

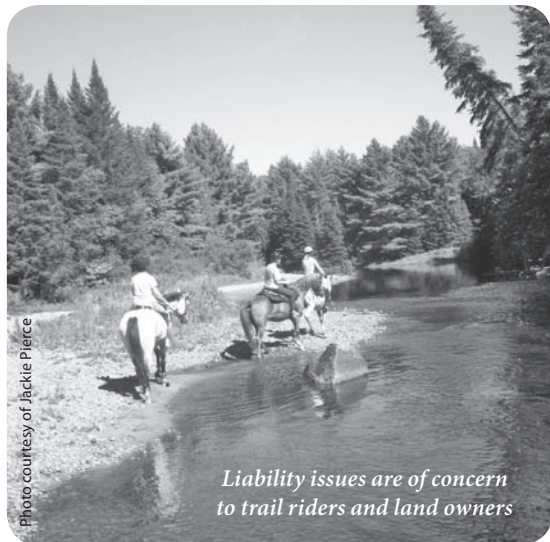
# THE SUMMER 2011 RESOURCE

ELCR advances the conservation of land for horse-related activity.

## Equestrians, Land Use and the Laws: What You Need to Know

By Holly C. Rudolph, J.D.

Everywhere we turn, access to open land is shrinking, making it ever harder to find enough space to ride horses. This is forcing riders and private landowners to work together to keep trails and fields accessible to equestrians. In trying to assemble lands for trails, hunts, and other activities, riders and landowners need to understand their potential exposure to liability for injuries, as well as their responsibilities. Two sets of laws will affect how people can act, and the things they need to do to make sure we can always find room to ride.



*Liability issues are of concern to trail riders and land owners*

Every state in America has a Recreational Land Use Law (RLU) and forty-six also have Equine Activity Liability Acts (EALAs). ELCR provides a simple spreadsheet that outlines both laws for each state and provides links directly to the state laws. ELCR's on-line Directory of Equine Activity and Recreational Land Use Statutes is available here: <http://www.elcr.org/ss2.htm>

However, laws alone won't tell you everything you need to know to read them effectively. In conjunction with ELCR, we have

*(Continued on next page)*

### IN THIS ISSUE:

- 1 Equestrians, Land Use, and the Laws
- 2 2011 Conservation Partners Calendar
- 3 From the Saddle
- 4 Conservation Partners Spotlight:  
Norco Horseman's Association

- 5 Ann's Story: Disappearing Land and  
Vanishing Opportunities
- 6 ELCR Adds New Talent to Board
- 7 \$10,000 ELCR-Breyer Grant Awarded
- 7 ELCR Welcomes New Officers
- 8 ELCR Donation Form

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developed a primer to help you read your state laws and understand the basic legal principles that underlie interactions between equestrians and landowners. Learn more at <http://www.elcr.org/resources/hooawayarticle.pdf>

A 'tort' is the legal term for some act that causes injury to a person or property. Put simply, a tort is the kind of thing that someone would say "I'm going to sue you" for. Courts impose civil liability for torts, usually money damages. Torts can be either intentional or negligent. Intentional torts require that a person know what they are doing and intend to cause the result. Negligent torts mean a failure to act as a reasonable person in similar circumstances would. Negligence doesn't require that a person know that they did something wrong, only that the act be unreasonably risky.

Torts are further classified using terms like gross negligence, willful and wanton misconduct, and recklessness. These are terms you might see in your state law as things that are not protected. These classifications can be very subtle, so talk to a lawyer if you have concerns. Basically, though, they all say that people must be reasonably careful, and if you have a duty to someone (like a teacher, carriage driver, or host) you must take that duty seriously.

Torts don't just cover injured people and property. Damages can also include vet bills or replacement costs for a horse that dies because of injuries. Some courts are also allowing damage for the animal's pain and suffering and emotional distress to the owners.

Property law is also critical to understanding the law. There are three categories of visitors to land: invitees, licensees, and trespassers. The main difference is whether the landowner owes a duty of care to the visitor, and what that duty involves. Invitees are there for the owner's benefit, like workmen. For invitees, an owner has to inspect the property for dangers. Licensees are there for their own benefit, including social guests. Owners don't need to inspect the property for licensees, but do have to warn them of any hidden dangers the owner knows about. Trespassers are uninvited. The only time an owner owes a duty to a trespasser is if there is reason to know that people are trespassing and there is some hidden danger. These "hidden dangers" are called 'dangerous latent conditions' by the laws. This doesn't mean every danger, only what a reasonable person couldn't see for themselves.

