

INACCESSIBLE STATE LANDS IN THE WEST

The Extent of the Landlocked Problem and the Tools to Fix It



6.35 MILLION ACRES

of Western state lands are entirely landlocked by private lands, preventing legal access for outdoor recreation without permission from a neighboring landowner

STATE LANDS: OPPORTUNITIES AND OBSTACLES

America's public outdoor recreation opportunities aren't always found on national forests, national wildlife refuges, or BLM lands. In fact, the lands held and managed by individual states in the West offer some of the nation's finest hunting and fishing opportunities. More than 49 million acres of these lands—including state trust lands, state forests, wildlife management areas, and state parks—across 11 Western states comprise a unique public lands legacy shaped by a complicated past.

But 6.35 million acres of those state lands—about 95 percent of them trust lands—are entirely surrounded, or “landlocked,” by private lands and therefore inaccessible to sportsmen and women without permission from a neighboring landowner.

Public land access is the engine that drives an outdoor recreation economy worth more than \$887 billion in annual consumer spending. Nearly three-quarters of Western hunters depend on public lands for some or all of their access.

Modern smartphone and handheld GPS technologies offer new opportunities to discover public access to isolated and unmarked pieces of public ground.

By allowing today's sportsmen and women to know exactly where they stand on the landscape—and to discern property boundaries unidentified by fencing, signage, or stakes—this technology enables hunters and anglers to capitalize on previously hard-to-identify opportunities. Knowing where a piece of public ground intersects with a public road, or how to reach a larger parcel by traveling through a narrow strip of accessible public land, can open a world of possibilities without the risk of trespassing on privately owned land.

Because of the West's unique history (see page 3), state trust lands—much like BLM lands—are often scattered among private holdings,

undeveloped without parking areas or trailheads, and are seemingly tailor-made for these types of recreation opportunities. But in many cases these lands lie untouched by public roadways or adjacent public lands, and lack easements that would allow travel to them, leaving them “landlocked” and off-limits to the public.

In many cases these lands lie untouched by public roadways or adjacent public lands, and lack easements that would allow travel to them.

In 2018, onX and the Theodore Roosevelt Conservation Partnership embarked on a groundbreaking effort that found 9.52 million acres of federal public lands are landlocked in the West, and we identified the best available collaborative-based solutions to open these lands to the public. In this report, we continue that work by turning today's leading mapping technologies toward an unprecedented analysis of the issue of state land access, and by assessing the various initiatives developed by state agencies across the West to establish new recreational opportunities on these lands.

We are committed to opening new access for hunters and anglers in cooperation with private landowners and state agencies, and we believe that every American should be able to enjoy his or her best day afield on public ground. State lands across the West hold a wealth of opportunity that can be unlocked with proven, collaborative solutions.

THE BACKSTORY ON STATE TRUST LANDS

As Western territories joined the union through statehood, each received by acts of Congress land grants from the public estate. These lands were to be used to generate revenue that would support public institutions—most often schools—in the new states.

The method by which lands were selected for grants to the states derived from the cadastral grid that the United States used to organize the lands in its Western territories for sale and settlement. Beginning with the Land Ordinance of 1785, the Public Lands Survey System was used to plat landscapes into six-by-six-mile squares known as townships, each including 36 individual one-mile-square sections.

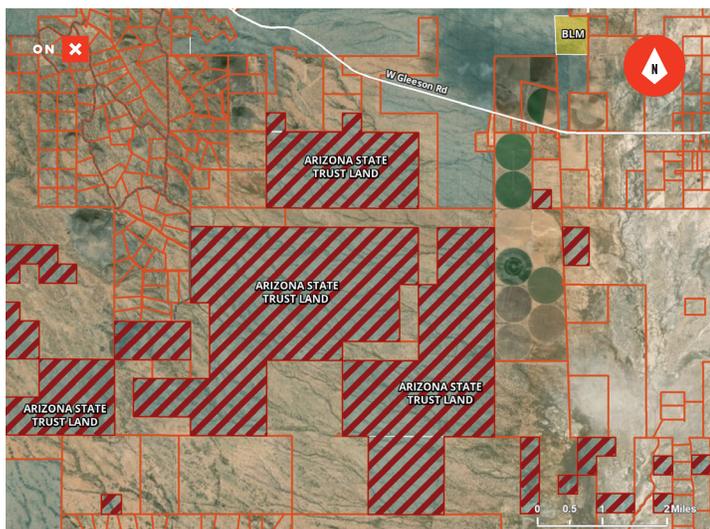
The enabling acts that conferred statehood specified individual sections from each township that would be withdrawn from the federal estate and granted to each new state. These allotments varied and became increasingly more generous as new states were admitted to the Union. For instance, Congress granted Montana and Idaho sections 16 and 36 of each township, while New Mexico and Arizona received sections 2, 16, 32, and 36.

The result was a scattered, arbitrary pattern of trust lands that frequently led to sections of state land surrounded entirely by private holdings. While land exchanges, sales, and acquisitions have consolidated and altered the ownership pattern of state land holdings over time, the original patchwork is still evident across much of 11-state region covered by this report, which is now home to 38.8 million acres of trust lands.

