

Policies on Public Recreation Use of Trust Lands

An Informal Survey of Selected Western States - 2009



Oregon Department of State Lands



**Results of Survey of the Policies of Selected Western States on Public
Recreation Use of Trust Lands
2009**

In April/May 2009 the Oregon Department of State Lands administered a survey of a number of Trust Land managers/personnel in selected western states. Responses to the three questions were compiled from email and phone interviews. The purpose of the survey was to determine how the states manage hunting and other outdoor recreation activities on Trust lands.

The following is the result of the survey.

1. Do you currently charge the public to access Trust lands for recreation use? If so, how much and for what type of activities?

Responses:

Oregon : No.

Oklahoma: No. OK has leases to OK state parks department for recreational uses, but the public is otherwise prohibited from just walking on the Trust lands.

Montana: Yes; agreement with MT Department of Fish Wildlife & Parks (FWP); FWP has purchased the hunting, fishing and trapping rights on state lands by paying MT \$1.50 for every conservation license they sell. Amounted to \$874,245 in fiscal year 2008. For non-commercial activities other than hunting, fishing or trapping, the public must purchase a general recreational use permit. General Recreational Use includes hiking, skiing, sight seeing and day horseback use. The cost is \$10 for an individual or \$20 for a family. These generated \$71,754.

Utah: No fees directly assessed for public access. Charge made for commercial recreational events, however, via rights of entry. Assess a \$1.50 surcharge for annual Off Highway Vehicles (OHV) registrations which yields ~ \$300,000 per year. The proceeds from surcharge are used to mitigate resource damage and perfect easements for disciplined OHV use.

Washington: No. One commercial operation at Banks Lake in Eastern Washington.

Idaho: No.

Arizona: Yes, a recreation permit is required to use any Trust lands open to recreation. This includes camping, hiking or traveling over the land. An annual individual permit costs \$50; a family permit costs \$75. Not all lands are open for public recreation.

New Mexico: Yes. Not all lands are open for public access/recreation. Where they are, a recreation access permit is needed. The annual permit is \$25 and covers a family up to ten people.

Colorado: Colorado Trust lands are not considered public lands and therefore all lands are closed to public access except if leased.

Wyoming: No charge to the public – Casual recreational day-use only, no camping, no open fires. Vehicles must stay on established roads. Public has access to legally accessible state lands. Must have permission of owner on deeded/leased lands to cross to state lands.

Nebraska): No since usually access goes with the lease. Some situations access is retained the state. There are a few areas through DNR for public access for hunting (\$1 – \$3/acre). The state may charge for access across state lands (for boating), but that is on an 'as needed' basis.

California: No.

North Dakota: No charge for usual use of Trust lands (hiking, hunting, no camping). No vehicles allowed on school lands, except for maintenance. ND charges Game & Fish for an easement to trail to federal lands. ND charges for organized activities, example; well known horseback/mountain bike trail that carries over onto federal land, there is an easement by ND Parks & Rec. to control activity on entire trail (not allowing to carrying feed that may contain invasive species, etc.).

South Dakota: No.

2. Do you have any arrangements with your Dept of Fish and Wildlife where they provide funding to assure hunting or fishing access to Trust lands?

Responses:

Oregon: No.

Oklahoma: No – however working on a Wildlife Conservation Easement on a couple of tracts that adjoin a Wildlife Management Area. Otherwise, the public is prohibited from entering the lands unless they have specific permission to do so by our lessees.

Montana: See Response to Question #1.

Utah: Ten-year MOU with UT Division of Wildlife Resources, to provide public hunting access to unencumbered surface estate. The agreement calls for

\$500,000 annual payment compounded at a 5% increase each year from DWR. In second year of that ten-year agreement. Study determined that if access were marketed to hunters on certain lands revenue could be \$1.3 to \$2.3 million annually. DWR agreement has enabled UT to reach a compromise on public use vs. trust land management issue.

Washington: No.

Idaho: Idaho has some leases with Fish & Game for public access areas and for wildlife habitat or conservation. Works with Fish & Game to police some high use areas not covered by leases. In exchange, IDL designs timber sales for lands owned by F&G's foundation.

