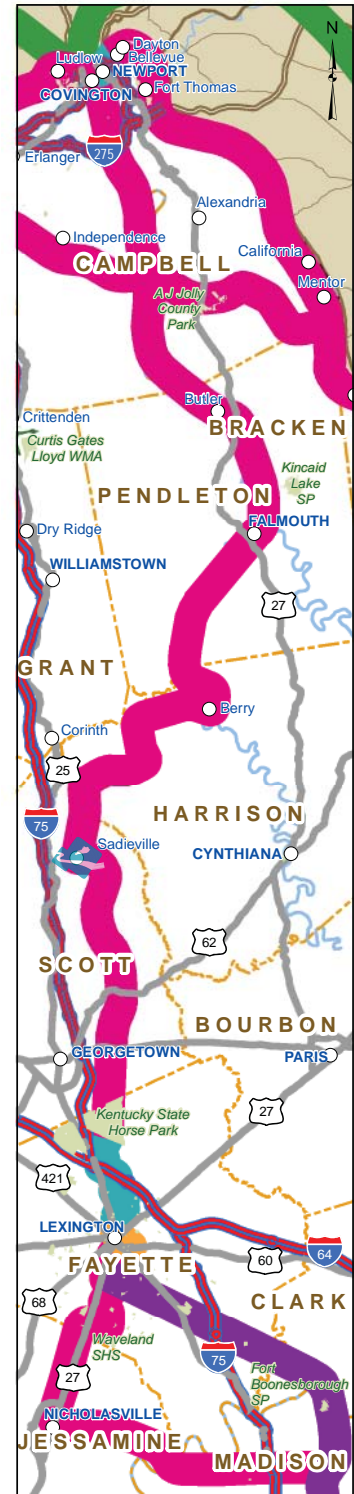


# Central Kentucky Route: 123 miles

Trail users will travel approximately 123 miles along the Central Kentucky Route from Fort Boonesborough State Park ('O') and the intersection of the historic Boone Trace Route then westward across the Kentucky River continuing into Nicholasville.

The route turns north into Fayette County where it connects to the existing twelve (12) miles of the Legacy Trail. The Lexington Fayette Urban County Government (LFUCG) has included in its Greenway Master Plan, a trail from Nicholasville in Jessamine County connecting to the existing Legacy Trail. The Greenway Master Plan has been adopted as an element of LFUCG's Comprehensive Plan. The Legacy Trail is designed for walking and biking, with an interpretive trail and public art venue that begins east of downtown Lexington at the Isaac Murphy Memorial Art Garden and extends to the Kentucky Horse Park.

Kentucky greenway loop and the Ohio Valley Trail ('P'). The Northern Kentucky Greenway plan is part of the Greater Cincinnati Regional Trails Plan, which was completed in the spring of 2014, and assembled by the entire regional trails community, under the leadership of the Green Umbrella. The technical team who put together the plan was led by Human Nature, Inc., Hamilton County Great Parks, National Park Service (RTCA Program), and OKI (Ohio-Kentucky-Indiana Regional Council of Governments). The regional trails community who provided input to the plan included all of the major trails groups/organizations in the region, as well as major planning agencies and civic leaders.



Trail at Fort Boonesborough State Park  
Photo provided by Kentucky State Parks

The route continues almost due north through Sadieville, a proposed Trail Town. The remainder of the route follows the Licking River connecting into the northern



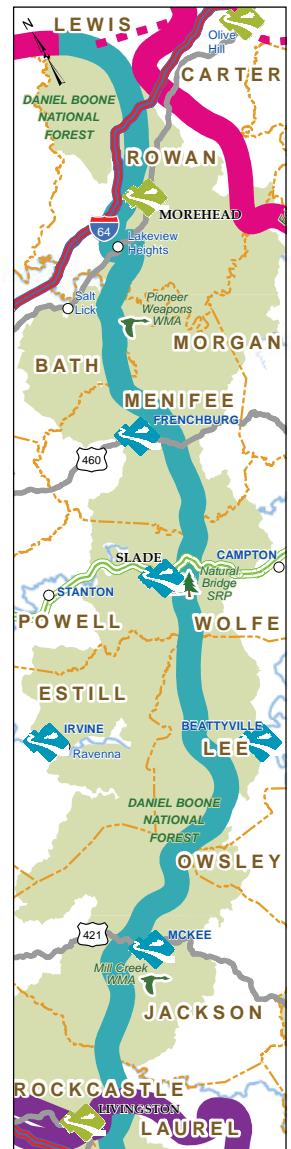
# Sheltowee Trace National Recreational Trail: 307 miles; 269 miles in KY & 58 miles in TN



**Sheltowee Trace**  
Photo by Chris Chaney

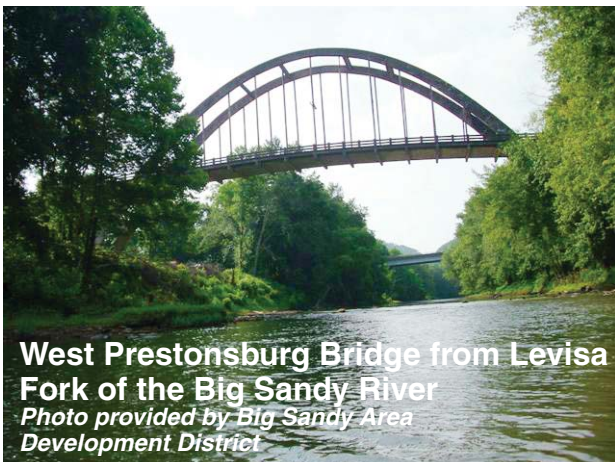
Along the trail, users can walk along the Big South Fork of the Cumberland River, the South Fork of the Cumberland River including Cumberland Falls, Laurel Lake, Cane Creek, and the Rockcastle, Kentucky, Red, and Licking Rivers. The trail passes many natural arches, waterfalls, overlooks, gorges, and ridgetops. There is abundant flora and fauna all along the Sheltowee and a vast spectrum of habitats that is as rich and vibrant as any in the nation.

The Trace passes through Pickett State Park in Tennessee, Big South Fork National River & Recreation Area which straddles the Tennessee and Kentucky state line, Cumberland Falls State Resort Park, along the amazing whitewater section of the “Cumberland Below the Falls,” Holly Bay Campground, Cane Creek Wildlife Management Area, S-Tree Campground, Turkeyfoot Campground, Natural Bridge State Resort Park, the Red River Gorge Geological Area, Clifty Wilderness, Clear Creek Campground, the Pioneer Weapons Wildlife Management Area, White Sulphur Campground, and across the dam at Cave Run Lake.

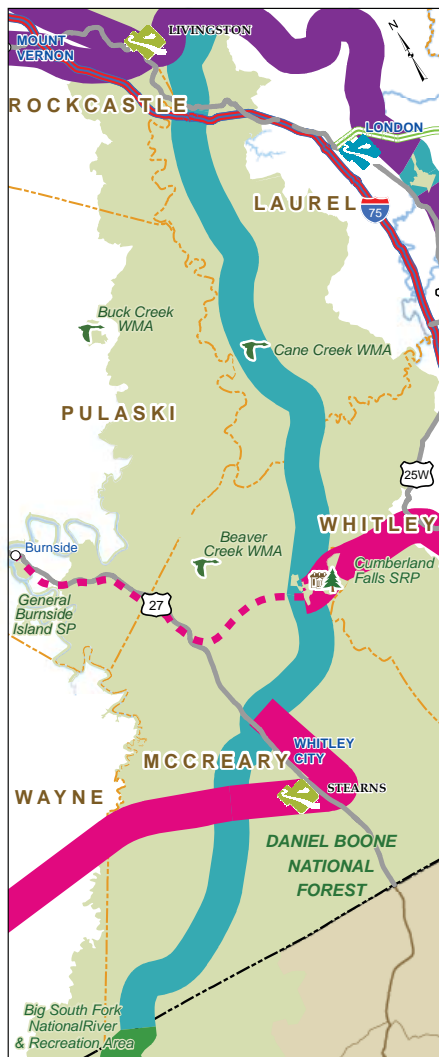


The Sheltowee Trace National Recreation Trail is shown in blue on the map denoting it is an existing trail. It roughly parallels the Pottsville Escarpment, which is the rugged western edge of the Cumberland Plateau. It begins north of Morehead (‘Q’), a Kentucky Trail Town in Rowan County and traverses the ridges and valleys of the Daniel Boone National Forest for 307 miles in a generally south-southwest direction ending just over the state line in the Tennessee portion of the Big South Fork National River & Recreation Area (‘R’).

The Trace is partially maintained through volunteer effort. An all-volunteer organization known as the Sheltowee Trace Association (STA) organizes trail maintenance days, group hikes, and coordinates with the US Forest Service to plan and care for the trail. The STA has regional offices in Morehead and Livingston.



**West Prestonsburg Bridge from Levisa Fork of the Big Sandy River**  
Photo provided by Big Sandy Area Development District



The Sheltowee Trace trail was conceived by National Forest employee Verne Orndorff, a resident of Winchester since the 1960s. He was a landscape architect and was responsible for laying out many of the campgrounds still in use today. He also blazed the Sheltowee Trace and his vision was to design a trail similar to the Appalachian or Pacific Crest Trails.

The Sheltowee was completed in 1979 as part of the Daniel Boone National Forest trail system. The trail name is derived from the name given to Daniel Boone when he was adopted into the Shawnee tribe by Chief Blackfish. Sheltowee means “Big Turtle” in Shawnee. Blaze symbols marking the Sheltowee Trace throughout the National Forest include a white diamond and a white turtle.

The trail is typically known as “the Sheltowee Trace,” “the Sheltowee,” or often just “the Trace.” It is a multi-use trail allowing hiking, overnight backpacking, mountain biking, horseback riding and off-road vehicle use. Not all uses are allowed on all sections of the Sheltowee Trace, but each use has many miles available in different sections of the National Forest.

The Cross Kentucky Master Trail plan proposes a connector trail from the Sheltowee to the Revised Jenny Wiley Trail. This trail would range from five (5) to ten (10) miles depending on its exact location, which will be determined at a later time.

Livingston is a designated Trail Town and has easy access to both the Sheltowee Trace and I-75, which is an ideal situation for recreational trail users. Morehead, along with other communities are pursuing Trail Town designation to serve travelers along Kentucky’s longest trail. Other applicant’s include London, McKee, Slade, Frenchburg, and Stearns.

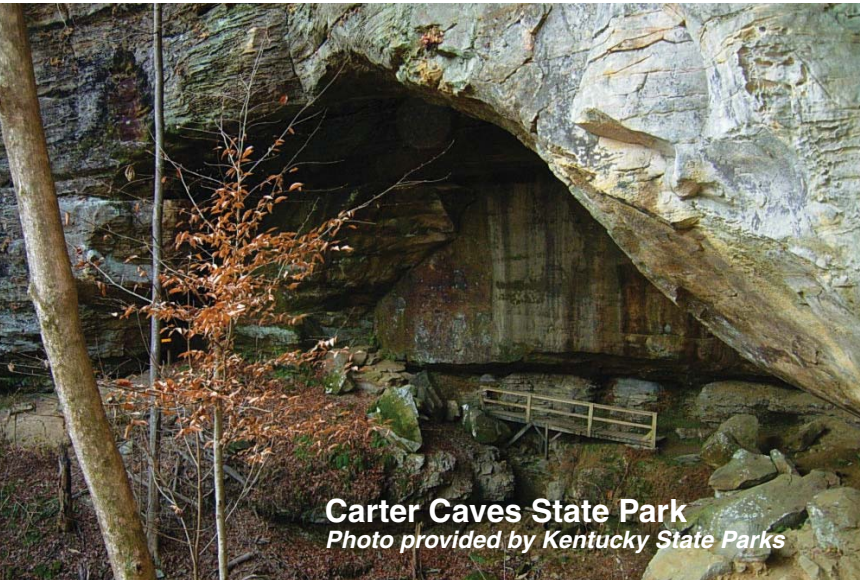
Many trails intersect and weave into the Sheltowee Trace as this area was heavily used by pioneers. Skaggs Trace, Boone Trace, and The Wilderness Road are a few intersections.

For more information about the Sheltowee Trace National Recreational Trail, visit the United States Forest Service webpage at <http://www.fs.usda.gov/recarea/dbnf/recreation/recarea/?recid=70839>, and

The Sheltowee Trace Association website at <http://www.sheltoweetrace.org/>.



