

Trail Protection and the NCT

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Your Adventure Starts Nearby.

Introduction

- What is Trail Protection?
- Why is it important?
- How do we do it?
- Who takes on what role in the process?
- Where can you find the tools you need to succeed?

What is Trail Protection?

Trail Protection = securing the corridor for the Trail.

- Private land vs. public
- What is our vision? 10 ft. corridor vs. 1,000
- How do we protect it? Non-binding vs. permanent
- Going it alone vs. working with partners

Prioritize

Priority should be given to projects that:

- Have matching funding,
- Connect existing segments,
- Protect particularly vulnerable corridors,
- Protect existing Trail,
- Limits use to foot travel only,
- Protects a minimum of a 10' corridor,
- Is approved as official route of the NCT by the NPS and fits the requirements laid out by the NPS,
- Have an active chapter or partner to carry out and monitor the project.
- Protect trail for 99 years or perpetuity



Think Long-term

It's complicated and frustrating at times. You won't see quick success like you do with trail building.

Understand that it is a process and patience and persistence will be rewarded.

Be flexible and have a good sense of humor.



Trail Agreements, public land

NCTA needs to agreements in place to protect the corridor of the NCT on public land.

- MOU – not legally binding but a goodwill document with agreed upon management instructions.
 - Triad Agreement between NPS, USFS, NCTA
 - MOU between MI DNR and NPS
- License, Lease or Permit – legally binding but not permanent

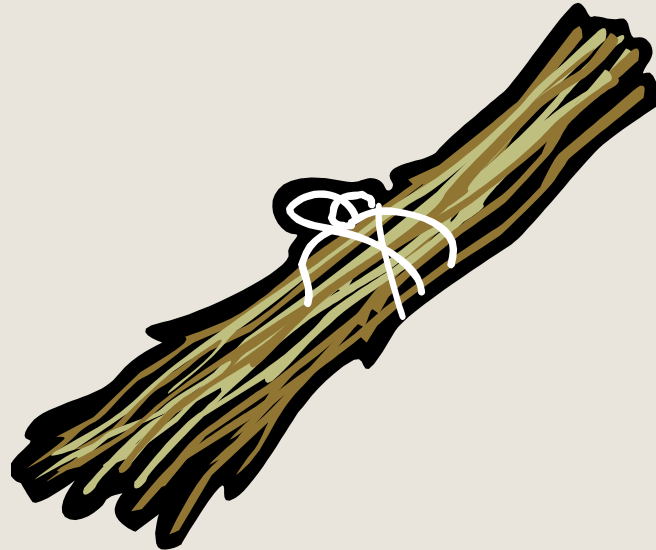


Private Landowner Permissions

There are currently four types of permissions the North Country Trail Association (NCTA) endorses. There are many other agreements and arrangements that can be made if you have a partner at the table willing to hold title to and manage the land.

Property rights are complicated

The **bundle of rights** is a common way to explain the complexities of property ownership.



Handshake Agreement:

This is our most common but least permanent type of permission.

1. This agreement is revocable by the owner at any time.
2. This agreement does NOT pass to the next owner.
3. Special conditions or signage are always negotiable (like closure during hunting season)

Trail Use Agreements

This is a signed, non-binding agreement between the NCTA and the landowner outlining conditions and permitted uses on the landowner's property.

1. This agreement is revocable by the owner at any time.
2. This agreement does NOT pass to the next owner.
3. This agreement outlines all the stipulations for trail passage on the landowner's property. This agreement is a good vehicle for outlining usages permitted, special blazing, or sign requests.
(Form supplied by the NCTA.)



Trail Access Easement

This is a permanent permission granted by the landowner for the North Country National Scenic Trail to pass through a defined corridor on the landowner's property.

1. This agreement offers permanent permission for trail passage and is not revocable under normal circumstances.
2. This agreement is bound to the property and passes on to subsequent owners.
3. This easement agreement is recorded, with a copy of the property deed, at the local County Clerk's office.