Arizona: Not at this time.

New Mexico: Unknown

Colorado: Yes, 540,000 acres of Trust land are leased to the Division of Wildlife for wildlife-related recreation including hunting and fishing.



Wyoming: No funding arrangement but Fish & Wildlife does have an agreement for access to deeded grounds where a permit (displayed on dash) may be purchased for access across deeded grounds without owners' specific permission.

North Dakota: No. Ranching community up in arms at the thought of funding hunting; used to charge 10 cents/acre for fee-hunting 20 years ago, but has since been dropped.

South Dakota: No arrangements with Fish & Parks. It is something SD is interested in pursuing. SD advised that they could sell their own licenses, but they make no improvements to the land that would benefit hunters, and would not be able to do any enforcement. There was also a legislative bill for funding for hunting & fishing access to Trust Lands, but was hotly contested and defeated.

Nebraska: No.

California: No

3. Do you have any Trust lands under lease for guiding or outfitting services? If so, are these exclusive leases, or non-exclusive...ie does the lessee have a 'hold' on a particular geographic area to the exclusion of other guides?

Responses:

Oregon: No.

Oklahoma: Some leases are used exclusively for hunting, fishing or recreational opportunities, but that is lessee's choice. Agriculture leases have the hunting/fishing rights included. If a lessee does not want to use lease area for agriculture it can be used for recreation – and within charge a sublease fee if they its used for outside hunting club's etc. OK monitors those leases closely; rarely had any abuse issues from lessee on the hunting rights. All of our agriculture leases are offered at public auction. Typically the tracts with any recreational opportunities bring significant bonuses at the auction. An example would be; a lease adjacent to a Wildlife WMA and leased for 3 times the agriculture rent.

Montana: Yes. An outfitter can request that their license be either exclusive or non-exclusive to other outfitters. These generated \$107,588 in fiscal year 2008.

Utah: The agreement described in (2) above prohibits UT from doing exclusive leases with outfitters, etc.

Washington: Not at this time, but its been talked about.

Idaho: Yes, The leases are a mix of both exclusive and non-exclusive. Outfitter and Guide leases do not preclude the general public from hunting or fishing on such lands. Also, there can be more than one Outfitter and Guide lease covering the same area i.e. if an Outfitter and Guide has the mule deer permit for a designated area, another guide cannot get a mule deer permit for that same area but they could have the moose permit. FY08 income from guide and outfitter leases/permits was \$8,818.

Arizona: Yes, a Special Land Use Permit (2-5 years) is required for all commercial recreational uses of land open for recreation. The rates are regionally based with a fee schedule for private, non-profit and for-profit permittees. The rate includes a base rate (sometimes several hundred dollars) and a head fee (e.g. \$3 to \$5 per person).

New Mexico: Commercial uses require a lease.

Colorado: Commercial uses require a lease.

Wyoming: Temporary Use Permits are issued for outfitters/guides (those verified through the Board of Outfitters). Public is still allowed into all the areas regardless of outfitters TUP

- a. Non-exclusive, (\$150/year) – Multiple outfitters may use same area.
- b. Exclusive (15 cents/acre or \$150/year, whichever is greatest) – these may be adjacent to deeded properties where the outfitters has leased exclusive rights.

North Dakota: No.

South Dakota: No. Open for hunting, no exclusive hunting rights.

Nebraska: Lessee has full use and control of lease area. If the area is particularly well used/or may have recreation potential, the appraiser has the option to increase the annual rent to reflect that use/market.

California: No

Number of Trust Lands Surface Acres (approximate):

Arizona -	9 million	New Mexico -	9 million
Oklahoma -	700,000	California -	469,000
Oregon –	767,000	Colorado -	3 million
South Dakota -	750,000	Idaho -	2.5 million
Utah -	3.4 million	Montana -	5.1 million
Washington -	3 million	North Dakota -	700,000
Wyoming -	3.6 million	Nebraska -	1.3 million

Note: This information has not been reviewed by the contributors.

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