

COLORADO STATE TRUST LAND ACCESS REPORT

July 2019

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Masters of the Environment

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EXECUTIVE SUMMARY

Outdoor recreation and natural amenities are an important component of the state's economy, identity, and appeal. Outdoor recreation drives a significant part of Colorado's economy¹ and the combination of hunting and fishing license sales plus other passes, fees, and permits made up 54% of Colorado Parks and Wildlife's total budget for 2019.² Through the purchase of licenses, habitat stamps, and hunting and fishing gear (including ammunition and firearms), hunters and anglers fund over 70 percent of Colorado Parks and Wildlife's wildlife management programs.³ The funding of wildlife management and habitat improvements benefits all of Colorado's wildlife and wild spaces for all residents and visitors to enjoy, while the experience of recreating outdoors benefits human health and happiness.

Participation in hunting and angling tends to decrease when sportspersons do not have access to quality hunting areas, and the outdoor recreational opportunities afforded to the public on Colorado's state trust lands are very limited compared to those in other Western states. In Colorado the public is allowed to use less than 20 percent of Colorado's 2.8 million state trust land surface acres for hunting and angling, and *most* of these properties are only accessible from September through February.⁴ Access to state trust land for hunting and angling is through a program administered by Colorado Parks and Wildlife called the Public Access Program which began in 1993. Colorado Parks and Wildlife now pays almost \$1 million per year to the Colorado State Land Board to provide the public with around 480,000 acres of state trust land where they can hunt seasonally and fish under the Public Access Program. Most properties are intended to facilitate hunting, and primarily big game hunting. The current lease agreement took effect July 1, 2013 and expires June 30, 2023. Colorado Parks and Wildlife and the State Land Board are expected to renew the access agreement in 2023.

Threats to public land access opportunities in Colorado include population growth and residential development as well as the privatization of recreation on Colorado state trust land. Anticipated benefits from expanding public access to Colorado state trust land include rural economic development and economic diversification through outdoor recreation; increased sales of big game licenses; the opportunity to leverage state trust land to facilitate access to other landlocked public lands; and recruiting, retaining, and reactivating sportspersons through increased outdoors access and opportunity.

About 70 percent of Colorado state trust land is located east of Interstate 25. All of the Opportunity Zones (areas that have not sufficiently recovered from the Great Recession) in Eastern Colorado have a significant number of state trust land sections within them, as do about half of the Opportunity Zones in Southwestern Colorado. Increased public land access could facilitate increased outdoor recreation in rural counties where increased visitation would support local businesses and increased opportunities for wildlife-related outdoor recreation could improve the quality of life.

¹ Colorado Parks and Wildlife. The 2019 Statewide Comprehensive Outdoor Recreation Plan. Retrieved from <https://cpw.state.co.us/Documents/Trails/SCORP/Final-Plan/2019-SCORP-Report.pdf>

² Colorado Parks and Wildlife. (n.d.). Statewide Fact Sheet. Retrieved from <https://cpw.state.co.us/Documents/About/Reports/StatewideFactSheet.pdf>

³ Colorado Parks and Wildlife. (n.d.). Conservation and Management. Retrieved from <https://cpw.state.co.us/learn/Pages/Conservation.aspx>

⁴ As of July 1, 2019; See Post-Script for fall 2019 update.

Backcountry Hunters & Anglers believes that Colorado has an opportunity to expand the public's access to its state trust lands to support wildlife-related recreation, particularly hunting and angling, while continuing to allow the State Land Board to fulfil its mission. I recommend the state changes its policies regarding state trust land so that it is consistent with public access policies in other Western states that have state trust lands. If Colorado were to have an 'open unless closed' policy for hunting and angling on state trust land, it would provide more equitable access for the public across the state; attract sportspersons to rural parts of the state, spreading tourism and recreation dollars to more communities; simplify sportspersons access and the rules; allow for legal game retrieval on state trust land properties; open some currently landlocked public (esp. federal) land; and would still allow for private recreation leasing to occur.

To ensure that public access and opportunity for wildlife-related recreation persists in Colorado for generations to come, steps should be taken to expand public access to state trust land for wildlife-related outdoor recreation while protecting these public assets (state trust land) from privatization and/or the establishment of exclusive recreation rights.⁵ The State Land Board can generate reasonable and consistent revenue while accommodating outdoor recreation more broadly and more equitably.

- Change policies pertaining to recreation on state trust land so that they are more consistent with those in other Western states that have state trust land (i.e. 'open unless closed').
- Explore other recreational access policies that would produce reasonable income from outdoor recreation while increasing access and opportunity for Coloradans.
- Put a hold on private recreational leasing of state trust land until CPW has had the opportunity to finalize a lease deal with the State Land Board and leverage all fee increase funds for the expansion of public recreational access.
- Allow public recreation where surface rights are leased by a Colorado state agency, such as the Colorado State Forest Service when public recreation is compatible with the leasing agency's activities.
- Convene a Public Access Working Group in 2019 that includes decision-makers and experts from a variety of state office, coordinated by the Governor's office.
- Leverage Colorado state trust land to maximize public access and connectivity to other public lands. State trust land surface acres bordering other public land should be identified and prioritized.

⁵ There will be situations in which certain state trust lands will not reasonably accommodate outdoor recreation. Outdoor recreation may not be appropriate at specific times and/or on specific properties, for example during logging or mineral extraction operations; when cultivated cropland has yet to be harvested; where state trust land is surrounded by private land and therefore not legally accessible by foot; and/or where the public's safety is a concern for other reasons. These kinds of exceptions will apply.

1. INTRODUCTION

In Colorado more residents and tourists seek out outdoor recreational experiences now than ever before,⁶ but the amount of land open to the public for recreation in Colorado has not increased at nearly the rate that the number of residents has. Colorado's population has grown by almost 2.5 million people since 1990⁷ and the number of tourists reached a record high in 2017.⁸ In Colorado, fishing, hunting, and wildlife watching collectively produced over \$5 billion of economic output in 2017 and supported 40,000 jobs within the state.⁹ Nationally, hunters, anglers, and recreational shooters contribute around \$3.4 billion annually to fish and wildlife conservation and outdoor recreation efforts through the purchase of licenses, excise taxes, and out-of-pocket contributions.¹⁰ Access (see footnote) to quality land and water for hunting and angling is a key driver of participation in these activities, and more participation means more funding available for wildlife and habitat conservation efforts.^{11 12} Not all state-owned land is open to the public for wildlife-related recreation in Colorado however.

