



ACCESS DIVIDED:

STATE AND FEDERAL RECREATION MANAGEMENT IN THE WEST

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An earlier version of this report contained an error in Figure 2, which reported incorrect state park visitation data for New Mexico, Oregon, Utah, and Washington. This version has been updated and corrected.

Summary

Outdoor recreation is considered a way of life in the western United States. As population increases and new forms of recreation emerge, the challenge of meeting growing demands for recreational access has become a critical issue throughout the West. And as states consider proposals to transfer some federal lands to state control, many are concerned about the possible effects on recreational access.

This report explores how federal and state land agencies manage recreation demands. It focuses on lands managed by the U.S. Forest Service, the Bureau of Land Management, state trust agencies, and state park agencies in the 11 westernmost states in the contiguous United States. It compares various types of public land recreation management and explores how different agencies resolve conflicts between competing land uses.

Key Points

- Federal and state land agencies both manage lands for recreation, but in different ways. *(Page 5)*
- A wide range of recreational opportunities are available on federal lands, but federal agencies often have no clear method of prioritizing competing uses. *(Page 8)*
- Federal land agencies often struggle to meet or even establish recreation management goals. *(Page 12)*
- Each state allows some form of recreation on state trust lands, often with user fees or recreational leasing. *(Page 14)*
- Each state varies in how it manages recreation on state trust lands. *(Page 16)*
- In some cases, state trust agencies lease lands for specific recreational purposes. *(Page 18)*
- State trust agencies have often found innovative ways to accommodate recreational demands while meeting their fiduciary responsibilities. *(Page 20)*
- In other cases, it has proven difficult to reconcile recreational values with the traditional state trust management model. *(Page 24)*
- Throughout the West, state parks are an effective provider of public recreation opportunities. *(Page 26)*
- State park agencies often generate more revenue from visitors than federal land agencies, providing park managers with incentives to provide the type of recreational experiences that visitors desire. *(Page 27)*
- Some state parks and federal agencies have adopted public-private partnerships to enhance recreation opportunities while keeping costs down. *(Page 31)*

Introduction

Outdoor recreation activities such as hiking, mountain biking, skiing, fishing, and hunting are considered a way of life for most westerners. As population increases and new forms of outdoor recreation emerge, the challenge of meeting growing demands for outdoor recreational access has become a critical issue in many communities throughout the western United States.

Government-owned lands often provide ample opportunities for such recreational activities. Federal land agencies own approximately half of the land in the western United States, and state land agencies own another 10 percent.¹ Among various management responsibilities, these agencies provide diverse recreational opportunities. To better understand the effects of potential management reforms, we first need to examine how recreation factors into federal and state land management, and how these different management institutions affect the provision of recreational opportunities on the ground.

In this report, we explore how federal and state land agencies respond to demands for recreational access and how those agencies resolve competing forms of recreational activities. As we demonstrate, federal and state agencies often manage recreation in different ways due to the various management structures and laws that govern them. In particular, we compare how federal land agencies, such as the U.S. Forest Service and Bureau of Land Management, and state land agencies, such as trust land agencies and state parks departments, manage recreation demands and resolve conflicts between competing land uses. Our analysis also explores several key issues relevant to current debates over public land management in the West.

Why Does It Matter?

Several trends and factors warrant a comparison between state and federal recreation management:

- Demands for recreational access are increasing throughout the West as the population grows and new types of recreational activities emerge.² Yet different forms of recreation can often cause conflicts between recreationists or other user groups who want to use the same land for different activities. Such user-group conflicts arise when one type of activity precludes or detracts from a different type of activity. This can occur between consumptive and recreational users—ranchers do not want dirt bikes ripping through pastures where they graze livestock, for instance—or between different types of recreation, such as motorized and non-motorized users. Resolving these competing demands is a critical challenge for land management agencies in the West.

Federal land agencies own approximately half of the land in the western United States, and state land agencies own another 10 percent.

- In recent years, several western states have considered resolutions calling for the federal government to transfer much of its land to state ownership. But it is unclear how this proposed transfer would affect current forms of recreational use. A closer look at how states manage recreation helps address some, but certainly not all, of the questions raised about the impacts of this proposal on recreational use and access.
- State-owned lands, such as state trust lands and state parks, play an important role in providing various forms of recreational access, and they would play an even larger role if federal lands were transferred to state control. To better understand the possible implications of a land transfer, it is important to assess how state lands are currently managed for recreation and how that management compares to federal management.³
- State-level recreation management can in some cases provide useful insights into how federal land management might improve recreational experiences. Whether federal lands are transferred or not, state land agencies can offer lessons on how to resolve conflicts over recreational uses on federal lands.

This report focuses primarily on state-owned lands in the 11 westernmost states in the contiguous United States (Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming) and on western lands managed by the U.S. Forest Service and the Bureau of Land Management. The report does not attempt to answer which agencies provide the best recreational opportunities. Rather it compares various approaches to recreation taken by public land agencies across the West and explores the ability of these different agencies to resolve competing recreational demands.

FIGURE 1:
FEDERAL AND STATE LANDS IN THE WESTERN UNITED STATES



- Bureau of Land Management
- U.S. Forest Service
- National Park Service
- State Trust Lands
- State Parks and Other State Lands

Federal and state land agencies both manage lands for recreation, but in different ways.

Federal Lands

Historically, federal lands have provided access to resources for both extractive uses and amenity enjoyment. In 1905, Congress established the U.S. Forest Service to “improve and protect” the nation’s federally owned forests “for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States.”⁴ The Bureau of Land Management was later formed in 1946 to manage a variety of public-land activities, including grazing, energy development, and land disposal.⁵

By the late 20th century, as additional demands for recreation and conservation began to emerge, Congress added new management objectives for federal land agencies. In 1960, the Multiple-Use Sustained-Yield Act declared that national forests be managed for multiple uses, including “outdoor recreation, range, timber, watershed, and wildlife and fish purposes.” The act clarified that multiple use is “not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output,” but rather the combination “that will best meet the needs of the American people.”⁶ In 1976, the Federal Land Policy and Management Act

(FLPMA) stated that, in addition to traditional forms of resource development, public lands must also be managed for preservation and outdoor recreation.⁷

Today, most federal lands are managed for multiple purposes, including resource development, conservation, and recreation. As demands for recreational access continue to grow, federal agencies must balance recreational access with other resource uses—but they often have no clear method to prioritize competing uses.

State Trust Lands

Of the 45 million acres of state-owned lands in the West, nearly 90 percent are managed by state trust land agencies. Trust lands are the result of land grants made by the federal government to western states, mostly at the time of statehood, for the purpose of generating revenue to support schools and other public institutions. The land grants usually consisted of several one-square-mile sections in each township, creating a checkerboard pattern of state trust lands throughout the West.⁸

State trust lands operate under a legal requirement that the land must generate a long-term financial benefit for specific beneficiaries. States

earn revenues from trust lands through a variety of activities, including timber harvesting, grazing, energy development, commercial development, recreation, conservation, and land sales. These revenues are then distributed to trust beneficiaries, with a small portion used to cover the state trust agency's expenditures. Common public schools are the beneficiary of most state trust lands, but these lands also support universities, hospitals, and other public institutions.⁹

As recreation demands have increased, states have adopted various approaches to provide recreational access to trust lands. State trust agencies generally allow public access for recreation if it can be done in a manner that does not interfere with the agencies' mandates to generate revenues for trust beneficiaries.

State Parks

Each state has a state park system that offers a variety of recreation opportunities ranging from primitive camping and snorkeling to plush lodges and skiing. The general mission of state park systems is to manage and conserve the natural and cultural resources in a state and to provide outdoor recreation opportunities for the public.

The management structure of state park agencies varies from state to state. Because they are managed at the state level, their management is more decentralized than that of federal land agencies, such as the national park system, and state parks can better respond to regional issues. Furthermore, state park agencies generally have greater autonomy to meet visitor desires.¹⁰

Although state parks comprise only 3.8 million acres in the West, they receive more visits per acre than any other public land agency.¹¹ All western state park systems rely on user fees to help fund park management to some extent, but some also rely on general funds from state legislatures or other park-dedicated funds from sources such as fishing and hunting licenses, lottery revenues, and boat and vehicle registrations.

TABLE 1:
COMPARISONS BETWEEN STATE AND FEDERAL LAND AGENCIES

	Federal (Forest Service and BLM)	State Trust	State Parks
Mandate	Manage lands for multiple uses, including recreation.	Maximize revenues for trust beneficiaries.	Protect unique resources and amenities and to provide recreation opportunities for the public.
Recreation Opportunities	Federal lands provide a variety of recreational opportunities, depending on land designation and regional management plans.	The types of recreation allowed vary depending on the state trust agency. Recreation cannot interfere with or diminish the revenue-generating capacity of trust lands.	State parks provide a variety of recreational activities, from camping and hiking to fully developed lodges, marinas, golf courses, and ski hills.
Excludability	Federal lands are generally open to the public, and recreation is typically free of charge. As a result, many types of recreation often occur on the same lands and trails, creating overcrowding and user conflicts.	Recreationists can be excluded from trust lands if they do not contribute revenue to the trust or if they interfere with other revenue-generating uses. Some states allow recreationists to hold an exclusive lease on trust parcels.	Some state parks require entry or parking fees, while others are open to free public access.
Recreation Management	Recreational uses are often outlined in multi-year travel and management plans that typically allow many types of recreation, often at the same time.	State trust agencies do not actively manage for recreation. In many states, however, recreation permits and leases regulate specific uses.	State park agencies manage for recreation, while also protecting the resources for the enjoyment of future generations.
Resolving Competing Demands	Federal agencies have no clear method of prioritizing competing uses, making it difficult to resolve conflicting user-group demands.	Trust managers generally resolve competing demands in a manner that maximizes revenues from trust lands.	Park agencies that are able to retain fee revenues can resolve competing demands by allocating resources to meet public desires.
Public Involvement	Federal laws mandate public involvement in recreational planning on federal lands and grant the public the authority to initiate legal action to challenge federal land-use decisions.	Public involvement varies by state but is more limited than on federal lands. In general, only trust beneficiaries can legally challenge trust land-use decisions.	State park agencies typically allow public input in the park planning process. The extent of public input varies by state.