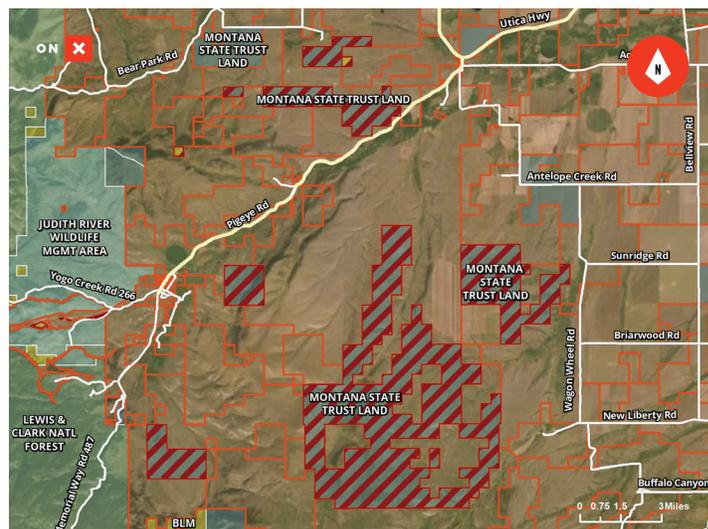
Beyond the history of how they were established, state trust lands differ from federal public lands in how they are managed. By and large, federal lands administered by agencies such as the BLM and U.S. Forest Service are managed for multiple uses, including outdoor recreation, wildlife habitat, energy development, grazing, and timber harvest. The federal agencies are required to balance these uses and financial profit is not a driver of management.

Under the terms of federal land grants, state lands allotted by Congress through the General Land Office were to be managed to produce revenue for designated beneficiaries. Early on, land grant states sold off millions of acres of state trust lands for short-term payoffs. The extent to which states disposed of their lands varied, with Nevada selling off virtually all of its land grant and Arizona selling very little.

While land sales still do occur with greater frequency at the state level than the federal level, state land boards have moved management direction towards the longer-term approach of leasing them to private interests for grazing, mineral development, and timber extraction. To this day, state land boards and management agencies remain obligated to produce revenue for designated beneficiaries, balancing maximum immediate return with the sustainability of revenue and natural resources over time.

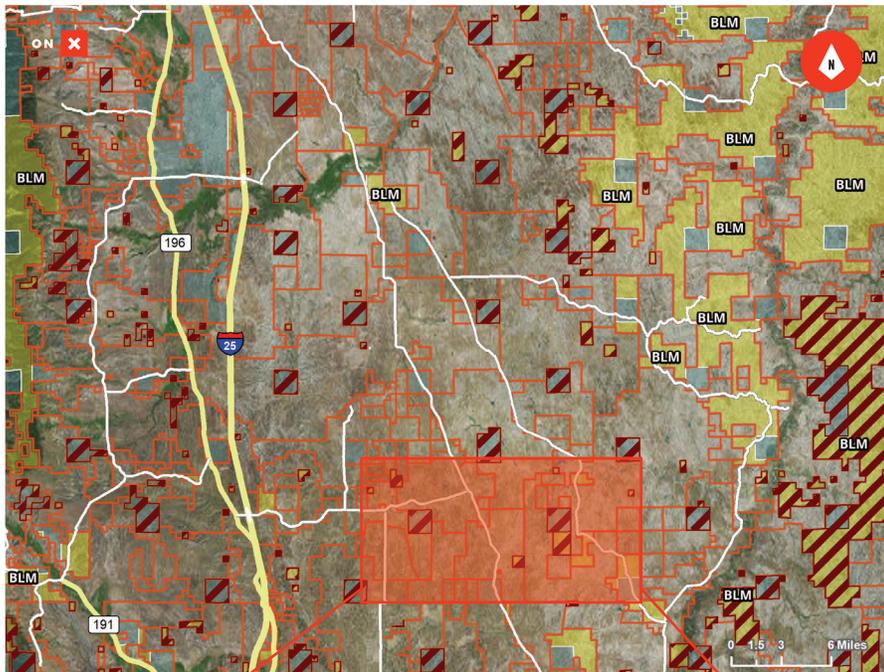


Arizona: In southern Arizona, sizeable parcels of state trust land cannot be reached by hunters in pursuit of mule deer crossing from private lands to the nearby Driehorn and Chiricahua mountains. More than 9,600 acres shown here sit inaccessible to the public unless permission is granted by the owner of an adjacent private holding.



Montana: These large parcels of inaccessible state trust land lie in some of central Montana's finest deer, elk, antelope, and bird hunting, reaching down from the eastern slopes of the Little Belt Mountains towards the Judith River. Without any nearby public roads, permission to cross several miles of private land would be required to reach the largest, which alone totals nearly 10,000 acres.





What Kind of Recreation is Allowed on State Lands?

In most Western states—Colorado being the notable exception—trust lands are generally open to public recreation, including hunting and fishing. Most state forests in the West are similar to trust lands in that they support designated beneficiaries, but they were acquired differently and are generally managed as working forests.

