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Recreation Access and Leasing of State Endowment Lands

by

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SUMMARY

The Idaho State Board of Land Commissioners (Land Board) is trustee for 2.4 million acres of endowment lands managed for the benefit of public schools and other institutions with the constitutional mandate of maximizing long term financial return. Currently, Idaho does not charge for recreating on endowment lands, nor have endowment lands been leased for exclusive recreational purposes. Recent Land Board discussions have raised the issue of recreation on the endowment lands and its relationship to fiduciary responsibility, as well as the Board has received requests for leasing exclusive hunting rights on some endowment lands. The purpose of this report is to inform discussion in Idaho about exclusive leasing and access fees for recreation on endowment lands by comparing policies adopted in other states.

Of the 18 states with trust lands for which we were able to find information, four do not allow general recreation access to the public (Colorado, Mississippi, Oklahoma, Texas), 10 allow general recreation access to the public without a fee (Alabama, Alaska, Idaho, Minnesota, North Dakota, Oregon, South Dakota, Utah, Wisconsin, Wyoming), and four allow general recreation access to the public with a fee (Arizona, Montana, New Mexico, Washington). Ten of the 18 states allow exclusive leasing of trust lands for recreation (Alabama, Alaska, Arizona, Colorado, Mississippi, Oklahoma, Oregon, Texas, Utah, Wyoming). In four states, the state wildlife management agency pays the state land trust for hunting access (Colorado, Montana, New Mexico, Utah).

We were unable to find program cost information for any recreation permit or lease program, which would include the cost of administering permits, enforcement, and associated costs. Net revenue is therefore unknown, but in most cases reported total revenue amounts do not leave much leeway for administrative or enforcement costs before program costs would outweigh revenues.

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I. Purpose

The state of Idaho owns and manages approximately 2.4 million acres of state endowment lands (**Sidebar 1**). Of the 2.4 million acres, 70% have legal public access that could allow for recreation (IDL 2015a). Thousands of people recreate each year on Idaho's endowment lands to hunt, fish, hike, camp, and enjoy other outdoor activities. Currently, Idaho does not charge for recreating on endowment lands, nor have endowment lands been leased for exclusive recreational purposes.

Currently, the Land Board and Idaho Department of Lands (IDL) have few policies regarding recreation management on the endowment lands (IDL 2015a), and discussions have begun as to whether more formal policies should be adopted (e.g., Land Board 2015). In particular, the issue of recreation on the endowment lands and its relationship to the fiduciary responsibility of the Land Board to maximize long-term financial returns from endowment lands has come to the forefront. A specific driver of the current policy discussion is recent requests for exclusive hunting leases on some endowment lands (IDL 2015a). The purpose of this report is to inform discussion in Idaho about exclusive leasing and access fees for recreation on endowment lands.

Three policy options were presented to the Land Board for recreation access on Idaho's endowment lands (IDL 2015a). We examined these options by comparing policies adopted in other states:

- Adopt a policy retaining the current approach, which is to keep accessible endowment lands open for dispersed public recreation without charge.
- Adopt a policy retaining the current approach under most circumstances, but consider exclusive leasing for recreational purposes on some endowment lands.
- Adopt a policy keeping endowment lands open but charge a fee for public recreation use.

Sidebar 1. What are endowment or trust lands?

In the context of this report, "trust lands" are lands that states or other units of government manage as trusts. A trust is a legal instrument through which the manager of the trust—the trustee (e.g., the Idaho State Board of Land Commissioners)—has specific duties to manage financial or real property for the benefit of others—the beneficiaries (see **Appendix 1**). In Idaho, state trust lands are commonly referred to as "endowment lands." We use the term "endowment lands" when referring to Idaho's trust lands specifically, and the term "trust lands" when referring more generally to the trust land concept and trust lands in other states.

State trust lands, as used in this report, do not include state lands held by a state under the "public trust doctrine," or "sovereign lands," such as riverbeds and shorelines, where such lands are preserved for public use. Also, states often own or manage lands that are not trust lands, for example state parks and wildlife management areas. These lands are not addressed in this report.

Many state trust lands, particularly in western states, were granted to states by the federal government at the time of statehood for the benefit of public education. Idaho's 2.4 million acres of endowment lands are a legacy of grants from the federal government (see O'Laughlin et al. 2011). The purpose as defined in the Idaho Constitution is to manage the endowment lands "in such manner as will secure the maximum long term financial return to the institution to which granted" (Idaho Constitution, Art. IX, Sec. 8). The Idaho State Board of Land Commissioners (Land Board)—Governor, Superintendent of Public Instruction, Secretary of State, Attorney General, and State Controller—serves as trustee. The Idaho Department of Lands manages the endowment lands on a day-to-day basis on behalf of the Land Board.

II. Methods

We compared recreation access and leasing policies for all states with trust lands. We collected recreation policy information from publicly available web sites of state agencies responsible for trust land management, state wildlife management agencies, and other relevant state agencies. We also gathered information from interest group web sites such as www.StateTrustLands.org—a partnership between the Sonoran Institute and Lincoln Institute of Land Policy—and the Western States Land Commissioners Association. In addition, we conducted telephone interviews with state trust land managers in targeted states.

To compare public access policies in other states with trust lands, we first classified policies into one of three categories: (1) no public recreation access allowed, (2) public recreation access allowed without a fee (permit or license), and (3) public recreation access allowed with a fee (permit or license). We then classified policies as to whether or not state trust lands could be leased for exclusive recreational use. Details of relevant policies and reference citations are provided in **Appendix 2**.

III. Results

Each of the three policy options raises questions and concerns. For example, not leasing or charging fees for recreational uses raises questions about meeting the fiduciary responsibility to the trust. Exclusive leasing potentially restricts public access to endowment lands. Both exclusive leasing and public access fees would be new for Idaho's endowment lands, and the social and political acceptability of both is unknown. While both exclusive leasing and public access fees would generate new income, it is unknown whether the income would outweigh the costs of such programs.