NPS VIP Agreement

This Agreement is between the National Park Service (NPS) and the landowner and is usually with a large corporation or organization. The VIP Agreement is administered by the NPS at their discretion and is not a preferred method for securing trail passage unless all other types of permissions are inadequate for the landowner.

1. This agreement is revocable at any time.
2. This agreement has a preferred 3-5 year commitment or a permanent easement.
3. This agreement is administered by the National Park Service.

Other options

Many other options are available...

- License or Lease – typically with corporations
- Conservation Easement
- Fee Purchase



Information for landowners

- Know NCTA's policies, options available and FAQ
- Provide the landowner with Landowner packet and video
- Answer their questions and listen to their concerns



Frequently asked questions

- Types of Agreements
- Liability
- Routing
- Access
- Design and Uses
- Camping
- Gates and Fences
- Signs
- Monitoring
- Enforcement

Liability and landowners

- State Recreational Use Statutes
- Add as additional insured to NCTA's policy
- VIP coverage at the discretion of the NPS

Benefits to landowners

- Being part of a national treasure
- Possible tax incentives (recreational vs. conservation easements, sale and donation incentives).
- Financial compensation for easements or sale of land
- Complimentary membership in the NCTA as long as they host the trail.

Working with partners

- Partners can provide more resources, expertise and assistance.
- Must have an agreement in place to secure our interests for the NCNST to ensure the NCNST stays a footpath for future generations.

Funding

- NCTA's Trail Protection Fund
- Land and Water Conservation Fund through NPS
- State acquisition programs
- State and Federal grants
- Partner organizations

Funding, cont.

- Make a spreadsheet of your state's possible sources
- Keep NCTA staff informed –
 - Staff may be able to help your efforts.
 - Grants need the signature of NCTA Executive Director

Monitoring

- Maintain a good relationship with the landowners
- Maintain a good section of trail on their land



Case Study: Wisconsin

- In 2000, \$500,000 from the Federal side of the Land and Water Conservation Fund was appropriated to WI.
- These funds were matched by the WI DNR.
- 11 parcels (some in fee, some easement) for the North Country Trail totaling approximately 850 acres.
- In 2011, the state purchased one of the properties that already had an easement, further protecting that landscape.
- We have current requests for LWCF money for WI and WI offering to match those funds.

Case Study: North Dakota

Sheyenne River Valley Chapter

- Identified a corridor with multiple possible routes and identified the landowners within the corridor
- 10 ft. width Trail Access Easements (99 year) was the goal
- Received 76K RTP grant for easement acquisition + 20% match.
- Hired contractor to facilitate negotiations
- Developed a cost matrix for easements
- Developed local/specific landowner packet information
- Secured 24 permanent (99 year) easements resulting in 29 miles of new NCT.
- Continuing to work on remaining landowners

Case Study: Pennsylvania

Moraine to McConnell's Mill State Parks

- Identified all the gaps in the Trail in PA and partners that might have joint priorities
- NCTA and partners identified M2M as top priority – purchase of property to add to the state parks
- Solidified roles of partners
- Identify funding sources
- Identify the landowners
- Strategize how to approach landowners, actively fundraising
- Seeking LWCF funds for this corridor

Lessons learned

- Laying the ground work is time consuming but important.
- Negotiation can take years but grants have deadlines.
- Intense work load can lead to burn out.
- Pursue multiple avenues to achieve goals.
- Tailor your strategy. Sometimes it is beneficial to have the agency lead, but other times NCTA volunteers can accomplish more.

What's next

- Stick around for the next session: Trail Protection 201, Working with Landowners, led by Peg Kohring with the Conservation Fund.
- Review NCTA's materials on trail protection: Landowner packet, RUS, template agreements, policies, etc.
- Talk to your chapter about your strategy and introduce yourselves to your local land trusts.
- Report all of your agreements and easements with HQ