A wide range of recreational opportunities are available on federal lands, but federal agencies often have no clear method of prioritizing competing uses.

The multiple-use mandates that govern the U.S. Forest Service and the Bureau of Land Management have made vast amounts of federal land available for outdoor recreation. With more than 350 million acres of federal land in the West, recreationists have access to a variety of outdoor activities.¹² Some federal land areas restrict certain types of recreation, such as motorized vehicles and mountain bikes. Most federal lands, however, are open for multiple recreation uses, ranging from hiking and skiing to hunting and horseback riding—often all at once in the same location.

But certain public-land uses are not conducive to each other. Horses are frightened when dirt bikes speed past, mountain bikers can overrun hikers, and snowmobiles can frustrate cross-country skiers seeking a quiet outdoor experience. With more and more recreationists on a finite amount of land, it is becoming harder for competing users to avoid each other (see Box 1).



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BOX 1: Mountain Bikers vs. Hikers on the Colorado Trail

The Colorado Trail is a famous 486-mile trail that crosses federal lands on its route between Denver and Durango. As the number of trail users increases, the result is frequent conflicts between backpackers and mountain bikers. Backpackers argue that bikes dominate the trail, startling those on foot and forcing them off of the trail, while bikers argue that they also have a right to use the trail. Both groups agree that the quality of their outdoor experience is diminished by the presence of the other competing group.¹³ The official Colorado Trail guidebook calls for bikers to yield to hikers, and local biking and hiking clubs are working to enforce this protocol in an effort to reduce conflict when bikers and hikers meet on the trail.

On federal lands, competing groups frequently fight for their preferred use of public lands through political, legal, or administrative processes. The multiple-use mandates that govern federal lands, however, do not provide federal agencies with a clear method of prioritizing competing uses. This can make it difficult to resolve conflicting demands over recreational use.

One way that federal agencies can address conflicting demands over federal land use is through multi-year travel and management plans that determine when and where specific activities are allowed. Each national forest and BLM management area is required to create a travel plan that designates which areas are open to specific classes of vehicles during certain times of the year.¹⁴ The Gunnison National Forest in Colorado, for example, is in the process of creating a travel plan that would distinguish certain areas as open to snowmobilers while setting other areas off limits (see Box 2). National forests are also responsible for adopting management plans that determine how the unit will accommodate multiple uses while also protecting natural resources.¹⁵



BOX 2:
**Snowmobilers vs. Nordic Skiers
in Colorado**

The Gunnison National Forest near Crested Butte, Colorado, is a popular destination for winter recreation. Most areas in the forest are open to nearly all forms of winter recreation, but that will change when the Forest Service decides on a travel plan. With more and more people choosing to recreate in the national forest, a divide has come between snowmobilers and skiers.¹⁶ Skiers feel they are being pushed out by the loud, powerful snowmobiles. Snowmobilers, however, are concerned that the travel plan will limit their use in favor of skiers. If completed, the plan will help resolve user conflict by clarifying which group has priority on which lands. But the groups remain pitted against each other over which users will be prioritized in the travel plan.

In some cases, travel and management plans allow federal land managers to implement time-share arrangements on popular trails that specify which types of recreational uses are allowed at certain times to prevent conflict between various user groups. For example, some trails in the Custer Gallatin National Forest in Montana limit motor biking and mountain biking to certain days of the week.

Once finalized, travel and management plans can reduce user conflict on federal lands. Yet less than half of all national forests have completed travel plans, and half of national forests have outdated management plans.¹⁷ This is largely because public involvement and litigation often delay, or at times even prevent, the development of travel and management plans. In the Bitterroot National Forest, public involvement and concern over litigation delayed the adoption of a travel plan nearly six years (see Box 3). Similarly, when forest supervisors of the Wallowa-Whitman National Forest in northeastern Oregon proposed a plan to close nearly half of the forest's roads, local citizens so strongly opposed the plan that it was revoked.¹⁸

© Forest Service Northern Region



BOX 3: Bitterroot National Forest Travel Plan

The Bitterroot National Forest, a 1.6 million-acre national forest in southwestern Montana, recently adopted a travel plan as part of the Forest Service's nationwide effort to address the environmental effects of motorized recreation. The previous assessment of the forest's travel routes occurred back in 1976. Since then, dramatic increases in the number of recreation visitors and conflicts between motorized and non-motorized users made a new travel plan necessary.

In accordance with the required process for creating a travel plan, the Forest Service released a draft environmental impact statement in 2009 analyzing the environmental effects of the proposed travel plan. The statement was met with a record 13,400 comments, and it took more than five years of public involvement before a final plan could be reached. "As we worked through the public comments and environmental analysis," said Forest Supervisor Julie King, "court decisions on other National Forest travel plans caused us to revisit some key issues and complete additional analysis." She added, "Travel management is one of the most complex issues that we deal with. There are many different interests that desire different types of uses on the forest."¹⁹

Less than half of all national forests have completed travel plans, and half of national forests have outdated management plans.

Public input is required as part of the federal recreation planning process, as mandated by various laws such as the National Environmental Policy Act (NEPA) of 1969, the National Forest Management Act of 1976, and the Federal Land Policy and Management Acts of 1976. Under NEPA, federal land agencies must study the environmental consequences of their proposed management actions, put their reasoning and conclusions into writing, and make them subject to public scrutiny. The public can submit comments throughout all stages of the process.²⁰ Many recreationists use this process to voice their concerns over how the proposed agency actions will impact recreation.

Another reason it is difficult to resolve competing demands on federal lands is the frequency of litigation against federal land agencies, as enabled by NEPA and other federal laws. Interest groups regularly sue federal agencies over the thoroughness of their environmental impact assessments or when agency actions affect a group's activities.²¹ In this way, recreation users initiate legal action to change or stall policies in

an effort to produce an outcome more favorable to them. This process can delay management plans and other agency actions while exacerbating conflicts between users.

Public comment and litigation over federal land-use decisions comes with both benefits and costs. It helps ensure public demands are acknowledged in land management decisions, and that the agencies follow the appropriate laws and procedures in crafting land-use decisions. But in practice it often results in a lengthy and expensive process that pits user groups against each other in a zero-sum battle over access to federal land resources.

Federal land agencies often struggle to meet or even establish recreation management goals.

Maintaining trails, roads, and recreation facilities on federal lands requires resources and funding. But the lengthy planning process and threat of litigation lead to high management costs for federal agencies and a lack of resources for recreational management.²² Moreover, federal agencies often lack the overall agency direction to set priorities over competing recreational uses in the face of seemingly infinite recreational demands.

With high costs and multiple competing demands, it is not surprising that federal land agencies often fall behind on management responsibilities. The total deferred maintenance backlog for the U.S. Forest Service and the Bureau of Land Management is nearly \$6 billion—much of it associated with recreational quality and access.²³ For example, Region 1 of the Forest Service faces \$25 million in deferred maintenance for recreation projects, with no additional funds available to address the problem over the next several years.

The Forest Service and BLM have limited ability to charge user fees for recreation access. Instead, the agencies rely on Congress for the vast majority of their recreation-related funding. However, the ability to charge and retain user fees can be an important tool to improve recreation management because it can provide agencies with much-needed funding without relying on congressional appropriations. The Federal Lands Recreation Enhancement Act (FLREA), passed by Congress in 2004, enables federal land agencies to charge recreation fees and retain the majority of the revenues to enhance visitor services.²⁴ FLREA only allows the Forest Service and BLM to charge fees under certain conditions, but it has proven helpful in allowing federal agencies to provide recreation amenities and access.²⁵ In Montana's Lolo Pass recreation area, the Forest Service requires winter visitors to purchase a recreation pass, and the agency keeps a portion of the revenue. As a result, Lolo Pass offers better opportunities because recreation fees provide funding for trail maintenance and visitor services (see Box 4).



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BOX 4: Region 1 of the U.S. Forest Service and Montana’s Lolo Pass

Region 1 of the U.S. Forest Service, which encompasses 25 million acres in Washington, Idaho, Montana, and the Dakotas, is struggling to take care of its resources. In a recent report, the region revealed that it faces more than \$25 million in deferred maintenance for recreation-related projects, with no additional funding available for the next several years and “no national or regional program direction/guidance” on recreation management. More than half of the 10,000 dispersed recreation sites in the region show damage, demonstrating the effects of the backlog.²⁶ Region 1 is also responsible for 28,000 miles of trails, but the trail maintenance budget is taking a 30 percent cut and workforce capacity continues to decrease.²⁷

The variability and lack of congressional funding is harming the quality of recreational opportu-

nities across many Forest Service lands in the West. As George Bain, director of recreation, lands, minerals, heritage, and wilderness for Forest Service Region 1, recently said, “Fees are one of the things that can help us help ourselves.”

Places where the Forest Service has adopted user fee-based approaches to recreation have improved recreation outcomes.²⁸ Lolo Pass, a popular recreation area in Region 1, has turned to user fees and partnerships with local groups to overcome its funding shortfalls. For example, winter recreation passes (\$5/day or \$35/season) help defray the costs of trail maintenance. The Forest Service has also partnered with non-governmental organizations to help take care of ground work. Trails are groomed through a partnership with local snowmobile and Nordic ski clubs.

Each state allows some form of recreation on state trust lands, often with user fees or recreational leasing.

Recreation is typically allowed on state trust lands if it meets one of two conditions: 1) recreation earns a financial return for the trust agency, or 2) it does not diminish the revenue-generating capacity of the land (see Table 2).

Because trust lands are required to generate revenue, some states charge modest fees for recreation access to them. Arizona, Montana, and New Mexico, for instance, charge an access fee to recreate on state trust lands. Washington requires motorized vehicle users to purchase a pass in order to access state trust lands.²⁹ Other states, like Utah, charge for special uses and commercial recreational uses, but allow free access for general recreation on trust lands.³⁰

Some states allow leasing of trust lands for specific recreational purposes, such as bike trails, ski hills, and outfitters that run commercial hunting and guiding operations. Colorado, for example, does not allow public recreational access on its state trust lands, but it does allow trust lands to be exclusively leased for recreational purposes.³¹

Another way that state trust agencies provide recreational opportunities is by contracting with other state and local agencies. For example, state fish and wildlife agencies often contract with state trust agencies to allow public hunting and fishing access on trust lands.