Table 1 summarizes findings for the 23 states with trust lands. We were unable to locate information about recreation management on trust lands for five of those states (California, Hawaii, Louisiana, Nebraska, and Nevada).

Of the 18 states for which we were able to find information, four do not allow general recreation access to the public (Colorado, Mississippi, Oklahoma, Texas), 10 allow general recreation access to the public without a fee (Alabama, Alaska, Idaho, Minnesota, North Dakota, Oregon, South Dakota, Utah, Wisconsin, Wyoming), and four allow general recreation access to the public with a fee (Arizona, Montana, New Mexico, Washington). Ten of the 18 states allow exclusive leasing of trust lands for recreation (Alabama, Alaska, Arizona, Colorado, Mississippi, Oklahoma, Oregon, Texas, Utah, Wyoming).

The general recreation fee programs of the four states are first described, followed by exclusive leasing programs, and programs involving inter-agency payments for recreation access. Where data are readily available, we highlight program revenues for associated programs. No information about the costs of administering programs was available from state trust land management agency web sites.

Public Access for Recreation with a Fee

Arizona

Arizona has approximately 9.2 million acres of trust land managed by the Arizona State Land Department. A Recreational Use Permit is required for access to those trust lands, except for licensed hunters and anglers actively pursuing game or fish. Recreational uses allowed under the permit are limited to camping, hiking, horseback riding, picnics, bicycling, photography, sightseeing, and bird watching. The Recreational Use Permit costs \$15 per year for an individual or \$20 per year for a family. A

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Table 1. Public recreation access and leasing programs for state trust lands.					
	Public access for recreation			Exclusive leasing for recreation	
	No	Yes, without fee	Yes, with fee	No	Yes
Alabama		✓			✓H
Alaska		✓			✓F
Arizona			✓		✓
California*					
Colorado	✓				✓
Hawaii*					
Idaho		✓		✓	
Louisiana**					
Minnesota		✓		✓	
Mississippi	✓				✓H, R
Montana			✓		
Nebraska*					
Nevada*					
New Mexico			✓	✓	
North Dakota		✓		✓	
Oklahoma	✓				✓
Oregon		✓			✓
South Dakota		✓		✓	
Texas	✓				✓
Utah		✓			✓C
Washington			✓	✓	
Wisconsin		✓		✓	
Wyoming		✓			✓H
<p>* = No information specific to recreation management on state trust lands was found. ** = Trust lands managed by individual school districts; no statewide policy. H = Hunting F = Facilities for commercial recreation R = General recreation C = Commercial recreation</p>					

group permit that lasts five days is available for groups less than 20 people and costs \$15. In FY 2015, 8,670 Recreation Use Permits were issued. Depending on the mix of individual family permits, gross revenue would have been between \$130,500 and \$173,400. Program costs for issuing permits and administration are unknown.

Montana

Montana has approximately 5.1 million acres of surface trust lands managed by the Montana Department of Natural Resources and Conservation. Legally accessible state trust lands are open to recreational use by the public with a proper license. Sportsmen who possess a current Conservation License, which is a prerequisite for all resident and nonresident hunting and fishing licenses, are authorized to hunt and fish on these lands. A Conservation License costs \$8 per year for residents and \$10 per year for nonresidents. Through an agreement with the Montana Department of Fish, Wildlife &

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Parks, \$2.00 from the sale of each Conservation License is paid to the trust beneficiaries to compensate for that use. A State Lands Recreational Use License is required for most other types of noncommercial and non-concentrated recreation activities such as hiking, skiing, sight-seeing, or day horseback use. A State Lands Recreational Use License costs \$10 per year for residents and nonresidents.

In FY 2015, 498,556 Conservation Licenses were sold generating \$997,112 in gross revenue. A total of 6,558 general Recreational Use Licenses were sold with revenues of \$72,361. Special Recreational Use licenses generated another \$163,629. In FY 2014, 444,647 Conservation Licenses were sold generating \$889,294 in gross revenue. A total of 5,844 Recreational Use Licenses were sold with revenues of \$60,196, and Special Recreational Use Licenses generated \$151,902. Program costs for issuing licenses and administration are unknown.

New Mexico

New Mexico has approximately 9 million acres of surface trust lands managed by the New Mexico Land Office. Recreation access to those trust lands is facilitated through a permit system determined by the specific type of use. Most trust lands are open to public hunting and other recreation. A Recreational Access Permit is required for hiking and other activities on state trust lands. The fee for the permit is \$35 annually, and up to 10 family members are allowed on the same permit. The New Mexico State Game Commission has purchased an easement on state trust land that allows fishermen, hunters and trappers to use the lands (see **Inter-Agency Payment for Recreation** section below). No data were available for program revenues and costs.

Washington

Washington has approximately 2.2 million acres of trust lands managed by the Washington Department of Natural Resources. Since 2011, vehicle access to recreational lands and facilities operated by Washington State Parks, Washington Department of Fish and Wildlife, and Washington Department of Natural Resources, including state trust lands, requires a Discover Pass. The Discover Pass costs \$30 annually or \$10 for a single day. The Discover Pass is a motor vehicle permit only, and is not needed to access state lands by non-motorized means (foot, horse, bicycle, etc.). The Washington Department of Natural Resources portion of Discover Pass revenues is eight percent annually, which generated \$1.26 million in revenue in FY 2012, \$1.37 million in FY 2013, \$1.48 million in FY 2014, and \$1.70 million in FY 2015. Program costs for issuing the Discover Pass, enforcement, and associated administration is unknown.

Several states impose fees or increased fees for commercial recreation, large groups, or specific activities, such as outfitting and guiding associated with trust lands. For example:

- Arizona requires a Special Land Use Permit that costs \$300 for groups larger than 20 participants, competitive events, and for-profit events.
- Montana requires a Special Recreation Use License for trapping, commercial recreation, or concentrated (group) use. The cost of the license is the full market value of the use and may be subject to competitive bidding.
- Utah requires a Right of Entry Permit for any recreational use lasting longer than 15 days. A Right of Entry Permit allows commercial uses. Fees for a Right of Entry Permit include a \$50 application fee, \$50 processing fee, and a minimum \$200 usage fee that varies by use.

