

**Statewide Trails Advisory Committee
Virginia Housing Center
Glen Allen, Virginia
August 18, 2016**

The meeting of the Statewide Trails Advisory Committee convened at 10:00 a.m. at the Virginia Housing Center, located in Glen Allen, Virginia.

Statewide Trails Advisory Committee Members Present

Sally Aungier, Virginia Horse Council
Jim Beamer, Dominion
Liz Belcher, Roanoke Valley Greenways
John Bolecek, VDOT
Champe Burnley, Virginia Bicycling Federation
Nathan Burrell, City of Richmond
Rob Campbell, James River Association
Ted Coffman, USFS
Harvey Darden, Virginia Department of Forestry
John Davy, National Parks Service
Andrew Downs, Appalachian Trail Conservancy
Anthony Duncan, International Mountain Bike Association
Joe Elton, Citizen
Paul Gilbert, NOVA Parks
Brett Glymph, Virginia Outdoors Foundation
Tom Johnson, Great Eastern Trail Association
Emily Harper, Nelson County
Jack McClanahan, Spearhead Trails
Travis Sarkees, Virginia Interactive
Sandra Tanner, Virginia Department of Tourism
Bruce Wingo, Norfolk Southern, Board of Conservation and Recreation
Wayne Wilcox, City of Virginia Beach
Kathryn Zeringue, East Coast Greenway

DCR Staff Present

Rochelle Altholz, Deputy Director of Administration
Forrest Atwood, State Parks District Resources Management Coordinator
Julie Buchanan, Senior Public Relations and Marketing Specialist
Lynn Crump, Environmental Programs Planner
Michael Fletcher, Board and Constituent Services Liaison
Janit Llewellyn, Programs Planner
Danette Poole, Director, Division of Planning and Recreation Resources

Sarah Richardson, Land Conservation and Real Property Manager
Tom Smith, Deputy Director of Operations
Jennifer Wampler, Trails Coordinator

Others Present

Dr. James C. Kozlowski, George Mason University

Welcome and Introductions

Ms. Poole welcomed members and thanked them for participating in the second of three meetings for 2016.

Following the first meeting in August of 2015, DCR submitted the required report to the General Assembly. Included in that report were recommendations to support a bond referendum for state parks and trails funding, to support funding for trails, and for increased funding for the administration and support of trails. These recommendations did not go forward as submitted. Due to a major shortfall in tax revenues, future funding is a concern. The challenge is for DCR and the Advisory Committee to focus on working for the best outcome with available resources.

At the March 2016 meeting the committee had a presentation regarding the Freedom of Information Act and how the committee functions as a public body. The committee began to focus on topic areas in advance of the development of the 2018 Virginia Outdoors Plan. Recommended topics for discussion at the August meeting were:

- Creative public and private funding strategies and partnerships to leverage resources to fund the development of trails.
- The development of specialty trails, including concepts related to old-growth forest trails across the Commonwealth.
- Strategies to enhance the involvement of organizations that promote outdoor youth activities, including the Boy Scouts of the USA and the Girl Scouts of the USA and the 4-H program of the Virginia Cooperative Extension.

Presentation: Landowner Liability

Mr. Paul Gilbert introduced Dr. James C. Kozlowski.

Dr. James C. Kozlowski is a licensed attorney and a term associate professor in the School of Recreation, Health and Tourism (RHT) at George Mason University. He began his affiliation with George Mason University as an adjunct faculty member in the Parks and Recreation curriculum in 1983. Dr. Kozlowski is a national leader on understanding issue of liability related to parks in general and trails.

Dr. Kozlowski gave an overview of the Virginia Recreational Use Statute. § 29.1-509 of the *Code of Virginia*. The Virginia statute is based on model state legislation developed in 1965-66 and is unique among state recreational statutes. The statute was developed based on the increased demand for public recreational opportunities and was intended to encourage private land owners to open up land for public use.

While there was a desire to open up land there was a concern regarding liability. The statute was developed so that landowners could open land without bearing the responsibility of making the land safe. As long as landowners avoid willful misconduct there is generally no negligence liability under the recreational use statute.

Dr. Kozlowski reviewed how the structuring of fees one aspect of liability in that the fee generally needs to be associated with the activity in which an individual was harmed and not necessarily just for access to the land.

When asked if the statute needed to be changed, Dr. Kozlowski replied that the statute has been in place for more than 25 years and that rather than changed, it needed to be applied.

Comments from Tom Smith, DCR Deputy Director of Operations

Mr. Smith updated the committee regarding the process of bringing Natural Bridge on as a Virginia State Park. The Bridge will continue to be privately owned but will be operated by DCR.

The current budget shortfall in the Commonwealth comes in part from concerns about sequestration and how Department of Defense budget cuts impact Virginia. Unemployment in the Commonwealth is now, however the type of full employment is also down meaning that there are fewer tax revenues. The budget shortfall will mean that a number of land banked State Parks will remain on hold.

State Park visitation us up and is on track to hit a million more visitors than in the previous year. This is in spite of severe weather in the earlier part of the season.