Colorado state trust lands are a unique type of land held in public trust and managed by the Colorado State Board of Land Commissioners ("State Land Board") with the goal of producing "reasonable and consistent income over time" to support public, state institutions and providing "sound stewardship of the state trust assets."¹³ Colorado Parks and Wildlife (CPW) leases some of the state trust land from the State Land Board for wildlife-related activities (including hunting, angling, and wildlife viewing) through what's called the Public Access Program.¹⁴ CPW also leased, and continues to lease state trust land to establish State Forest State Park and many state wildlife areas. I focus here on the leasing of state trust land under the Public Access Program.

As of July 1, 2019, only 17% of Colorado state trust lands are open to the public for wildlife-related recreation under the Public Access Program,¹⁵ primarily just from September through February. This differs notably from other Western states where the general public can

⁶ Blevins, Jason. (5 June 2016). Colorado emerging as a national leader in developing a recreational-based economy. *The Denver Post*. Retrieved from <https://www.denverpost.com/2016/06/05/after-languishing-at-the-political-kids-table-outdoor-recreation-emerges-as-a-key-driver-of-the-u-s-economy/>

⁷ Statista. (n.d.). Resident population in Colorado from 1960 to 2018 (in millions). Retrieved from <https://www.statista.com/statistics/206101/resident-population-in-colorado/>

⁸ Wenzel, John. (2018, June 28) Colorado's record tourism growth hits new milestone: 86 million visitors, \$1.28 billion in tax revenue. *The Denver Post*. Retrieved from <https://www.denverpost.com/2018/06/28/colorado-tourism-record-2017/>

⁹ Colorado Parks and Wildlife. (23 July 2018). The 2017 Economic Contributions of Outdoor Recreation in Colorado: A regional and county-level analysis. Retrieved from https://cpw.state.co.us/Documents/Trails/SCORP/2017EconomicContributions_SCORP.pdf

¹⁰ Congressional Sportsmen's Foundation. (2018). America's Sporting Heritage: Fueling the American Economy [report]. Retrieved from http://congressionalsportsmen.org/uploads/page/CSF_Sportsmens_Economic_Impact_Report_2018.pdf

¹¹ "Access" in this report means legal access by foot, i.e. touching a public road or easement, or connected to another property that is open to the public and has a legal access point for sportspersons. In this report, to have "access" does not require year-round access, however, as access can be seasonal.

¹² Responsive Management and the National Shooting Sports Foundation. (2010). Issues Related to Hunting Access in the United States. Retrieved from http://www.michigandnr.com/FTP/wildlife/aversb/MWL/Hunting_Heritage/Hunting%20Access%202010%20Final%20Report.pdf

¹³ Colorado State Board of Land Commissioners. (n.d.). About the State Land Board. Retrieved from <https://www.colorado.gov/pacific/statelandboard/about-state-land-board>

¹⁴ Colorado Parks and Wildlife. (n.d.). State Trust Lands. Retrieved from <https://cpw.state.co.us/placestogo/Pages/StateTrustLands.aspx>

¹⁵ As of July 1, 2019; See Post-Script for fall 2019 update.

access the vast majority of their state trust lands for recreation (Figure 1).¹⁶ Many Colorado residents and tourists pursue outdoor recreation experiences with the assistance of map-centric mobile apps such as onX,¹⁷ which provide the user with land ownership maps and details. As more people do so, more people take note of the Colorado state trust lands that offer “No Public Access,” as is noted on signs and in apps. It is common in Colorado to hear stories of hunters showing up to what they *thought* was state land with public access, just to find it closed to the public and empty. RepYourWater co-founder Garrison Doctor is one of the many whose long day of pursuing game has ended abruptly at the ‘No Public Access’ boundary defined on a map:

“I have been frustrated many times by lack of access to Colorado State Trust Land. Just last fall I was hunting antelope on the plains of Colorado and spent hours stalking a lone buck only to realize that he was standing ten feet on the other side of the fence and thus squarely on a parcel of Colorado State Trust Land. As such he was completely off limits to me as I did not have legal access to that land. From my perspective as a lifelong sportsman, it would be a great thing if more access was granted to Colorado State Trust Lands.

From a business perspective, as the owner of a small business that depends on people having access to fish, hunt and recreate on public land in Colorado, opening up State Trust Lands to increased access would be greatly beneficial.”

-Garrison Doctor

Backcountry Hunters & Anglers (BHA) has advocated for the prioritization and expansion of public access to Colorado state trust land for nearly a decade. BHA views the expansion of public recreational access to state trust land as one way to provide more wildlife-related, recreational opportunities to Colorado residents and visitors in an administratively-streamlined manner, as the Public Access Program is already in operation today. In 2017 former CPW director Bob Broscheid responded to BHA’s Tim Brass and John Gale in a letter stating that *if and when* the Colorado General Assembly were to approve CPW fee increases that generated surplus revenue, CPW would allocate resources to establishing “a new statewide access program, which can and should include the lease of additional state land board lands.”¹⁸ More recently, Governor Polis has expressed his desire for the Colorado Department of Natural Resources to provide more opportunities for recreation, hunting, and fishing on public lands, and to do so for “a wider range of Coloradans.”¹⁹ We have a tremendous opportunity in Colorado to update our policies governing recreational access to state trust land to provide sportspersons with wildlife-related opportunities closer to home, while continuing to support the State Land Board in their mission to fund Colorado public schools and institutions.

¹⁶ Backcountry Hunters & Anglers. (2016). SPORTSMAN REPORT: OUR PUBLIC LANDS ARE NOT FOR SALE. Retrieved from https://www.backcountryhunters.org/sportsman_report_our_public_land_are_not_for_sale

¹⁷ The onX Hunt app is “the most accurate hunting GPS tech on the market with land ownership maps that work offline,” according to <https://www.onxmaps.com/>

¹⁸ Broscheid, B. (former Director of CPW), Personal communication to Tim Brass and John Gale [Letter], 19 May, 2017.