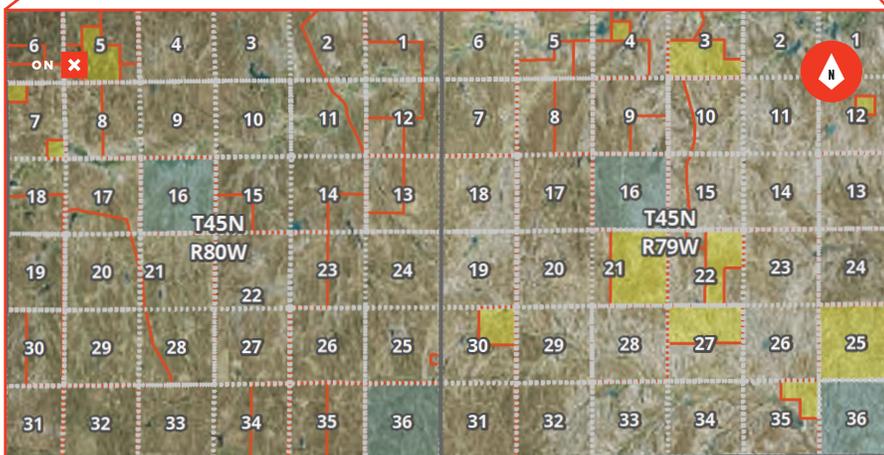
Four states—Arizona, Montana, New Mexico, and Washington—require that users purchase a license or other form of validation to access state trust lands, while other states allow public access without a fee. Because trust lands and forests are managed primarily to generate revenue, each state imposes certain use restrictions designed to maintain the revenue-generating potential of the land, such as recreation closures on cultivated cropland in Montana or prohibitions on off-road vehicle use in New Mexico.

Wildlife management areas and parks in Western states were acquired to serve different and very intentional purposes, from conserving winter range for big game animals like deer and elk to securing public access to popular sites for outdoor recreation. State fish and wildlife agencies often open wildlife management areas for hunting, but states may also restrict use to protect winter range and other habitats.

For the most part, state parks are open to fishing and many other forms of outdoor recreation, while hunting may or may not be permitted within individual parks depending on state regulations.

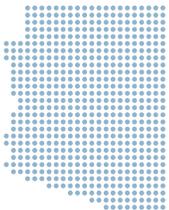
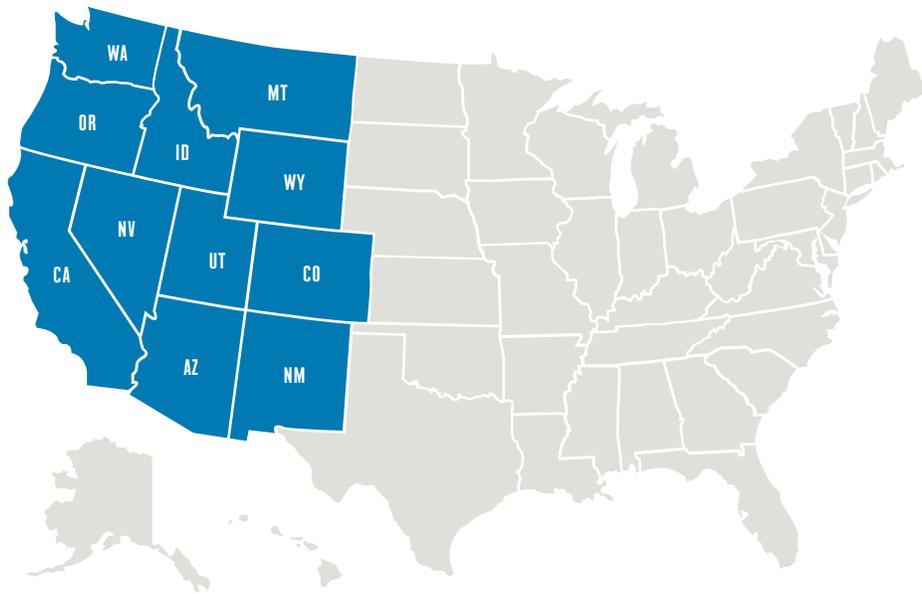
Another category of state land rarely mentioned are lands managed by state departments of transportation. Depending on individual state laws and local regulations, DOT lands can be hidden gems for hunting and fishing access.

Preconditions for use vary widely across various states and management authorities. It is recommended that hunters and anglers familiarize themselves with the pertinent rules and regulations before recreating on state lands.



Wyoming: These scattered parcels of landlocked state trust land in Wyoming illustrate the ways in which the federal government granted sections of land according to where they fell in each township, creating one-mile-square islands of state land—many surrounded by private land. A closer look (inset) reveals the disjointed pattern created when sections 16 and 36 were repeatedly granted to the state across townships.

6.35 MILLION ACRES OF STATE LAND— AN AREA LARGER THAN THE EIGHT MOST VISITED NATIONAL PARKS COMBINED— HAVE NO PERMANENT LEGAL ACCESS