This arrangement takes a variety of forms. In New Mexico, for example, the State Game Commission negotiates each year with the State Land Office for an easement that allows public access to trust lands for hunting and fishing.³² This year, the game commission paid the trust agency \$1 million—equal to approximately 10 cents per acre—to allow sportsmen access to trust lands in the state. Likewise, in Montana, the Department of Fish, Wildlife, and Parks allocates \$2 from the sale of each hunting license in the state to the state trust agency to allow hunters to access Montana’s trust lands without purchasing an access permit.³³

Recreation is often allowed on state trust land to the extent that it does not interfere with or diminish the revenue-generating capacity of the land. On some trust parcels, recreation is allowed in addition to other revenue-generating activities, such as grazing or timber harvesting. In other cases, some states, such as Arizona and Montana, exclude agricultural trust lands from recreational access in order to preserve the revenue-generating capacity of the lands.

TABLE 2:
RECREATION ON STATE TRUST LANDS

State	How State Meets Financial Requirements for Recreation on Trust Lands
Arizona	<ul style="list-style-type: none"> • A recreation permit is required (\$15/person, \$20/family) for non-consumptive recreational use. • A Special Land Use Permit (price determined by type of activity) is required for groups larger than 20, and/or competitive, and/or for-profit events. • Recreational leases can be purchased for horseback riding, outfitting, shooting ranges, etc.
Colorado	<ul style="list-style-type: none"> • Recreational leases can be purchased through a bidding process for uses such as guided hunting, fly fishing, and mountain biking. • Colorado Division of Wildlife leases access to trust lands for wildlife-related recreation.
Idaho	<ul style="list-style-type: none"> • Idaho Department of Lands receives \$1 annually from the registration of every off-highway vehicle in Idaho to manage dispersed recreation on trust lands. • Guides and outfitters can purchase a lease to hunt on trust lands. • Idaho Fish & Game leases trust lands that would not otherwise be open to the public and allows public access and hunting.
Montana	<ul style="list-style-type: none"> • A recreation permit is required (\$10/person, \$20/family). • Sportsmen with a current conservation license are allowed to hunt and fish on trust lands without a recreation permit because Montana Department of Fish, Wildlife & Parks pays \$2 from the sale of each conservation license to trust beneficiaries to compensate for that use. • Montana Fish Wildlife & Parks leases some trust parcels for wildlife habitat.
New Mexico	<ul style="list-style-type: none"> • A recreation permit (\$25/person) allows for permittee and up to 10 immediate family members in permittee's presence to recreate on trust lands. • Outfitters can purchase the rights to commercially operate on trust lands for \$530, but leases are non-exclusive to other outfitters and the public. • New Mexico State Game Commission purchases an easement on state trust lands to allow for hunting and fishing access.
Nevada	<ul style="list-style-type: none"> • Organized events on trust land require the purchase of a state statute permit. The price varies depending on type of event. • Otherwise, dispersed recreational access is allowed for free if it does not conflict with other revenue-generating activity on state trust lands.
Oregon	<ul style="list-style-type: none"> • Recreation cannot conflict with revenue-generating leased activity or damage the resources that raise revenues.
Utah	<ul style="list-style-type: none"> • Commercial recreational use on trust lands, such as outfitters, tour guides, jeep safaris, and motorcycle races, require the purchase of a right-of-entry permit. Permit cost varies depending on the type of activity. • Utah Division of Wildlife Resources pays the State of Utah School and Institutional Trust Lands Administration to provide public hunting access to some trust lands.
Washington	<ul style="list-style-type: none"> • Dispersed recreational access is allowed when compatible with the basic activities necessary for the financial obligations of trust management. • Accessing Washington trust lands with a motor vehicle requires a Discover Pass. The pass costs \$30 per year and is transferable between two vehicles.
Wyoming	<ul style="list-style-type: none"> • Dispersed recreational access is allowed for free as long as it does not damage lands, roads, or improvements of the lessee's property. Cultivated croplands are closed to public use. • Guides and organized recreation activities need a temporary-use permit (\$25/day). • Outfitters and guides can purchase access permits to trust parcels, either exclusive or not exclusive to other outfitters.

Each state varies in how it manages recreation on state trust lands.

Recreation was not historically an active part of trust land management. In recent years, however, state trust agencies have evolved to accommodate more recreational opportunities, but each state varies in the amount and types of recreation they allow, and under what conditions (see Table 3).

Idaho trust lands are open to a wide variety of recreational activities without charging a user fee. The Idaho Department of Lands receives \$1 from the registration of off-highway vehicles (OHVs) in Idaho each year to manage dispersed recreation on trust lands.³⁴ This funding goes to new signage, trailhead information, parking, trail inventories, rehabilitation of damaged areas, and improving recreational access for OHVs and snowmobiles. Today, 70 percent of Idaho's trust lands allow public access for recreational purposes. The remaining 30 percent are closed primarily because, like many state trust parcels throughout the West, they are land-locked within private property.³⁵

On the other end of the spectrum, some states lease lands directly for recreation through a competitive market process. In Colorado, for example, trust lands are closed to general recreational use, except for lands held under a lease with the Colorado Parks & Wildlife for hunting and fishing access.³⁶ Exclusive recreation rights on trust parcels, however, can be leased for specific recreation purposes. Hunting outfitters, shooting clubs, and mountain biking clubs have all leased trust parcels for recreational use.

TABLE 3:
RECREATION ACCESS ON STATE TRUST LANDS

State	Trust Managing Agency	State Trust Surface Acreage	Public Access for Recreation	Access Fee
Arizona	Arizona State Land Department	9.2 million acres	Yes, but not on lands leased for agriculture, mining, military, or commercial use.	Individual one-year permit: \$15 Family one-year permit: \$20 • Sportsmen pursuing fish or game are exempt from needing a recreation permit.
Colorado	Colorado State Land Board	2.8 million acres	No, except for lands leased for public wildlife-related recreation (i.e. hunting and fishing) by Colorado Parks and Wildlife.	N/A
Idaho	Idaho Department of Lands	2.4 million acres	Yes, unless it conflicts with maximizing long-term revenue generation. Seventy percent of Idaho's trust lands are open to public recreation access.	No, under Idaho's liability laws, the state would be liable for claims from people recreating on trust lands if it directly charges a fee.
Montana	Montana Department of Natural Resources and Conservation	5.2 million acres	Yes, but not on lands leased for agriculture, residential, military, or commercial use.	Individual one-year permit: \$10 Youth and Seniors: \$5 Family: \$20 • Sportsmen who have a current Conservation License are allowed to hunt and fish on trust lands without a recreation permit.
New Mexico	New Mexico State Land Office	9 million acres	Yes	Recreational permit that allows for permittee and up to ten immediate family members when in permittee's presence: \$25
Nevada	Nevada State Land Office	3,000 acres	Yes	No
Oregon	Oregon Department of State Lands	780,000 acres	Yes	No
Utah	State of Utah School and Institutional Trust Lands Administration (SITLA)	3.4 million acres	Yes	No
Washington	Washington State Department of Natural Resources	3 million acres	Yes	Access to state trust lands by motorized vehicle requires a \$30 annual pass that is transferable between two vehicles.
Wyoming	Wyoming State Board of Land Commissioners	3.5 million acres	Yes, but not on cultivated croplands.	No

In some cases, state trust agencies lease lands for specific recreational purposes.

Some states allow recreational leases that enable the lessee to manage trust lands for a particular recreational purpose, avoiding other conflicting uses that would interfere with or diminish the quality of the recreational activity. Depending on the state, lessees can purchase or competitively bid for a recreational lease. This satisfies the state trust mandate to maximize revenues while also resolving competing demands for recreation or other forms of land use. Although recreational leases can exclude parties that are not part of the lease, the land can often be managed for an enhanced, user-specific recreational experience than lands that are managed for multiple recreational activities.

In Colorado, a mountain biking trail system known as Phil's World was created through an exclusive lease on trust lands held by a local mountain biking club. Prior to the club's adoption of the lease, the trust parcel where Phil's World is located was covered in litter and mistreated by illegal off-highway vehicle use. The state trust agency sought to lease the parcels to a lessee that would preserve the land. The mountain biking group purchased the lease and created trails tailored to biking. Today, the trails are open to club members and those willing to pay the modest \$3 day-use fee (see Box 5).

When trust lands are leased for a specific recreational purpose, they can be better managed for that specific use but may preclude multiple uses. Lands leased for biking can have bike-specific trails; lands leased for hunting can be planted with feed for target animals; and chairlifts can be constructed on lands leased for ski hills.³⁷ In this way, the lessee is able to manage the land for a particular recreational experience, instead of the trust agency trying to manage for general recreation but never fully meeting any user group's demands for recreation.

Even though exclusive recreational leases can provide enhanced recreational experiences on state trust lands, overall public recreation access can be restricted under such arrangements. This can result in objections from some recreationists who desire general public access to state trust lands.³⁸ However, some state trust agencies have insisted that their mandate to maximize revenues from trust lands compels them to consider recreational leases from groups that are willing to pay for them.



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BOX 5: Phil's World in Cortez, Colorado

Phil's World is a mountain bike trail system near Cortez, Colorado, that operates on state trust land. The Southwest Colorado Cycling Association (SWCCA), a private bike club, exclusively leases a 730-acre parcel from the Colorado State Land Board (SLB) for \$1,200 per year. The trail system consists of 29 miles of trail and crosses from state trust land onto BLM land, but SWCCA president Jeff Fox says it is easier to manage trails on state land because the club is free to manage the land how it knows best, whereas building trails on federal land requires government permission, which can take up to ten years to get.