You also need to know how to get permission from the right people — i.e. land owners. Abandoned property, leases, and servitudes all affect who needs to approve access and or changes to property. Conservation easements generally forbid building, but can sometimes permit activities such as riding.

Signs, contracts, and waivers are also important to understand. Many state laws require specific language, font size, and colors for signs, and often tell you where to place them. Some also require certain language in contracts and waivers in order to be valid.

Courts are only now wrestling with EALAs, and you should talk to a lawyer before signing agreements. Some courts take a very restrictive view of the laws, and others are very broad. Most landowners may also seek protection under RLUs, but need to know what will destroy their protection, including things such as collecting fees for use.

So, we've developed the primer and the directory of statutes to help you know the issues and the laws. Being knowledgeable will help you be able to have "Happy trails!" ■

## 2011 Conservation Partners Conference Call Calendar

### FALL FARMLAND PROTECTION SERIES

Call #4  
September 8

**Presenter:** Laurel A. Florio, J.D., land use attorney, conservation easement expert, & consultant/trainer

**Topic:** Donated Conservation Easements for Horsemen 101

Call #5  
October 13

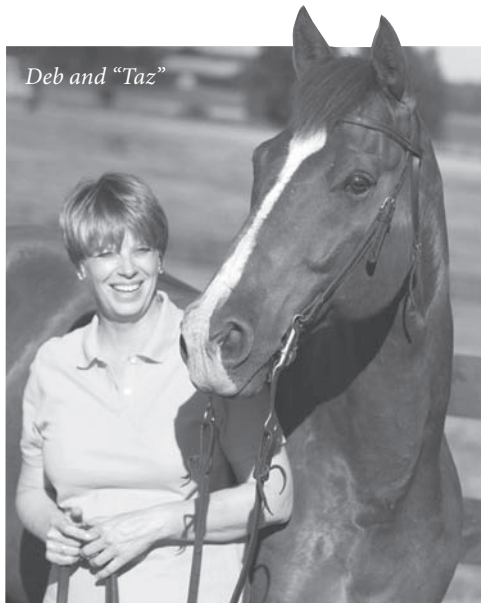
**Panel:** Lorraine Garkovich, Ph.D, University of Kentucky Professor & Agriculture Extension Agent, Jamie O'Neill, Planner Saratoga County, NY; Billy Van Pelt, Division of Purchase of Development Rights, Lexington-Fayette County, KY

**Topic:** Purchase of Development Rights Program, How They are Formed, How They Work & Benefits to Land Owners

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## From the Saddle

*A letter from ELCR's CEO, Deb Balliet*

Ahhh, the promise of youth!! I have been inspired by many young people I have met in the course of our work. Numerous young equestrians have recognized the importance of equine land conservation and have found ways to be engaged and educated in the issues. Here are just a few of their stories.

Berkeley graduate and member of the United States Pony Clubs (USPC), Jessica learned about equine land

conservation through the USPC curriculum. From that exposure, she realized that there may be options other than selling the family ranch in CA. Jessica contacted us about helping her find an internship in Washington DC with a connection to land conservation. She spent a semester working on conservation easement legislation with the Land Trust Alliance. Jessica is currently working with the Bureau of Land Management on wild horse issues.

Ellen Ricker contacted me about a long distance internship from her undergraduate school, Cazenovia College in upstate New York. She was interested in learning about trail issues and conservation easements. She coupled her ELCR internship with project work at a local equestrian trail advocacy and open space protection program. She is now seeking employment in the farmland conservation arena.

Colleen Hoesly is a member of the sixth generation growing up on her family farm in southern Wisconsin. Her town, previously a dairy farm area supplying Wisconsin's dwindling cheese industry has now become a bedroom community for Madison. The rapid conversion from farm to subdivisions motivated her to pursue an education in land use planning and internships with the Wisconsin Department of Agriculture's Purchase of Agricultural Conservation Easements program (PACE) and with the Janesville Metropolitan Planning Organization on their Trail User Survey. Colleen is now seeking a permanent position in farmland protection and rural preservation.