Arizona

1.31 M

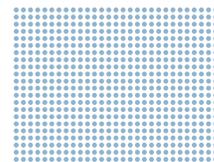
Total Landlocked Acres



California

38 K

Total Landlocked Acres



Colorado

435 K

Total Landlocked Acres

For a full breakdown of the numbers, visit unlockingpubliclands.org



Idaho

71 K

Total Landlocked Acres



Montana

1.56 M

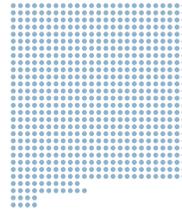
Total Landlocked Acres



Nevada

<1 K

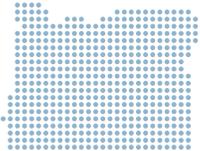
Total Landlocked Acres



New Mexico

1.35 M

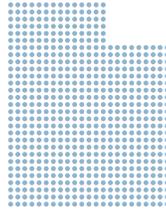
Total Landlocked Acres



Oregon

47 K

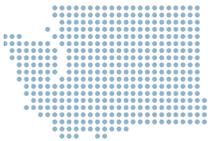
Total Landlocked Acres



Utah

116 K

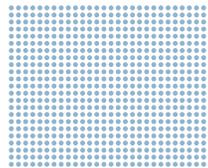
Total Landlocked Acres



Washington

316 K

Total Landlocked Acres

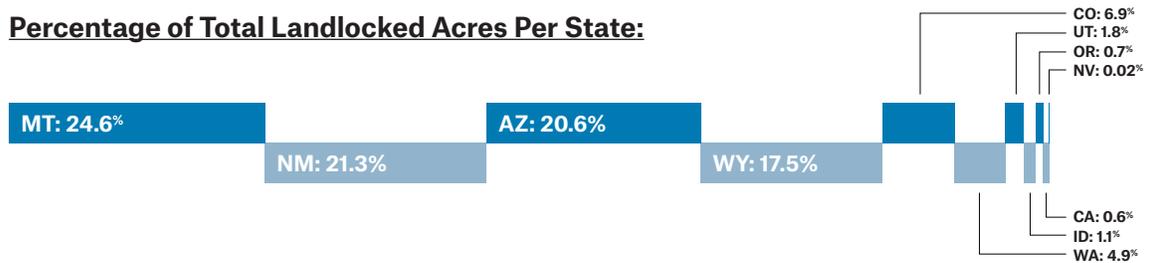


Wyoming

1.11 M

Total Landlocked Acres

Percentage of Total Landlocked Acres Per State:





THE MAGIC BEHIND THE NUMBERS

Here's how onX identifies inaccessible lands

Using its refined data on land ownership and roads, onX conducted an analysis to determine the accessibility of every piece of state land in the West. This process produced the total acreage of all landlocked lands administered by the various state-level agencies in eleven Western states. State lands administered by state departments of transportation (DOT) and state wildlife agencies, as well as lands managed as state parks, state trust lands, and state forests were factored into the analysis—but because some states' GIS data do not differentiate between trust lands and other state holdings, our analysis did not calculate the relative amount of each land type as a percentage of the total 6.35 million acres. State land parcels within city boundaries, DOT parcels less than two acres, and any other state land less than one acre were excluded from the calculations.

For the purposes of this report, landlocked public lands are defined as state-managed lands that cannot be accessed directly from a public road (direct access) and cannot be accessed via adjoining public land by way of a public road (indirect access). Only permanent legal access was considered for this report, but existing access across some private lands may be given at the discretion of the landowner, and in many places permanent public access is assumed but not proven. Unless such access is legally documented, it was not included in our analysis.

To create the most comprehensive picture of land ownership, dirt roads, and trails in the United States, onX compiles and refines data

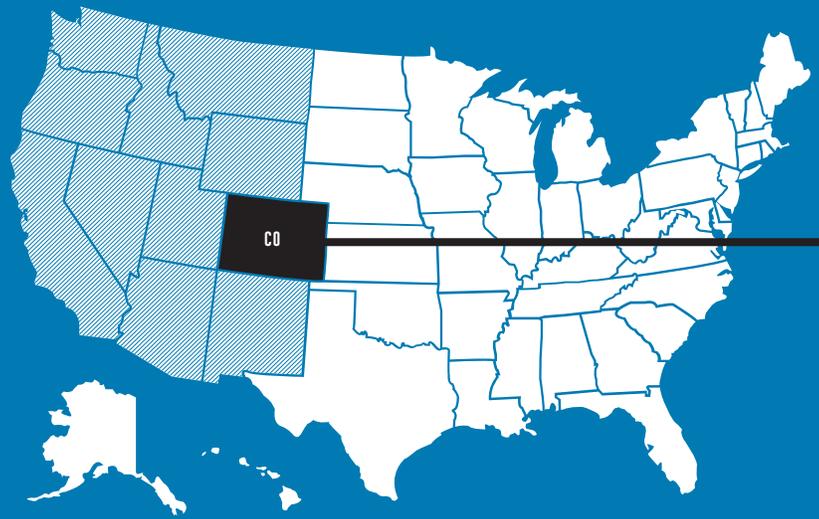
from a collection of carefully-vetted sources, including county, state, and federal agencies, using only the most trustworthy information from each after cross-referencing the various data.

The available road data, compiled to convey information about road type rather than public access, rendered necessary certain assumptions: While unmaintained two-track routes are often found going to public lands, rarely do they provide permanent, legal access across private property. In most instances, these are access routes controlled by the owner of the surrounding property.

Further, comprehensive public easement data is not available for state public lands, so there is presently no broad-scale way of distinguishing between the overwhelming majority of primitive routes that do not offer legal public access in perpetuity and those few that do. Easements can be verified individually by contacting agency land specialists and county surveyors.

As a result, the overall acreage identified as landlocked represents the most accurate assessment possible, but it is reasonable to assume that a nominal percentage of these lands do, in fact, have legally-binding easements on unmaintained two-track routes across private land. On the flip side, a small percentage of lands identified as accessible may, in fact, prove to be landlocked due to the recency or quality of available road data.