Phil's World is maintained by the private bike club, but trails are open for riding by the public for a fee of \$3 per day or \$20 per year. The fee revenue is used to pay for the state land lease, maintenance of the trails, and liability insurance. The trails are built specifically for mountain bikers, making Phil's World an incredibly popular biking destination with 10,000 visitors per year. This trail system exemplifies how leasing state trust land for a specific form of recreation can provide an enhanced recreation experience and reduce user conflict.

State trust agencies have often found innovative ways to accommodate recreational demands while meeting their fiduciary responsibilities.

The ability of state trust agencies to accommodate recreational demands demonstrates an element of flexibility inherent in the trust management model. The “best interest of the trust” does not necessarily require trust managers to blindly maximize revenues from extractive industries or ignore new demands on trust resources. Instead, in many cases, trust agencies have found innovative ways to accommodate a variety of recreational demands while meeting their fiduciary responsibilities for long-term resource stewardship.

In addition to recreational permits and leases, as described above, there are several other ways that state trust agencies are meeting recreational demands. Trust agencies often contract with

other state agencies to provide recreational opportunities while also generating revenue for trust beneficiaries. For instance, state wildlife agencies regularly lease trust lands for wildlife habitat³⁹ or to provide hunting and fishing opportunities. Colorado has adopted a Public Access Program lease agreement between Colorado Parks & Wildlife and the Colorado State Land Board. The agreement allows for wildlife-related recreation, largely hunting and fishing, on 480,000 acres of state trust land.⁴⁰ This is especially important because trust lands in Colorado are closed to public recreation. Without the lease by Colorado Parks & Wildlife, sportsmen would be unable to access trust lands unless they lease parcels or hire an outfitter who holds a trust-land lease.⁴¹

TABLE 4:
CAMPING, HUNTING, AND FISHING ON STATE TRUST LANDS

State	Camping Allowed	Hunting and Fishing Allowed	Outfitter Leases
Arizona	Yes, limited to no more than 14 days per year.	Yes	No, Arizona does not lease to individuals for hunting and does not regulate outfitters on state trust lands.
Colorado	No	Yes, Colorado Parks & Wildlife has a lease agreement with the State Land Board to provide wildlife-related recreation. CPW pays about \$1.65 per acre for hunting and fishing access. This has opened up 480,000 acres of trust land for public wildlife-related recreation, largely hunting, fishing, and wildlife viewing. Trust lands included in this arrangement are only open from September – February.	Yes, hunting and fishing outfitters can purchase a lease on Colorado trust lands. Parcels not leased by CPW can be privately leased for hunting with only the leaseholder and clients/guests allowed to hunt on the property. However, they are required to have private liability insurance.
Idaho	Yes	Yes	Yes, hunting and fishing outfitters can lease state trust lands. Leases can be either exclusive or non-exclusive to other outfitters, but the general public is still allowed to hunt on trust lands leased to outfitters.
Montana	Yes, camping on leased or licensed state land outside of a designated campground is limited to two consecutive days. Camping on unleased land outside of a campground is limited to 14 days total in a year. Camping in a designated campground is limited to 14 consecutive days.	Yes, sportsmen who have a current conservation license are allowed to hunt and fish on state trust lands.	Yes, hunting and fishing outfitters can have leases that are either exclusive or non-exclusive to other outfitters.
New Mexico	Yes, but only with the written permission of the surface lessee.	Yes, the New Mexico State Game Commission pays the State Land Office for an easement on state trust lands to allow for public hunting and fishing.	Yes, but outfitter leases are not exclusive to other outfitters or the general public.
Oregon	Yes	Yes	An outfitter could lease trust lands, but there is no history of outfitter leases.
Utah	Yes, but camping longer than 14 consecutive days requires a right-of-entry permit and is restricted to existing campsites.	Yes, the Utah Division of Wildlife Resources pays \$500,000 compounded at a 5-percent increase each year to provide public hunting access to trust lands.	Yes, but the trust arrangement with the Division of Wildlife prohibits Utah from exclusive leases with outfitters.
Washington	Yes, stay limits vary by campground, but the maximum stay is 10 days in a 30-day period.	Yes	It is not prohibited, but there is no history of outfitter leases.
Wyoming	No	Yes	Yes, outfitters can purchase temporary use permits, either exclusive or non-exclusive to other outfitters, but non-exclusive to the public.

In some states, rights of way for hiking and biking trails on trust lands can be issued to other groups or agencies. Municipal governments or local land trusts, for example, can hold an easement that permits them to create and maintain trails for public recreational purposes on state trust lands.⁴²

Another innovative approach to integrating recreation with trust land management is a process known as “land banking.” Through land banking, states can dispose of isolated landholdings, such as inaccessible parcels surrounded by private lands, and use the revenues to acquire higher-value recreational parcels elsewhere with the purpose of enhancing public access. For example, Montana’s Land Banking Program allows the sale of trust lands that have low recreational value, and the revenues are used to purchase legally accessible lands with more recreational opportunities (see Box 6). The purchased parcels are required to generate more revenues than those sold, so land banking meets financial and recreational demands.⁴³

At times, alternative funding sources can be tapped to meet trust agencies’ financial obligations while allowing more recreational opportunities on trust lands. For example, when a timber sale stalled on trust lands in Washington over concerns about its effect on recreation, the state legislature opted to compensate the trust agency for the value of the proposed timber sale so that the lands could be reserved for conservation and recreation instead (see Box 7).



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BOX 6: Montana’s Land Banking Program

Montana, like all western states, is able to sell its trust land, but until the creation of the Land Banking Program in 2003 there was no requirement to purchase replacement land. Proceeds from the sale of certain trust lands that are selected for the program are put in a land banking trust fund. These funds are then used to purchase lands that increase public access to trust lands. The lands sold under Montana’s Land Banking Program are predominantly isolated grazing lands, and the lands acquired include agricultural, grazing, and timbered lands that also provide recreational opportunities. Since 2003, 68,000 acres of Montana trust lands have been sold, 84 percent of which were surrounded by private lands. In return, nearly 65,000 acres of legally accessible land with recreational opportunities have been purchased through the program and are now managed as Montana trust lands.

Through land banking, states can dispose of isolated landholdings and use the revenues to acquire higher-value recreational parcels elsewhere with the purpose of enhancing public access.



© WA State Dept. of Natural Resources

BOX 7:
Blanchard Mountain in Washington

Where the Cascade Mountains meet the sea near the Puget Sound, Blanchard Mountain is home to hiking, biking, and hang gliding. A popular recreation spot, 4,800 acres of Blanchard Mountain are forested state trust lands managed by Washington’s Department of Natural Resources (DNR). The forests are often cut to fund schools and other services in rural Skagit County, where the communities rely on the timber industry for jobs and income.

In 2006, some groups opposed a timber sale near popular trails on Blanchard Mountain. In response, the DNR brought together ten representatives from the timber industry, recreation

groups, state parks, county government, and environmental groups to find a compromise. Washington is unique in that the DNR can use legislature-approved state funds to compensate schools so that some trust lands can be set aside for conservation. The group arranged to have 1,600 acres of Blanchard Mountain set aside for recreation and wildlife habitat, and the state agreed to purchase \$12 million in replacement timberlands nearby to be used for the benefit of Skagit County and other trust beneficiaries.⁴⁴

In other cases, it has proven difficult to reconcile recreational values with the traditional state trust management model.

For much of their history, state trust agencies relied on resource development, such as timber harvesting or livestock grazing, to generate revenues for trust beneficiaries. While trust agencies have begun to acknowledge new resource values such as recreational and environmental demands, this traditional reliance on consumptive uses has contributed to what at times has been a difficult and complicated evolution.⁴⁵

Unlike federal land agencies, state trust agencies are not mandated to provide public recreational opportunities. In fact, state trust lands are not always considered “public lands” like most federal lands. Instead, they are managed exclusively for the benefit of specific beneficiaries, such as common schools, not for the benefit of the general public. Moreover, trust land agencies generally do not actively develop amenities such as trails and campgrounds.

At times, trust land agencies are unable to accommodate recreational demands while also fulfilling their mandate to maximize revenues for trust beneficiaries. The recent controversy over the Elliott State Forest in Oregon illustrates this challenge. The state tried to manage the forest for timber as well as recreational and conservation purposes. In the end, the trust

agency proved unable to accommodate these conflicting uses, and it is in the process of selling the lands to another entity better able to do so (see Box 8).⁴⁶

As the case of the Elliott State Forest illustrates, recreational values may not always be preserved on state trust lands, especially if there are other higher-valued resources available on the land.

It is important to note, however, that state trust lands can be disposed of for the purpose of enhancing or preserving overall recreational opportunities. The Utah Recreational Land Exchange Act of 2009 involved a trade of state trust lands with recreation potential to the BLM in exchange for federal lands that were better suited to generate revenues for the trust agency.⁴⁷ Likewise, in Arizona, the Arizona Preserve Initiative, which ran from 1996 to 2007, allowed groups to petition for state trust lands to be leased or sold for conservation purposes, typically including recreation.⁴⁸ The initiative allowed state trust lands to be sold to the city of Phoenix to be managed as a preserve that provides hiking and biking opportunities.⁴⁹



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BOX 8:
Elliott State Forest in Oregon

The Elliott State Forest in the Coast Range of Oregon is trust land used for timber harvesting to benefit Oregon’s common school fund. Yet the area is also a popular recreation site. In recent years, the trust agency has lost money managing the forest due to several lawsuits that have blocked timber sales over concerns about the effect on federally protected Coho salmon and the marbled murrelet. Several attempts to increase revenues from timber sales on the trust land have failed.

In 2015, the Oregon State Land Board approved selling the Elliott State Forest to a buyer who agrees to purchase the entire property at fair-market value, maintain public recreation access, protect threatened wildlife, and provide local jobs. At this point, 49 parties have expressed interest in purchasing the Elliott State Forest, including the BLM, Rocky Mountain Elk Foundation, Douglas Timber Operations, and the Sierra Club. The final sale is expected to be completed by December 2017.

Throughout the West, state parks are an effective provider of public recreation opportunities.

