

148.890 Use of lands adjacent to or visible from trail -- Legislative findings.

- (1) Subject to the provisions of KRS 148.878(3)(a), nothing in KRS 148.870 to 148.892 shall be construed or interpreted as affecting, in any way, the legitimate use of surface and subsurface property adjacent to or visible from the trail, whether such use was in effect upon the designation of the trail or not, including but not limited to timbering, oil and gas operations, mining, both by surface and underground mining means, or any other legitimate use of surface or mineral property adjacent to or within view of the trail.
- (2) Use of the lands outside of the boundary of the trail shall not be limited or restricted because the lands may be viewed from the trail. The viewshed of the trail shall be limited to the trail boundary for any land use regulation of lands outside the boundary of the trail.
- (3) The General Assembly finds that the boundaries for the trail prescribed in KRS 148.870 to 148.892 are adequate and sufficient to protect areas inside the trail that may contain fragile or historic lands; or which may have important historic, cultural, scientific, aesthetic values and natural systems; or that may be renewable resource lands which have importance in terms of long-range productivity of water supply, food, or fiber products; or which could be considered natural hazard lands, including lands subject to frequent flooding, areas of unstable geology, or areas in which the health, safety, or welfare of people, property, or the environment is threatened due to surface coal mining or similar activities conducted outside of the trail boundaries.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 118, sec. 11, effective July 15, 2002.