¹⁹ Blevins, J. (1 June 2019). How nearly \$30 million in lottery money has been distributed in effort to connect all Coloradans to a park or trail. *Steamboat Pilot & Today*. Retrieved from <https://www.steamboatpilot.com/news/how-nearly-30-million-in-lottery-money-has-been-distributed-in-effort-to-connect-all-coloradans-to-a-park-or-trail/>

<div> <div>State Held Public Lands</div> <div>Federal Funds for Public Lands</div> <div>Sportsmen Need Public Lands</div> </div>											
<div> <div>States were granted trust lands at statehood with the mandate that, first and foremost, they generate revenue. Millions of acres of original state lands were sold off. On remaining lands, recreational access isn't a priority or guaranteed. Where public access is allowed, users generally pay for the privilege to use the land. In addition, while grazing on federal lands costs \$1.25 per animal unit per animal unit month (AUM), grazing leases on state and private lands are significantly more expensive.</div> <div>The federal government dedicates significant funding to states with federal public lands. States receive payments in lieu of the property taxes if those lands were privately owned, not to mention forest fire suppression road maintenance and other costs. If lands were transferred to state control, this funding would disappear and state natural resource budgets simply couldn't handle the extra expenses.</div> <div>Most sportsmen in the West depend on public lands. Without public land for hunting and fishing, these state economies would lose the hundreds of millions of dollars that sportsmen spend every year.</div> </div>											
	Original Land Grant (acres)	Current Land Holdings	Public Access to State Lands	Grazing Fees on State Lands 2013	Grazing Fees on Private Lands 2013	Payments in Lieu of Taxes for Federal Lands FY 2014	Federal Costs of Fire Suppression in State FY 2012	State Natural Resource Department Budget	Number of Hunters and Anglers	Percent of Hunters who Hunt on Public Land	Spending in State by Sportsmen
Colorado	4.5 million	2.9 million acres	Most state trust lands are leased for agriculture, energy or commercial use. Colorado Parks & Wildlife leases approximately 20 percent for wildlife-related recreation. State trust lands are generally not open for other forms of recreation.	\$10.85/AUM	\$17.50/AUM	\$34.5 million	\$92 million	\$262.6 million for Department of Natural Resources, FY 2012	919,000	54%	\$1.3 billion
Idaho	3.6 million	2.4 million acres	State trust land in Idaho is open to the public at no charge. The State Land Board continues to auction land in popular recreation areas.	\$6.36/AUM	\$15.50/AUM	\$28.6 million	\$169 million	\$237.2 million for Natural Resources, FY 2013	534,000	66%	\$1.02 billion
Montana	5.9 million	5.1 million acres	The two-thirds of state trust lands that have legal public access are open to recreation through a fee added to all hunting and fishing licenses that pays the State Land Board for access. A state recreational access license is required for all other forms of recreation.	\$9.94/AUM	\$21.00/AUM	\$28.8 million	\$103 million	\$126.5 million for Departments of Natural Resources & Conservation and Fish, Wildlife & Parks, FY 2013	335,000	81%	\$983 million
Nevada	2.7 million	3,000 acres	Nevada has sold the vast majority of state trust lands and the remainder is used solely to generate revenue.	None due to limited state trust acres.	\$15.00/AUM	\$25.4 million	\$33 million	\$146.3 million for Department of Conservation and Natural Resources and Wildlife, FY 2013-2014	163,000	79%	\$409 million
New Mexico	13 million	9 million acres	The New Mexico Game and Fish Department has purchased easements from the State Land Board for recreation on state trust lands where recreation is compatible with other, higher-priority uses.	\$3.21/AUM	\$13.00/AUM	\$37.7 million	\$86 million	\$109.1 million for the Energy, Minerals and Natural Resources Department and Department of Game & Fish, FY 2013	304,000	88%	\$579 million
Oregon	3.4 million	776,000 acres	Oregon's state trust lands are all open for public recreational use unless otherwise posted.	\$8.48/AUM (2012)	\$15.00/AUM	\$17.7 million	\$94.5 million	\$1.76 billion for all Natural Resource Programs, FY 2011-2013	703,000	67%	\$929 million
Utah	7.5 million	3.4 million acres	The Utah Division of Wildlife Resources pays the Trust Lands Administration each year to allow public hunting access on trust lands.	\$4.35/AUM	\$14.50/AUM	\$37.9 million	\$58 million	\$328.8 million for Natural Resources, Agriculture & Environmental Quality, FY 2013	493,000	83%	\$1.04 billion
Wyoming	4.2 million	3.5 million acres	The Wyoming State Land Board allows public hunting on all state trust land at no charge to the user. Public access is described "as a privilege and not a right." Other recreational uses such as camping, biking or motorized use are prohibited.	\$4.80/AUM	\$18.70/AUM	\$27.1 million	\$55 million	\$517 million for Natural Resources, Environment and Recreation programs, FY 2013-2014	390,000	83%	\$778 million

Figure 1: Western states' state trust land access levels were compared to one another in the Backcountry Hunters & Anglers report titled "Our Public Lands Not For Sale" published November 2014. Retrieved from: <https://www.backcountryhunters.org>.

2. **BACKGROUND ON COLORADO STATE TRUST LAND AND THE COLORADO STATE LAND BOARD**

State trust land is a unique type of state-owned, state-managed land whose purpose is to generate revenue to support state institutions, primarily public schools. The federal government conferred federal land to states as ‘state trust land’ at the time of statehood and state land boards proceeded to buy, sell, lease, and manage the land how they saw fit, as long as they adhered to their responsibility to generate revenue. Colorado was ratified as the 38th state August 1, 1876 and granted 4.8 million acres of land from the federal government to leverage for funding public institutions and schools.²⁰ Sections 16 and 36 in every township were granted to the state except where those sections were already under private or tribal ownership.²¹ In cases where the standard sections were not available, equivalent (or “in lieu”) lands were granted to the State Land Board. Approximately seventy percent of Colorado state trust lands are located east of Interstate 25 (I-25) today because many of the lands to the west had already been claimed by 1876.