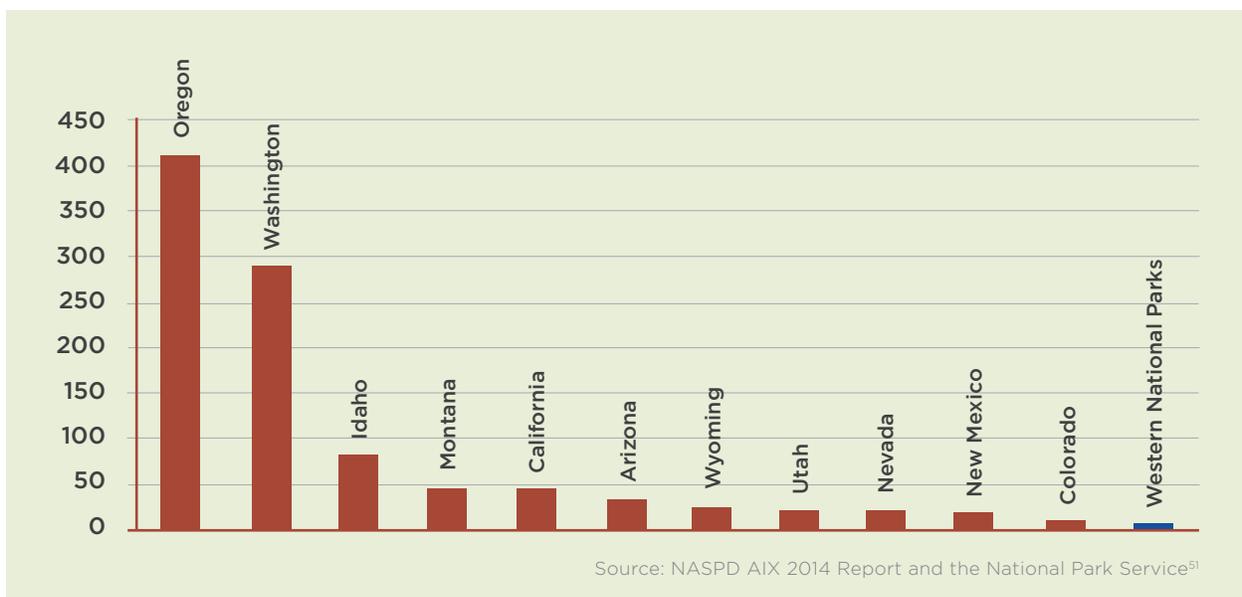
State parks are perhaps better equipped to provide recreational opportunities than state trust agencies. State park agencies manage areas of natural, historic, and recreational importance, as well as units with a specific resource focus such as forest protection, environmental education, and fish or wildlife habitat. Much like national parks, the general mission of state park agencies is to conserve important landscapes and cultural amenities while providing recreational opportunities to the public.

State parks are incredibly popular (see Figure 2). In fact, state parks receive more recreation visits per acre than any of the federal land agencies, including the National Park Service. And although western state parks make up only one-fifth as much land as national parks in the

West, they bring in nearly 80 percent as many visitors as national parks in the West.⁵⁰

The popularity of state parks is largely due to the types and quality of the recreation opportunities they provide. Often for a modest entry fee, visitors can engage in a vast range of outdoor activities, from hiking and snorkeling to snowmobiling and skiing. Although state parks generally allow for multiple types of recreational uses, in certain areas they often manage for specific uses, such as boating, mountain biking, and skiing. In addition, state parks often provide developed recreation amenities such as rental cabins, lodges, visitor centers, campgrounds, and other guest services, creating a variety of opportunities for visitors to engage in outdoor recreation.

FIGURE 2:
STATE PARK VISITS PER ACRE



State park agencies often generate more revenue from visitors than federal land agencies, providing park managers with incentives to provide the type of recreational experiences that visitors desire.

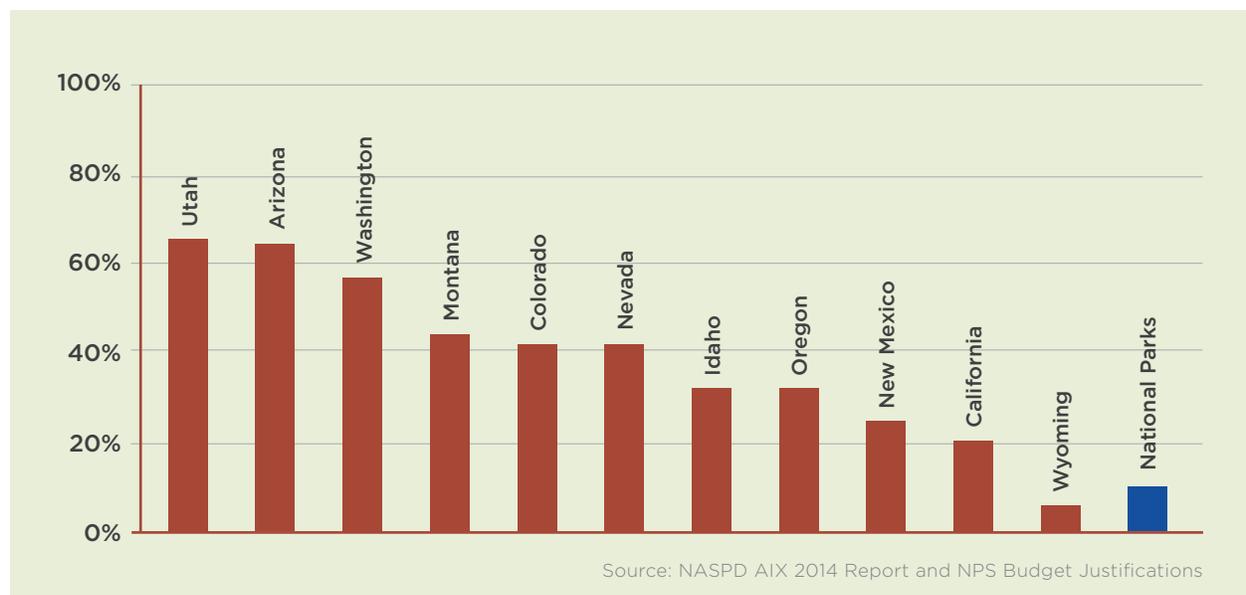
State park agencies typically rely on general funding from state legislatures for the majority of their budgets. But when legislative funding falls short, as it often does, park officials are forced to find alternative sources of funding. Today, many state park departments receive a significant portion of their revenue from visitor fees (see Figure 3).

Some state park agencies, such as those in New Mexico and Wyoming, depend almost exclusively on general funds from the state legislature to cover their expenditures. Others such as Colorado and Montana receive no general funds, instead relying more on park-generated

revenues and dedicated funds.⁵² Nearly every state park system relies to some extent on some dedicated funds, which are legislated dollars set aside specifically to help fund state parks. These often include lottery earnings, license and registration fees, or taxes to be used specifically for state park management (see Table 5).

State parks in Arizona, Utah, and Washington now cover more than half of their expenditures from user fees. Faced with budget cuts from the state legislature over the last five years, many parks in Utah, for example, have become self-sufficient by finding ways to meet new recreation demands. Because Utah's parks are

FIGURE 3:
STATE PARK EXPENDITURES
COVERED BY VISITOR FEES (2013)



allowed to retain a portion of their revenues onsite, park managers have incentives to provide recreation opportunities that attract new visitors. At Dead Horse Point State Park, for instance, park managers responded to budget cuts by constructing a mountain biking trail to attract more visitors (see Box 9).

Despite progress toward self-sufficiency, every state park system in the West relies on state legislatures for some portion of their expenditures, either through general or dedicated funds (see Table 5). When state budgets are tight, however, parks are often one of the first agencies to receive budget cuts. Park systems that rely heavily on legislative appropriations, therefore, such as California's, are most affected by variable state funding (see Box 10).



BOX 9: Dead Horse Point State Park in Utah

Dead Horse Point State Park (DHPSP) near Moab, Utah, is known for its mountain biking through amazing desert scenery. But it was not always this way. In the early 2000s, DHPSP was losing popularity, and this was bad news for the park's budget. In 2007, park managers decided to put in nine miles of mountain biking trail in an effort to attract more visitors.⁵³ In 2009, the Intrepid Trail System opened with great success, and annual visits to DHPSP increased almost 50,000 between 2005 and 2010. In 2010, the park earned nearly \$25,000 from visitors using the trails.

During the next few years, however, the economy took a downturn, and the Utah state government cut their contributions to Utah's state parks. Parks became more dependent on revenues from user fees. In response, park managers at DHPSP decided to expand the Intrepid Trail System.⁵⁴ By 2014, the trail system consisted of 17 miles of single-track bike trails and became a nationally recognized biking destination. The trail is specifically designed to fit the needs of mountain bikers and provide a high-quality recreation experience.

TABLE 5:
STATE PARK FUNDING SOURCES AS A PERCENT OF
TOTAL PARK EXPENDITURES (2013-2014)

State	Park Agency	General Funds	Park-Generated Revenues	Dedicated Funds
Arizona	Arizona State Parks	0.0%	64.5%	30.5%
California	Department of Parks and Recreation	26.9%	21.3%	36.2%
Colorado	Parks and Wildlife	0.0%	41.4%	41.3%
Idaho	State Parks and Recreation Department	6.4%	32.4%	46.8%
Montana	Fish Wildlife and Parks	0.0%	42.6%	29.7%
New Mexico	Department of Conservation and Natural Resources	26.8%	40.8%	11.6%
Nevada	Energy, Minerals, and Natural Resources Department	50.1%	24.6%	11.2%
Oregon	Parks and Recreation Department	0.0%	31.9%	26.4%
Utah	Department of Natural Resources	20.9%	65.8%	1.4%
Washington	State Parks and Recreation Commission	11.7%	57.5%	6.0%
Wyoming	State Parks, Historic Sites, and Trails	85.1%	6%	0.0%

Source: NASPD AIX 2013-2014.

Note: Numbers may not sum to 100% because federal and other bond funding is not included.