I met Lindsey O'Donnell when I spoke in the University of Louisville School of Business class in 2008. Lindsey expressed interest in the issue and subsequently became a volunteer for ELCR. Lindsey grew up in southern Connecticut and later moved with her family to south Florida. Her concern for the issue is directly related to the loss of farmland and rapid development in both of those states. She now works part-time for ELCR.

My only question is: will my generation and those ahead of us leave these motivated and aware young adults enough of a legacy in farm land, trails and open space for the equestrian community, the equine industry and our beloved equines to thrive? ■



Visit the Equine Land Conservation Resource on Facebook



*Stream restoration and water quality protection project at the Kentucky Horse Park in Lexington*

Photo courtesy of Peggy Maestas Photography

## Southeastern Equestrian Trails Conference



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# Conservation Partners Spotlight: Norco Horsemen's Association: United to Protect "Horse Town USA"

By Frank and Sharon Hall

The 14 square mile city of Norco, located in Southern California was incorporated in 1964 to preserve large lots for animal keeping. The entire city, with the exception of a few small lots developed before 1964, is zoned with Norco's motto in mind; "City living in a rural atmosphere."

In 1989, in response to pressure to divide some of the larger lots to build more homes, the Norco Horsemen's Association (NHA) was formed to preserve the rural character of the city and encourage and support the equestrian and animal keeping lifestyle. NHA's members realized that equestrians in Norco had to stand together and become actively involved in community land use planning.



The Norco Horsemen's Association recognized that one of the ways to keep the rural horse-keeping atmosphere was to develop a dedicated trail system. As a result of that undertaking, Norco now has fenced trails throughout the city. People can ride out from their property on city trails and continue on to the nearby Santa Ana River trails or up into the surrounding Norco hills. Norco Horsemen's Association members regularly organize "trail clean-up days" to help keep the over 100 miles of city trails in shape.



Norco's sidewalks double as horse trails

In keeping with Norco's "Horsetown USA" branding, equestrians are able to ride their horses to the local Jack-in-the-Box, McDonalds and even the Boot Barn. Hitching rails and water troughs keep the horses safe and hydrated while their riders enjoy a meal or buy a pair of boots. A freeway bisects the city and the bridges over the freeway have horse trails so a person can ride on both sides of town.

Norco's elected City Council is comprised of people involved with horses and for the last several years, all of them have been members of the Norco Horsemen's Association. The Association is an active volunteer group with members on every city commission, committee and event. NHA has consistently maintained membership numbers over 1,000 in past years and with 1,300 members this year, 2011 is no exception.

Recently Norco was the location of a cable TV series, "Best of America by Horseback – Grand Tour 2011". Host Tom Seay was impressed with Norco, saying it was the "real deal," not just a few western type buildings but a city full of dedicated horse people. The two-part Norco series will air on RFD-TV on August 2. Needless to say, all the people on the committee making arrangements for this event were Norco Horsemen members. ■

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# Ann's Story: Disappearing Land and Vanishing Opportunities

By Jessi Jump

Ann George (Salt Lake City, UT) had not ridden in years when her children began riding, participating in Pony Club and horse trials. It was through them that she remembered her love of riding, “out in the free.” As her children began to compete locally, Ann noticed the disappearance of competition venues. When she first became involved in horse trials, there were three events in Utah, three in Idaho, one in Jackson Hole, Wyoming and one in Las Vegas. Now all of those competition venues are gone.

Because competitions were held on private land, by permission of the owner, they were at risk annually; as each year there was potential for the owner changing their mind. The land might also change hands and the new owners might be uninterested. Whatever the case, the competitions disappeared and opportunities for youth competitors became more limited.

Annually, Ann organizes the “Golden Spike” three-day event in Utah. She feels fortunate that their competition venue is contractually obligated to ac-

commodate them. Still, she admits that the challenges are constantly growing. “You’re always fighting against things that bring more money in,” says Ann. They have shared their cross country course with monster trucks, motocross racing, grass snowmobile racing and – believe it or not – Lollapalooza.

“There’s so much pressure in the metropolitan areas,” Ann related. “Now you have to haul your horses to ride and riders have to give up their opportunities because their neighbors don’t want the... horses.” She sees similar compromises taking place on the trails, where bicycles, motorcycles, dogs and runners are all using the same trails as equestrians. “Most people are considerate,” Ann says of trail sharing. “It’s typically the best way of doing things.”