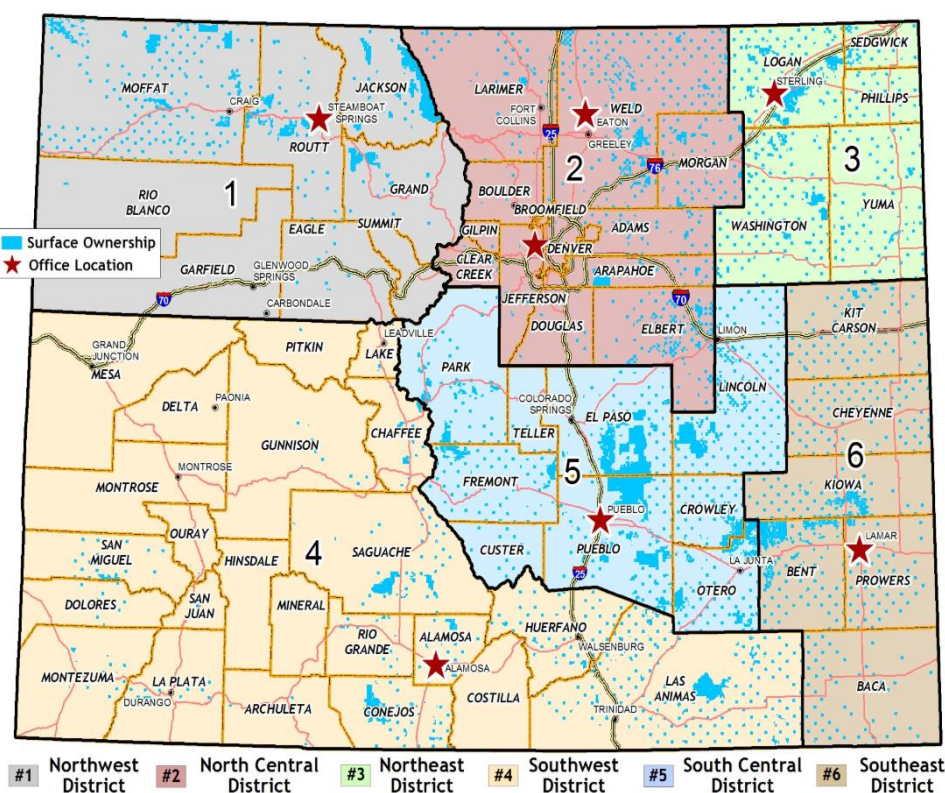


Figure 2: The State Land Board is divided into six districts (outlined in black and bolded) and operates seven offices (red stars) in order to serve lessees and residents across the state. Surface land owned by the State Land Board is shown in blue. Map sourced from <https://www.colorado.gov/pacific/statelandboard/contact-us-43>.

The Colorado State Land Board currently owns and manages about 2.8 million surface acres (Figure 2) and 4.0 million mineral estate acres and leases rights for agriculture, mining,

²⁰ Culp, P. W., Laurenzi, A., and Tuell, C. C. (2005). Trust lands in the American West: a legal overview and policy assessment. Lincoln Institute of Land Policy.

²¹ Colorado State Board of Land Commissioners. (n.d.). Our Agency's History. Retrieved from <https://www.colorado.gov/pacific/statelandboard/history/timeline>

commercial real estate, oil and gas development, recreation, renewable energy development, and other uses.²² A Constitutional amendment passed by Colorado voters in 1996 (Amendment 16) *removed* language obligating the State Land Board to produce ‘maximum possible revenues,’ making its responsibilities notably different from those of land boards in most other states.²³ The Colorado Constitution today states that state trust lands are “held in a perpetual, inter-generational public trust” to be prudently managed by the state board of land commissioners.²⁴ The State Land Board is expected to produce “reasonable and consistent income over time, and to provide sound stewardship of the state trust assets.”²⁵ Amendment 16 also required that 10% (~300,000 acres) of state trust land be designated as Stewardship Trust land whereby the State Land Board must manage the land to preserve or enhance natural value.²⁶ Following a public nomination and comment period, Stewardship Trust properties are designated by the State Land Board for having high natural value, which can mean beauty, open space, wildlife habitat, rare plants, geologic, paleontologic, and/or historic features. The properties designated are reviewed every three years.²⁷ While these lands are managed with special consideration for their specific values, they may still be leased for compatible uses such as grazing, recreation, or mineral development.²⁸

The State Land Board is a division of the Colorado Department of Natural Resources and it funds its own operations using about 5% of state trust land-generated income.²⁹ In fiscal year (FY) 2017-2018 the Colorado State Land Board’s assets were valued at \$4.3 billion and they leveraged 7,698 active leases to generate about \$150 million in total trust revenue (revenue plus interest earned on funds). This was down from about \$188 million (its highest-revenue year) in FY 2014-2015, the decline reflecting the downturn in oil and gas markets (Figure 3).³⁰ Accordingly, Goal 1.2 in the State Land Board’s April 2017 Strategic Plan was to “grow and diversify recurring revenues and minimize the impact of volatility from extractive lines of business.”³¹

The State Land Board funds Colorado schools through eight different trust beneficiaries.³² In FY 2017-2018 the State Land Board allocated \$64.9 million to capital construction for Colorado public schools via the Building Excellent Schools Today (BEST) program; \$50 million to the public school permanent fund, an endowment fund managed by the State Treasurer’s Office; \$7 million to internal agency operations, as the State Land Board funds itself; and it held \$3.8 million in an investment and development fund which allows the State

²² Colorado State Board of Land Commissioners. (n.d.). About the State Land Board. Retrieved from <https://www.colorado.gov/pacific/statelandboard/about-state-land-board>

²³ Culp, P. W., Laurenzi, A., and Tuell, C. C. (2005). Trust lands in the American West: a legal overview and policy assessment. Lincoln Institute of Land Policy.

²⁴ Colorado Constitution. Art. IX. Sec. 1.

²⁵ Colorado State Board of Land Commissioners. (n.d.). About the State Land Board. Retrieved from <https://www.colorado.gov/pacific/statelandboard/about-state-land-board>

²⁶ Colorado State Board of Land Commissioners. (n.d.). Stewardship Trust. Retrieved from <https://www.colorado.gov/pacific/statelandboard/stewardship-trust>

²⁷ Colorado State Board of Land Commissioners. (n.d.). Stewardship Trust. Retrieved from <https://www.colorado.gov/pacific/statelandboard/stewardship-trust>

²⁸ Colorado State Board of Land Commissioners. (n.d.). Stewardship Trust. Retrieved from <https://www.colorado.gov/pacific/statelandboard/stewardship-trust>

²⁹ Colorado State Board of Land Commissioners. (2018). Annual Report FY 2017-2018. Retrieved from <https://www.colorado.gov/pacific/statelandboard/reports-2>

³⁰ Colorado State Board of Land Commissioners. (2018). Annual Report FY 2017-2018. Retrieved from <https://www.colorado.gov/pacific/statelandboard/reports-2>

³¹ Recreation Leasing Policy, State of Colorado State Board of Land Commissioners. Policy No. 300-005. (2014, Supp. 2017).