# Revised Jenny Wiley Trail: 129 miles



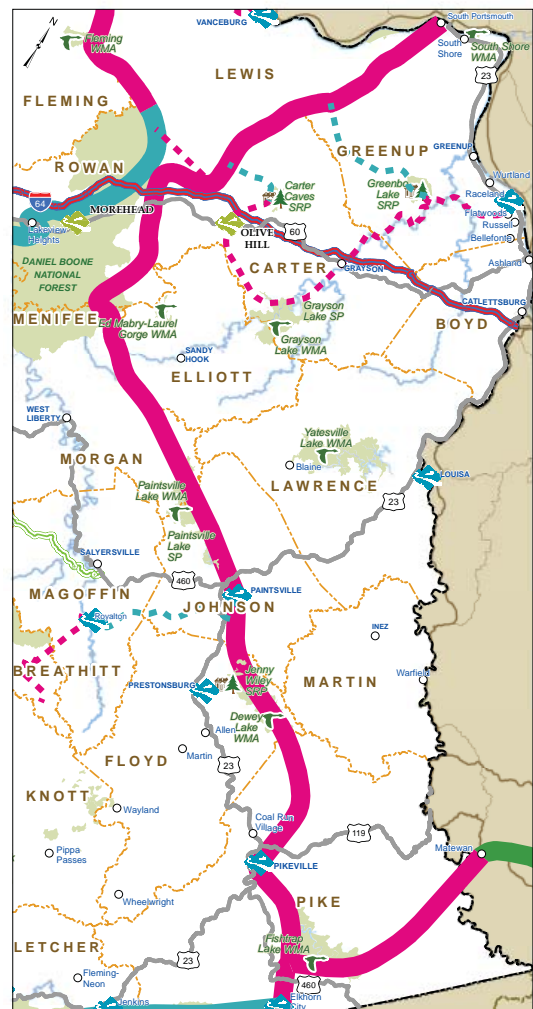
**Carter Caves State Park**  
Photo provided by Kentucky State Parks

The Jenny Wiley Trail begins at Fishtrap Lake Wildlife Management Area ('S) and passes through the hills of eastern Kentucky for approximately 129 miles in a mostly north-northwest direction ending in the unincorporated community of South Portsmouth ('T').

The original Jenny Wiley Trail was a 163 mile cross-country backpacking trail that crossed portions of nine counties. It was constructed in 1980 by the FIVCO Area Development District in cooperation with more than 200 land owners who granted permission for the trail to cross their property. The Kentucky Department of Parks took over the trail in 1981. The trail was closed in the late 1980's.

Plans to revise the Jenny Wiley Trail are being led by a volunteer-based organization, the Jenny Wiley Trail Conference, which is dedicated to reopening, preserving and managing the natural, scenic, historic, and cultural resources of the Jenny Wiley Trail. The new Jenny Wiley Trail would look similar to the original trail in the northern district where portions of the trail can still be found. Two (2) connector trails are suggested in this area to augment the Revised

Jenny Wiley Trail. The first is a 17 mile existing trail, known as the Mike Tygart Trail, which would connect users to Greenbo Lake State Resort Park. The second connector would connect Carter Caves State Resort Park, Grayson Lake State Park and two proposed Trail Towns, Olive Hill and Raceland. This connector would be approximately 57 miles in length, seven (7) miles of which correspond with the existing Simon Kenton Trail. The trail will continue in a mainly south/southeast direction, skirting close enough to the Sheltoewe Trace to allow for a five to eight mile connector trail.



The trail will pass through Paintsville Lake State Park, the proposed Trail Town of Paintsville, Jenny Wiley State Resort Park, Dewey Lake, Pikeville, which is also a proposed Trail Town and end at Fishtrap Lake where it will connect into the Pine Mountain State Scenic Trail. A connection to the Dawkins Line Rail Trail. The first 18 mile length of the Dawkins Line Rail Trail opened in June 2013. The 18 mile section features 24 trestles and a Gun Creek Tunnel which is 662 feet long. When the second phase of the Dawkins Line Rail Trail is complete it will be 36 miles, the largest rail-to-trail in the state of Kentucky. The Kentucky Department of Parks will manage the Dawkins Line. The southern end of the Jenny Wiley Trail would add significant length to the original.

The Jenny Wiley Trail honors the memory of the courageous pioneer, Jenny Wiley, and offers a route through the same type of terrain Jenny would have traveled to escape her captors.

The trail would connect users to numerous state parks, lakes, the Pine Mountain State Scenic Trail and Shelton Trace National Recreational Trail, both connecting directly to the Great Eastern Trail. These connections would make the Jenny Wiley a truly unique attraction.



# Pine Mountain State Scenic Trail: 120 miles



The Pine Mountain State Scenic Trail—also known colloquially as the Pine Mountain Trail—is currently under development and will be approximately 120 miles in length that will eventually link Matewan, West Virginia (‘V’) to Breaks Interstate Park near Elkhorn City in the east with Cumberland Gap National Historic Park (‘U’) near Middlesboro to the west. Kentucky State Parks manage the trail. As of the spring of 2014 there were 44 miles completed from Breaks Interstate Park to US 119 near Whitesburg. These 44 miles are split into two sections. The section from Breaks Interstate Park to US 23 is 28 miles is known as Birch Knob. The Highlands section continues from US 23 to US 119 for approximately 16 miles. Construction of the trail has not passed beyond US 119, but hikers can continue on what is known as the Little Shepherd Trail for another 38 miles to US 421. The Little Shepherd Trail is a narrow, lightly traveled, one and one-half (1.5) lane blacktop road.

The ridge known as Pine Mountain is 125 miles long, rising more than 1,100’ above the surrounding terrain at its highest point

near Whitesburg, KY at 3,280’. The area is known for its scenic qualities and its variety of wildlife including black bears and elk as well as containing habitat for unique native flora.

The Pine Mountain Trail currently links Breaks Interstate Park, Bad Branch State Nature Preserve, Kingdom Come State Park, and the Little Shepherd Trail. Eventually Pine Mountain State Scenic Trail will connect them to Kentenia State Forest, Cranks Creek Wildlife Management Area, Martin’s Fork Lake and Wildlife Management Area, Shillalah Creek Wildlife Management Area, Pine Mountain State Resort Park, and Cumberland Gap National Historic Park.

The Pine Mountain Trail is also a link in the Great Eastern Trail which is the nation’s newest long distance hiking trail in the spirit of the Appalachian, Pacific Crest, and Continental Divide Trails.

There are currently nine Kentucky Trail Town applicants along the trail which include Middlesboro, Harlan, Evarts, Cumberland, Lynch, Benham, Whitesburg, Jenkins, and Elkhorn City.

For more information about the Pine Mountain Scenic Trail, visit the following websites:

- <http://parks.ky.gov/parks/recreationparks/pine-mountain-trail.aspx>,
- <http://www.pinemountaintrail.com/>
- <http://www.greateastertrail.net>





# Kentucky Trail Towns



A Kentucky Trail Town is a community that has:

- Constructed a trail to connect into an existing trail system
- Completed an economic development process to develop or strengthen its tourism services, and
- Devised a Plan of Action that will guide them beyond certification to improve their ability to serve trail using visitors.

Application is made by the mayor of a town to the Office for Adventure Tourism. The mayor will then designate a Trail Town Task Force Chairperson. The Mayor and appointed Chairperson will form a community “think tank” or a task force of community organizations, groups, trail users, local officials, and citizens, who will then work together to see how they can move the trail town vision forward.

Mayors and citizens should expect the local Trail Town Task Force to prepare the following deliverables:

- Community vision

- Destination portal to area trail resources
- Asset inventory
- Comprehensive Plan of each community
- Complete signage and wayfinding program
- Venues for locally made products
- Venues for local cultural performances
- Hospitality training
- Increased marketing
- Healthier lifestyle
- Vibrant downtown area
- Job and economic growth
- Direct connection to natural resources
- Improved coordination and partnerships among community organizations
- Community pride

The Kentucky Trail Town Program was created from a desire to increase both the economic and physical health of Kentucky’s communities through increased opportunities for outdoor recreation. The outdoor adventure industry accounts for over 600 Billion in economic impact in the United States every year<sup>1</sup> and 8.4 billion in consumer spending to Kentucky towns. It provides jobs and tax revenues, as well as helps lead to increased property values<sup>2</sup>. The Kentucky Trail Town program encour-

1 The Outdoor Industry Association, the Outdoor Recreation Economy, 2012

2 Active Living Research, The Economic Benefits of Open Space, Recreation Facilities and Walkable Community Design, 2010



ages increased access to outdoor resources for citizens of the Commonwealth. It serves as a catalyst to inspire healthy communities and active lifestyles.

Successful trail towns exist throughout the country, and many were studied and contacted to provide information for the Kentucky Trail Town program. Without these key partners, willing to share their successes and struggles, the Kentucky Trail Town program would not be as thorough, or as strong as it is today.

All committees in the task force work together to bring a trail into town. Once accomplished they focus on specific tasks and assessments outlined in the program. For example:

- Community involvement and communications
- Building a volunteer base for trail maintenance and event management
- Town amenities
- Hospitality training
- Authenticity of downtown district
- Signage
- Business recruitment
- Local shops carrying local products (art, KY Proud, fresh produce)
- Art, music, and performance venues (entertainment for off trail times)
- Marketing
- Visitor tracking
- Plan of Action

Once a community feels it has made necessary improvements to set itself as a des-

ination for outdoor recreation, it must host a **Trial Run**. Applicable trail users from across the state will be invited to spend a weekend in the aspiring trail town and then provide instant feedback on their experience. This will give the community valuable, firsthand knowledge of what they have done well, and what remains to be completed, updated, or changed.

A Plan of Action is compiled by the Trail Town Task Force laying out all goals and objectives of that particular community, as well as timelines for completion. This Plan of Action will serve as the basis for their certification and represents how a trail town will move forward. The Plan of Action is a fluid document used by committees, amended as needed to achieve existing and new goals for long and short term implementation.

Certified Kentucky Trail Towns must continue to improve and work towards completing their Plan of Action. The Office of Adventure Tourism will market all Trail Towns throughout the commonwealth to travelers, and each must maintain a certain level of expectations to retain their certification. Through effective branding and marketing, Kentucky Trail Towns can become widely known as inviting and exciting destinations.

For information about becoming a Kentucky Trail Town contact 502-564-4270, the Office for Adventure Tourism or visit the Tourism's Industry Portal: [www.kentuckytourism.com/industry](http://www.kentuckytourism.com/industry).



# Blue Water Trails

The process of identifying Blue Water Trails is gaining momentum in Kentucky. Kentucky has the second largest navigable miles of streams in the United States after Alaska. The Cross Kentucky Master Trail Plan includes six regional Blue Water Trail projects. Counties along these trails are working together to create long distance paddling opportunities, access ramps, community access points for food and supplies, overnight camping opportunities, and portage routes around locks and dams for long distance paddling.

Current regional Blue Water Trail projects:

- Kentucky River Water Trail
- Green River Water Trail
- Rough River Water Trail
- Russell Fork & Levisa Fork Big Sandy River Water Trail
- Licking River Water Trail
- Tradewater River Trail

In addition to the multi-county project efforts listed above, the Kentucky Department of Fish & Wildlife Resources is in the process of surveying, mapping, and cataloging shorter blue water trail routes commonly used along many of Kentucky's rivers. They record current river information, access areas, fishing holes, points of interest, and other pertinent river conditions any paddler would have interest in. You can review these routes at <http://fw.ky.gov/Education/Pages/Blue-Water-Trails.aspx>.

The Kentucky Department of Fish & Wildlife Resources has completed the narrative and identified the following Blue Water Trails:

- Barren River below the Dam
- Big South Fork
- Buck Creek Water Trail

- Clarks River National Wildlife Refuge
- Cumberland River below the Falls
- Cumberland River Tailwater
- Elkhorn Creek
- Floyd's Fork
- Gasper River
- Green River Headwaters
- North Fork Cumberland River
- Red River
- Rockcastle River
- South Fork Licking River Trail
- Trammel Fork, Middle Fork and Main Stem of Drakes Creek
- Tygarts Creek
- West Fork of Drakes Creek Water Trail

Three or four additional multi-county projects are, on average completed each year by the Kentucky Department of Fish and Wildlife Resources.

While this project represents community efforts to promote and develop paddling and fishing opportunities, there are additional routes that are also commonly used. You can view outfitter and route information at: [www.getoutKY.com](http://www.getoutKY.com) click on Water Adventures. Please contact the Office for Adventure Tourism at 502-564-4270 for water trail development information.