-
- The analysis was further refined through various means. All local, state and federal lands factored into the indirect access assessment, unless research revealed a particular type of property as off-limits to the public. Similarly, islands on lakes, rivers, and oceans without road access are not legally landlocked, so an effort was made to remove the islands from the total acreage calculations. Airports, Department of Defense lands, and other government lands that are restricted to the public were not factored in as providing indirect access.
 - While this effort relied on the best existing data, the data are not always perfect. In some datasets, road rights-of-way next to public land parcels were removed by the data provider, causing our analysis to miss a connection between road and parcel by mere feet. In other instances, road segments are simply missing from the data or their classifications are inaccurate. Furthermore, parcel data is not "survey grade" at these scales, and can have bad topology, i.e. the real-life property corners might not be shown as corners in the data.
 - Numerous factors particular to individual parcels could not be included in an analysis of this scale. For example, some landlocked public lands may be accessible by other means—such as by boat or aircraft—or through private property because of the landowner's goodwill or due to state-leased hunting access programs (see page 13 of this report). Likewise, this report did not take into account physical or logistical barriers that can constrain access to a portion of a public tract. These might include bodies of water, seasonal restrictions on road-use, long geographic distances between access points, or extreme topography.



LOCKED OUT IN COLORADO

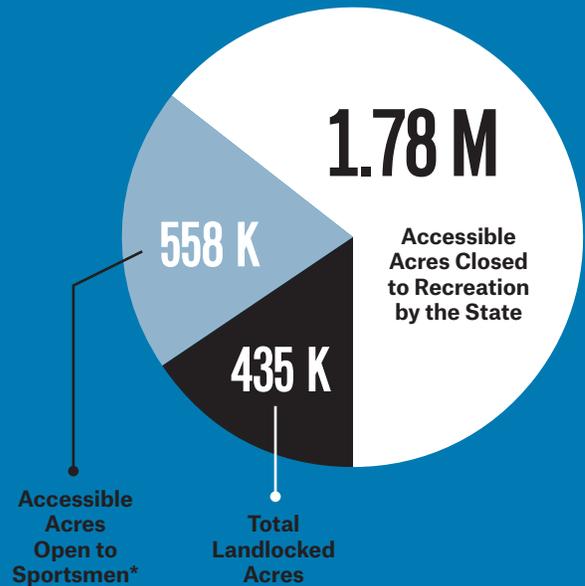
While the unique history of trust lands has presented obstacles to management for the increasingly valuable purpose of recreation, every state in the Mountain West with trust lands has opened the majority of their vast holdings to the public for recreation—except for Colorado.

Colorado stands apart from other states when it comes to access to its trust lands. In cooperation with the State Land Board, Colorado Parks and Wildlife has made a commendable effort to improve this situation by leasing 558,000 acres of state lands for sportsmen's access, and more can be done to open trust lands to the public. State policy currently does not allow the public to use or cross 2.22 million acres of trust lands for any activity, including hunting and fishing. This further prevents sportsmen and women from reaching another 18,000 acres of federal public lands that would otherwise be accessible if Colorado's state trust lands were open to the public. What's more, 435,000 acres of trust lands across the state sit surrounded on all sides by private property and – unless steps were taken to establish access – still could not be entered without the permission of adjacent landowners even if these lands were opened for recreation by the state.

Colorado has perhaps the single greatest opportunity right now in the West to expand public access to outdoor recreation, and doing so could help fulfill its trust obligations. By looking to neighboring states for ideas, it could begin by opening the 1.78 million acres of trust lands that are accessible but closed to activities like hunting and fishing, and continue this work by establishing new access to landlocked trust lands. In accomplishing this, Colorado would create new possibilities for outstanding outdoor recreation and unleash the full potential of its economy.

435,000 acres of trust lands across the state sit surrounded on all sides by private property and still could not be entered without the permission of private landowners even if these lands were opened for recreation by the state.

COLORADO STATE TRUST LANDS BY THE NUMBERS:



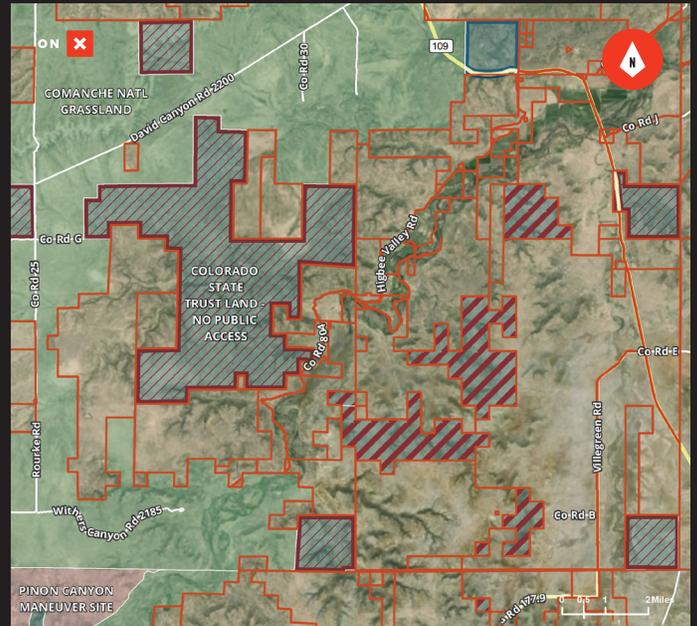
18 K Federal Public Acres
Landlocked by Closed
State Lands

*On July 17, 2019, the Colorado Parks and Wildlife Commission approved an agreement with the State Land Board that would expand sportsmen's access to Colorado state trust lands by 100,000 acres in the fall of 2019 and by an additional 400,000 acres over the following two years. Due to the timing of the state access agreement, these additional acres are not reflected in the findings of our analysis. This expansion to public access is commendable, and hunters and anglers will remain at the table to see additional Colorado state acres opened to the public in the future.