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- Wyoming requires a Temporary Use Permit for outfitting and guiding on state trust lands. The application fee is \$50, and permits may be issued on either an exclusive (to outfitters) or nonexclusive basis. Exclusive permits cost 15¢/acre/year or \$150/year, whichever is greater. Nonexclusive permits cost \$150/year.

Exclusive Leasing for Recreation

Alabama

Alabama has approximately 30,000 of school trust lands managed by the State Lands Division of the Alabama Department of Conservation and Natural Resources. Exclusive hunting leases are permissible on state lands, but it is unclear how much leasing occurs. Hunting leases are auctioned and are five years in length. The state sets the minimum bid, and rental rates automatically increase by 3% per year. Leased lands can only be used for private, noncommercial hunting. Lessees are responsible for designated property maintenance, such as maintaining firebreaks and roads. Only non-permanent overnight accommodations are allowed on leased lands. Lessees are required to have a one million dollar general liability insurance policy. No data were available for program revenues and costs.

Alaska

The one million acres of trust land in the Alaska Mental Health Trust are managed by the Trust Land Office of the Alaska Department of Natural Resources. Trust lands can be leased for commercial recreational facilities, including lodges, resorts, and other tourism-related facilities. No data were available for program revenues and costs.

Arizona

Although the 2014-2015 annual report of the Arizona State Land Department reports seven "Recreational" leases, we were unable to locate additional or supporting documentation in Arizona statutes or administrative rules.

Colorado

Colorado has approximately 2.8 million acres of surface trust lands managed by the Colorado State Board of Land Commissioners. Trust lands are not open to public recreation except when leased to a specific private or public party, but only as a secondary use and must be compatible with the primary use lease. Common recreational leases include hunting, fishing, hiking, horseback riding, and shooting ranges. Recreation leases are five years in length, and rates are determined based on the intensity and duration of the use. The recreation lease application fee is \$100. The minimum rate for a recreation lease is \$2.00 per acre or \$500 whichever is greater. If an applicant is the sole bidder for a designated area, the land board may lease to the sole applicant or advertise the property for bid. If there are multiple applicants for the same area, a bid process is used. The lease is specific to a designated recreational use, and multiple leases for different types of recreation may be made on the same land. Lease holders are required to have a minimum of one million dollars in general liability insurance. No data were available for program revenues and costs.

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Mississippi

Mississippi has approximately 640,000 acres of surface trust lands where local school districts are the trustees and the Public Lands Division of the Mississippi Secretary of State is the supervisory trustee. Lease classifications of trust lands include Hunting and Fishing (of Forest Lands) and Recreational. Hunting and Fishing leases are awarded by competitive bidding. Recreational leases are made upon application, and rent is set at fair market value of the land based on appraisal. Rents must be adjusted at least every 10 years during the term of the lease. No data were available for program revenues and costs.

Oklahoma

Oklahoma has approximately 750,000 acres of surface trust lands managed by the Commissioners of the Land Office. Agricultural lessees of trust lands may in turn lease the hunting rights to the land and retain any fees charged for the hunting rights. Lands may also be leased for other recreational purposes. No further information was available, including data on program revenues and costs.

Oregon

Oregon has approximately 776,000 acres of trust lands managed by the Oregon Department of State Lands. Trust lands can be leased for some recreational purposes such as commercial outfitting and guiding services, cabins, resorts, golf courses and other recreational facilities. Lease applications are subject to a \$750 application fee and competitive bidding. No further information was available, including data on program revenues and costs.

Texas

Texas has approximately 706,000 acres of surface trust lands managed by the Texas General Land Office. Surface leases on state trust lands are typically agriculture related and but may include recreation. No further information was available, including data on program revenues and costs.

Utah

Utah has approximately 3.4 million acres of surface trust lands managed by the Utah School and Institutional Trust Lands Administration. State trust lands can be leased for commercial recreational purposes, including events and facilities. Lease rates are based on market value and income producing capability and may require payment of a percentage of proceeds. A minimum lease rate may be established based on the costs of administering the lease and a desired minimum rate of return. Revenue for trust lands administration are also generated through the registration of OHVs, of which \$1.50 of the registration fee is paid to the Trust Lands Administration. A portion of proceeds is used to improve recreational access and mitigate impacts associated with OHV use (Utah Code 41-22-19). The OHV registration fee proceeds to state trust lands totaled about \$320,000 in FY 2014 (IDL 2015a). No further information was available.

Wyoming

Wyoming has approximately 3.5 million acres of surface trust lands managed by the Wyoming Office of State Land and Investments. State trust lands can be leased for specified recreational facilities such as cabin sites, public camp sites, public parks and recreation areas, golf courses and associated residential development, youth groups, and ski or winter sports areas. Designated uses are permitted under a

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Special Use Lease that may coincide with an existing surface lease for another purpose. Leases may be up to 75 years in length. Minimum rental rates are based on fair market value. No data were available for program revenues and costs.

Inter-Agency Payment for Recreation

In four states, the state wildlife management agency pays the state trust land management agency for recreational access to state trust lands.

Colorado

Colorado Parks and Wildlife (CPW) leases over 500,000 acres of state trust land for public wildlife-related recreation (hunting, fishing, and wildlife viewing) through its Public Access Program. CPW pays the state land board approximately \$870,000 a year for the program, of which \$225,000 is spent on improvement projects and \$545,000 distributed to the trust beneficiaries.

Montana

The Montana Department of Fish, Wildlife & Parks compensates state trust land beneficiaries for public wildlife-related recreation (hunting, fishing, and trapping) by paying \$2.00 from the sale of each Conservation License. In FY 2015, 498,556 conservation licenses were sold generating \$997,112 in gross revenue for the state lands trust.

New Mexico

The New Mexico State Game Commission has purchased an easement on state trust land for fishermen, hunters and trappers. The April 2015-March 2016 payment for the easement was \$200,000. Beginning in 2017, the easement payment will be \$1,000,000 annually.