You can view the Kentucky Water Trail Development Plan here: <http://krta.ky.gov/trail-development.php>

More information can be found in the *Developing Water Trail & related Adventure Water Projects in Kentucky* document-**See Appendix I.**



# COMMONWEALTH OF KENTUCKY

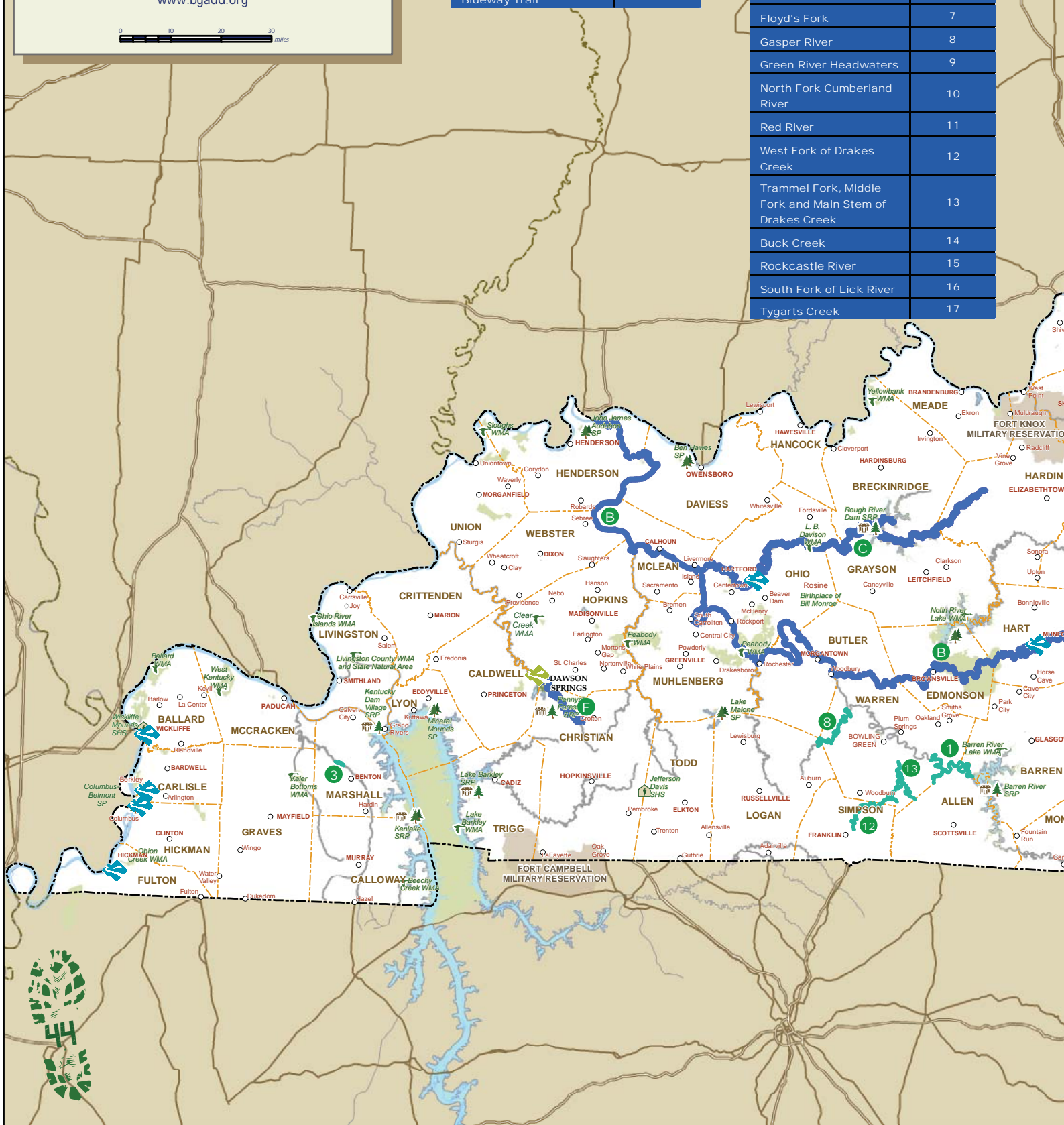
## Blue Water Trails Map

Bluegrass Area Development District  
 699 Perimeter Drive  
 Lexington, Kentucky 40517  
 (859) 269-8021 - (859) 269-7917  
 www.bgadd.org



MAJOR BLUE WATER TRAILS	
NAME	ID POINT
Kentucky River Water Trail	A
Green River Water Trail	B
Rough River Water Trail	C
Russell Fork & Levisa Fork Big Sandy Water Trail	D
Licking River Water Trail	E
Tradewater River Blueway Trail	F

SECONDARY BLUE WATER TRAILS	
NAME	ID POINT
Barren River Below the Dam	1
Big South Fork	2
Clarks River National Wildlife Refuge	3
Cumberland River below the Falls	4
Cumberland River Tailwater	5
Elkhorn Creek	6
Floyd's Fork	7
Gasper River	8
Green River Headwaters	9
North Fork Cumberland River	10
Red River	11
West Fork of Drakes Creek	12
Trammel Fork, Middle Fork and Main Stem of Drakes Creek	13
Buck Creek	14
Rockcastle River	15
South Fork of Lick River	16
Tygarts Creek	17

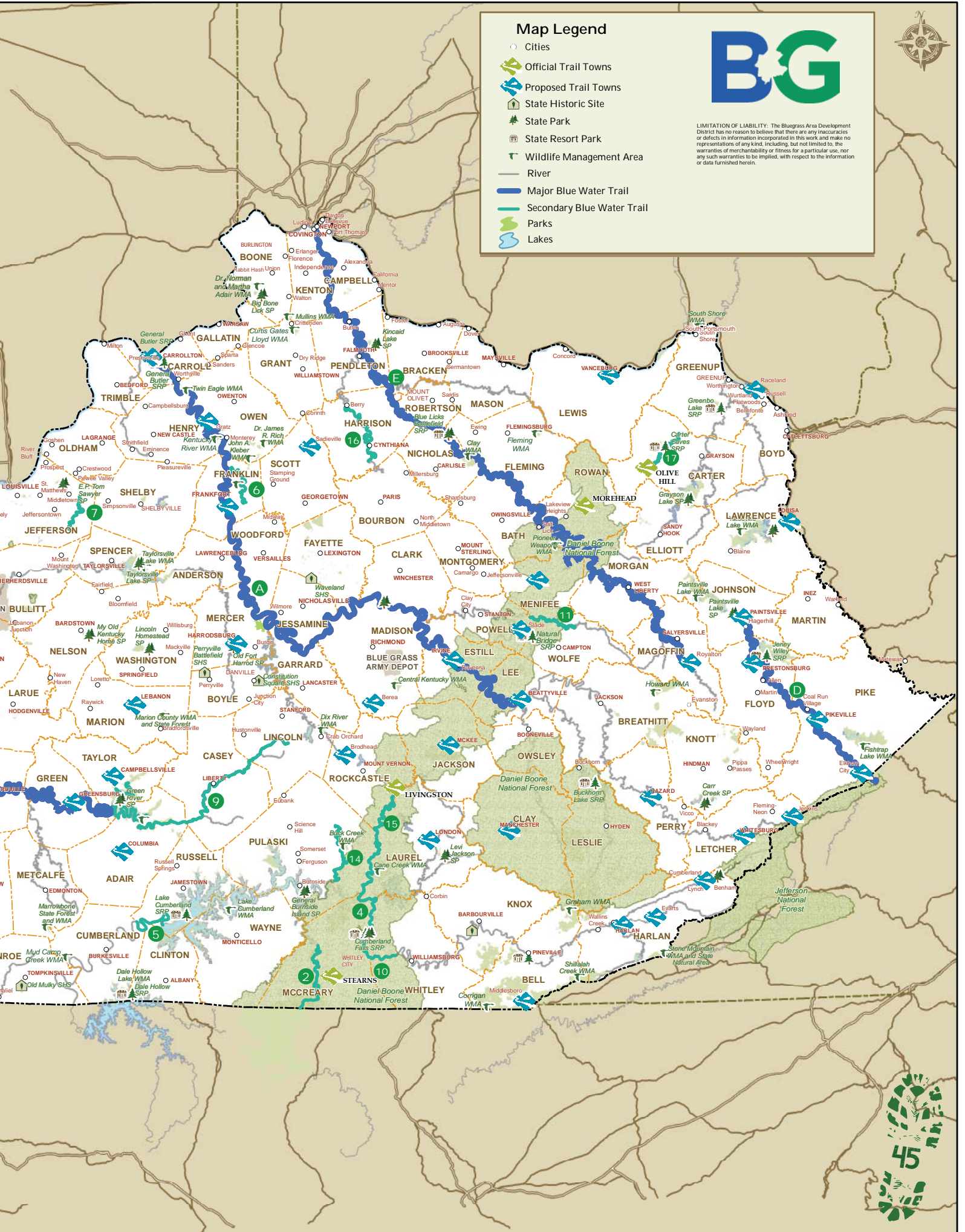


# Map Legend

- Cities
- 🏡 Official Trail Towns
- 🚶 Proposed Trail Towns
- 🏠 State Historic Site
- 🌲 State Park
- 🏨 State Resort Park
- 🌿 Wildlife Management Area
- River
- 👉 Major Blue Water Trail
- 👉 Secondary Blue Water Trail
- 🌳 Parks
- 🌊 Lakes



LIMITATION OF LIABILITY: The Bluegrass Area Development District has no reason to believe that there are any inaccuracies or defects in information incorporated in this work and make no representations of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor any such warranties to be implied, with respect to the information or data furnished herein.



# Appendix - A

## SAMPLE MOU

### MEMORANDUM OF UNDERSTANDING FOR EXTENDED MAINTENANCE OF BICYCLE AND PEDESTRIAN FACILITIES

**Between:**

*The Kentucky Transportation Cabinet (KYTC)*

and

*The City of \_\_\_\_\_*

The Parties to this Memorandum of Understanding (MOU) agree to the following

**Article 1: Purpose and Scope**

This is an extended maintenance agreement and plan for the multi use path and sidewalk along KY-245 in \_\_\_\_\_

**Article 2: Conditions and Arrangements**

The multi use path along KY-245 shall be constructed by the Kentucky Transportation Cabinet and shall be maintain by the City of \_\_\_\_\_

**Recommended Policy for Maintenance of Bicycle and Pedestrian Facilities (Sidewalks)**

Maintenance of sidewalks within city limits is the responsibility of the city. Maintenance of sidewalks outside city limits is the responsibility of the Kentucky Transportation Cabinet (KYTC) if the KYTC constructed the facility. Maintenance of facilities constructed by the fiscal court or city is the responsibility of that entity.

Maintenance by the KYTC is limited to repairing the surface, mowing, and clearing vegetation. This maintenance is on the same schedule as normal roadway maintenance.

**Bicycle Lanes**

Maintenance of bicycle lanes is considered incidental to normal KYTC roadway maintenance. Maintenance by the KYTC is limited to repairing the surface, resurfacing, removing snow, striping, signing, and sweeping (if the KYTC normally sweeps the roadway). This maintenance is on the same schedule as normal roadway maintenance.

**Shared Use Paths**

Maintenance of shared-use paths is the responsibility of the local government.



**Article 3:**

This agreement shall be made final after the construction is finished and the two parties (KYTC & City of \_\_\_\_\_) sign the MOU agreement.

**Article 4:**

This MOU shall be considered the extended agreement for all future bicycle and or pedestrian facilities that may be constructed by KYTC or for bicycle and or pedestrian facilities constructed along or on any roadway maintained by the KY Transportation Cabinet.

The present MOU elucidates the general conditions and arrangements for future cooperation between the concerned parties. It is not legally binding on the parties. The exact terms and conditions of this future cooperation will be negotiated in due course and laid down in a contract, should circumstances permit.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

For and on behalf  
of: \_\_\_\_\_  
Date: \_\_\_\_\_

For and on behalf  
of: \_\_\_\_\_  
Date: \_\_\_\_\_



# Appendix - B

## KRS 411.190

### 411.190 Obligations of owner to persons using land for recreation.

- (1) As used in this section:
  - (a) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty;
  - (b) "Owner" means the possessor of a fee, reversionary, or easement interest, a tenant, lessee, occupant, or person in control of the premises;
  - (c) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, bicycling, horseback riding, pleasure driving, nature study, water-skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites; and
  - (d) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land but does not include fees for general use permits issued by a government agency for access to public lands if the permits are valid for a period of not less than thirty (30) days.
- (2) The purpose of this section is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.
- (3) Except as specifically recognized by or provided in subsection (6) of this section, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes.
- (4) Except as specifically recognized by or provided in subsection (6) of this section, an owner of land who either directly or indirectly invites or permits without charge any person to use the property for recreation purposes does not thereby:
  - (a) Extend any assurance that the premises are safe for any purpose;
  - (b) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; or
  - (c) Assume responsibility for or incur liability for any injury to person or property caused by an act or omission of those persons.
- (5) Unless otherwise agreed in writing, the provisions of subsections (3) and (4) of this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.
- (6) Nothing in this section limits in any way any liability which otherwise exists:
  - (a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; or
  - (b) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the state or a subdivision thereof, any consideration received by the owner for the lease shall not be deemed a charge within the meaning of this section.
- (7) Nothing in this section shall be construed to:





- (a) Create a duty of care or ground of liability for injury to persons or property;
  - (b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this section to exercise care in his use of the land and in his activities thereon, or from the legal consequences of failure to employ such care; or
  - (c) Ripen into a claim for adverse possession, absent a claim of title or legal right.
- (8) No action for the recovery of real property, including establishment of prescriptive easement, right-of-way, or adverse possession, may be brought by any person whose claim is based on use solely for recreational purposes.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 306, sec. 2, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 338, sec. 12, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 275, sec. 12, effective July 15, 1998. -- Created 1966 Ky. Acts ch. 252, secs. 1 to 7.