Focus Groups Report

Ms. Wampler gave an update regarding focus groups and special topics for the breakout sessions.

Virginia Outdoors Plan

The Virginia Outdoors Plan schedule is as follows:

- Summer/Fall 2016 – Annual regional meetings
- Fall 2016 – Complete Inventory and begin Survey
- Trails chapter outline review – early spring 2017
- Fall 2017 – Post draft VOP

- Fall/Winter 2017-2018 – VOP public meetings
- Fall/Winter 2017-2018 – VOP webinar
- 30 day VOP comment period
- Winter/Spring 2017-2018 – Final VOP to NPS for approval

20th Anniversary Future of Trails Summit

May 9 and 10, 2017 will be the 20th Anniversary of the first Future of Trails Summit. DCR is exploring the possibility of coordinating this conference at Natural Bridge. Current funding does not exist for the conference. Sponsorships are needed in the following areas:

- Event space
- Youth scholarships
- Keynote speakers
- Lunches
- Passes to Natural Bridge and Caverns
- Conference bags and giveaways

Focus Group Reports

Boy Scouts of America, Order of the Arrow

- Develop pdfs with information on where to park, camp, etc.
- Call for Eagle scout projects each quarter – send list to BSA
- Establish framework for successful trail crew outings

Girl Scouts of America

- Brownie Hiker badge program
- Journeys program
- Gold Award

4-H

- STEM Programming
- Healthy Living
- Citizenship and leadership

Questions to ask youth organizations

- Why don't you use trails?
- What apps or technology do you use?

- What types of outreach are most effective?
- What are some creative ways to fund trails?
 - Trail-Oriented Development (TrOD)
 - Social impact bonds
 - Mitigation financing (portion of fee from carbon credits)
 - Real estate transfer tax
 - Active transportation tax credit and tax check-off
 - Statewide trails trust fund (to accept gifts and grants)
 - Campaigns and donations
 - Foundation and company grants
 - Merchandizing

What recommendations should be included in the 2018 VOP related to land conservation along the statewide trail system?

- Focus on urban trails that meet health objectives, educate legislators, and provide gateway trail experiences.
- Link to product-based trails that provide economic impacts (Fields of Gold, agritourism, etc.)

How can statewide trails promote old growth forests?

- Benchmark what other states are doing.
- Connect to the Century Forest Program.
- Work with US Forest Services to grow old growth.
- Define/inventory old growth forest, what is ratio to forest in general?
- Engage 500 Year Forest Foundation.
- Federal wilderness areas obvious areas to target, state won't hold easements that prevent cutting timber (seen as anti-industry). PEC will hold easement, but doesn't enforce.
- State-level wilderness area program?
- How to handle management issues (acts of God, insect damage, etc.)?

Potential Roles for Statewide Trails?

- Map existing natural communities that are likely to have old growth that occur along statewide trail corridors.
- Ensure there is a place in every Virginia county where an ordinary citizen can find a place locally to go for a walk in a forest with "old-growth" characteristics.
- Is legislation needed to provide tax incentives to small landowners along trails who want to preserve greenway corridors?

Small Group Areas of Discussion

Small groups were requested to offer two recommendations for the Virginia Outdoors Plan on the following subjects:

- Youth Engagement
- Specialty Trails/Old-growth forests
- Liability
- Creative Public and Private Funding

The committee recessed for lunch. Following lunch small groups convened for discussion. The following comments were reported out of the small groups.

Specialty Trails

DCR staff facilitator: Danette Poole

There are many different kinds of specialty trails. A definition of specialty trails should include:

- Something special about the user or the way the trail is used.
- Something special about the experience.
- Something special about the environment.

The recommendation was to develop or designate an old growth forest in every region. Guidance is available from the U.S. Forest Service. Old growth trees are 150 years old or older. The DCR Natural Heritage has a program that identifies old growth forest.

Recommendations for the Virginia Outdoors Plan:

- Definition of trails
- Regional trail networks – emphasize connectivity
- Old growth forest in every locality

Creative Public and Private Funding

DCR staff facilitator: Janit Llewellyn Allen

Topic: Creative public and private funding strategies and partnerships to leverage resources to fund development of trails

Priority 1: Leverage funding for trails with other infrastructure initiatives

A-Evaluate where funding for trails overlaps and coincides with other infrastructure initiatives. Overlay existing and proposed public utilities, transportation and recreation coincide with trunkline trail initiatives. Identify gaps not supported by proposed trunkline trails. Include the following resources:

Rails

Utilities (Large – pipelines, power)

Utilities (Local – water, sewer, cable)

B-Lobby major infrastructure providers to consider trail development. Promote the positive public relations trails development offers.

C-Educate businesses about the benefits of using utility and transportation corridors for trails.

D-Build trails as mitigation for development impacts.

E-Ask planning districts to assist with educating local officials about the benefits of trails.

Priority 2: Educate localities about transportation funding for trails.