Utah

The Utah Division of Wildlife Resources has entered into an agreement with the Trust Lands Administration to allow for public hunting access on trust lands in exchange for an annual payment. For 2007-2017, payment began at \$500,000 in 2007 and increases 5% compounded annually.

IV. Application to Idaho Endowment Lands

Three policy options were presented to the Idaho Land Board for recreation access on endowment lands (IDL 2015a): keep endowment lands open for dispersed public recreation without charge; allow exclusive leasing for recreational purposes on some endowment lands; or keep endowment lands open but charge a fee for public recreation access. We examined these options by comparing policies adopted in other states.

The findings illustrate the variety of programs for managing state trust land for recreational access and use. Many states allow public access to trust lands for recreation free of charge; only four states have fee programs for general recreation access. About half the 18 states with trust lands allow exclusive leasing for hunting or other recreation activities.

We did not find any state where recreation fee or leasing programs were reported as major sources of revenue to trust beneficiaries. In most states with recreation fee or leasing programs, recreation is supplemental to the primary use for agricultural production, livestock forage, timber or minerals, which

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produce the vast majority of revenue to the trust. In Idaho, most endowment lands are rangelands (58%) and forests (40%) with small portions of agricultural, commercial, residential, and other lands (IDL 2015b).

We were unable to find program cost information for any recreation fee or lease program, which would include the cost of administering permits, enforcement, and associated costs. Net revenue is therefore unknown, but in most cases reported total revenue amounts do not leave much leeway for administrative or enforcement costs before program costs would outweigh revenues. In Idaho, the majority of income generated from the endowment lands comes from timber production (87% in 2015), commercial and residential real estate (11%), and livestock grazing (1%). IDL reports 20 active permits and leases to hunting outfitters covering more than 800,000 acres of endowment lands. The FY 2015 income from these permits and leases was \$13,250. IDL also receives \$1.00 annually from each off-highway vehicle registration with the proceeds deposited into an account dedicated to managing dispersed recreation on endowment lands. The fund received approximately \$134,000 in FY 2014.

States with trust lands are required to manage them for the financial benefit of the beneficiaries of the trust. Although public access to trust lands and use of them for recreation has value, realizing financial return from that value may be difficult for a variety of reasons. In many cases, trust lands are dispersed in small parcels across a wide geographic area making administration and enforcement of a recreation fee or exclusive use lease program potentially costly. Some primary uses of trust lands, such as agriculture production and surface mining, are incompatible with recreational use. In Idaho where there is a history of open recreational access to endowment lands, the political will to change access policies may also impede implementation of a recreation fee or lease program. For example, in 2016, the Idaho House of Representatives passed a resolution (HCR 53) opposing any proposal to bar Idaho hunters, anglers, and trappers from accessing endowment lands on the basis of exclusivity.

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V. Literature Cited

IDL (Idaho Department of Lands). 2015a. Recreation on Idaho Endowment Lands. Report prepared by the Idaho Department of Lands, September 2015.

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<http://www.uidaho.edu/~media/UIDaho-Responsive/Files/cnr/PAG/Research/Endowment%20Lands%20Report.ashx>.

Appendix 1. Beneficiaries of Idaho's Endowment Lands Trust

Table A-1. Idaho endowment trust land acreage by beneficiary institution.	
Beneficiary Institution	Acres Owned
Public Schools	2,073,020
Agricultural College (U of I)	33,489
Charitable Institutions*	77,253
Normal Schools**	59,647
Penitentiary	28,908
School of Science (U of I)	75,490
State Hospital South	31,433
University of Idaho	55,169
<u>Capitol</u>	<u>7,283</u>
Total	2,441,692
*Idaho State University, Industrial Training School, State Hospital North, Idaho Veterans Home, and the School for the Deaf and Blind.	
**Idaho State University Department of Education and Lewis-Clark State College.	

Appendix 2. Detailed Information about Recreation Access and Leasing of Trust Lands by State

Alabama

The State Lands Division of the Alabama Department of Conservation and Natural Resources manages about 30,000 of school trust lands.¹ State lands are open to public recreation with some restrictions, including camping only in designated areas and use of Off-Highway-Vehicles (OHVs) only on roads open to four-wheel motorized vehicles.²

The Commissioner of Conservation and Natural Resources, with the approval of the Governor, can rent or lease school lands (Code of Alabama 1975 Section 9-15-36). Exclusive hunting rights on some state lands can be leased.³ Hunting leases are auctioned and are five years in length. The state sets the minimum bid, and rental rates automatically increase by 3% per year. Leased lands can only be used for private, noncommercial hunting, and the lessee must provide the state with a list of all persons authorized to hunt on the leased land. Lessees are responsible for some property maintenance, including maintaining firebreaks and roads. Only non-permanent overnight accommodations are allowed on leased lands. Lessees are required to have a one million dollar general liability insurance policy.

Alaska

Although Alaska was granted approximately 105 million acres at statehood, most of the lands were not granted as trust lands. School, university, and mental health trust lands totaled only about 1.2 million acres.⁴ In 1978, the Alaska legislature combined the school lands with other state lands to be managed in unison. To replace the lost income that had been produced by the lands taken away, 0.5% of the revenue from all state lands is now paid to the school trust fund. University lands and mental health trust lands continue to be managed as trusts.⁵

The Alaska Mental Health Trust Authority is a state corporation that serves as the trustee of the Alaska Mental Health Trust. The Trust Land Office of the Alaska Department of Natural Resources is responsible for managing approximately one million acres of land in the Alaska Mental Health Trust.⁶ Mental health trust lands are open for hunting, fishing, and other recreational activities provided the activities are: day use only, non-commercial, and non-motorized. All other activities may require written permission, with a fee of \$25 per year for online registration or \$50 per year if submitted in hard copy.⁷ The purpose of registration is to better understand recreational usage of state lands. Lands also can be leased for commercial recreation facilities.⁸