³² Colorado State Board of Land Commissioners. (2018). Annual Report FY 2017-2018. Retrieved from <https://www.colorado.gov/pacific/statelandboard/reports-2>

Land Board to maintain or increase its total assets.³³ Revenue generated by state trust land leasing is only one component of total public school funding in Colorado. For context, in budget year 2018-19 state taxes provided \$4.5 billion; local property taxes provided \$2.36 billion; and local vehicle registration taxes provided \$183.8 million of funding to Colorado school districts.³⁴

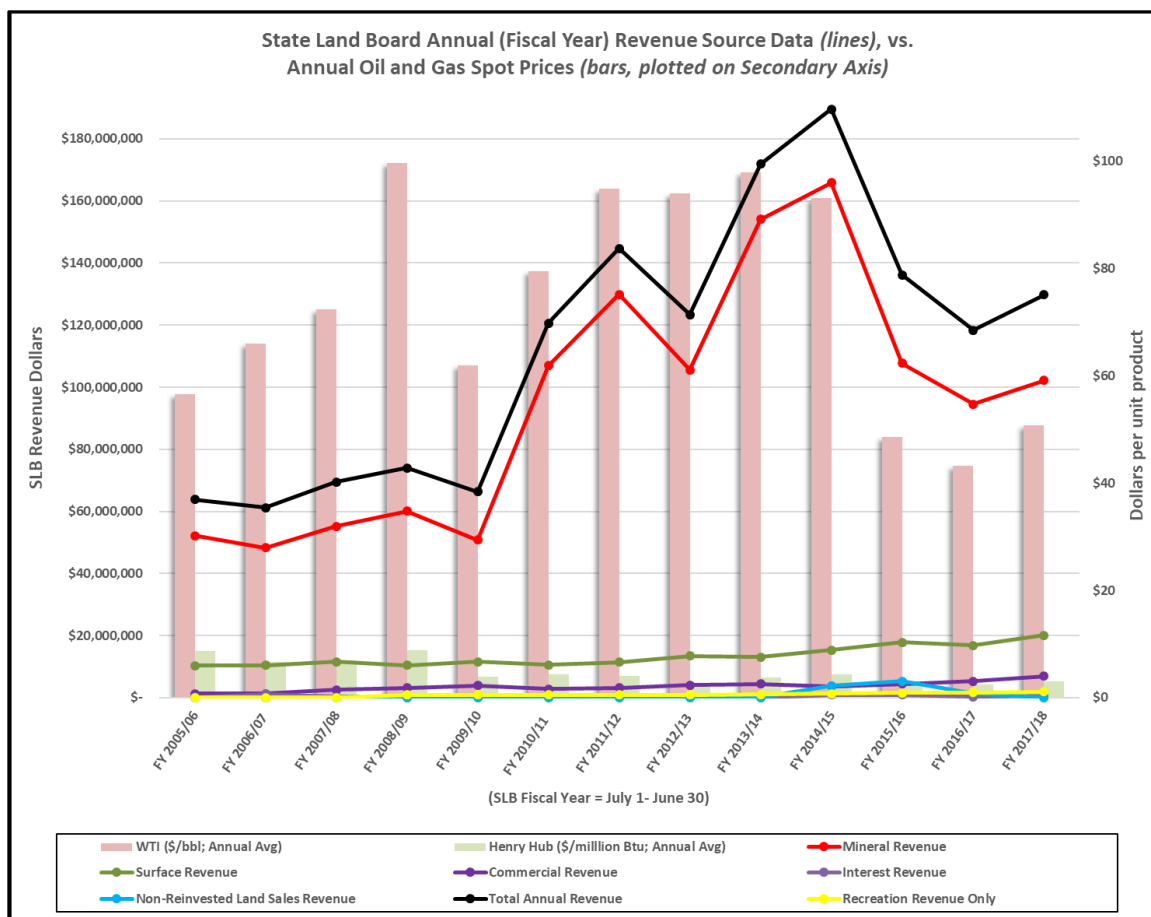


Figure 3: This chart's line graphs show annual revenue generated from different types of leasing by the State Land Board from FY 2005-06 to FY 2017-18. The data were obtained through a Colorado Open Records Act (CORA) request placed with the Colorado State Land Board on February 19, 2019.³⁵ Annual average oil price (WTI spot; light red bars) and gas price (Henry Hub; light green bars) are plotted here to illustrate the relationship between oil and gas prices and total State Land Board revenue (black line) and mineral revenue (red line). The oil and gas price data were sourced from the U.S. Energy Information Association.³⁶

³³ Colorado State Board of Land Commissioners. (2018). Annual Report FY 2017-2018. Retrieved from <https://www.colorado.gov/pacific/statelandboard/reports-2>

³⁴ Colorado Department of Education School Finance and Operations Division. (Oct 2018). Understanding Colorado School Finance and Categorical Program Funding. Retrieved from <https://www.cde.state.co.us/cdefinance/fy2018-19brochure>

³⁵ U.S. Fish and Wildlife Service. *Historical License Data Index*. Retrieved from <https://wsfrprograms.fws.gov/Subpages/LicenseInfo/LicenseIndex.htm>

³⁶ U.S. Energy Information Administration. (n.d.). Petroleum and Other Liquids [data]. Retrieved from <https://www.eia.gov/petroleum/data.php#prices>

3. *RECREATION ON COLORADO STATE TRUST LAND*

Early in U.S. history, natural resource extraction in the West supported development in Eastern states. More recently however, resource extraction has supported Western states' own economies and growth. State trust lands in the West are still used for timber, minerals, oil and gas development, grazing, and agriculture, but other land surface uses such as outdoor recreation also now occur seamlessly alongside the traditional uses in most Western states.³⁷ In Colorado, access to state trust lands for any kind of recreation was entirely controlled by the primary leaseholder(s) (usually agricultural lessees) of each tract until 1987 when the State Land Board began issuing Special Use Permits for hunting on certain properties. Public interest in expanding access to state trust lands for hunting and other recreation increased around this time in Colorado and throughout the West.³⁸