# Appendix - C

## HOW TO START A NON-PROFIT ORGANIZATION

1. Contact the Kentucky Secretary of State's office to check for the availability of your organization's proposed name and ask for information on how to file the application for incorporation.
2. Write and file the organization's Articles of Incorporation with the Kentucky Secretary of State to become incorporated. The Articles of Incorporation should be written in general terms because they are difficult to amend once established. Include certain Internal Revenue Service (IRS) "organizational test language" to ensure that the group's activities are legally tax-exempt.
3. Write bylaws to address issues, such as membership, board-of-director policies, fiscal management, and amendments. Bylaws are fairly easy to amend and need not be as definitive as the Articles of Incorporation.
4. Obtain tax-exempt status from the IRS. Call the IRS (800/829-3676) or apply online at <http://www.irs.gov/charities/charitable/index.html> (click on "Application for Recognition of Exemption," click the "online" link, and follow the instructions) and request the following documents:
  - a. IRS Publication 4220, "Applying for 501(c)(3) Tax-exempt Status" (provides basic info on the 5 w's of exemption);
  - b. Form SS-4, "Application for Employer Identification Number (EIN);"
  - c. Form 1023: "Application for Recognition of Exemption;"
  - d. Form 2848, "Power of Attorney/Declaration of Representation" (optional; only if someone other than your organization's principle officer or director will represent you on matters about the application);
  - e. Form 8821, "Tax Information Authorization" (optional; if you want the IRS to be able to provide information about your application to an employee other than a principal officer or director.)
5. The IRS will also review your group's proposed legislative activities by looking at the amount of staff time, resources, and effort it proposes to expend on lobbying. The IRS only allows 501(c)(3) organizations a limited ability to lobby for legislation and no opportunity to campaign for a candidate's election. However, 501(c)(3) organizations are allowed to freely advocate for any non-legislative issue.
6. Once tax-exempt status is achieved contact the Kentucky State Attorney General's Office, Charities Division, to register as a charitable organization. Prior to any solicitation, every charitable organization required by the IRS to file a federal Form 990 or for which contributions are solicited must file with the Attorney General a copy of its most recent Form 990 unless exempted by KRS 367.660. If this is the organization's initial registration with the Attorney General, it must file the following documents:



- a. copy of its most recent IRS Form 990
  - i. If the charity has not yet filed an IRS Form 990, a completed Unified Registration Statement (URS) for Charitable Organizations must be submitted. The URS can be found here: <http://www.multistatefiling.org/>.
  - ii. A copy of its IRS Determination letter
  - iii. A copy of its bylaws and Articles of Incorporation

Charitable organizations are required to file IRS Form 990 annually with the Kentucky Attorney General.

7. The organization should also contact the Kentucky Department of Revenue to find out if it is required to register or complete any other documentation.
8. IRS Form 990 must be completed annually and submitted to the IRS. Form 990, 990-EZ, or 990-PF must be filed by the 15th day of the 5th month after the end of your organization's accounting period. Forms 990, 990-EZ, and 990-PF can be found at the following links:
  - a. <http://www.irs.gov/pub/irs-pdf/f990.pdf>;
  - b. <http://www.irs.gov/pub/irs-pdf/f990ez.pdf>;
  - c. <http://www.irs.gov/pub/irs-pdf/f990pf.pdf>

Use Form 8868 to request an automatic 3-month extension of time to file Form 990, 990-EZ, or 990-PF and also to apply for an additional (not automatic) 3-month extension if needed. Do not apply for both the automatic 3-month extension and the additional 3-month extension at the same time. For more information, see Form 8868 and its instructions: <http://www.irs.gov/pub/irs-pdf/f8868.pdf>.

Consider hiring an attorney to help guide you through the process of filing for 501(c)(3) status; many will provide this service for free. As for filing these documents with the IRS, first file Form SS-4 to obtain your new EIN number. Then, file Form 1023 within 15 months of the founding of your organization, explaining the purpose of your organization and why it should be exempt from taxation. Forms 2848 and 8821 should be attached to Form 1023 only if applicable.

The Commonwealth of Kentucky also has a One Stop Business Registration System that an organization may be able to utilize to register with the Secretary of State and the Department of Revenue online. The Kentucky One Stop Business Portal can be accessed at <http://onestop.ky.gov>.

Source: <http://www.rurdev.usda.gov/SupportDocuments/tn16StartNonprofit.pdf>



# Appendix - D

## EXAMPLE PERMISSION FORM AND LIABILITY WAIVER TO ENTER PROPERTY

### Release and Permission Form

I (Name), \_\_\_\_\_, intending to be legally bound, do hereby waive for myself and anyone claiming through me, my right to use (Landowner) \_\_\_\_\_, their heirs, successors, administrators and assigns, for personal injury and /or property damage incurred while on the property of (Landowner) \_\_\_\_\_.

This release is also intended to preclude the parties and their heirs, executors, administrators, successors and assigns from joining (Landowner) \_\_\_\_\_ as an additional defendant in any action.

The waiver is given in consideration for permission for the party named herein to enter upon the lands of (Landowner) \_\_\_\_\_ during the time period from (Date) \_\_\_\_\_ to (Date) \_\_\_\_\_.

Signed, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Signature) \_\_\_\_\_

(Witness) \_\_\_\_\_

Source: Pennsylvania Greenways Partnership



# Appendix - E

## INTERNAL REVENUE CODE

### Internal Revenue Code, Section 170(h)

#### QUALIFIED CONSERVATION CONTRIBUTIONS, AS AMENDED

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This Act became law on December 17, 1980 (Public Law 96-541, 26 U.S.C. 170(h) and has been amended three times.

Qualified conservation contribution	<b>Section 170(h)</b>
26 U.S.C. 170(h)(1), In general	(1) For purposes of subsection (f)(3)(B)(iii), the term “ <b>qualified conservation contribution</b> ” means a contribution— <ul style="list-style-type: none"><li>(A) of a qualified real property interest,</li><li>(B) to a qualified organization,</li><li>(C) exclusively for conservation purposes.</li></ul>
26 U.S.C. 170(h)(2), Qualified real property interest	(2) For purposes of this subsection, the term “ <b>qualified real property interest</b> ” means any of the following interests in real property: <ul style="list-style-type: none"><li>(A) the entire interest of the donor other than a qualified mineral interest,</li><li>(B) a remainder interest, and</li><li>(C) a restriction (granted in perpetuity) on the use which may be made of the real property.</li></ul>
26 U.S.C. 170(h)(3), Qualified organization	(3) For the purposes of paragraph (1), the term “ <b>qualified organization</b> ” means an organization which— <ul style="list-style-type: none"><li>(A) is described in clause (v) or (vi) of subsection (b)(1)(A), or</li><li>(B) is described in section 501(c)(3) and—<ul style="list-style-type: none"><li>(i) meets the requirements of section 509(a)(2), or</li><li>(ii) meets the requirements of section 509(a)(3) and is controlled by an organization described in subparagraph (A) or in clause (i) of this subparagraph.</li></ul></li></ul>
26 U.S.C. 170(h)(4), Conservation purpose defined, in general	(4)(A) For purposes of this subsection, the term “ <b>conservation purposes</b> ” means— <ul style="list-style-type: none"><li>(i) the preservation of land areas for outdoor recreation by, or the education of, the general public,</li><li>(ii) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,</li><li>(iii) the preservation of open space (including farmland and forest land) where such preservation is—<ul style="list-style-type: none"><li>(I) for the scenic enjoyment of the general public, or</li></ul></li></ul>



## Internal Revenue Code, Section 170(h)

	<p>(II) pursuant to a clearly delineated Federal, State, or local governmental conservation policy, and will yield a significant public benefit, or</p> <p>(iv) the preservation of a historically important land area or a certified historic structure.</p>
Certified historic structure	<p>(B) For purposes of subparagraph (A)(iv), the term “<b>certified historic structure</b>” means any building, structure, or land area which—</p> <p>(i) is listed in the National Register, or</p> <p>(ii) is located in a registered historic district (as defined in Section 47(c)(3)(B)) and is certified by the Secretary of the Interior to the Secretary [of the Treasury] as being of historic significance to the district.</p> <p>A building, structure, or land area satisfies the preceding sentence if it satisfies such sentence either at the time of the transfer or on due date (including extensions) for filing the transferor’s return under this chapter for the taxable year in which the transfer is made.</p>
26 U.S.C. 170(h)(5), Exclusively for conservation purposes	<p>(5) For purposes of this subsection—</p> <p>(A) A contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity.</p>
Conservation purpose must be protected	
No surface mining permitted	<p>(B)(i) Except as provided in clause (ii), in the case of a contribution of any interest where there is a retention of a qualified mineral interest, subparagraph (A) shall not be treated as met if at any time there may be extraction or removal of minerals by any surface mining method.</p>
Special rule	<p>(ii) With respect to any contribution of property in which the ownership of the surface estate and mineral interests has been and remains separated, subparagraph (A) shall be treated as met if the probability of surface mining occurring on such property is so remote as to be negligible.</p>
26 U.S.C. 170(h)(6), Qualified mineral interest	<p>(6) For purposes of this subsection, the term “<b>qualified mineral interest</b>” means—</p> <p>(A) subsurface oil, gas, or other minerals, and</p> <p>(B) the right to access to such minerals.</p>



# Appendix - F

## RECREATIONAL LAND USE AGREEMENT

### RECREATIONAL LAND USE AGREEMENT

This **RECREATIONAL LAND USE AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by and between \_\_\_\_\_ ( hereinafter referred to as “Grantor”) whose address is \_\_\_\_\_ and the **COMMONWEALTH OF KENTUCKY** , by and through the **FINANCE AND ADMINISTRATION CABINET** for the use and benefit of the **KENTUCKY RECREATIONAL TRAILS AUTHORITY** , **COMMERCE CABINET**, Capital Plaza Tower, 24<sup>th</sup> Floor, 500 Mero Street, Frankfort, Kentucky 40601 (hereinafter referred to as “Grantee”)

### WITNESSTH:

**WHEREAS**, the Grantor is the owner of certain real property (hereinafter “the Property”) located in \_\_\_\_\_ County , Kentucky and more particularly described in the deed attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, the purpose of this Recreational Land Use Agreement is to authorize the public to utilize that portion of the Property described herein for the recreational purpose(s) as defined below; and

**WHEREAS**, the parties enter into this agreement under the statutory provisions of KRS 148.795;

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, Grantor does hereby grant unto Grantee, over that portion of the Property described in Exhibit B, (the “Recreational Area”) the right to use the Recreational Area to construct, develop, manage, maintain , operate, improve , renovate, finance or otherwise provide for recreational facilities, to include trails, signage, stairways, steps, bridges, surfacing material, benches, trash receptacles and trail terminus parking for the following recreational activities: hiking, bicycling horseback riding, and all terrain vehicle riding. Any trails or other recreational facilities shall be constructed and maintained in conformance with generally accepted design standards, and may include paved and unpaved trail surfaces, at-grade shoulders, vegetative buffers, benches and such improvements as necessary to comply with all lawful requirements, including the Americans with Disabilities Act. Grantee shall be responsible for maintenance of the recreational facilities within the Recreational Area..

Except as expressly limited by this Agreement, Grantor may exercise and enjoy all rights as owner of the Property, including the right to use the Property for any purpose not inconsistent with this Agreement. Grantor may maintain, replace, and repair the existing fences, roads, corrals, barns, sheds, and other improvements within the Recreational Area as may be necessary for uses permitted by this Agreement.