Obstacles to Access: State restrictions not only prevent hunters and anglers from accessing Colorado state lands directly, they sometimes prevent sportsmen and women from using adjacent federal public lands. While the parcel of state trust land enrolled in the CPW Public Access Program (left) offers the sole means of access to neighboring BLM lands, another nearby unenrolled parcel of state trust land (right) blocks recreationists from crossing onto two tracts of BLM public lands that would otherwise be open and available to the public.

-  LANDLOCKED STATE TRUST LANDS - NO PUBLIC ACCESS
-  DEPT OF DEFENSE
-  BLM
-  STATE TRUST LANDS - NO PUBLIC ACCESS
-  PRIVATE PROPERTY
-  USFS
-  STATE TRUST LANDS
-  LANDLOCKED BLM



Untapped Potential: While some Colorado state trust lands are open to hunting, most are rendered inaccessible by state policy. Some are also landlocked by surrounding private land holdings. Among those parcels shown here, located south of the Arkansas River in Otero County, more than 11,000 otherwise accessible acres are off-limits to the public and nearly 3,800 additional acres also closed by the state cannot be reached without the permission of an adjacent landowner.

FULFILLING STATE TRUST RESPONSIBILITIES THROUGH OUTDOOR RECREATION

To achieve open-access policies while meeting their fiduciary responsibilities, several states have developed innovative programs that generate revenue from non-exclusive public recreation. A decades-long, sportsmen-led movement in Montana eventually resulted in a bipartisan 1991 law that opened 5.2 million acres of state trust lands for recreation. As a result, state lands in Montana generate additional revenue through the purchase of recreational permits required for “anyone conducting a non-commercial activity on State Trust Lands not related to hunting and fishing” and a \$2 fee added to the conservation license required of all hunters and anglers. In recent years, recreational access permit and license sales have generated around \$1.2 million annually without interfering with other revenue-producing activities on Montana’s state trust lands.

Welcome to State of Montana Trust Lands

Open to public access with purchase of conservation license or state lands recreation use license.

Please respect these basic rules:

- All roads are closed unless designated open
- No shooting within 1/4 mile of homes
- No campfires

For more information please visit:
dnrc.mt.gov/recuse



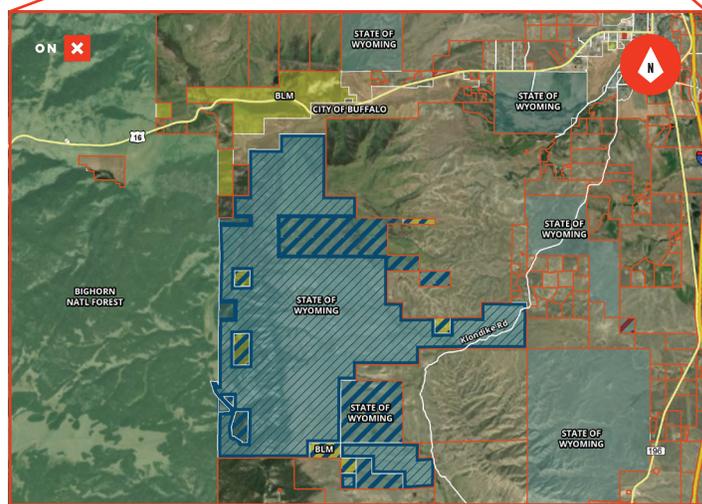
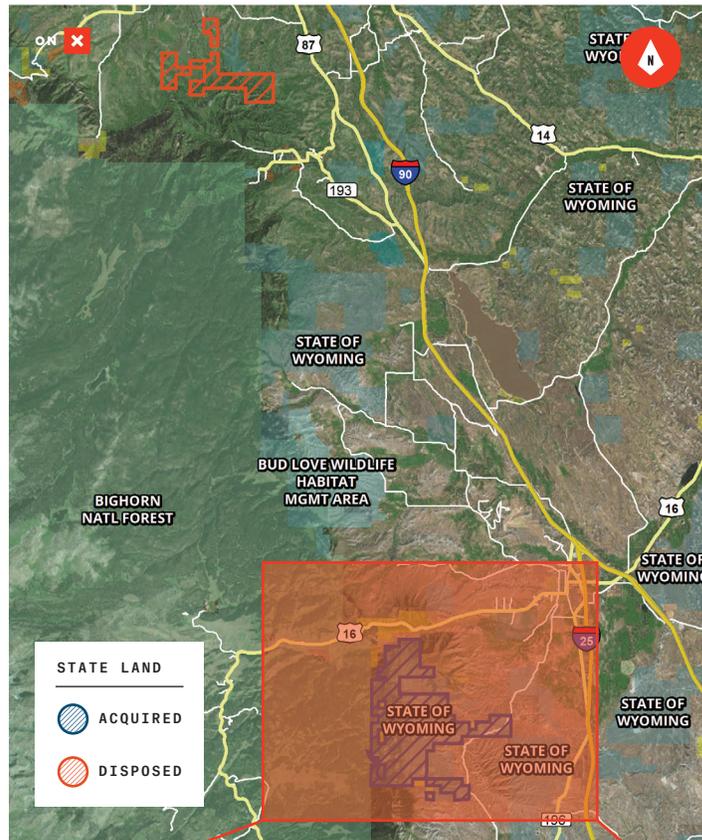
HERE'S HOW STATES ARE SOLVING THE LANDLOCKED PROBLEM