BOX 10:

California's State Park Budget Rollercoaster

California's state parks have typically relied on general funds from the state legislature. But in response to budget cuts in the 1990s, the state's park system started to make changes. The state parks department began allocating park budgets through a process that rewards park managers for generating revenues or saving money. The new budget allocation program allowed each park district to retain all the revenues earned from its parks above a historical base amount. Funds that were not spent were available to be used the following year at the discretion of the district. The new program encouraged district managers to save money and earn revenue.

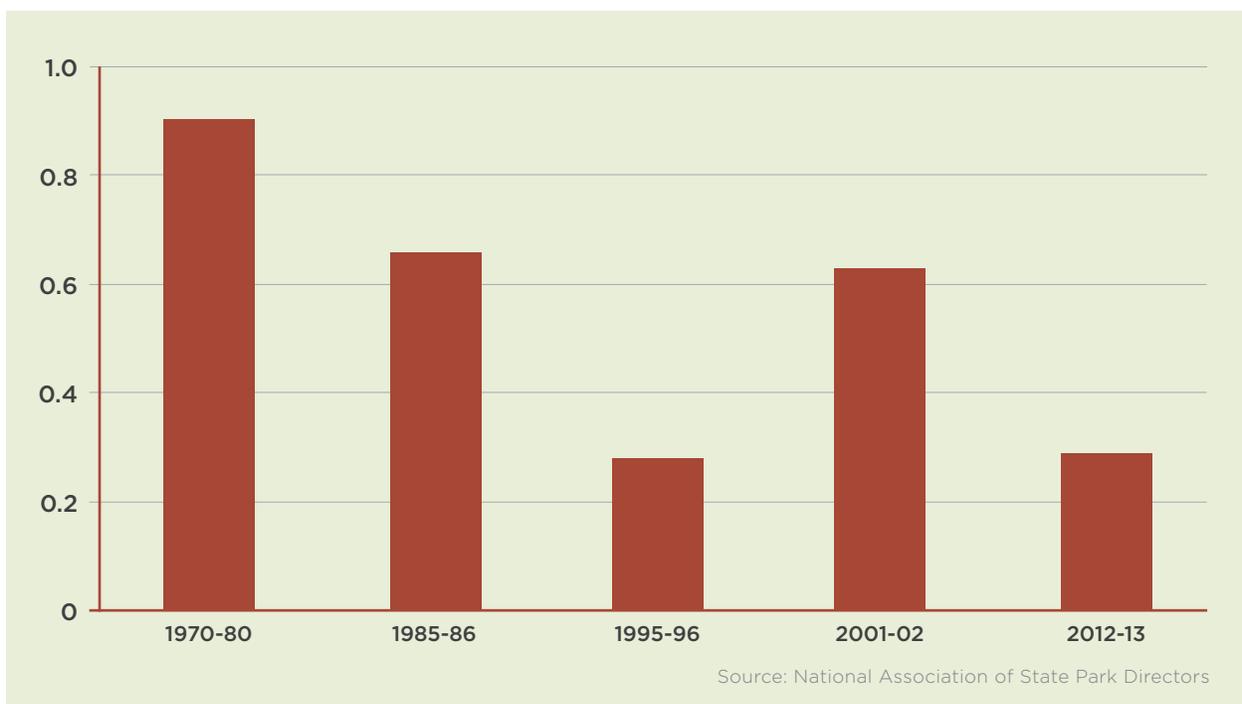
By 2001, when state budgets were in good shape again, the legislature halved park day-use fees to \$3 and reduced other camping

and access fees. The system reverted back to its reliance on general funds. During this period, the share of park expenditures covered by general funds increased to 63 percent (see Figure 4).

When the state hit another financial crisis, the park general fund budget was trimmed again. In 2012, state park general funds declined by \$11 million and the legislature proposed closing 70 parks.

The threat to close 70 parks, however, garnered the attention of both the private and public sectors. Private donor groups raised \$3 million to help keep the parks open, the legislature identified alternative public funding sources, and the parks department opened some parks for private concessions to help prevent park closures.

FIGURE 4:
CALIFORNIA STATE PARKS SHARE OF OPERATING EXPENDITURES COVERED BY GENERAL FUNDS



Some state parks and federal agencies have adopted public-private partnerships to enhance recreation opportunities while keeping costs down.

Many state parks have concessions agreements in which the rights to manage some park amenities are leased to the private sector. In return, the state park agency is paid a fee or a portion of revenues earned as rent. These public-private partnerships help reduce agency costs and enhance customer service. The private sector carries out day-to-day management responsibilities, maintains facilities, and collects fees at levels that are agreed upon by the park agency. The state park agency retains ownership and oversees the contract to ensure the amenities are cared for and meet agency standards (see Box 11).

State parks are not the only land management agencies to make use of public-private partnerships.⁵⁵ The National Park Service hires private concessionaires to manage stores, marinas, and overnight accommodations. About half of all U.S. Forest Service campgrounds are managed by private recreation firms.⁵⁶ According to Janelle Smith, a Forest Service spokeswoman, private concessionaires can “help expand Forest Service capacity to provide service to the public and our customers.”⁵⁷ Similar to the Forest Service campground leases, the Tennessee Valley Authority, a federally owned corporation, leases whole recreation areas for private management.⁵⁸

BOX 11:

American Land and Leisure

California’s state budget crisis in 2012 left the state’s park system with a \$23 million shortfall and 70 parks on the brink of closure. American Land and Leisure, a private park management company, won the bid to manage three state parks: Brannan Island, Turlock Lake, and Woodson Bridge state recreation areas.

In return, the company turned the parks’ finances from red to black. The state maintains ownership of the parks and facilities, but American Land and Leisure has a five-year contract to care for the parks’ amenities, provide customer service, and ensure visitor safety. The company turned a net loss from these parks into a profit without raising user fees. They were able to do

this because they run the parks like a business and, as a result, have better incentives to carry out cost-effective park management.

Under the contract, American Land and Leisure pays 10 percent of its gross revenues to the park agency as rent. An additional agreement encourages the company to reinvest that money in facilities maintenance, reducing the deferred maintenance backlog in the parks. Public-private partnerships such as these can be a “win-win-win” deal because they reduce costs for the park agency, provide a profit opportunity to the private management company, and deliver a high-quality recreational experience to park visitors.

Conclusion

State and federal agencies manage recreation in different ways. Today, federal lands are primarily managed for multiple uses, including resource development, recreation, and conservation. As demands for recreational access continue to grow, federal agencies must balance recreation with other resources uses. But they often have no clear method to prioritize competing uses. The results include litigation, lengthy analysis, and unresolved conflicts between competing user groups.

While the role of federal land agencies in supplying recreational opportunities in the West is widely known, state-owned lands also play an important role—one that is not as widely recognized or understood. States have proven to be responsive to recreational demands and able to provide the types of recreational activities that people desire, on both state trust lands and in state parks.

Despite the perception that state trust lands are managed solely for resource extraction, trust agencies have often found innovative ways to accommodate growing demands for recreation. States generally allow recreation on state trust lands and often charge modest fees for recreation permits to meet their fiduciary responsibility to generate revenues for trust beneficiaries. They also use recreational leases and contracting arrangements with various state and local agencies to provide recreational opportunities while generating revenues.

State parks also provide significant recreational opportunities in the West. On a per-acre basis, state parks receive more visitors than federal land agencies—a strong signal that state parks are providing recreational experiences the public desires. And because state parks generally rely more on visitors as a source of revenue to cover expenditures, state parks arguably do a better job of responding directly to visitor demands than federal agencies do.

The discussion in this report provides several insights relevant to current debates over the proposed transfer of federal lands to state control:

- The central question in the debate over the transfer of public lands is how the lands would be managed under state control. Thus far, the answer to that question has not been clearly articulated. Would the lands be managed as state trust lands, state parks, or some other form of state-owned land? Would budgets be provided from tax dollars and require legislative appropriations, or would agencies have autonomy to generate and retain fee revenues? To understand the possible effects of devolving federal lands to state ownership, policymakers must carefully consider how various state land agencies manage recreation.

The demand for recreation on public lands is growing, both in terms of the number of people and the diversity of recreational activities. Today, there are more hikers, mountain bikers, snowmobilers, and off-road drivers than ever before in the West.

- Because federal and state recreation management differs, a transfer of public lands would likely have significant effects on the forms, quality, and amounts of recreation provided. Exactly what the overall effects would be, however, is not yet clear and would depend on how the lands were managed under state control.
- If transferred lands were managed as trust lands are today, recreation would be required to generate revenues for trust beneficiaries or not interfere with other revenue-generating activities on the lands. This could mean that various forms of recreational permitting, leasing, or contracting arrangements with other groups or agencies would be required to provide public recreational access.
- If transferred lands were managed as state parks are today, management would depend on the agency structure and the extent to which park agencies are dependent upon state legislatures for funding. If park managers have the flexibility to charge fees and can retain revenues for onsite use, then they would have more accountability to visitors and better incentives to meet visitor demands. There is also the possibility that some transferred lands are managed as state trust lands, while others are managed as state parks.