The Colorado State Land Board convened a Public Access Task Force in 1990, made up of representatives from ranching, agricultural, and environmental groups and from the Division of Wildlife and Department of Education.³⁹ The Task Force's purpose was to study issues that would arise from increased public access to Colorado state trust lands for recreation and hunting.⁴⁰ The Task Force composed a report and presented a range of options for accommodating recreation on state trust lands to the State Land Board Commission during the fall of 1991.⁴¹ State Land Board staff researched other states' state trust land access policies in 1991 and found that only two (Oklahoma and Nebraska) of the nine western states that responded to their survey allowed primary lessees to control the public's access the way that Colorado did at the time.⁴² The State Land Board held public meetings across the state in FY 1991-92 to engage farm and ranch organizations, state trust land lessees, recreation-focused organizations, environmental organizations, and Colorado Division of Wildlife personnel.⁴³ Public opinion ranged from very strongly in favor of maintaining the status quo to very strongly in favor of making all state trust land open for public access.⁴⁴ In general, the State Land Board, Division of Wildlife, sportsmen's organizations, the agricultural community, and others involved worked collaboratively in developing ideas for a public access program that would respect and accommodate a variety of state trust land users (both existing and prospective).⁴⁵ Rather than threatening a ballot initiative or pushing for legislative action to change recreational access policies, outdoor recreationalists and sportspersons took a cooperative approach and participated in the process that shaped the State Land Board's multiple use (i.e. recreation) policies.⁴⁶

³⁷ Culp, P. W., Laurenzi, A., and Tuell, C. C. (2005). Trust lands in the American West: a legal overview and policy assessment. Lincoln Institute of Land Policy.

³⁸ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1990-June 30, 1991.

³⁹ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1990-June 30, 1991.

⁴⁰ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1990-June 30, 1991.

⁴¹ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1991-June 30, 1992.

⁴² Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1990-June 30, 1991.

⁴³ The Multiple Use Policy of the State Board of Land Commissioners, Recreational Use of State Trust Lands. Policy # 92-3 (1992).

⁴⁴ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1991-June 30, 1992.

⁴⁵ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1991-June 30, 1992.

⁴⁶ Spezze, T. (former CW employee who helped to establish the original PAP agreement), in discussion with the author, August 2019.

⁴⁷ Spezze, T. (former CW employee who helped to establish the original PAP agreement), in discussion with the author, August 2019

After studying policy options and listening to stakeholders' perspectives, the State Land Board formulated a Multiple Use Policy to be phased in over a 10-year period beginning on January 1, 1993.⁴⁸ After the implementation period, the State Land Board expected to generate about \$1 million annually by opening about 50% (or 1.4 million acres) of state trust land surface acres to recreation through agreements with public and private organizations as well as with private citizens.⁴⁹ In the Multiple Use Policy introduction, the State Land Board acknowledged that Colorado's growing population increasingly demanded public outdoor recreation opportunities, and that outdoor recreation was an important component in Colorado's (1992) \$6 billion tourist industry.⁵⁰ The State Land Board also credited outdoor recreation with providing rural economies with additional (and "increasingly important") sources of revenue and new business opportunities.⁵¹ Nevertheless, recreational use of state trust lands was intended to be limited, and complementary, or "*in addition* to the more traditional agricultural uses." Each parcel that would include recreational use would be required to have a written management plan, "to ensure peaceful co-existence of all uses of state trust lands."⁵²

Since 2013 the State Land Board's revenue from all recreational leasing has increased significantly, from \$974,205 in FY 2013-14 to \$1,876,123 in FY 2017-18 (an increase of \$901,918, or about 93%).⁵³ Figure 4 shows that the acres of state trust land leased by CPW did not increase during that time, however the amount paid to the State Land Board by CPW did increase because their lease rate is subject to change annually based on the Denver-Boulder-Greeley Consumer Price Index (CPI).⁵⁴ The acres of state trust land leased to private entities for recreation did increase during that period of time, accounting for the dollar gap between total income generated from recreation versus the amount paid by CPW each year for the Public Access Program (Figure 4). CPW does also lease some state trust land for other purposes, such as State Wildlife Areas and State Forest State Park, which would account for part of the gap between Public Access Program payment and total State Land Board recreation revenue as well.

⁴⁸ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1991-June 30, 1992

⁴⁹ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1991-June 30, 1992

⁵⁰ The Multiple Use Policy of the State Board of Land Commissioners, Recreational Use of State Trust Lands. Policy # 92-3 (1992).

⁵¹ The Multiple Use Policy of the State Board of Land Commissioners, Recreational Use of State Trust Lands. Policy # 92-3 (1992).

⁵² Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1991-June 30, 1992.

⁵³ Colorado State Board of Land Commissioners. SLB Revenue History 10 Year FY 2006-2018 [Data]. Received via CORA request.

⁵⁴ Interagency Real Property Lease Agreement. (Sept. 2013). Lease No. OT 80188.