A-Build a model for local government to seek funding from the Metropolitan Planning Organizations (MPOs) and Transportation Planning Organizations (TPOs). Trails funding has been allocated from the following: RSTP, CMAQ, TA, Smart Scale, HSIP, Open Container, RTP-Safe Routes to School and FLAP. All of these resources are administered by the Virginia Department of Transportation and could be tapped to fund trails.

Priority 3: Develop long term solutions to fund trails.

A- Promote a General Assembly authorized special parks districts similar to programs in Ohio, Illinois, California and Oregon.

B- Recommend special tax districts for local and regional trails.

Other ideas:

- Funding to local government through proffers is no longer an option statewide. Trails can no longer be funded using local development proffers.
- The VOP could make a recommendation for a parks bond fund for local and state projects.
- Need to advocate for federal sources for trails as recreation and transportation.
- Utilities and stormwater taxes could support trails development.
- Develop partnerships to increase funding.
- Encourage military partnerships.
- Promote a trails pass to purchase for statewide trail use.
- Add a tax check off for statewide trails development.

Liability

DCR Staff facilitator: Jennifer Wampler

Virginia's recreational use statute is unique because of Section E.

- Need case law
 - § Juries are not worried about the law and will go after deep pockets, hence the railroads blame application of the law for the impasse we face on this issue
- Need better understanding
 - § Education, infographic, model agreement that incorporates liability language, key thoughts (risks and rewards)

- § Include section in VOP that explains liability/recreational use statute
- Need Attorney General's clarification on Section E
 - § What constitutes reasonable attorney's fees or reasonable legal cost, confirm that these fees are paid win or lose
 - § Will this need to be revisited every 4 years? A.G.'s opinion tied to specific tenure?
- Waivers are void in Virginia (not enforceable as determined by 1992 Supreme Court)
- To overcome fear of litigation, offer tax incentive for trail agreements (land donations, easements, revocable licenses)

Youth Engagement

DCR Staff facilitator: Lynn Crump

VOP Recommendations

- Identify, utilize and promote existing and successful programs that can facilitate getting youth outdoors
- Create programs for having youth train youth to be outdoors (youth leaders)

How to Engage

- Use/work with Public Land Conservation Corps. Eligible to apply for federal merit jobs (student conservation corps is a great application in Virginia)
- Service component of Youth; many youth are required to provide service as part of their graduation requirements; capitalize on this by providing programs easy for youth to get involved in outdoors.
- Professional development-skills, connection, leadership—this gap needs to be filled
- Educate—building lifetime skills
- Develop age appropriate exposure opportunities -exposure at an early age (No Child Left Inside) and exposure that will provide opportunities for job preparation
- Build Stewardship—future support for conservation
- Tie to tech—upgrade [Project Wet](#) (DEQ) and [Project Wild](#) (DGIF) with technology and tie to SOLS
- Virginia Resource Use Education Council- tap into the VRUEC for programs and opportunities, provide VRUEC with info on other programs that get youth educated about the outdoors
- Need facilities for engagement

Why Engage?

- Health and wellness (obesity)
- Wear out
- Cultural exposure (eliminate deficiencies of equal opportunities to get outdoors)
- If we do not care now, won't in future
- Tie to education
- Develop education that helps eliminate fear of the outdoors & develop a budget to address the concern
- Cultural identify—tie self to place
- Realization of need for/benefits of public lands

- Tie with STEM-citizen science/STEAM (Science, Technology, Engineering, Art and Math)
- Unstructured play/comfort to experience the outdoors
- Old-fashioned play (events coordinator needed)
- Building meaningful community support with schools to get youth outdoors
- Education in the outdoors day with Expo-Stations
- Design of school grounds- add plants/trails/agriculture

How Engage?

- Partner with non-profit agencies (well-established youth agencies)
- Develop list of opportunities for engagement –central clearinghouse (e.g. Virginia Naturally)
- Get youth groups ‘off the ground’ for youth who are not engaged in the outdoors
- Partner with organizations that already have packaged programs for youth groups (churches, YMCAs, Boys and Girls clubs, Title One schools, etc.)
- Enlist the help of social organizations (Rotary, Lions Club, etc.)
- The Potomac Appalachian Trail Club-first youth camping program
- Set up swap program with experienced outdoor kids sharing with inexperienced ones to get more youth outdoors
- Affordability
- Develop a volunteer base to promote youth engagement
- Develop and expand Multi-generational programs that youth and families outdoors; to address multigenerational raising of children [older folks are having to raise their grandchildren, but they do not have the skills or physical capacity to get their children outdoors]
- Youth Council to facilitate (provide content/direction) getting youth outdoors

2016 Report to the General Assembly Committee

Ms. Poole led a discussion regarding recommendations for the General Assembly report. She asked members to help identify the two or three top priorities. She noted that 2017 was a gubernatorial election year.

Recommendations were to support the three recommendations from the last support to include additional financial support for state parks and trails funding and fore increased funding for the administration and support of trails.

Next Steps

The next meeting of the Statewide Trails Advisory Committee will be on Thursday, December 1, 2016.

Members were asked to submit comments regarding materials presented to Ms. Wampler by the following Monday.

Ms. Poole thanked members for attending, and the meeting was adjourned.