Since they received their original land grants, many states have consolidated their trust land holdings to make them more manageable and profitable. This has been achieved through land acquisitions as well as land exchanges, whereby the state trades its own lands to another entity for lands in a more desirable location. State natural resource departments have also acquired road access easements in some places to make lands accessible for the ease of management.

As access across private lands has become increasingly difficult to obtain for sportsmen and women, however, these efforts began to offer benefits not only to the managing agency and its trust beneficiaries, but also to the public through increased access to recreational opportunities.

In recent years, individual states have begun to open landlocked state trust lands to public access for the expressed purpose of outdoor recreation, recasting it as not just an ancillary benefit of other management priorities. What follows are examples—but by no means is this an exhaustive list—of great programs that could be more fully utilized across the West to unlock state lands for the benefit of outdoor recreationists.

What follows are examples of great programs to unlock state lands for the benefit of outdoor recreationists.



Land Exchange: In 2018, the state of Wyoming exchanged 3,320 acres of noncontiguous, landlocked state trust lands along the eastern front of the Bighorn Mountains for 2,379 readily accessible acres to the south, just west of Buffalo. The acquisition of these new state lands opened additional parcels of state lands that had previously been landlocked, resulting in new access to more than 1,700 acres of existing state lands and more than 300 acres of BLM public lands. In total, this land swap opened more than 4,000 acres of state lands to the public.





TYLER ATKINS

STATE ACCESS SOLUTION:

DEDICATED STAFF AND PROGRAMS



One of the most powerful steps a state can take to open landlocked state lands is to assign dedicated staff and establish specific programs to address access challenges to state and federal lands. Montana has been a leader on this front and has taken several steps to increase access to state trust lands.

While many states have recently created positions focused on serving and expanding outdoor recreation, Montana took an additional step and created a **public access specialist** position tasked with expanding access to public lands, both state and federal. This job's responsibilities include helping the state prioritize and complete access acquisition projects to state lands, as well as collaborating with landowners and agency land managers to find common ground around the access issue.

What's more, the public access specialist has at his or her disposal programs aimed at opening inaccessible lands for recreation. One such program is the **Montana Public Lands Access Network (MT-PLAN)**, which was created by the legislature in 2017 to "facilitate collaboration...to enhance public access throughout the state."

Through the MT-PLAN, the Montana Department of Natural Resources and Conservation awards grants to "eligible groups to acquire public lands access easements across private lands to inaccessible or hard-to-access public lands for recreational purposes," including state lands. While the MT-PLAN would benefit from more robust funding, it stands as a praiseworthy effort that other states could follow. Montana Fish, Wildlife & Parks has several additional access programs that serve to expand access to the state's 5.2 million acres of trust lands.

One of the most powerful steps a state can take to open landlocked state lands is to assign dedicated staff and establish specific programs to address access challenges.

STATE ACCESS SOLUTION:

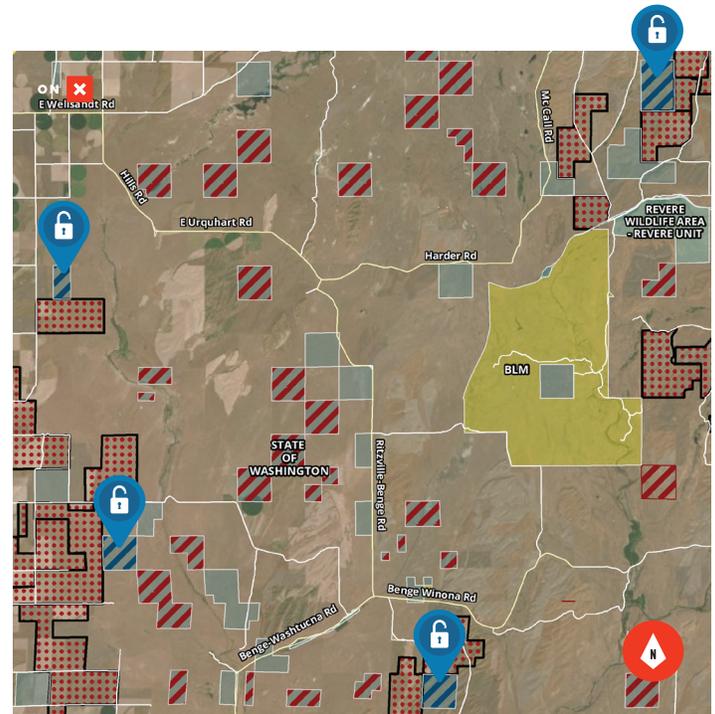
WALK-IN ACCESS PROGRAMS

Walk-in access programs such as Idaho’s “Access Yes” and New Mexico’s “Open Gate” have long been popular with sportsmen and women for their ability to expand hunting opportunities on private lands. These programs are administered by individual state fish and wildlife agencies, which generally enter into short-term contracts with individual private landowners to make their lands available to the public, typically for hunting. While such programs have their own distinct attributes in each state, the only state in the Mountain West without one is Nevada.