Apart from proposals to transfer federal lands, our discussion also offers insights into how federal land management might be improved:

- Trust management has proven to be an effective and durable land management model that provides managers with clarity, accountability, enforceability, and incentives for long-term stewardship. It is possible that trust principles could be applied effectively to improve federal land management. In fact, several scholars have explored how this could be done in a way that provides benefits to specific beneficiaries other than common schools. For instance, Jay O’Laughlin of the University of Idaho has explored how trust concepts could be adapted to multiple-use federal lands and managed on behalf of beneficiaries such as recreationists and other environmental interests so that the “benefits from land management would provide revenues to meet their perceived needs for recreation facilities or habitat improvements.”⁵⁹ Likewise, Sally Fairfax of the University of California, Berkeley, has explored how trust principles could provide lessons for improving U.S. Forest Service management.⁶⁰ Moreover, Randal O’Toole of the Cato Institute has advocated the creation of fiduciary trusts on federal lands, which would include both “market” and “nonmarket trusts” that support a variety of beneficiaries, including recreationists.⁶¹

- The market-like approach to recreation on trust lands results in several innovative contracting arrangements that are currently not possible on federal lands. For example, state wildlife agencies often contract with trust agencies to protect wildlife habitat on trust lands. Local governments and land trusts also hold easements on trust lands that allow them to create and maintain trails for recreational purposes. What if similar innovative arrangements were allowed on federal lands? The possibility is worth consideration and further debate. Moreover, trust land management generally does not preclude various groups from acquiring leases for recreational or conservation purposes. On federal lands, however, such leases are largely prohibited. For example, federal energy or grazing leases generally cannot be held for recreational or environmental purposes. There are typically requirements that such federal leases be developed or actively used for consumptive purposes. This means that battles over land-use decisions on federal land are fought in the political or legal arena, rather than the more market-like setting on trust lands.
- Recreation fees that can be retained for onsite use help generate funding to enhance recreational opportunities. However, most federal land agencies rely upon Congress for resources. If federal land agencies generated greater portions of their budgets from user fees, as state parks often do, federal managers would have incentives to provide recreational opportunities that attract visitors and likely lead to improvements in overall federal recreation management.

The demand for recreation on public lands is growing, both in terms of the number of people and the diversity of recreational activities. Today, there are more hikers, mountain bikers, snowmobilers, and off-road drivers than ever before in the West. New technologies are making it easier and more appealing to access the great outdoors. These trends, along with a tense debate over public land transfer, create significant challenges for public land managers and make it even more important to understand and learn from the diverse recreation management experiences of public land agencies throughout the West.

Appendix

STATE PARKS IN THE WEST

STATE	TOTAL PARK ACREAGE	ANNUAL ATTENDANCE	EXPENDITURES	REVENUE	REVENUE PER DOLLAR SPENT	EXPENDITURE PER VISIT	REVENUE PER VISIT	NET REVENUE PER VISIT
ARIZONA	64,090	2,174,666	\$18,088,323	\$11,666,844	\$0.64	\$8.32	\$5.36	\$(2.95)
CALIFORNIA	1,596,902	70,418,166	\$408,977,000	\$87,091,000	\$0.21	\$5.81	\$1.24	\$(4.57)
COLORADO	1,229,364	11,501,520	\$60,815,634	\$25,199,011	\$0.41	\$5.29	\$2.19	\$(3.10)
IDAHO	58,922	4,858,601	\$20,720,200	\$6,721,600	\$0.32	\$4.26	\$1.38	\$(2.88)
MONTANA	46,035	2,073,391	\$10,656,869	\$4,544,666	\$0.43	\$5.14	\$2.19	\$(2.95)
NEVADA	146,225	3,035,024	\$11,675,913	\$4,761,284	\$0.41	\$3.85	\$1.57	\$(2.28)
NEW MEXICO	196,677	3,852,111	\$19,658,047	\$4,845,476	\$0.25	\$5.10	\$1.26	\$(3.85)
OREGON	108,654	44,576,097	\$67,112,997	\$21,393,257	\$0.32	\$1.51	\$0.48	\$(1.03)
UTAH	150,758	3,536,704	\$19,012,312	\$12,517,396	\$0.66	\$5.38	\$3.54	\$(1.84)
WASHINGTON	123,174	35,625,060	\$77,193,583	\$44,352,591	\$0.57	\$2.17	\$1.24	\$(0.92)
WYOMING	119,347	3,296,750	\$9,784,856	\$591,274	\$0.06	\$2.97	\$0.18	\$(2.79)
TOTAL/AVERAGE	3,840,148	184,948,090	\$723,695,734	\$223,684,399	\$0.31	\$3.91	\$1.21	\$(2.70)

Source: NASPD AIX 2014 Report (2012-2013 data)

Endnotes

1. "Public Land Ownership by State." Natural Resources Council of Maine. <http://www.nrcm.org/documents/publiclandownership.pdf>.
2. Swearingen, Marshall. "Public-lands visitation and recreation, by the numbers." *High Country News*. July 20, 2015. <https://www.hcn.org/issues/47.12/lonely-spot-crowded-west-population-recreation-parks>.
3. It is important to note that the existing transfer proposals do not aim to transfer all federal lands. National parks, national monuments, and designated wilderness areas are excluded and would remain under federal ownership. The proposals focus primarily on federal multiple-use lands, which include most of the lands managed by the U.S. Forest Service and the Bureau of Land Management.
4. For more information, see the Organic Administration Act of 1897.
5. The BLM was the combination of the Grazing Service and the General Land Office. See http://www.blm.gov/wo/st/en/info/About_BLM/History.html.
6. For more information, see the Multiple-Use Sustained-Yield Act of 1960.
7. For more information, see the Federal Land Policy and Management Act of 1976.
8. A township consists of 36 one-square-mile sections. Most western states were granted sections 16 and 36 as trust lands. Arizona and New Mexico were granted sections 2, 16, 32, and 36. In states where these sections were already reserved in national forests, states were allowed to select "in lieu" lands from the public domain, which created larger blocks of state lands. See Peter W. Culp, Diane B. Conradi, and Cynthia C. Tuell. *Trust Lands in the American West: A Legal Overview and Policy Assessment*. Lincoln Institute/Sonoran Institute. 2005.
9. The sale of trust lands is authorized under certain conditions. However, the revenue from land sales must be deposited into a permanent fund along with the proceeds from nonrenewable resources such as oil, gas, and mineral development. The permanent fund generates interest payments that are then distributed to trust beneficiaries, ensuring that land sales and nonrenewable resource development continues to generate long-term financial returns for the trust. For more background on state trust lands, see Jon A. Souder and Sally K. Fairfax. *State Trust Lands: History, Management, and Sustainable Use*. Lawrence, KA: University Press of Kansas (1996); Peter W. Culp, Diane B. Conradi, and Cynthia C. Tuell. *Trust Lands in the American West: A Legal Overview and Policy Assessment*. Lincoln Institute/Sonoran Institute (2005).
10. Holly Fretwell and Donald Leal. "Back to the Future to Save our National Parks." PERC Policy Series. 1997.
11. National Association of State Park Directors. *Annual Information Exchange Statistical Report of State Park Operations (NASPD AIX)*. 2014; National Park Service. Annual Summary Report. 2014.
12. The 11 western states are composed of 752,947,840 acres of land, 46.9% of which are federally owned. Federal agencies have 353,094,249 acres in the West (BLM has 174,519,780 acres; USFS has 141,502,187 acres; NPS has 20,236,884 acres; DOD has 10,414,947 acres; FWS has 6,420,452 acres). See Carol Vincent, Laura Hanson, and Jerome Bjelopera. *Federal Land Ownership: Overview and Data*. Congressional Research Service. December 29, 2014. R42346.
13. Anne Marie Holen. "Mountain bikes on the Colorado Trail leave something to be desired." *High Country News*. September 10, 2015. <http://www.hcn.org/articles/mountain-bikes-on-the-colorado-trail-leave-something-to-be-desired>
14. Executive Orders 11644 and 11989 required that federal land agencies control the use of off-road vehicles on public lands to protect the resources of those lands. Prior to 2005, the Forest Service's OHV regulations prohibited trail construction and operation of vehicles in a manner that damaged land, wildlife, or vegetation. However, as OHVs became more popular and more powerful, the regulations proved insufficient to prevent environmental damage. In 2005, the Travel Management, Designated Routes and Areas for Motor Vehicle Use (<http://www.fs.fed.us/recreation/programs/ohv/final.pdf>) was passed to require national forests to designate routes and areas for motor vehicle use to reduce environmental impacts. Under the BLM's Comprehensive Travel and Transportation Management (CTTM) Program (http://www.blm.gov/wo/st/en/prog/Recreation/recreation_national/travel_management.html) the BLM designates what type of transportation is allowed in what areas and routes.
15. For more information on the 2012 National Forest Planning Rule: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5362536.pdf.
16. Krista Langlois. "National forests to decide where snowmobiles are welcome." *High Country News*. February 2, 2015. <http://www.hcn.org/articles/snowmobiles-forest-service-backcountry>.