Grantee shall have the right to post appropriate signs within the Recreational Area and to regulate public access to and activities within the Recreational Area and shall further have the right to require Grantor to keep the Recreational Area free from obstructions including but not limited to structures and fences, which prevent reasonable public access to and along the Recreational Area.

Grantee may, at its discretion, charge for a general use permit to access the Recreational Area. Grantee agrees that it is making this land open to public recreation use in accordance with KRS 148.795 and 411.190. As such, grantee is entitled to enjoy all of the protections of those statutes.



This Agreement shall be for a term of one(1) year from the date hereof and shall be automatically renewed for subsequent one (1) year periods unless either party gives written notice to the other party thirty(30) days prior to the expiration of the then existing term .

The parties agree that the provision of KRS 411.190 shall apply to the public's use of the Recreational Area for the recreational purposes authorized under this agreement.

The parties further agree that the rights granted under this agreement shall not create in the public or any user under this agreement any interest in the Property or the Recreational Area, nor shall that use ripen into adverse possession.

The parties further agree that the uses authorized herein shall not alter the land or the status of the land to make it unsuitable for mining pursuant to KRS 350.610 or be the basis for a denial of a mining permit pursuant to KRS 350.085 or other statutes or regulations of the Commonwealth of Kentucky.

All questions as to the execution, validity, interpretation, construction, and performance of this Agreement or any of its terms shall be governed by the laws of the Commonwealth of Kentucky, KRS 148.795 and 411.190. Any suit, action or proceeding with respect to this Land Use Agreement may only be brought in or entered by, as the case may be, the courts of the Commonwealth of Kentucky situated in Frankfort, Franklin County, Kentucky

IN WITNESS WHEREOF, the parties have executed this Recreational Land Use Agreement on the day and date set out above .

**GRANTOR:**

**GRANTEE:**

**Commonwealth of Kentucky, by and through the Finance and Administration Cabinet for the use and benefit of the Kentucky Recreational Trail Authority , Commerce Cabinet,**

\_\_\_\_\_

BY: \_\_\_\_\_

COMMONWEALTH OF KENTUCKY

COUNTY OF \_\_\_\_\_

I, the undersigned, a notary public duly authorized in the county and commonwealth aforesaid, do hereby certify that the foregoing Recreational Land Use Agreement was subscribed, sworn to, and acknowledged before me by \_\_\_\_\_, to be his free act and deed on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_





COMMONWEALTH OF KENTUCKY

COUNTY OF FRANKLIN

I, the undersigned, a notary public duly authorized in the county and commonwealth aforesaid, do hereby certify that the foregoing Recreational Land Use Agreement was subscribed, sworn to, and acknowledged before me by \_\_\_\_\_, Finance and Administration Cabinet, to be his free act and deed on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

THIS INSTRUMENT WAS PREPARED BY:

Signature: \_\_\_\_\_  
Attorney Name:  
Address:



**EXHIBIT "A"**  
**(Grantor's Deed)**

DRAFT



DRAFT

**Exhibit "B"**  
**The Recreational Area**



# Appendix - G

## SAMPLE MOA



**MEMORANDUM OF AGREEMENT  
BETWEEN THE  
DEPARTMENT OF PARKS  
AND**

\_\_\_\_\_  
**REGARDING**  
\_\_\_\_\_

**WHEREAS**, this Memorandum of Agreement (hereinafter "Agreement") is between the Commonwealth of Kentucky, Tourism, Arts and Heritage Cabinet, Department of Parks (hereinafter "DOP"), through the Finance and Administration Cabinet, and the \_\_\_\_\_ effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**WHEREAS**, The \_\_\_\_\_ would like to \_\_\_\_\_ (hereinafter the "Park") and improve t \_\_\_\_\_ on the Park for the education and benefit of the community.

**WHEREAS**, DOP wishes for \_\_\_\_\_ to be repaired, to retain its intrinsic and historical value, and utilized for the educations and benefit of the community.

**NOW, THEREFORE**, in consideration of the mutual covenants expressed herein, the Trust and DOP hereby promise and agree as follows:

**PURPOSE:**

This Agreement is being entered into to allow the \_\_\_\_\_ to fund repairs on \_\_\_\_\_ (hereinafter "the Work"), which specifically involves \_\_\_\_\_, as approved by DOP, to be done as funding allows.



**RESPONSIBILITIES OF THE KENTUCKY DEPARTMENT OF PARKS:**

- 1.) DOP shall assess the required repair work and report the necessary repairs to the \_\_\_\_\_;
- 2.) DOP shall provide full access to \_\_\_\_\_ to the contractor for their use, as specified above as the purpose of this Agreement;
- 3.) DOP shall provide oversight and plan review with the contractor;
- 4.) DOP shall ensure that all proper permits and insurance are obtained by the contractor; and
- 5.) DOP shall have final approval, prior to the beginning of work, on all plans, repairs, construction, and any related issues concerning the structure and appearance of \_\_\_\_\_, so as to retain its historical and intrinsic value.

**RESPONSIBILITIES OF \_\_\_\_\_ :**

- 1.) The \_\_\_\_\_, in financial support for the repairs to \_\_\_\_\_, will provide \_\_\_\_\_ dollars (\$00.00) for a the aforementioned repairs to \_\_\_\_\_, with the set funds provided; and
- 2.) The \_\_\_\_\_ shall provide the aforementioned financial support directly to the appointed contractor, who shall make said repairs to \_\_\_\_\_.

**GENERAL TERMS AND CONDITIONS OF THIS MEMORANDUM OF AGREEMENT:**

- 1.) **COMPLETE AGREEMENT:** This Agreement sets forth the entire understanding of the parties with respect to the subject matter hereof, supersedes all existing agreements among them concerning the subject matter hereof, and may be modified only by a written instrument duly executed by each of the parties hereto;



2.) **RIGHT TO SIGN:** The parties certify, by the signatures of duly authorized representatives hereinafter affixed, that they are legally entitled to enter into this Agreement, and that they will not be violating, either directly or indirectly, any conflict of interest statute of the Commonwealth of Kentucky by performance of this Agreement. Further, the parties covenant that they presently have no conflict of interest, in any manner or degree, with the performance of duties pursuant to this Agreement;

3.) **TERM OF AGREEMENT:** This Agreement is effective for the period beginning March \_\_, 201\_ and ending August \_\_, 201\_. This Agreement is non-renewable;

4.) **EFFECTIVE DATE:** All Memorandum of Agreements are not effective until the Secretary of the Finance and Administration Cabinet or her authorized designee has approved the agreement and the agreement has been submitted to the Government Contract Review Committee (hereinafter "GCRC"). However, Memoranda of Agreements \$50,000 or less are exempt from review by the GCRC and need only be filed with the GCRC within thirty (30) days of their effective date for informational purposes only as provided under KRS 45A.700;

KRS 45A.695(7) Payments on personal service contracts and memoranda of agreements shall not be authorized for services rendered after government contract review committee disapproval, unless the decision of the committee is overridden by the secretary of the Finance and Administration cabinet or agency head, if the agency has been granted delegation authority by the secretary.

5.) **COMPLIANCE WITH LAW:** The \_\_\_\_\_ agrees to abide by all current laws and regulations, both state and Federal, including, but not limited to:

- a.) The Executive Branch Code of Ethics (KRS Chapter 11A);
- b.) All state statutes relating to nondiscrimination;
- c.) The National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order No. 11514;
- d.) The Endangered Species Act of 1973, as amended (P.L. 93-205); and
- e.) All other applicable federal and state statutes and regulations relating to protection of the environment.



- 6.) **ACCESS TO RECORDS:** The \_\_\_\_\_ agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. The \_\_\_\_\_ also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. In the event of a dispute between the contractor and the contracting agency, Attorney General, or the Auditor of Public Accounts over documents that are eligible for production and review, the Finance and Administration Cabinet shall review the dispute and issue a determination, in accordance with Secretary's Order 11-004;
- 7.) **JURISDICTION AND VENUE:** The Parties hereby agree that this Agreement has been executed under and shall be governed in accordance with the laws of the Commonwealth of Kentucky. The Parties hereto agree that any legal action which is brought on the basis of said agreement shall be filed with the Franklin County Circuit Court of the Commonwealth of Kentucky;
- 8.) **INDEMNITY:** The \_\_\_\_\_ agrees to indemnify the Commonwealth of Kentucky, the Department of Parks, and/or its employees from any and all liability for compensatory and, to the extent permitted by applicable law, punitive damages or any related claims, suits, or expenses (including attorney fees), in connection with bodily injuries, including death, at any time resulting therefrom or in connection with any damages to or loss of property sustained by any person resulting from any negligent act or omission of the \_\_\_\_\_;
- 9.) **SOVEREIGN IMMUNITY:** Notwithstanding any other provision of this Agreement, any and all liability claims against DOP shall be brought in accordance with KRS 44.070 et seq. No clause or part of this Agreement shall constitute, either directly or indirectly,



a waiver of sovereign immunity granted under the Kentucky Constitution, Section 231, and the United States Constitution, Eleventh Amendment;

- 10.) **FUNDING OUT PROVISION:** DOP may terminate this contract if funds are not appropriated to the \_\_\_\_\_ or are not otherwise available for the purpose of making payments without incurring any obligation for payment after the date of termination, regardless of the terms of the agreement. The \_\_\_\_\_ shall be responsible for providing the contractor thirty (30) calendar days written notice of termination of the contract;
- 11.) **REDUCTION IN CONTRACT WORKER HOURS:** The Kentucky General Assembly may allow for a reduction in contract worker hours in conjunction with a budget balancing measure for some professional and non-professional service contracts. If under such authority the agency is required by Executive Order or otherwise to reduce contract hours, the contract will be reduced by the amount specified in that document.
- 12.) **EFFECT OF DEFICIENCY:** If a provision of this Agreement or the application thereof to any person or circumstance shall be declared to be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the fullest extent permitted by law;
- 13.) **CANCELLATION CLAUSE:** Any party shall have the right to terminate or cancel this Agreement for cause at any time, or without cause upon thirty (30) days written notice to the other parties, pursuant to 200 KAR 5:312;
- 14.) **VIOLATION OF TAX AND EMPLOYMENT LAWS:** KRS 45A.485 requires the contractor to reveal to the Commonwealth, prior to the award of a contract, any final determination of a violation by the contractor within the previous five (5) year period of the provisions of KRS chapters 136, 139, 141, 337, 338, 341, and 342. These statutes relate to the state sales and use tax, corporate and utility tax, income tax, wages and hours laws, occupational safety and health laws, unemployment insurance laws, and workers compensation insurance laws,





respectively.

To comply with the provisions of KRS 45A.485, the contractor shall report any such final determination(s) of violation(s) to the Commonwealth by providing the following information regarding the final determination(s): the KRS violated, the date of the final determination, and the state agency which issued the final determination.

KRS 45A.485 also provides that, for the duration of any contract, the contractor shall be in continuous compliance with the provisions of those statutes which apply to the contractor's operations, and that the contractor's failure to reveal a final determination as described above or failure to comply with the above statutes for the duration of the contract, shall be grounds for the Commonwealth's cancellation of the contract and the contractor's disqualification from eligibility for future state contracts for a period of two (2) years.

**CONTRACTOR MUST CHECK ONE**

\_\_\_\_\_ The contractor has not violated any of the provisions of the above statutes within the previous five (5) year period.

\_\_\_\_\_ The contractor has violated the provisions of one or more of the above statutes within the previous five (5) year period and has revealed such final determination(s) of violation(s). A list of such determination(s) is attached.

\*\*\*\*\*

This Agreement is subject to the terms and conditions as stated. By affixing signatures below, the Parties agree that electronic approvals may serve as electronic signatures. In addition, the Parties verify that they are authorized to bind this Agreement between Parties and that they accept the terms of the Agreement.



**IN WITNESS WHEREOF**, for the mutual promises herein, the Parties hereto have executed this Agreement as of the day and year indicated above.

**UNDERSTOOD AND AGREED TO BY:**

\_\_\_\_\_  
Name  
Title  
Address  
Phone

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name  
Title  
Address  
Phone

\_\_\_\_\_  
Date

**APPROVAL RECOMMENDED BY:**

\_\_\_\_\_  
Name  
Title  
Address  
Phone

\_\_\_\_\_  
Date

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Name  
Title  
Address  
Phone

\_\_\_\_\_  
Date



# Appendix - H

## FUNDING PROGRAMS

The following contains detailed information about funding sources that could be used to support adventure tourism related activities.

### **Appalachian Regional Commission (ARC)**

A federal-state economic development program restricted in Kentucky to a 54-county area of eastern and south-central portions of the state concerned with the economic, physical and social development of the 13-state Appalachian region. Appalachian Regional Commission funds are most often used for physical infrastructure projects but also may support education, workforce development, leadership/ civic building and affordable/accessible health care. Cities, counties, special districts, and non-profit entities are eligible.