The University of Alaska Land Management Office manages approximately 151,329 acres of trust lands for the university, of which 139,329 acres are investment property.⁹ Casual uses of university lands, including individual hiking, picnicking, cross-country skiing, or berry picking, do not require

¹ <http://www.outdooralabama.com/state-lands>

² http://www.alabamaadministrativecode.state.al.us/docs/con_/220-4.pdf

³ <http://www.outdooralabama.com/sites/default/files/Bid%20Notice%202015.pdf>

⁴ http://dnr.alaska.gov/mlw/factsht/land_fs/land_own.pdf

⁵ <http://www.childrenslandalliance.com/states/alaska-2/> and <http://www.childrenslandalliance.com/wp-content/uploads/2015/04/Alaska-2014-CLASS-State-Report.pdf>

⁶ <http://mhtrustland.org/index.php/about-the-trust/faq/>

⁷ http://dnr.alaska.gov/mlw/factsht/land_fs/comm_rec_dayuse.pdf

⁸ http://dnr.alaska.gov/mlw/factsht/land_fs/comm_rec_leases.pdf

⁹ <http://www.ualand.com/index.cfm?fuseaction=Stewardship.Home>

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authorization by the university.¹⁰ Other uses that are consistent with university and trust management guidelines may be authorized but require submitting a land use application with a \$500 administrative fee and an additional land use fee/permit fee depending on the requested use or activity.

Arizona

The Arizona State Land Department manages 8.28 million acres of state trust lands.¹¹ A Recreational Use Permit is required for access to Arizona trust lands, except for licensed hunters and anglers actively pursuing game or fish and certain archaeological activities permitted by the Arizona State Museum. Recreational uses allowed under the permit are limited to hiking, horseback riding, picnics, bicycling, photography, sightseeing, and bird watching. Camping on trust lands is restricted to no more than 14 days per year. OHV travel on trust lands is restricted to existing roads and trails.¹² A Recreational Use Permit is \$15 per year for an individual or \$20 per year for a family. A group permit that lasts five days is available for groups less than 20 people and costs \$15. A Special Land Use Permit extends the same privileges and responsibilities as the Recreation Use Permit, but allows for groups larger than 20 participants, competitive events, and for-profit events, and costs \$300. In FY 2015, 8,670 Recreation Use Permits were issued.¹³ The department also reports seven "Recreational" leases of state trust lands.¹⁴

California

The California State Lands Commission is the trustee for 462,890 acres of school trust lands.¹⁵ Surface activities on the lands are managed by the commission's Land Management Division. No specific recreational access or recreational leasing policies for school trust lands were located. Some school lands have been sold to the California Department of Parks and Recreation for recreational purposes.

Colorado

The Colorado State Board of Land Commissioners is the trustee for 2.8 million surface acres of trust lands. State trust lands are not open to public recreation except when leased to a specific private or public party. Common recreational uses include hunting, fishing, hiking and horseback riding, as well as more intense uses such as shooting ranges. Recreational lease applications are evaluated based on compatibility with other existing or potential future uses. Recreation leases are five years or less in length and end at the same time as the agricultural lease on the same property. Rates are determined based on the intensity and duration of the proposed use.¹⁶ The recreation lease application fee is \$100.¹⁷ Recreation leasing is a secondary use (i.e., another use is the primary surface use). Recreation use must be compatible with other existing leases. If an applicant is the sole bidder for a property, the land board may lease to the sole applicant or advertise the property for bid. If there are multiple applicants for the same property, a bid process is used. Leases are specific to a type of recreation, and multiple leases for different types of recreation can be made on the same land. The minimum rate for a recreation lease is \$2.00 per acre or \$500 whichever is higher. Lease holders are required to have a

¹⁰ <http://www.ualand.com/index.cfm?fuseaction=Processes.Process&pid=10010>)

¹¹ <https://land.az.gov/about>

¹² <https://land.az.gov/faq/general-faq>

¹³ [https://land.az.gov/sites/default/files/documents/files/2015 Annual Report Final 022416.pdf](https://land.az.gov/sites/default/files/documents/files/2015%20Annual%20Report%20Final%20022416.pdf)

¹⁴ [https://land.az.gov/sites/default/files/documents/files/2015 Annual Report Final 022416.pdf](https://land.az.gov/sites/default/files/documents/files/2015%20Annual%20Report%20Final%20022416.pdf)

¹⁵ http://www.slc.ca.gov/Info/Reports/School_Lands/FY2014-15.pdf

¹⁶ <https://www.colorado.gov/pacific/statelandboard/recreation-0>

¹⁷ <https://www.colorado.gov/pacific/statelandboard/fees-3>

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minimum of one million dollars in general liability insurance.¹⁸ Recreation leases generate about \$1.3 million each year.¹⁹

Colorado Parks and Wildlife (CPW) leases over 500,000 acres of state trust land for public wildlife-related recreation (hunting, fishing, and wildlife viewing) through its Public Access Program.²⁰ CPW pays the state land board approximately \$870,000 a year for the program, of which \$225,000 is spent on improvement projects and \$545,000 distributed to the trust beneficiaries.²¹

Hawaii

The Lands Division of the Hawaii Department of Land and Natural Resources administers the state's trust lands.²² No information about acreage managed, recreation access, or leasing for recreation is available online.

Idaho

The Idaho Department of Lands manages the state's 2.4 million acres of endowment lands (IDL 2015a). Most endowment lands are open to the public for recreational activities. In most cases, endowment lands are not exclusively leased for recreation. IDL does have 20 active permits and leases to outfitters that cover more than 800,000 acres of endowment lands (IDL 2015a). The FY 2015 income from these permits and leases was \$13,250. The outfitting permits and leases give the outfitter the right to use endowment land exclusive of other outfitters, but the general public is still allowed to use the leased lands for recreational purposes.

IDL receives \$1.00 annually from each OHV registration with the money going into an account dedicated to managing dispersed recreation on endowment lands (Idaho Code 67-7126; IDL 2015). The fund received approximately \$134,000 in FY 2014.