17. See Krista Langlois. "National forests to decide where snowmobiles are welcome." *High Country News*. February 2, 2015. <https://www.hcn.org/articles/snowmobiles-forest-service-backcountry>. Under NFMA, national forests are required to revise their management plans at least once every fifteen years. As of 2012, the Forest Service had 127 land management plans, 68 of which were past due for revision. See "National Forest System Land Management Planning," 77 Federal Register 68 (9 April 2012), pp. 21162 - 21276.
18. Brian Jennings. "The Wallowa-Whitman: A National Forest Begging for a Travel Management Plan." *Backcountry Hunters and Anglers*. <http://www.backcountryhunters.org/index.php/state-chapters/oregon-bha/or-bha-news/759-the-wallowa-whitman-a-national-forest-begging-for-a-travel-management-plan>.
19. "Bitterroot Forest Issues Travel Plan Decision." *Bitterroot Star*. April 14, 2015. <http://www.bitterrootstar.com/2015/04/14/bitterroot-forest-issues-travel-plan-decision/>.
20. For more information on public involvement with NEPA: *A Citizen's Guide to the NEPA: Having Your Voice Heard*. https://ceq.doe.gov/nepa/Citizens_Guide_Dec07.pdf.
21. Part of Sequoia National Forest was leased under a permit from the Forest Service for the construction of a ski resort. The Sierra Club objected, arguing the proposed development went against laws governing the preservation of national forests. Though the Sierra Club lost in court because they failed to show they had suffered a "legal wrong," the U.S. Supreme Court found that interests groups can sue over government actions when group members' use of public land would be specifically harmed by the proposed government action. See *Sierra Club v. Morton* 405 U.S.727 (1972).
22. Holly Fretwell and Shawn Regan. "Divided Lands: State vs. Federal Land Management in the West." *PERC Public Lands Report*. March 2015.
23. On national parks, the maintenance backlog is even higher at nearly \$12 billion. See Carol Hardy Vincent. "Deferred Maintenance of Federal Land Management Agencies: FY2005-FY2014 Estimates." April 21, 2015. R43997.
24. FLREA authorizes a percentage of the fees collected by land managers to be reinvested at the unit in which the fees were collected. Revenues from FLREA can be used to enhance visitor services, including repair, maintenance, and facility enhancement. For more information on FLREA: <http://www.fs.fed.us/passespermits/fee-legislation-text.shtml>.
25. FLREA permits federal land management agencies to charge modest day use fees or permit fees when sites provide amenities, such as picnic areas or campground, or special recreation areas, such as shooting ranges or specialized trail systems. However, most Forest Service and BLM lands are not developed enough to meet the criteria to be able to charge user fees. See <http://www.fs.fed.us/passespermits/about-rec-fees.shtml>.
26. U.S. Forest Service. "Northern Region Sustainable Recreation, Heritage, Wilderness Strategy 2015-2020." August 3, 2015. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd488348.pdf.
27. For example, the Custer Gallatin National Forest in southwestern Montana is having their trail work budget cut from \$900,000 in 2015 to \$610,000 by 2018. See Michael Wright. "Funding cuts begin to hit Forest Service." *Bozeman Daily Chronicle*. March 22, 2016. http://www.bozemandailychronicle.com/news/environment/funding-cuts-begin-to-hit-forest-service/article_1263ee36-ac42-5132-95af-d3ef625072bf.html.
28. Rob Chaney. "U.S. Forest Service strategy offers candid look at system in disarray." *Missoulian*. February 6, 2016. http://missoulian.com/news/local/u-s-forest-service-strategy-offers-candid-look-at-system/article_36ce9768-6fe3-51a3-a5f7-0c3ee997241d.html.
29. For more information on the Washington Discover Pass: <http://discoverpass.wa.gov/>.
30. In Utah, the general public is not required to pay a user fee to recreate on state trust lands. However, commercial use or other types of land use, such as guided tours and races, must purchase a right-of-entry permit. The cost for the permit varies depending on type of activity and the timeframe of use. For more information on Utah's right-of-entry permits: <http://trustlands.utah.gov/business-groups/surface/rights-of-entry/>.
31. For more information on the Colorado State Land Board's recreation program: <http://trustlands.state.co.us/Projects/Pages/Recreation.aspx>.
32. For more information on the New Mexico Game Commission's lease: <http://www.nmwildlife.org/news/commission>.
33. "Guide to Recreational Use of Montana's State Trust Lands." Montana Department of Natural Resources and Conservation. <http://dnrc.mt.gov/divisions/trust/recreational-use-of-state-land/rec-use-forms-and-permits/recreational-use-guide>.

34. In 2014, Idaho Department of Lands received \$134,000 from OHV registrations. See “Recreation on Idaho Endowment Lands. Idaho Department of Lands. October 16, 2015. https://legislature.idaho.gov/sessioninfo/2015/interim/151016_natr_01_IDLHandouts.pdf.
35. Rocky Barker. “Rocky Barker: Access on Idaho’s State Land? Yes!” *Idaho Statesman*. September 18, 2015. <http://www.idahostatesman.com/news/local/article41569227.html>.
36. Jodi Stemler. “Colorado’s Big Secret: Public Hunting Land That’s Closed to Public Hunting.” *Outdoor Life*. December 17, 2015. <http://www.outdoorlife.com/blogs/open-country/colorado%E2%80%99s-big-secret-public-hunting-land-that%E2%80%99s-closed-public-hunting>.
37. Montana, Utah, Wyoming, and Idaho also allow hunting and fishing guides to lease trust lands exclusively of other outfitters, reducing competition for trophy animals and incentivizing wildlife habitat conservation.
38. Many recreationists argue that trust lands are public lands and thus should be open to public recreation, free of charge. Colorado hunters claim trust land is public hunting land that is wrongfully closed to public hunting (see Jodi Stemler. “Colorado’s Big Secret: Public Hunting Land That’s Closed to Public Hunting.” *Outdoor Life*. December 17, 2015. <http://www.outdoorlife.com/blogs/open-country/colorado%E2%80%99s-big-secret-public-hunting-land-that%E2%80%99s-closed-public-hunting>), while Idaho recreationists fight to prevent their Department of Lands from allowing leases that would restrict public access (see Betsy Russell. “Idaho weighs private leases of public land.” *The Spokesman-Review*. September 20, 2015. <http://www.spokesman.com/stories/2015/sep/20/idaho-weighs-private-leases-of-public-land/>).
39. For example, in Montana, the Department of Fish, Wildlife, and Parks leases trust lands from the Montana Department of Natural Resources and Conservation that border wildlife management areas so that they can better manage wildlife populations.
40. For more information on the Colorado Parks & Wildlife agreement with the Colorado State Land Board: <http://cpw.state.co.us/placestogo/Pages/StateTrustLands.aspx>.
41. Arrangements between agencies to provide hunting and fishing access to state trust lands are often met with opposition. Many sportsmen believe that because wildlife is a public commodity they should be able to pursue wildlife regardless of property lines and that access should not have to be paid for.
42. Triple Tree Trail is a popular hiking and mountain biking on trust land near Bozeman, Montana, but is overseen and maintained by the Gallatin Valley Land Trust. The Trust has worked to improve and expand the trail and parking area to accommodate the trail’s many users. For more information: <http://gvlt.org/featured-trails/triple-tree-trail/>.
43. For more information on Montana’s Land Banking Program: <http://dnrc.mt.gov/divisions/trust/real-estate/land-banking>.
44. For more information on Blanchard Mountain: <http://www.conservationnw.org/what-we-do/forests/blanchard-mountain>.
45. For example, prior to 1992, Montana trust-land lessees could decide whether or not to allow recreation on their leased parcels. However, it was ruled that trust lands should be open to recreational users as long as they compensate the trust, which is why Montana now charges a user fee for recreation on trust lands. Source: Personal communication with Craig Campbell of the Montana Department of Natural Resources and Conservation. December 16, 2015.
46. For more information on the sale of the Elliott State Forest: http://www.oregon.gov/dsl/Common_School_Fund_Property/Pages/Elliott-Opportunity---Project.aspx
47. For more information on the Utah Recreational Land Exchange Act: <http://trustlands.utah.gov/resources/maps/gis-data-and-maps/maps-current-events/utah-recreation-exchange-act-of-2009-2/>.
48. For more information on the Arizona Preserve Initiative: <http://www.ag.arizona.edu/OALS/urbanization/preserve.html>.
49. For more information on the Arizona Preserve Initiative: <http://www.ag.arizona.edu/OALS/urbanization/preserve.html>.
50. This is true both nationwide and in western states. Nationally, state parks receive 47.5 visits per acre (NASPD AIX 2014), and national parks receive 3.5 visits per acre. In the West, state parks receive 48.2 visits per acre (NASPD AIX 2014), whereas national parks in the West receive 5.1 visits per acre. See National Association of State Park Directors. *Annual Information Exchange Statistical Report of State Park Operations* (NASPD AIX). 2014; National Park Service. *Annual Recreation Visitation Report by Park Type or Region*. 2014; National Park Service. *Park Acreage Report*. 2014.
51. National Association of State Park Directors. *Annual Information Exchange Statistical Report of State Park Operations* (NASPD AIX). 2014; National Park Service. *Annual Recreation Visitation by Park Type or Region for 2015*. 2015. [https://irma.nps.gov/Stats/SSRSReports/National%20Reports/Annual%20Recreation%20Visitation%20Report%20by%20Park%20Type%20or%20Region%20\(1979%20-%20Last%20Calendar%20Year](https://irma.nps.gov/Stats/SSRSReports/National%20Reports/Annual%20Recreation%20Visitation%20Report%20by%20Park%20Type%20or%20Region%20(1979%20-%20Last%20Calendar%20Year).

52. For information on Montana State Park funding: <http://stateparks.mt.gov/about-us/parksForSix.html>.
For information on Colorado State Park funding: <http://cpw.state.co.us/aboutus/Pages/FinancialSustainability.aspx>.
53. "Dead Horse Point State Park Resource Management Plan." Utah Department of Natural Resources – State Parks and Recreation. April 2007. http://stateparks.utah.gov/stateparks/wp-content/uploads/sites/26/2015/03/DHP_Plan.pdf.
54. "Dead Horse Point State Park Business Planning Strategies 2010-2013." Utah Department of Natural Resources – State Parks and Recreation. 2010. <http://static.stateparks.utah.gov/plans/DHPBusinessPlan2010.pdf>.
55. Warren Meyer. "A Tale of Two Parks." *PERC Case Study*. September 25, 2013.
56. Testimony of Warren Meyer. Subcommittee on Federal Lands, Committee on Natural Resources, United States House of Representatives. (October 28, 2015). The Forest Service also notes that approximately 50 percent of Forest Service camping capacity (or 92 percent of the reservable campsites listed in the National Recreation Reservation Service) are managed by concessioners. See 74 Federal Register 229. (December 1, 2009).
57. Jason Blevins. "Private Operators of Forest Service Recreation Sites Spurs Lawsuit." *The Denver Post*. September 28, 2012.
58. Tennessee Valley Authority "Commercial Recreation Management Fee Guidelines." <https://www.tva.gov/Environment/Recreation/Commercial-Recreation-Management-Fee-Guideline>.
59. Jay O'Laughlin. "Trust Concepts Applied to the Federal Public Lands: A New Approach for Sustaining Human Communities and Biological Diversity." http://www.uidaho.edu/-/media/Files/orgs/CNR/PAG/other%20pubs/New/2000_trust-land-mgmt-concepts.
60. Sally Fairfax. "Lessons for the Forest Service from State Trust Land Management Experience." Resources for the Future. Discussion Paper 99-16. January 1999. <http://ageconsearch.umn.edu/bitstream/10780/1/dp990016.pdf>.
61. Randal O'Toole. "A Matter of Trust: Why Congress Should Turn Federal Lands into Fiduciary Trusts." Cato Institute. Policy Analysis No. 630. January 15, 2009. <http://www.cato.org/publications/policy-analysis/matter-trust-why-congress-should-turn-federal-lands-fiduciary-trusts>.



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