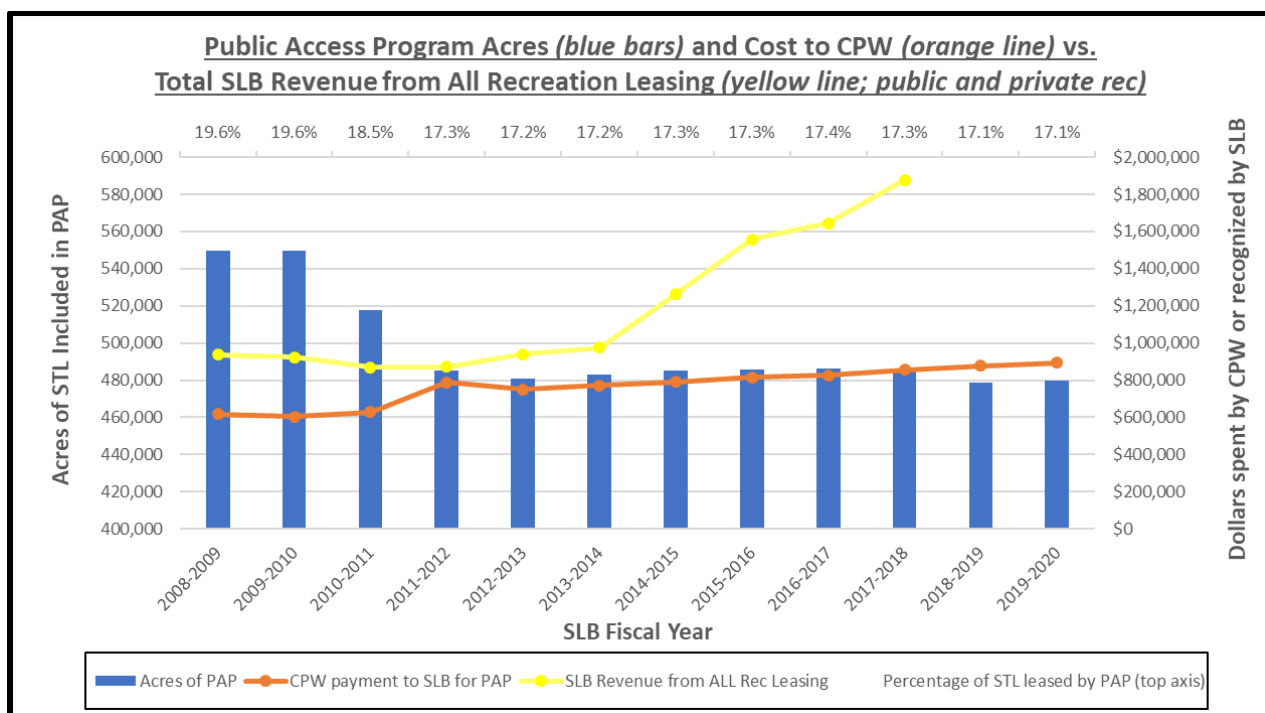


Figure 4: This chart shows annual revenue generated from recreation leasing by the State Land Board from FY 2008-09 to FY 2019-20. Blue bars represent the number of acres leased by CPW under the Public Access Program from 2008 to present, and the top axis percentage describes that amount of acreage relative to the total amount of surface state trust land acres (which is 2.8 million). The orange line shows how CPW's payment to the State Land Board for the Public Access Program has changed, while the yellow line shows how total recreation-derived revenue realized by the State Land Board (from all recreation leasing) has changed. The data were obtained through a Colorado Open Records Act (CORA) request placed with the Colorado State Land Board on February 19, 2019.

3.1. Public recreation on Colorado state trust land

The State Land Board entered into a memorandum of understanding (MOU) with the Colorado Division of Wildlife (DOW⁵⁵) on June 23, 1993, establishing the “Public Access Program.”⁵⁶ The MOU defined lease terms, rates, responsibilities of each party, and other details and marked the beginning of the public’s access to state trust land for hunting and angling through an established program, which is still in place today.⁵⁷ At that time, the State Land Board and Division of Wildlife agreed that the DOW would eventually lease about 500,000 acres of state trust land for wildlife-related public recreation.⁵⁸ In the first year of the Public Access Program the DOW leased 89,745 acres of state trust land from the State Land Board for seasonal use. Most of these leased acres were intended to accommodate big game hunting and were open to the public September through February, though they expected to add some leases for small-game hunting and fishing access as the program expanded to its target size.⁵⁹

⁵⁵ The Colorado Division of Wildlife (DOW) and Division of Parks merged in 2011 and are now collectively known as Colorado Parks and Wildlife (CPW)

⁵⁶ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1992-June 30, 1993

⁵⁷ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1992-June 30, 1993

⁵⁸ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1992-June 30, 1993

⁵⁹ Colorado State Board of Land Commissioners. (n.d.). Annual Report July 1, 1992-June 30, 1993

The MOU specified that the DOW would maintain the responsibility to “identify, nominate and manage certain state trust lands for wildlife-related public recreation.”⁶⁰ It also provided latitude to the DOW to permit year-round public access to state trust land with identified fishing values and/or access; public access to land with significant wildlife-watching opportunities March through August; and public access to areas with identified turkey hunting values during spring turkey season, at the DOW’s discretion.⁶¹ The responsibility to enforce wildlife-related laws on state trust land was and is that of the DOW (now CPW) as well. While there were some conflicts and issues related to the Public Access Program during its first five years or so, law enforcement agents, agricultural lessees, outdoor recreationalists, and state agency personnel quickly learned how to prevent and/or mitigate the issues that arose, thus the program persisted.⁶²

In FY 2008-2009 the Public Access Program included almost 550,000 acres of state trust land.⁶³ For comparison, Rocky Mountain National Park (RMNP) is 265,769 acres,⁶⁴ therefore the Public Access Program was over twice the size of RMNP in 2008-2009. As of FY 2019-20 however, the Public Access Program was down to around 480,000 acres, which represents only 17% of total state trust land surface acres (Figure 4).⁶⁵ In addition to leasing state trust land to CPW for public recreation, the State Land Board also leases state trust land to private citizens or entities for *private*, exclusive recreational use through a competitive bidding process.⁶⁶ Per the lease agreement between CPW and the State Land Board, the State Land Board may lease Public Access Program sections to other lessees for private recreation purposes from March through August.⁶⁷ According to Abraham Medina, the State Land Board Recreation Program Manager, “this might happen in areas where it’s in the Public Access Program for big game hunting, and under a private lease for summer time horseback riding.”⁶⁸

Because the responsibility for nominating state trust land for the Public Access Program belongs to Colorado Parks and Wildlife (formerly the Division of Wildlife), CPW’s Area Wildlife Managers, private citizens, and/or organizations may suggest additive state trust land properties to the CPW Regional Manager who oversees the Program. The CPW Regional Manager in charge of the Public Access Program can nominate state trust land sections for admittance into the Public Access Program as long as there is not an existing active recreation lease that would interfere with CPW’s intended uses of the tract(s). The State Land Board is then responsible for notifying existing lessees that CPW has requested recreation access under the Public Access Program.⁶⁹ CPW is not normally given priority in leasing state trust land, so the State Land Board can opt to award a recreation lease to a private entity who counters and/or out-

⁶⁰ Memorandum of Understanding Between the Colorado State Board of Land Commissioners and the Colorado Division of Wildlife. (23 June 1993).

⁶¹ Memorandum of Understanding Between the Colorado State Board of Land Commissioners and the Colorado Division of Wildlife. (23 June 1993).

⁶² Spezze, T. (former CW employee who helped to establish the original PAP agreement), in discussion with the author, August 2019

⁶³ Medina, A. (10 April 2019). PAP Cumulative Acreage 1993-2020 [file]. Colorado State Board of Land Commissioners. Received via CORA request.

⁶⁴ Grand Lake Chamber of Commerce. (n.d.). Rocky Mountain National Park Facts. Retrieved from <https://gograndlake.com/rocky-mountain-national-park-facts/>

⁶⁵ Medina, A. (10 April 2019). PAP Cumulative Acreage 1993-2020 [file]. Colorado State Board of Land Commissioners. Received via CORA request.

⁶⁶ Colorado State Board of Land Commissioners. (n.d.). Recreation. Retrieved from <https://www.colorado.gov/pacific/statelandboard/recreation-0>

⁶⁷ Medina, A. (State Land Board Recreation Program Manager), personal communication [email], 28 May 2019.

⁶⁸ Medina, A. (State Land Board Recreation Program Manager), personal communication [email], 28 May 2019.