ARC funds projects that address the four goals identified in the Commission's strategic plan:

Increase job opportunities and per capita income in Appalachia to reach parity with the nation.

Strengthen the capacity of the people of Appalachia to compete in the global economy.

Develop and improve Appalachia's infrastructure to make the Region economically competitive.

Build the Appalachian Development Highway System to reduce Appalachia's isolation.

To meet these goals, ARC helps fund such projects as education and workforce training programs, highway construction, water and sewer system construction, leadership development programs, small business start-ups and expansions, tourism development, asset-based development and development of health care resources.

Program grants are awarded to state and local agencies and governmental entities (such as economic development authorities), local governing boards (such as county councils), and nonprofit organizations (such as schools and organizations that build low-cost housing). Contracts are awarded for research on topics that directly impact economic development in the Appalachian Region.

While there is no maximum project amount the average grant size is \$275,000. A 20 percent local match is required in distressed counties and a 30 percent match is required from designated 'at-risk- counties. Otherwise, a 50 percent match is required. Some other restrictions may apply.

To apply for ARC funding, a pre-application must be submitted to the state office by the designated deadline for the following fiscal year. The states originate all ARC grant requests and no project may be funded unless a state's governor first approves it. For more information or a copy of the application contact the Department for Local Government, 1-800-346-5606 (toll free)

**Contact: Peggy Satterly (peggy.satterly@ky.gov), Department for Local Government, 1-800-346-5606 (toll free)**



### **Area Development Funds (ADF)**

ADF funds are state general funds available as grants to cities, counties and special districts for capital projects. Eligible activities include: construction, reconstruction, renovation, and maintenance of buildings and other improvements to real estate; acquisition of real property; major equipment purchases; industrial site development; installation of water, sewer, gas and electrical lines to public facilities and industrial sites; solid waste management or disposal systems needed to comply with law; and architectural, engineering and legal fees in connection with such projects. Eligible project costs incurred within the previous five years may be retroactively funded. There is no maximum project amount or local match requirement. Area Development Funds are awarded to each county. The Board of Directors of the Area Development District determines the manner in which the funds will be used.

**Contact: Area Development Districts, [www.kcadd.org](http://www.kcadd.org), 502-875-2515**

### **Community Development Block Grant (CDBG) – Kentucky Small Cities**

The CDBG program provides assistance to communities for use in revitalizing neighborhoods, expanding affordable housing and economic opportunities, providing infrastructure and/or improving community facilities and services. With the participation of their citizens, communities can devote these funds to a wide range of activities that best serve their own particular development priorities.

All project activities must meet at least one of three national objectives:

1. benefit to low and moderate income persons
2. prevention or elimination of slums or blight
3. meeting particularly urgent community development needs.

All cities and counties are eligible to apply for the funds with the exception of Ashland, Bowling Green, Covington, Elizabethtown, Henderson, Hopkinsville, Lexington-Fayette County, Louisville/Jefferson County Metro Government, and Owensboro. These entitlement communities receive CDBG funds directly from HUD. CDBG funds are federal funds allocated by HUD and must comply with numerous federal regulations such as Davis-Bacon wage rates, procurement standards and environmental review procedures, fair housing/equal opportunity, financial management and acquisition requirements. All requirements are set forth in the CDBG Handbook.

**Contact: Lynn Travis Littrell ([lynn.littrell@ky.gov](mailto:lynn.littrell@ky.gov)), Executive Director, Department for Local Government, 1-800-346-5606 (toll free)**

### **CDBG Kentucky Small Cities: Community Projects**

The Community program is designed to provide funds for community development projects that address human service needs, such as senior centers, crisis centers, fire stations and facilities that provide services to low-income persons. As part of the Commonwealth's allocation from the CDBG program, these projects have been allocated \$5,000,000 for 2014 with the maximum amount of \$500,000 of CDBG



funding per community. All cities and counties are eligible to apply for the funds with the exception of entitlement communities.

**Contact: Travis Weber (travis.weber@ky.gov), Department for Local Government, 1-800-346-5606 (toll free)**

### **CDBG Kentucky Small Cities: Economic Development**

The Economic Development Branch works to fund development activities that create or retain jobs principally benefiting low and moderate income (LMI) persons. Additional goals provide for the training and provision of human services that allow for the professional advancement of LMI persons. As part of the Commonwealth's allocation from the CDBG program, these projects have been allocated \$4,500,000 for 2014 with up to \$1,000,000 of CDBG funding per community. All cities and counties with the exception of designated entitlement areas are eligible. Multi-Jurisdiction Applications may jointly request \$2 million provided that the \$1 million per jurisdiction is not exceeded. Multi-Jurisdiction Non-Traditional Economic Development applicants may request up to \$500,000 if the \$250,000 per jurisdiction is not exceeded. Basic guidelines include limits on the level of CDBG participation proposed in a project. The CDBG cost should not exceed \$20,000 per job. CDBG participation should be limited to one third of the total project.

**Contact: Gabe Nickell (gabe.nickell@ky.gov), Department for Local Government, 1-800-346-5606 (toll free)**

### **CDBG Kentucky Small Cities: Micro-Enterprise Development**

Micro-Enterprise Development allows for assistance to public and private organizations to enable expansion, development or general support for LMI owners of micro-enterprise businesses or LMI persons seeking to develop a micro-enterprise business. Micro-enterprise development grants (maximum amount of \$50,000 per community) are funded through the Economic Development branch. Multi-Jurisdiction Micro-enterprise applicants may request up to \$50,000 per jurisdiction only. Basic guidelines include limits on the level of CDBG participation proposed in a project. The CDBG cost should not exceed \$20,000 per job. CDBG participation should be limited to one third of the total project.

**Contact: Gabe Nickell (gabe.nickell@ky.gov), Department for Local Government, 1-800-346-5606 (toll free)**

### **CDBG Kentucky Small Cities: Public Facilities**

The Public Facilities Branch provides funding to primarily develop Kentucky's water and wastewater systems. As part of the Commonwealth's allocations from the CDBG program, these projects have been allocated \$6,600,000 for 2014 with the maximum amount of \$1,000,000 of CDBG funding per community. Self-help grants (maximum amount of \$250,000 per project) are funded under this branch. All cities and counties are eligible to apply for the funds with the exception of entitlement communities.

**Contact: Marilyn Eaton-Thomas (marilyn.eaton-thomas@ky.gov), Department for Local Government, 1-800-346-5606 (toll free)**

### **Cross Kentucky Master Trail Plan**

A How-to Guide for Trail Development



### **Land and Water Conservation Fund (LWCF)**

The LWCF provides federal grant funds to protect important natural areas, acquire land for outdoor recreation and to develop or renovate public outdoor recreation facilities such as campgrounds, picnic areas, sports & playfields, swimming facilities, boating facilities, fishing facilities, trails, natural areas and passive parks. Cities, counties, state and federal agencies are eligible to apply for funding. The minimum amount is \$5,000. The maximum grant amount is \$75,000. It is a matching reimbursement program. You must submit to the State Clearinghouse for the Intergovernmental Review Process or request an update on previous comments to be eligible for funding. All recreational facilities that have received LWCF assistance must stay outdoor recreational for perpetuity.

**Contact: Jodie McDonald (jodie.mcdonald@ky.gov), Department for Local Government, 1-800-346-5606 (toll free)**

### **Local Government Economic Assistance Fund (LGEAF)**

The Local Government Economic Assistance Fund (LGEAF) is a program of revenue sharing for Kentucky counties and cities. The LGEAF returns a portion of state collected coal and non-coal mineral severance taxes to eligible local governments in accordance with KRS 42.450 – KRS 42.495. There are two, somewhat distinct aspects of the program, one for coal severance receipts and one for non-coal minerals receipts. The LGEAF program should not be confused with a similarly named, but entirely distinct program known as the LGEDF.

\*No application is needed to access these funds. Funds are automatically distributed to eligible recipients on a quarterly basis.\*

**Contact: Amy Barnes (amy.barnes@ky.gov)**

### **Local Government Economic Development Fund (LGEDF)**

Coal severance grants are available for any coal-producing county to assist in diversifying local economies beyond coal production through the LGEDF grant process. LGEDF grant money can also be granted to specified entities by line-item appropriation.

HB 265, the Fiscal Year (FY) 2013-2014 biennial budget of the Commonwealth, expands the definition of eligible grant activities to include nonrecurring investments in the following: public health and safety; economic development, including industrial development; public infrastructure; information technology development and access; and public water and wastewater development.

**Contact: Amy Barnes (amy.barnes@ky.gov), Department for Local Government, 1-800-346-5606 (toll free)**



## Recreational Trails Program (RTP)

The Recreational Trails Program (RTP) is funded by the Federal Highway Administration (FHWA). It can be used to provide assistance for acquisition of easements, development and/or maintenance of recreational trails and trailhead facilities for both motorized and non-motorized use. The Recreational Trails Program benefits communities and enhances quality of life. It does not fund equipment such as mowers, gators or trucks. All trails that have received FHWA funding must remain open to the public and maintained for perpetuity. Eligible applicants are city and county governments, state and federal agencies. Non-profit organizations must partner with a governmental entity. You must also submit to the State Clearinghouse for the Intergovernmental Review Process or request an update on previous comments to be eligible for funding. The minimum grant request is \$5,000.00; the maximum grant request is \$100,000.00. This is a matching reimbursement grant program: 50/50 Match for Non-Motorized projects, 80/20 Match for Motorized projects. Additional requirements apply.

**Contact: Jodie McDonald (jodie.mcdonald@ky.gov), Department for Local Government, 1-800-346-5606 (toll free)**

## Kentucky Historic Preservation Tax Credit Program

The Kentucky Heritage Council administers the Kentucky Historic Preservation Tax Credit program in partnership with the Kentucky Department of Revenue, and the Federal Historic Rehabilitation Tax Credit program in partnership with the National Park Service. Both of these credits are intended as incentives for private investment in historic buildings throughout the Commonwealth.

30% of qualified rehabilitation expenses is offered as a state tax credit for owner-occupied residential properties. A minimum investment of \$20,000 is required, with the total credit not to exceed \$60,000. Twenty percent of qualified rehabilitation expenses is available for all other properties, requiring a minimum investment of \$20,000 or the adjusted basis, whichever is greater. The total credit for a project must not exceed \$400,000. "Other" properties include commercial and industrial buildings, income-producing properties, historic landscapes and properties owned by governments and non-profit organizations.

Those eligible to apply for the credit include:

1. Individuals
2. Businesses
3. Non-profit organizations
4. Governments
5. A "first purchaser" of a principal residence following rehabilitation

Currently the amount of historic preservation tax credits allowed for all taxpayers for each calendar year is \$5 million. If that limit is exceeded by approved projects, an



apportionment formula will be applied to determine the amount of the credit that will be awarded per project. As a result, the final credit awarded to each project may be less than the entire percentage for which the project is eligible. Other restrictions apply.

**Contact: Mike Radeke (mike.radeke@ky.gov), 502-564-7005 ext.141**

### **Kentucky Heritage Land Conservation Fund**

Established in 1994, KHLCF provides funding for preserving and conserving natural areas that possess unique features such as:

1. Areas that are a habitat for rare and endangered species.
2. Areas important to migratory birds.
3. Areas that perform important natural functions that are subject to alteration or loss.
4. Areas to be preserved in their natural state for public use, outdoor recreation and education.

The Heritage Land Conservation Fund Board gives special consideration to funding agencies working together to meet these goals. Revenue for the fund comes from the nature license plate, the state portion of the unmined minerals tax and environmental fines. The Environmental Education Council receives \$150,000 of environmental fines each year for environmental education programs.

**Contact: Zeb Weese (Zeb.Weese@ky.gov), 502-564-2320**

### **Transportation Enhancement Program**

Transportation Enhancements (TE) are transportation-related activities that are designed to strengthen the cultural, aesthetic, historic, and environmental aspects of our transportation infrastructure. Federal funding is available to local governments, universities, and state agencies to provide support for transportation and community improvement projects.