Ann was introduced to ELCR through her involvement with the United States Pony Clubs. “At first, I thought that ELCR and what it represented wouldn’t be pertinent to us out here in the West. I decided to begin to support the organization in a small way, nonetheless,” Ann stated. “It is, of course, very pertinent to



*Ann George's horse Heidi*

the West.” ELCR’s dedication to putting helpful materials and practical solutions in the hands of horsemen, enabling them to protect the lands and venues that they hold dear, is at the forefront of Ann’s commitment to support the organization.

Ann has chosen to make a monthly contribution to ELCR. A small gift is charged each month to her credit card. “Being a monthly donor is something I try to do for the causes my husband and I believe in. I prefer a monthly donation because I am forgetful of financial offerings unless I am reminded,” she said.

A monthly gift is a great way to have a continuing impact on ELCR and its mission to provide helpful information to horsemen nationwide. It is also a way to leverage a small gift into a larger cumulative, annual gift. If you are interested in joining Ann by making a monthly contribution, contact Jessi Jump at (859) 455-8383 or [jjump@elcr.org](mailto:jjump@elcr.org) for details or use the check box on the reply form on the back page of this newsletter. ■



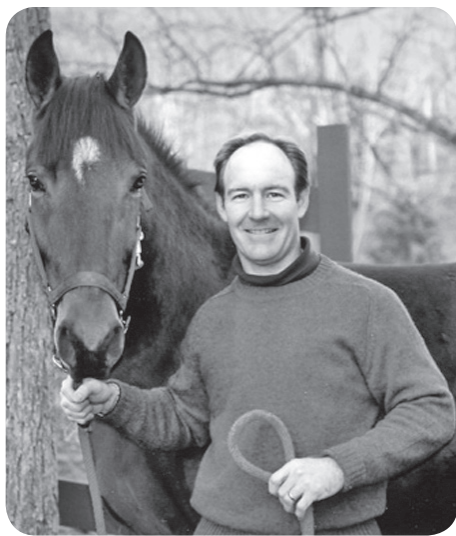
*Ann George and Heidi in Payson Canyon, Wasatch Mountains (UT)*



# Equine Land Conservation Resource Adds New Talent to Board of Directors

ELCR's Board of Directors recently elected two new members, Betty Biszantz, co-owner of Cobra Farm in Lexington, KY and Dr. Scott King, Manager of Equine Products at Bayer Animal Health. Both are avid equestrians and ardent supporters of land conservation.

Betty and husband Gary are the proud owners of Cobra Farm, a very successful Thoroughbred breeding operation. The original 82 acre farm has expanded over the years to become 340 acres of prime Bluegrass property. Realizing the value of their farm and the likely threat of future development, the couple decided to protect their property by placing a donated conservation easement on the farm. This was accomplished through the Lexington-Fayette Urban County Government (LFUCG) Purchase of Development Rights program.



*Dr. Scott King, Manager of Equine Products at Bayer Animal Health*

Betty grew up riding and competing hunter/jumpers in California and is the proud owner of a 30-year old Quarter Horse retiree and a younger horse currently leased out as a dressage prospect.

Betty is excited to be an integral part of ELCR's future and says, "Horses provide mental and physical therapy to both the young and the old, to the handicapped as well as the able-bodied. We owe it to the future generations to preserve and protect land designated for raising, supporting and interacting with horses in order to sustain the species and maintain the ancient relationship between man and horse."

Scott King, DVM is the Equine Products Manager at Bayer Animal Health and oversees the development and management of all equine products, promotions, advertising and educational efforts. Dr. King's professional path started at the University of Missouri's College of Veterinary Medicine. Armed with his Doctor of Veterinary Medicine degree, Dr. King joined a private equine practice in St. Louis, Missouri where he gained 10 years of experience before joining Purina Mills. While at Purina Mills he managed the Equine Research Facility.

Dr. King and his wife Tawny enjoy fox hunting with Mission Valley Hunt in Kansas City. When the couple is not on horseback, they are actively involved in Boy Scouting with their two sons, Tristan and Quinlin. Dr. King's passion for the great outdoors has led him to realize the importance of land preservation, habitat restoration and educating others on these key issues. "This is a great opportunity for me to combine my passion for horses and the outdoors and utilize my experience to help achieve the critical goals of ELCR of conserving land for horses, horsemen and horse related activities," said Dr. King.