Traditionally used only for private land access, state walk-in programs have taken on a new importance as a powerful tool for opening landlocked state and federal lands to the public. Several states, including Wyoming and Arizona, are deliberately using these programs to open access to landlocked public lands—including trust lands—by securing leases on private lands encompassing or adjacent to otherwise inaccessible public lands.

While not a permanent solution because the access agreements require perpetual renewal, walk-in programs can be especially valuable in opening smaller and isolated parcels of state and federal lands to which it would be difficult or impractical to open access by any other means.

These state programs are generally funded through state license dollars as well as through the federal Farm Bill’s Voluntary Public Access-Habitat Incentive Program. Continued and even increased funding at both levels is fundamental to the ability of walk-in programs to supplying public access.



Walk-in Access: While state walk-in programs provide valuable access to private land hunting opportunities, a number of state agencies across the West are using these tools strategically to open landlocked state and federal lands to the public. Several of the properties shown here as enrolled in Washington Department of Fish and Wildlife’s Private Lands Program provide sportsmen and women with access to what would otherwise be isolated and inaccessible parcels of state trust land, totaling more than 2,600 acres.

WASHINGTON WALK-IN ACCESS BY THE NUMBERS:

606 K

Acres enrolled in WDFW walk-in programs

23.7 K

Acres of landlocked state trust land made accessible by WDFW walk-in programs



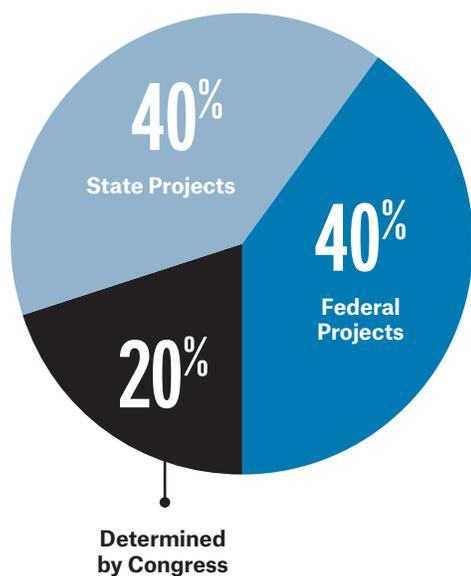
CRAIG OKRASKA | MAVEN



LWCF state dollars can be directed right now towards unlocking state lands for recreational access, which could be prioritized through State Comprehensive Outdoor Recreation Plans.

STATE ACCESS SOLUTION:

LWCF ANNUAL FUNDING BREAK DOWN



LAND AND WATER CONSERVATION FUND

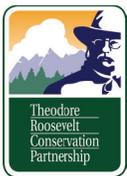
Many have recognized the power of the Land and Water Conservation Fund (LWCF) to open and expand access to federal public lands, but 40 percent of the program's funding must be directed to individual states by, among other means, "matching grants to States and local governments for the acquisition and development of public outdoor recreation areas and facilities." In fact, according to the U.S. Fish and Wildlife Service, more than 40,000 individual grants and \$4.1 billion have been provided to states and localities for these purposes.

LWCF state dollars can be directed toward unlocking state lands for recreational access right now. And this purpose could be prioritized through its inclusion in State Comprehensive Outdoor Recreation Plans, which each state must develop and revise every five years to receive LWCF funding allocated to state-initiated projects.

While it was successfully reauthorized in early 2019, LWCF continues to require annual appropriations from Congress to receive funding despite the program's trust fund receiving \$900 million each year from federal offshore oil and gas royalties. In order to maximize the states' ability to unlock lands for public recreation with LWCF funds, **sporting groups and businesses are calling on Congress to pass legislation that would provide full and dedicated annual funding**, eliminating the need to negotiate over budget levels each year.

LEARN MORE AT UNLOCKINGPUBLICLANDS.ORG AND GET INVOLVED TO HELP OPEN STATE LANDS IN THE WEST.

ABOUT TRCP AND ONX



The Theodore Roosevelt Conservation Partnership is a coalition of leading hunting, fishing, and conservation organizations, individual grassroots partners, and outdoor related businesses. Our mission is to guarantee all Americans quality places to hunt and fish. The TRCP works with its partners to preserve the traditions of hunting and fishing in America by expanding access, conserving fish and wildlife habitat, and increasing funding for conservation and wildlife management.

ON



The mission behind onX is to always know where you stand: give outdoor enthusiasts more information about their surroundings than they ever thought possible. onX strives to create the most complete, current, and accurate mapping information available, including land ownership, roads, trails, and other access-related data. By providing people the best and most up-to-date data and GPS technology in the palm of their hand, onX seeks to help people have the best outdoor experiences possible.