At a minimum, all projects must have a relationship to the surface transportation system and fall under one of the following twelve eligible categories to be considered for TE funding:

- Pedestrian & bicycle facilities
- Pedestrian & bicyclist safety and education
- Acquisition of scenic or historic easements & sites, including battlefields
- Scenic or historic highway programs
- Landscaping and Scenic beautification
- Historic preservation
- Historic transportation buildings





- Rail corridor preservation
- Inventory, control, and removal of outdoor advertising
- Archaeological planning and research
- Environmental mitigation
- Transportation museums

**Contact: Jackie Jones (jackie.jones@ky.gov), 502-564-2060**

## **KY PRIDE**

The PRIDE initiative promotes Personal Responsibility In a Desirable Environment in 42 counties in Southern and Eastern Kentucky. The PRIDE initiative is coordinated by Eastern Kentucky PRIDE, Inc., a nonprofit organization. It links citizens with the resources of local, state, and federal agencies to improve the region's water quality, clean up solid waste problems, and advance environmental education.

Eastern Kentucky PRIDE has developed a variety of programs over the years, including PRIDE Community Grants for local cleanup projects, PRIDE SuperGrants for removing massive illegal dumps, PRIDE Wastewater Construction Grants for expanding sewer services, PRIDE Homeowner Septic System Grants for low-income homeowners, and PRIDE Environmental Education Grants for hands-on stewardship lessons.

**Contact: [www.kypride.org](http://www.kypride.org), 606-677-6150**

## **KY PRIDE: Community Grant Program**

The PRIDE Community Grant program is designed to support local efforts to clean our land and water resources. The program encourages community and citizen involvement in projects in order to promote personal responsibility for the environment.

Eligible applicants are counties, cities, other public entities and nonprofit organizations.

The grants can be used for a variety of environmental improvement projects, such as disposing of trash collected during community cleanup events, removing illegal dumps, appliance buy-back programs, recycling programs, wetland construction, certain equipment purchases and other environmental restoration projects.

**Contact: [www.kypride.org](http://www.kypride.org), 606-677-6150**

## **KY PRIDE: U.S. Army Corps of Engineers Section 531 Program**

The U.S. Army Corps of Engineers, a founding partner in the PRIDE initiative, administers the Section 531 program. Funds are available for wastewater projects that:

1. Demonstrate innovative wastewater treatment approaches,
2. Serve rural areas not likely to be addressed in the near future by other traditional funding sources, or



3. Have secured funding from other sources but still need a small amount of financial assistance to be implemented

This program awards 75% of the project's cost, and the grant recipient must provide the remaining 25%. Eligible applicants are counties, cities, wastewater utilities and nonprofit organizations in the 5th Congressional District. Please note that, unlike the other PRIDE programs, this program is available only to counties in the 5th Congressional District.

**Contact: [www.kypride.org](http://www.kypride.org), 606-677-6150**

### **KY PRIDE: Environmental Education Grant Program**

The PRIDE Environmental Education Grant program supports projects that help young people understand the importance of a clean environment, personal responsibility and community pride. Projects emphasize hands-on activities, and students are encouraged to share their lessons and serve their communities. The one-year grants are available through an application process to schools, nonprofit organizations and other educators in the 38 counties served by PRIDE.

The grant value varies annually, based on available funds. A monetary or in-kind match is required.

**Contact: [www.kypride.org](http://www.kypride.org), 606-677-6150**

### **Economic Development Administration (EDA)**

The U.S. Economic Development Administration's investment policy is designed to establish a foundation for sustainable job growth and the building of durable regional economies throughout the United States. This foundation builds upon two key economic drivers - innovation and regional collaboration. Innovation is key to global competitiveness, new and better jobs, a resilient economy, and the attainment of national economic goals. Regional collaboration is essential for economic recovery because regions are the centers of competition in the new global economy and those that work together to leverage resources and use their strengths to overcome weaknesses will fare better than those that do not. EDA encourages its partners around the country to develop initiatives that advance new ideas and creative approaches to address rapidly evolving economic conditions.

**Contact: Pam Farmer ([pfarmer@eda.gov](mailto:pfarmer@eda.gov)), 404-730-3026**

### **EDA: Economic Development Assistance Programs**

Under this FFO, EDA solicits applications from applicants in rural and urban areas to provide investments that support construction, non-construction, technical assistance, and revolving loan fund projects under EDA's Public Works and Economic Adjustment Assistance programs. Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities.

**Contact: Pam Farmer ([pfarmer@eda.gov](mailto:pfarmer@eda.gov)), 404-730-3026**



### **EDA: Planning and Local Technical Assistance Programs**

Under the Planning program EDA assists eligible recipients in creating regional economic development plans designed to stimulate and guide the economic development efforts of a community or region.

**Contact: Pam Farmer (pfarmer@eda.gov), 404-730-3026**

### **U. S. Department of Agriculture – Rural Development (RD)**

Rural Development was created in 1994 when rural economic and community development programs that has been splintered among various USDA agencies were forged into a new mission area. With this action, the Farmers Home Administration, Rural Development Administration, Rural Electrification Administration and Agricultural Cooperative Service passed into history, but their tradition of service is being carried on by USDA Rural Development.

RD works with rural communities to fund projects that bring housing, community facilities, utilities and other services to rural areas. USDA also provides technical assistance and financial backing for rural businesses and cooperatives to create quality jobs in rural areas.

Rural Development programs are administered through three services: the Rural Utilities Service (RUS), the Rural Business-Cooperative Service (RBS) and the Rural Housing Service (RHS). Programs and services are provided through the USDA Rural Development's network of State and local offices. Through these services, RD can sometimes offer a combination of grant and loan funds.

**Contact: Thomas Fern, State Director, <http://www.rurdev.usda.gov/ky/>, (1-859-224-7300)**

### **Environmental Protection Agency (EPA)**

The mission of EPA is to protect human health and the environment. EPA provides support for community-based projects, programs and activities that seek to address local environmental, justice and public health issues and enhance environmental justice and community-based environmental protection. Most EPA funds have been awarded in the past as line items and are achieved as part of the federal budget. Funding opportunities follow the federal fiscal year.

**Contact: Area Development Districts, [www.kcadd.org](http://www.kcadd.org), 502-875-2515**

### **EPA: Brownfield Cleanup Grants**

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands. Projects with an end recreational or greenspace use are often funded with high priority, which makes this a good source to consider for adventure tourism and adventure tourism related projects.



Cleanup grants provide funding for a grant recipient to carry out cleanup activities at brownfield sites. An eligible entity may apply for up to \$200,000 per site. Due to budget limitations, no entity can apply for funding cleanup activities at more than three sites. These funds may be used to address sites contaminated by petroleum and hazardous substances, pollutants, or contaminants (including hazardous substances co-mingled with petroleum). Cleanup grants require a 20 percent cost share, which may be in the form of a contribution of money, labor, material, or services, and must be for eligible and allowable costs (the match must equal 20 percent of the amount of funding provided by EPA and cannot include administrative costs). A cleanup grant applicant may request a waiver of the 20 percent cost share requirement based on hardship. An applicant must own the site for which it is requesting funding at time of application. The performance period for these grants is three years.

**Contact: Area Development Districts, [www.kcadd.org](http://www.kcadd.org), 502-875-2515**

#### **Foundations and Other Funding Sources**

A foundation (also a charitable foundation) is a legal categorization of nonprofit organizations that will typically either donate funds and support to other organizations, or provide the source of funding for its own charitable purposes. These funding sources often come with varying requirements and government entities are not eligible for funding. If you are or are partnering with a non-profit or foundation organization you should contact the Kentucky Nonprofit Network.

**Contact: [www.kynonprofits.org](http://www.kynonprofits.org), 859-963-3203**



# Appendix - I

## DEVELOPING WATER TRAILS & ADVENTURE WATER PROJECTS

### Developing Water Trail & related Adventure Water Projects in Kentucky



May 2011





## TOURISM, ARTS AND HERITAGE CABINET

**STEVEN L. BESHEAR**  
GOVERNOR

**BOB STEWART**  
SECRETARY

2400 CAPITAL PLAZA TOWER  
500 MERO STREET  
FRANKFORT, KENTUCKY 40601  
502-564-4270 - OFFICE  
502-564-1512 - FAX

**LINDY CASEBIER**  
DEPUTY SECRETARY

**MATT SAWYERS**  
DEPUTY SECRETARY

Dear Water Trail/Project Developers,

The Office for Adventure Tourism offers assistance to local communities interested in developing Blue Water Trails on rivers and lakes throughout Kentucky. Kentucky has more miles of rivers, streams, and lake shoreline than any state but Alaska.

Our water ways (Blue Water Trails) are resources that can not be outsourced. It is an economic opportunity for communities and businesses to consider investing in. Look into developing a 'Kentucky Trail Town' atmosphere where paddlers can come for food, lodging, shopping, and rest during trips.

A complete packet is enclosed to provide guidance and suggest funding sources.

If this is something that interests your community, please feel free to call or email me for assistance.

Sincerely,

Elaine H. Wilson  
Executive Director  
Office for Adventure Tourism  
Tourism, Arts, and Heritage Cabinet

502-564-4270 office  
502-229-9826 cell

[Elaine.wilson@ky.gov](mailto:Elaine.wilson@ky.gov)  
[www.getoutKY.com](http://www.getoutKY.com)



May 2011

## Kentucky Tourism, Arts, and Heritage Cabinet Goals

### for Blue Water Trails, Whitewater Parks, and other river/lake projects

#### Agencies that can provide resources to assist in Water Way Development:

- Office of Adventure Tourism
- National Park Service River Trails & Conservation Assistance Program
- Kentucky Department of Fish & Wildlife
- Kentucky Department of Travel and Tourism
- Kentucky Sports Authority
- Kentucky Department of Parks
- Kentucky Division of Water
- Kentucky Department of Local Government



Working with the all U.S. Army Corps of Engineers Districts, Kentucky River Authority, Kentucky River Alliance, TVA, U.S. Forestry, and National Recreation Areas and Parks in Kentucky.

#### Current status to promote water trails in Kentucky:

- KY Department of Fish & Wildlife (F&W) is mapping blue water trails in Kentucky at the rate of 4 – 5 per year. [www.fw.ky.gov/Education/Pages/Blue-Water-Trails.aspx](http://www.fw.ky.gov/Education/Pages/Blue-Water-Trails.aspx)
- Over a dozen outfitters serving Kentucky's waterways
- Outfitters are listed in the KY Adventure Guide and on the state tourism web site under adventure tourism. [www.getoutKY.com](http://www.getoutKY.com) or [www.kentuckyunbridledadventure.com](http://www.kentuckyunbridledadventure.com)
- Promotional events and PR is sent to our adventure participants' database monthly.
- Paddlers, outfitters, and retailers were successful in the formation of a state association that can plan, prioritize and seek coordination and legislation that will allow waterway projects to develop and flourish - Adventure Paddling Association of Kentucky (APAK) – [canoeky@aol.com](mailto:canoeky@aol.com).

#### Goals:

- Work with a state association having various representation of the paddling community - Adventure Paddling Association of Kentucky (APAK)
- Work with outfitters to establish needed river / lake access ramps and to develop relationships with land owners for route rest stops, camping, or emergency take out points. USDA monies available for this. Contact Kentucky Fish & Wildlife: 502-564-3400
- Work with all agencies interested in water ways in Kentucky and the paddling association (APAK) to gain downstream recreation as a project Purpose for Corps Districts in KY.
- Certify and train state park employees (naturalist/recreationalist) as paddlesports instructors through the grant program that the American Canoe Association funding provided by the US Coast Guard.
- Provide communities interested in specific water park development a procedural plan for implementation.
- Develop long distance routes such as around the LBL, Green, Kentucky, Licking, Cumberland and other Rivers, for multi-day trips, working with the goals of the state paddling association.
- Develop a guidebook for Blue Water Trails and Water Park Projects in KY.
- Promote these activities throughout KY in all retail businesses that carry the recreational supplies for river and lake recreation.
- Provide Department of Local Government (DLG) with goals for the paddling development for the Statewide Comprehensive Outdoor Recreation Plan (SCORP).
- Establish portages around locks and Dams

May 2011



## **Increasing Awareness of Kentucky's Rivers, Lakes, and Streams for the Paddling Community**



### **Organization:**

Form a non-profit organization/association similar to the KY Marina Association. It should consist of water sport businesspeople, outfitters, marina association members, paddlers, CVBs and local officials interested in water recreation. Contact Ed Council or Allison Depenbrock (Canoe KY) 502-227-8086 for membership.

- Various associations exist on the national level, but are insufficient to move things in the state. However, APAK should have these people in its membership.
- Determine the mission and goals.
- Prioritize your goals – which rivers, lakes, or projects do you intend to develop first
- Schedule your meetings during a float when you break for lunch or dinner. Invite key partnership reps in as advisors. Focus on one or two things.
- Build up membership and a participant's database.
- Communicate the decisions to all members.