Louisiana

The original lands granted to Louisiana for the support of public schools are not managed by the state, but by each individual school district. Not all school districts still own land and records are inconsistent and difficult to access.²³

Minnesota

The Minnesota Department of Natural Resources manages 2.5 million surface acres of school trust lands, including those originally granted as swamplands and internal improvement lands.²⁴ School trust lands are managed along with other state lands.²⁵ Accessible trust lands are generally open to the public for hunting and other recreation activities.²⁶ Forested trust lands can be leased for recreation activities, as long as it does not interfere with forest management;²⁷ however, it does not appear that Minnesota currently leases land for recreation. Also, public access to the leased land for outdoor recreation must

¹⁸ <https://www.colorado.gov/pacific/statelandboard/board-policies>

¹⁹ <https://www.colorado.gov/pacific/statelandboard/reports-2>

²⁰ <http://cpw.state.co.us/Documents/RulesRegs/Brochure/lands.pdf>

²¹ <https://drive.google.com/file/d/0BxRlvx2vXq4FUmV3V2tmclD5MU0/view>

²² <http://dlnr.hawaii.gov/ld/>

²³ <http://statetrustlands.org/state-by-state/louisiana.html>

²⁴ http://www.dnr.state.mn.us/aboutdnr/school_lands/index.html

²⁵ http://www.dnr.state.mn.us/aboutdnr/school_lands/management.html

²⁶ http://files.dnr.state.mn.us/rlp/regulations/hunting/2016/full_regs.pdf

²⁷ <https://www.revisor.mn.gov/statutes/?id=89.17>

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be the same as access would be under state management, so exclusive leasing appears to be prohibited.²⁸ Minnesota has considered fees for public recreational access and recreation leasing.²⁹

Mississippi

Local school boards of 106 local school districts serve as trustees for more than 640,000 acres of school trust lands in Mississippi and are responsible for day-to-day management of the lands and leasing. The Mississippi Secretary of State serves as supervisory trustee working with the local school districts to insure that the lands are managed well and that revenue from leasing is maximized.³⁰ Lease classifications include Hunting and Fishing (of Forest Lands) and Recreational.³¹ Hunting and fishing leases are leased by competitive bidding. All other classes of lands are leased upon application, and rent is set at the fair market rental of the land based on appraisal. Rents must be adjusted at least every 10 years during the term. The leasing process is initiated in the local school district. Lease terms are submitted to the Secretary of State for his approval and signature prior to execution by the school district and the lessee.

Montana

The Montana State Board of Land Commissioners is the trustee for Montana's 5.2 million surface acres of trust lands. The Trust Land Management Division of the Montana Department of Natural Resources and Conservation administers and manages the lands on a day-to-day-basis.³² Legally accessible state lands are open to recreational use by the public with a proper license.³³ Sportsmen who possess a current Conservation License are authorized to hunt and fish on these lands. A Conservation License is a prerequisite for all resident and nonresident licenses, and costs \$8 per year for residents and \$10 per year for nonresidents. Through an agreement with the Montana Department of Fish, Wildlife & Parks, two dollars from the sale of each Conservation License is paid to the trust beneficiaries to compensate for that use. Other recreational activities can be undertaken by purchasing a State Lands Recreational Use License for most types of noncommercial and non-concentrated recreation activities such as hiking, skiing, sight-seeing, or day horseback use, or a Special Recreation Use License for trapping, commercial recreation, or concentrated (group) use. The state lands Recreational Use License costs \$10 per year for residents and nonresidents. The cost of a Special Recreational Use License is full market value of that use, and may be subject to competitive bidding. A Special Recreational Use License may be exclusive, except other licenses for different uses on the same land may be granted. Issuance of an exclusive license does not prohibit general recreational use of state lands.³⁴

In FY 2015, 498,556 Conservation Licenses were sold generating \$997,112 in gross revenue. A total of 6,558 general Recreational Use Licenses were sold with revenues of \$72,361. Special Recreational Use licenses generated \$163,629.³⁵ In FY 2014, 444,647 Conservation Licenses were sold generating

²⁸ <https://www.revisor.mn.gov/statutes/?id=89.17>

²⁹ http://files.dnr.state.mn.us/aboutdnr/legislativeinfo/psfac/school_trust_land_analysis_jan2011.pdf

³⁰ <http://www.sos.ms.gov/Public-Lands/Pages/16th-Section-Leases.aspx>

³¹ <http://www.sos.ms.gov/Public-Lands/Documents/16thSection/HuntLease1.pdf> and

<http://www.sos.ms.gov/Public-Lands/Documents/16thSection/RecreationLease1.pdf>

³² <http://dnrc.mt.gov/divisions/trust>

³³ <http://dnrc.mt.gov/divisions/trust/recreational-use-of-state-land>

³⁴ <http://dnrc.mt.gov/divisions/trust/recreational-use-of-state-land/rec-use-forms-and-permits/state-land-recreational-use-rules>

³⁵ http://dnrc.mt.gov/divisions/trust/docs/annual-report/web_tlmd-annual-report-2016.pdf

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\$889,294 in gross revenue. A total of 5,844 Recreational Use Licenses were sold with revenues of \$60,196. Special Recreational Use Licenses generated \$151,902.³⁶

Nebraska

The Nebraska Board of Educational Lands and Funds serves as trustee for the state's 1.3 million surface acres of trust lands.³⁷ Leases of state land are for agriculture. Neither board nor Nebraska Game and Parks Department documents mention recreation/hunting access or leasing.

Nevada

The Nevada Division of State Lands administers the state's 2,600 acres of trust lands.³⁸ Neither recreational access nor leasing are mentioned in publicly available materials.