One reason the ELCR annually gains ground in advancing their mission to conserve land for horse-related activities is because of the passion and diversity that exists amongst ELCR's fifteen Board members. They represent



Photo courtesy of Peggy Maness Photography

*Betty Biszantz, co-owner of Cobra Farm in Lexington, KY*

thirteen different states across the country, they participate in a wide variety of equine activities and they come from all walks of life. But what they share is their passion for horses and the land they require.

Recently elected President, Larry Byers (SC) is eager to lead the way in 2011 as the organization continues to broaden its educational outreach capabilities. "I am fortunate to have the collection of people I do. They are creative and hard-working and just the group of leaders this organization needs in 2011 as we plan for the future," says Byers. ■

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# Breyer® and ELCR Present \$10,000 Grant to Minnesota Equine Conservancy

After an extensive review process of 22 applications received from around the country, the central Minnesota-based Sibley Equine Conservancy was chosen as the 2010 recipient of the ELCR-Breyer® Equine Land Conservation grant. The grant program was designed to assist equine organizations around the United States preserve land for equestrian use. Sibley Equine Conservancy will use the \$10,000 grant as a deposit on a 220-acre tract of land in Pequot Lakes, MN which has long been used by local equestrians but is now threatened by sale. In cooperation with county, state, and federal agencies, the Sibley Equine Conservancy hopes to create the Minnesota Horse Park, a multi-use equestrian facility.



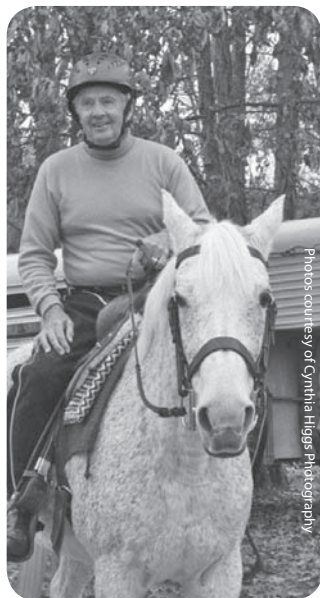
Photo courtesy of Peggy Matness Photography

*Breyer Grant Presentation (L-R) Brenda Myers of Sibley Equestrian Conservancy; Libbie Johnson, ELCR Breyer Grant Committee Chair; Kathleen Fallon of Breyer Animal Creations; and Mrs. Jane Beshear, First Lady of the Commonwealth and ELCR-Breyer Grant Committee member.*

Breyer Animal Creations® is the manufacturer of the world's most realistic and authentic model horses for play and collecting. Beginning in 2007, Breyer® created a special model to support and spread awareness of the ELCR, and has now provided \$30,000 to support local organizations in their effort to preserve land for equine use. "As an avid trail rider, I have seen land disappear around me at an astonishing rate," said Stephanie Macejko, Breyer's Vice President of Marketing. "For the last three years, horse lovers across the U.S. have purchased these specially-made Breyer models, the sales of which have helped us to underwrite this important program."

Presentation of the award was made on May 1, 2011 during the Rolex Kentucky Three-Day Event in Lexington, KY. ■

## ELCR Welcomes New Officers at Annual Meeting, Recognizes Departing Board Members



Photos courtesy of Cynthia Higgs Photography

*Larry Byers, President*

At the March 2011 Annual Meeting of the ELCR Board of Directors, the following officers were elected:

- **Larry Byers** of South Carolina, *President*
- **Susan Harding** of Maryland, *Vice President*
- **Dan Rosenberg** of Kentucky, *Treasurer*
- **Patsy Mattingley** of Washington, *Secretary*

Each officer was elected for a one-year term and all are eligible for re-election upon completing their term. Biographies on each officer are available at [http://www.elcr.org/index\\_board.php](http://www.elcr.org/index_board.php).

At the meeting, several long-standing members of the board rotated off at the conclusion of the permitted three consecutive, three-year terms. Sophie Pirie Clifton, Georgiana Hubbard McCabe and Nancy Hamill Winter were recognized for their passion for the mission, commitment to the organization and outstanding contributions to advance both. We are pleased to report that all three departing board members are continuing their work with ELCR through service on a committee of the board of directors. ■



*Susan Harding*



*Dan Rosenberg*



*Patsy Mattingley*

Photos courtesy of Peggy Matness Photography



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