### **Partnerships:**

- Join the Kentucky Travel Industry Association (KTIA - formerly the Kentucky Tourism Council)
- Join the Adventure Paddling Association of Kentucky (APAK)
- Work with Adventure Tourism, Dept. of Travel, KSA (paddle sports competitions) and KY State Parks
- Work with Fish & Wildlife and the Division of Water (Blue Water Trails, FINS program, river cleanups)
- Cultivate a relationship with the U.S. Army Corps of Engineers
- National Park Service, River, Trails, & Conservation Assistance Program - Russell Clark located at Mammoth Cave National Park, provide community planning assistance for trail development.

### **Develop events to raise awareness:**

- River clean ups – the Division of Water is a great resource for this
- Partner with Fish & Wildlife for boater safety and Leave No Trace Training, event teaches public boating safety.
- Partner with the FINS Fish & Wildlife Program for Fishing in Neighborhoods
- Blue Water Week – May kick off encouraging paddlers to get out and enjoy the over 90,000 miles of navigable waterways in Kentucky. This event should follow any clean-up event held after the spring rains.
- Build a state-wide participants database for future e-blasts on water events

### **White Water parks or any other construction in the waterway:**

- Once membership and a participants database is built up – get them to sign a petition or letter of support.

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- Ask other associations to assist in your mission – KTIA, KY Marina Association, other outdoor user groups for letters of support
- Go to your congressman and request a change in all the US Army Corps of Engineers Districts in KY Priority Purposes – Add Downstream Recreation as a Priority Purpose.
- No construction in the river beds or diversion of water can take place in KY rivers or streams without Corps approval. The Corp may not do that in KY because it is not a Priority Purpose of Corp operation.
- Downstream Recreation is a Priority Purpose in Maryland, West Virginia, and Colorado. Those states met with their congressmen and had that purpose added to the Corps districts that affected their states.

Water Trail Towns and/or Development of rest stop and camp areas along Water Ways:

- Towns can apply for Kentucky Trail Town Development & Certification through The Office of Adventure Tourism – 502-564-4270.
- Work with landowners at key locations and the USDA Public Access Grant Fish & Wildlife received to pay landowners for access to their land on waterways. This will allow paddlers to access camp areas, rest stops, and lunch stops.
- Work with Fish & Wildlife and local governments to put in key boat ramps for access.
- Work with local communities and private landowners along the waterway to have access points to towns for breaks, shopping, meals, camping, etc.

Legislation:

- Request local fiscal courts and communities pass a resolution supporting your work and designate June as Kentucky Paddling Month or Blue Water Month.
- Have members submit a state resolution for the Legislature to vote on designating the same.
- Have members submit a state resolution to encourage the US Army Corps of Engineers to add Downstream Recreation as a Priority Purpose where feasible.
- Submit the above to key US Congressmen and request the above be done.





## Developing Paddling Adventures in Kentucky

### Where we are today:

#### Businesses to grow the paddling sports:

- There are approximately 12 retailers for paddling sports in Kentucky
- There are 14 outfitters on or near Kentucky Rivers
- There are 97 marinas servicing Kentucky waters.

#### Statewide Projects:

- FINS – Fishing In Neighborhoods – A Kentucky Department of Fish & Wildlife Resources (F&W) project to grow water recreation such as fishing and boating. 36 Lakes participate in KY. <http://fw.ky.gov/Fish/Pages/Fishing-In-Neighborhoods.aspx>
- Blue Water Trails – A project of Adventure Tourism (AT) and F&W to map blue water trails – showing access points, rapids, pools for certain type fishing, and river and land features. 12 trails are currently mapped and available at <http://fw.ky.gov/Education/Pages/Blue-Water-Trails.aspx>
- Current Kentucky Water Trails projects – KY River Water Trail, Levisa Fork of the Big Sandy Water Trail, Licking River, and the Heartland Water Trail on the Green River, are projects to allow several day floats with Trail Town development along the way to provide services, outfitters, and needs of the paddler to market as destinations for paddling in Kentucky. Others can be developed.
- Boater Safety – F&W. Adding a component of Leave No Trace Outdoor Ethics training.
- All water trail outfitters, currently operating, are on the AT website.
- There are USDA Public Access Funds available through F&W to landowners who allow public access to their waterways. This can be instrumental in allowing rest stops for paddlers, access points for paddlers and camping.

### Growing the Paddling Community State Wide:

#### Organize a State Association: (completed in 2011)

- Make sure businesses, outfitters, paddlers, F&W, AT, Kentucky Sports Authority (KSA), River Authorities, and Tourism Commissions (CVB s) are all represented.
- Become an active tourism industry organization - join KTIA and lobby to gain legislative awareness/support

#### Tourism, Arts, & Heritage Cabinet leadership:

- Encourage the Department for Local Government (DLG) to give priority to water trail development that involves more than one county for Recreational Trails Grants (RTP) and Land and Water grants
- Continue to map Blue Water Trails through F&W and AT.
- Meet with the state paddling association to determine what rivers to prioritize for development.

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- Assist the state paddling association in encouraging a Downstream Recreation Priority Purpose for the US Army Corp of Engineers Districts governing Kentucky waterways to allow for water levels suitable for whitewater parks / recreation operation, and construction.
- Market through PR and advertise paddling resources in Kentucky.
- Make local CVBs, marketing regions, and AD Districts aware of your goal.

### **Local Community assistance for Developing Whitewater or Blue Water Recreation:**

#### **Resources:**

- NPS Community Planner – RTCA Grant (231) 631-0523 – Russell Clark & Alison bullock (423) 987-6128, grants to assist with land and water trail planning.
- Office For Adventure Tourism – (502) 564-4270 – Elaine H. Wilson – assist with the Planning and Development Process, River Trail Town Development Plan, funding resources, marketing on state web sites.
- Adventure Paddling Association of Kentucky (APAK) – (502) 395-1513- Ed Council – network of professionals for planning, development , and legislative assistance.
- KY Fish & Wildlife – (502)564-5162 – Greg Logan – for access ramps and USDA landowner Public Access funds.
- KY Fish & Wildlife – (502)564-7109 -Mark Cramer– to get on the list to map your Blue Water Trail.
- KY State Parks – (502) 564-8110 – Diane Bonfert – assist in developing opportunities in areas that include the State Parks.
- Department for Local Government – (502) 573-2382- Jodie Williams – for RTP and LW Grants
- Tourism Development Loan Program – (502) 564-4930 - Todd Cassidy
- Cultural & Recreational Signage Program - (502) 564-4930 - Todd Cassidy
- Kentucky Sports Authority – (502) 564-4270 – assist with bringing sport events to utilize the water resource.

#### **Process:**

- Identify Partnerships - local county, multi-county paddling enthusiast, landowners along the route, emergency rescue personnel, scout groups, 4-H groups, local agencies – Chamber of Commerce, Tourism Commissions, paddling outfitters & businessmen and local officials.
- Develop a Plan – Establish a plan to achieve your goal. Identify those it affects and benefits. Meet with those who you have identified as stakeholders. Include funding plan, grants, donations, and investors.
- Present plan- to local authorities, fiscal courts, city councils, and organizations for letters of support , resolutions, and grant matches. (this will be needed if you plan to seek any grant funding)
- Submit plan - to all relevant State Authorities, including: F&W, & the Tourism Arts & Heritage Cabinet, for letters of support.(additional support for your Grant Request)
- Studies may be required - Depending on the Project, you may be required by F&W or the U.S. Army Corps of Engineers to determine the environmental or biological effects of the project.
- Submit Project - along with letters of support to the corresponding US Army Corp of Engineers District for approval.

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- Submit Approved Project -to potential investors, apply for grants and pursue other funding avenues. Copy the Office of Adventure Tourism to log your project into our state inventory of planned projects.

**Outcome:**

1. State log and inclusion in web site listing all water way projects.
2. A guide for water recreation –Water Trails and White Water Parks.
3. Market Kentucky as a Paddling Playground.
4. Seek Adventure and Sports Events to utilize our water resources giving us national recognition.

### **When to Form a Local Committee**

The ideal time to form a committee is when passion runs high concerning an idea that could prove to be beneficial to your city, county or region’s tourism industry.

Typically you will begin forming your committee -- see steps 1 - 9 below. Ideally pick a season of the year that will allow for best participation. Have a meeting place, date, and times on hand to begin discussion.

### **Steps to Forming a Committee to complete a Project**

1. It is your responsibility to choose a person to spearhead the efforts to assist in forming a committee, or it may be you. Meet with or visit those people who will benefit through participation or financially to best match your interests. Find someone who will agree to chair your committee. You might want to see what other communities have done something similar. Contact the Adventure Tourism Office to assist you.
2. Identify stakeholders for your project and potential committee members. Such as scout groups, sport teams, local organizations, businesses, chambers of commerce, tourism commissions, city or county representatives, activity participants, school officials....
3. Once your committee has a chair, prepare a plan that contains the following:
  - Brief description of Objective / Goal
  - Summary of examples from other communities or state
  - Task Approach – tasked to be accomplished: For example, produce a work breakdown structure, listing the major tasks and sub-tasks of the proposed project.
  - Timeline to complete the project- from inception to opening.
  - Criteria for Success: describe what challenges must be overcome to succeed.
  - The Plan must be typed, and should be free of spelling, grammatical, and typographical errors.

Use the plan to meet with local and state agencies to communicate your project and seek technical assistance. Such as the Office for Adventure Tourism, Fish & Wildlife, Department of Local Government, ....

4. Obtain funding source grant applications and identify potential investors.
5. Use the media to communicate your proposal and assistance.

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6. Address any challenges such as permits, studies, or permissions.
7. Approach local governmental bodies for a resolution and letter of support. This will be needed for any grant funding you intend to request. You will also need the governmental body to submit the grant on your behalf or need their commitment to maintain access ramps. This is a sample of what they will need:

## \_packets for County Officials for a River Water Trail needing portages

### These things should be provided in the packets for officials:

- A. A brief summary about the Water Trail Alliance. Began in ?year to explore expanding river recreation activity by creating a long distance water trail. To create interest and life once again on the Kentucky River. Since that time we have:
  - a. Summary of work with the National Park Service River Trail and Conservation Assistance (NPS RTCA) Program to design portage at all locks and address local needs. Held annual conferences and meeting with local officials and river recreation interested parties to determine goals for a river trail, access, and service needed as part of the NPS RTCA process.
  - b. Summary of work with Kentucky River Authority (KRA) or Corps of Engineers, whom ever has authority on the river, to open locks one through four and to get in place a process for creating portages around locks 1-14.
  - c. Summary of work with KRA and the USACE for establishing safe access around locks requirements.
  - d. Summary of work with Fish & Wildlife on narrative about each pool for pool fishing and navigation - Blue Water Trails projects.
  - e. Summary of with Office for Adventure Tourism to develop river trail towns to support a recreation tourism industry, funding resources for portage projects, and marketing plan.
  - f. Summary of work with communities along the river who wanted to do a "Riverblast Event" celebrating life on a river. Examples: Boonesboro, Frankfort.
- B. List of people from their county who are on the Water Trail Alliance **(important)**
- C. Map of the locks (KRA)
- D. Map of the portage drawings by NPS RTCA grant
- E. Copy of F&W's Boating Access application for boat ramp construction grants.
- F. What we need from the County Judges:
  - a. Pledge to construct and maintain portage
    - i. Mowing
    - ii. Trash collection
    - iii. Trail maintenance
  - b. Present a proposal to Kentucky River Authority (provide sample)
  - c. Contract with Kentucky River Authority (provide sample)

### Key objectives:

1. Complete trail – infrastructure: portages
2. Establish River Kentucky Trail Towns
  - a. Establishes a Volunteer Committee for sustainability of portages
  - b. Provides products and services for travelers on river – food, lodging, entertainment, supplies, shopping
  - c. Integrates local foods and art in local shops
  - d. Marketing and Hospitality Plan
3. Creates a full service experience on long distance river trails, returns life to our rivers completing the cycle: Travel – commerce – travel.
8. Submit the grant request. Once approved proceed with implementation of the project. Communicate your progress to the media and local governments on a scheduled basis.
9. Keep the process positive and interest level high.

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### Updates:

- F&W receives funding for public access locations for 2014-15
- The Adventure Paddling Association of Kentucky (APAK) was formed in October 2011 and is filing in Nov. 2011 for 501C3 status.
- The following River Trails are organized and counties and towns are moving forward:
  - Licking River Water Trail – Steve Barbour – (606) 383-3636
  - Rough River Water Trail – Treg Ward - (270) 298-3612
  - Green River Water Trail – Russell Clark - (231) 631-0523
  - Kentucky River Water Trail – Russell Clark - (231) 631-0523
  - Levisa Fork of the Big Sandy Water Trail – Regina Hall – (606) 886-2374



May 2011

# Notes Area





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