New Mexico

The New Mexico State Land Office is responsible for administering nine million surface acres of state trust lands.³⁹ Recreational access is facilitated through a permit system determined by the specific type of use. A Recreational Access Permit is required for hiking and other activities on state trust lands. The fee for the permit is \$35 annually, and up to 10 family members are allowed on the same permit.⁴⁰ Camping is allowed on leased State Trust Land with the written permission of the surface lessee.⁴¹ OHV activities are not permitted on trust lands.⁴²

The New Mexico State Game Commission has purchased an easement on state trust land for fishermen, hunters and trappers to use. Most trust lands are open to public hunting and other recreation. From April 2015-March 2016 payment for the easement was \$200,000,⁴³ and from April 2016-March 2017, the easement payment is \$1,000,000.⁴⁴ To assure access and create larger, definable hunting areas, hunting and trapping privileges on some state trust lands have been exchanged for the same privileges on private land. Outfitters and hunting guides are required to have a permit from the State Land Office to guide hunts on trust lands.

North Dakota

The North Dakota Department of Trust Lands manages 656,160 surface acres of trust lands.⁴⁵ Almost all trust lands are open to non-vehicular public access and hunting.⁴⁶ Closed or restricted public

³⁶ http://dnrc.mt.gov/divisions/trust/docs/annual-report/fy2014tImdannualreport.pdf/at_download/file

³⁷ <http://belf.nebraska.gov/>

³⁸ <http://lands.nv.gov/program/landoffice.htm> and http://www.lands.nv.gov/docs/Land_Inventory.pdf

³⁹ <http://www.nmstatelands.org/overview-1.aspx>

⁴⁰

http://www.nmstatelands.org/uploads/FileLinks/edf766e626e949288acf931414ae2901/Recreational_Access_Permit_Application_Packet.pdf

⁴¹ http://www.nmstatelands.org/Recreational_Access.aspx

⁴² [http://www.nmstatelands.org/uploads/files/Recreational/Prohibited%20Activities%20\(updated%2012-13-13\).pdf](http://www.nmstatelands.org/uploads/files/Recreational/Prohibited%20Activities%20(updated%2012-13-13).pdf)

⁴³ http://www.nmstatelands.org/uploads/files/2015-2016%20NMDGF%20Easement_Executed.pdf

⁴⁴

http://www.nmstatelands.org/uploads/files/Communication/AGM_NMDGF_SLO_Easement_2015_040116_to_033117_112315.pdf

⁴⁵ <https://land.nd.gov/docs/BiennialReports/report.pdf>

⁴⁶ <https://land.nd.gov/surface/PublicInfo.aspx>) and <https://gf.nd.gov/hunting/public-lands>

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access must be posted with signs furnished by the department.⁴⁷ Camping on school trust lands is not allowed.⁴⁸

Oklahoma

The Real Estate Division of the Commissioners of the Land Office administers approximately 750,000 surface acres of trust lands in Oklahoma.⁴⁹ Trust lands are not generally open to public recreational use or hunting.⁵⁰ Agricultural leases include the right of lessee to use the lease for hunting or other recreational purposes. Lessee may post the property or may allow hunting. Lessee may retain any fees charged for hunting rights.⁵¹ Lands may be leased for recreational purposes,⁵² but no details were located about existing recreational leases.

Oregon

The Oregon Department of State Lands is the administrative arm of the Oregon State Land Board and manages 776,000 surface acres of trust lands.⁵³ Recreation is a secondary use and allowed as long as it does not substantially interfere with the primary uses.⁵⁴ In general, state trust lands are open for public recreational use.⁵⁵ Trust lands can be leased for some recreational purposes (commercial outfitting and guiding services, cabins, resorts, golf courses and other recreational facilities), subject to a \$750 application fee and competitive bidding for the lease.⁵⁶

South Dakota

The South Dakota Office of School and Public Lands is responsible for administering over 750,000 acres of school trust lands.⁵⁷ School lands are available to the public for public access, including hunting.⁵⁸ Lessee permission is not required to use school land for recreational purposes. All hunting rights are reserved and the lessee cannot receive any monetary or other payments for or from anyone to hunt on lands under lease.⁵⁹ OHV use is prohibited. No person may engage in hunting in any standing, unharvested crops on any school and public lands, unless the crop is designated for conservation or wildlife habitat.

Texas

The Texas General Land Office administers approximately 700,000 surface acres of school trust lands.⁶⁰ Surface leases on these lands are typically issued for agriculturally-related uses such as farming,

⁴⁷ <https://land.nd.gov/Docs/Surface/postingpacket.pdf>

⁴⁸ <https://land.nd.gov/surface/camping.aspx>

⁴⁹ <https://clo.ok.gov/wp-content/uploads/2015/02/2015-FINAL-Annual-Report.pdf>

⁵⁰ <https://clo.ok.gov/services/special-use-leasing/recreational/> and <https://clo.ok.gov/services/special-use-leasing/hunting/>

⁵¹ <https://clo.ok.gov/wp-content/uploads/2015/06/CLOREMRules2005.pdf>

⁵² <https://clo.ok.gov/services/special-use-leasing/>

⁵³ http://www.oregon.gov/dsl/DO/docs/dsl_by_the_numbers.pdf

⁵⁴ http://www.oregon.gov/dsl/LW/docs/reamp_2012_plan.pdf

⁵⁵ http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_141/141_088.html

⁵⁶ http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_141/141_125.html

⁵⁷ <http://www.sdpubliclands.com/facts/index.shtm>

⁵⁸ <http://www.sdpubliclands.com/surface/other.shtm>

⁵⁹ <http://www.sdpubliclands.com/surface/TERMS.CONDITIONS%20OF%20AGRI%20LEASE%2011.1.pdf>

⁶⁰ <http://www.glo.texas.gov/land/land-management/leasing-easements/index.html>

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grazing, hunting, timber production and recreation.⁶¹ No more specific information about public access or leasing in Texas was located.

Utah

The Utah School and Trust Lands Administration manages 3.4 million acres of trust lands.⁶² Trust lands are generally open to the public for recreational activities including hunting, fishing, hiking, camping, and off-highway vehicle (OHV) use.⁶³ In 2007 the Trust Lands Administration entered into a hunter access agreement with the State of Utah Division of Wildlife Resources (UDWR). The terms of this agreement allow for public hunting access on trust lands in exchange for an annual payment to the Trust Lands Administration by the UDWR.⁶⁴ The 2007-2017 payment from UDWR began at \$500,000 and increases 5% compounded annually. Camping is allowed on most trust lands throughout the state for up to 15 consecutive days. Any recreational use lasting longer than 15 days requires a Right of Entry Permit.⁶⁵ A right-of-entry permit allows commercial use or other types of land use to occur on Utah's trust land on a short term basis (normally, one-year term or less). Some of these uses include: filming for commercials or motion pictures, still photography used in catalogs or brochures, recreational four-wheel events, guided tours (four-wheeling, dirt biking, hot air ballooning, climbing and rappelling), mountain bike races, cross country trail races, ultra marathons, triathlons, equestrian endurance races, guided hunting, wilderness therapy and seismic surveys.⁶⁶ Fees for Right of Entry Permit include \$50 application fee, \$50 processing fee, and a minimum \$200 usage fee that varies by use.⁶⁷

Registration of OHVs in Utah is required, and \$1.50 of the registration fee is paid to the Trust Lands Administration to improve recreational access and mitigate impacts associated with OHV use (Utah Code 41-22-19). The OHV registration fee proceeds to state trust lands totaled about \$320,000 in FY 2014 (IDL 2015a).

State trust lands can be leased for commercial recreational purposes, including events and facilities.⁶⁸ Lease rates are based on market value and income producing capability and may require payment of a percentage of proceeds. A minimum lease rate may be established based on the costs of administering the lease and a desired minimum rate of return.

Washington

The Washington Department of Natural Resources manages 2.2 million acres of trust lands.⁶⁹ Since 2011, vehicle access to recreational lands and facilities in Washington operated by Washington State Parks, Washington Department of Fish and Wildlife, and Washington DNR, including state trust lands, requires a Discover Pass.⁷⁰ The Pass is \$20 annually or \$10 for a single day. The Discover Pass is a motor

⁶¹ http://www.glo.texas.gov/land/land-management/forms/documents/professional-services/App_Upland_Surface_Lease.pdf

⁶² <http://168.178.6.48/agencydocuments/Annual%20Reports/FY2015-Annual%20Report.pdf>

⁶³ <https://trustlands.utah.gov/business-groups/surface/recreational-use-of-trust-lands/>

⁶⁴ <https://trustlands.utah.gov/business-groups/surface/recreational-use-of-trust-lands/hunting/>

⁶⁵ <https://trustlands.utah.gov/business-groups/surface/recreational-use-of-trust-lands/camping/>

⁶⁶ <https://trustlands.utah.gov/business-groups/surface/rights-of-entry/>

⁶⁷ <https://trustlands.utah.gov/app/uploads/2016/04/ROE-Brochure-color.pdf>

⁶⁸ <http://www.rules.utah.gov/publicat/code/r850/r850-030.htm> and interview with Kim Christy, Deputy Director, Surface and External Relations, Utah School and Trust Lands Administration, 28 January 2016, notes on file with authors.

⁶⁹ <http://www.dnr.wa.gov/recreation>

⁷⁰ <http://discoverpass.wa.gov/31/About-the-Pass>

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vehicle permit only, and is not needed to access state lands by non-motorized means (foot, horse, bicycle, etc.). DNR's portion, eight percent, of Discover Pass revenue is transferred to DNR's Park Land Trust Revolving Account by the State Parks and Recreation Commission. DNR's recreation program spends from this portion of the account. DNR's share of Discover Pass revenue was \$1.26 million in FY 2012, \$1.37 million in FY 2013, \$1.48 million in FY 2014, and \$1.70 million in FY 2015.⁷¹ Persons are required to obtain recreation permits for organized events⁷²

Wisconsin

The Wisconsin Board of Commissioners of Public Lands is trustee for the state's 77,000 acres of school trust lands.⁷³ All school trust lands are open to the public for hunting, fishing, trapping, berry picking and hiking. Snowmobile and ATV riding is allowed on designated trail networks operated by the local county.⁷⁴

Wyoming

The Wyoming State Board of Land Commissioners is trustee and the Office of State Lands and Investments administers the 3.5 million acres of trust lands in Wyoming.⁷⁵ Legally accessible state lands are open to the public for hunting, fishing, and general recreational use.⁷⁶ Lands classified and used as cultivated cropland are not open. OHV use, overnight camping, and open fires are prohibited on state lands.⁷⁷

Outfitting on state trust lands is allowed only under a temporary use permit, subject to a \$50 application fee. Temporary use permits for outfitting/guiding activities may be issued on either an exclusive (to outfitters) or nonexclusive basis. Exclusive permits are 15¢/acre/year or \$150/year, whichever is greater. Nonexclusive permits are \$150/year.⁷⁸

Lands can be leased for some recreational facilities (recreation cabin sites, public camp sites, public parks and recreation areas, golf courses and any associated residential development, youth groups and ski or winter sports areas) under a Special Use Lease that may coincide with an existing surface lease for another purpose.⁷⁹ Leases may be up to 75 years in length. Minimum rental rates are based on fair market value.

⁷¹ <http://www.dnr.wa.gov/about/fiscal-reports/dnr-annual-reports>

⁷² <http://apps.leg.wa.gov/wac/default.aspx?cite=332-52-205>

⁷³ <http://bcpl.state.wi.us/>

⁷⁴ <http://bcpl.wisconsin.gov/category.asp?linkcatid=2823&linkid=1439&locid=145>

⁷⁵ http://slf-web.state.wy.us/osli/Reports/StrategicPlanFY17_18.pdf

⁷⁶ <http://soswy.state.wy.us/Rules/RULES/899.pdf>

⁷⁷ <https://sites.google.com/a/wyo.gov/osli/resources/recreation>

⁷⁸ <http://soswy.state.wy.us/Rules/RULES/4618.pdf>

⁷⁹ <http://soswy.state.wy.us/Rules/RULES/6566.pdf>