⁶⁹ Interagency Real Property Lease Agreement. (Sept. 2013). Lease No. OT 80188.

bids CPW for a recreation lease. The average lease term for non-CPW recreation leases is 6.0 years.⁷⁰ The most recent lease agreement between CPW and the State Land Board was in September of 2013 with an effective date of July 1, 2013 and a term of ten years, though CPW and the State Land Board can continue to adjust the land enrolled in the Public Access Program as needed.⁷¹

Beginning in 2019, costs of CPW-issued licenses, permits, fees, etc., increased to support the growing budgetary needs of the agency and the interests of Colorado residents. Colorado Senate Bill 18-143 (commonly referred to as “The Future Generations Act”) was signed into law in May of 2018 by then-Governor Hickenlooper, allowing CPW to increase fees associated with parks, hunting, fishing, boating, etc.⁷² Licenses, passes, fees, and permits generate 54% of CPW’s funding, so the fee increases are significant for CPW’s budget and capacity (Figure 5).⁷³ With the increased revenue, CPW has committed to fulfilling ten goals by 2025. The first goal is to “grow the number of hunters and anglers,” and the second is to “expand public and private land access” (Figure 6).⁷⁴ As such, part of the revenue generated by the increased fees must go to expanding public land access. CPW could work with the State Land Board to add public recreation leases to the Public Access Program relatively quickly, thereby leveraging fee-increase dollars to expand public access through a process with relatively low administrative overhead, compared to initiating a new program or making deals with many private landowners across the state.



Figure 5: Colorado’s funding sources as stated in their 2019 Fact Sheet. This illustrates the dependence of CPW’s budget on the sales of licenses, passes, fees, and permits.

(<https://cpw.state.co.us/Documents/About/Reports/StatewideFactSheet.pdf>)

Our ten goals to fulfill by 2025 are:

1. Grow the number of hunters and anglers
2. Expand public and private land access
3. Increase big game populations
4. Improve wildlife populations
5. Increase the number of fish stocked
6. Plan a new state park
7. Maintain our dams
8. Engage all outdoor recreationists in funding and conservation
9. Recruit and retain qualified employees
10. Maintain and improve parks and wildlife areas

Figure 6: CPW’s ten goals for using revenue from its increased fees following passage of the Future Generations Act in 2018.

(<https://cpw.state.co.us/aboutus/Pages/Future-Generations-Act.aspx>)

⁷⁰ Colorado State Board of Land Commissioners. (28 Sept. 2018). Other Surface leases [GIS Data]. Retrieved from: <https://www.colorado.gov/pacific/statelandboard/look-land>

⁷¹ Interagency Real Property Lease Agreement. (Sept. 2013). Lease No. OT 80188.

⁷² Hunting, Fishing, and Parks for Future Generations Act. Senate Bill 18-143. (2018). Retrieved from https://leg.colorado.gov/sites/default/files/2018a_143_signed.pdf

⁷³ Colorado Parks and Wildlife. (n.d.). Statewide Fact Sheet. Retrieved from <https://cpw.state.co.us/Documents/About/Reports/StatewideFactSheet.pdf>

⁷⁴ Colorado Parks and Wildlife. (n.d.). Future Generations. Retrieved from <https://cpw.state.co.us/aboutus/Pages/Future-Generations-Act.aspx>

Conversations regarding the addition of up to 500,000 acres of state trust land to the Public Access Program have occurred recently between CPW and the State Land Board. In the State Land Board's February 2019 staff report, the State Land Board reported that "CPW has expressed an interest in increasing the enrollment (in the Public Access Program) by as much as 500,000 acres over a period of several years," the majority of which would be located east of Interstate 25.⁷⁵ This potential addition of acreage to the Public Access Program has been referred to as "PAP lite" by some, but as of February 2019, Abraham Medina, State Land Board Recreation Program Manager, emphasized that CPW had not yet nominated specific leases and that they were still in "very preliminary discussions" about this possible expansion of public access to state trust land.⁷⁶

3.2. Private, exclusive recreation on Colorado state trust land

Private entities (for example, cattle companies, organizations, or private hunting outfitters) or individual citizens are allowed to lease recreational access rights to Colorado state trust lands through a competitive application and bidding process. In order to apply for a private, exclusive recreation lease on Colorado state trust land, a private entity must submit an application with a description of their planned recreational uses and their dollar bid per parcel or per acre, plus an application fee to the State Land Board.⁷⁷ The minimum rate for leasing state trust land for private, exclusive recreation is the higher total value of either \$500 per year or \$2.00/acre/year (as of 2017; though numbers are based on the current market rate per acre as assessed by the State Land Board⁷⁸). Private recreation leases are designed to be held for five years (generally one half the agricultural lease term),⁷⁹ however the average lease term for non-CPW recreation leases as of Sept. 2018 was six years.⁸⁰

As of March 2019, State Land Board Recreation Program Manager Abraham Medina estimated that about 300,000 acres of state trust land (11% of total state trust land surface acres) were leased to ~250 private citizens or entities for private recreation purposes.⁸¹ As discussed above and shown in Figure 4, increased State Land Board income from all recreational leasing of state trust land, particularly since 2013-2014, appears to have come from private recreational leasing primarily, as the Public Access Program lease payments did not account for the increase over that time.

⁷⁵ Colorado State Board of Land Commissioners. (13 Feb. 2019). Staff Report – February 2019 [February 13, 2019 Board Meeting Packet]

⁷⁶ Medina, A. (State Land Board Recreation Program Manager), personal communication [email], 19 Feb. 2019.

⁷⁷ Colorado State Board of Land Commissioners. (n.d.). Recreational use of State Trust Land, A Guide to Leasing. Retrieved from <https://www.colorado.gov/pacific/statelandboard/recreation-0>

⁷⁸ Recreation Leasing Policy, State of Colorado State Board of Land Commissioners. Policy No. 300-005. (2014, Supp. 2017).

⁷⁹ Colorado State Board of Land Commissioners. (n.d.). Recreational use of State Trust Land, A Guide to Leasing. Retrieved from <https://www.colorado.gov/pacific/statelandboard/recreation-0>

⁸⁰ Colorado State Board of Land Commissioners. (28 Sept. 2018). Other Surface leases [GIS Data]. Retrieved from: <https://www.colorado.gov/pacific/statelandboard/look-land>

⁸¹ Medina, A. (State Land Board Recreation Program Manager), personal communication [email], 11 March. 2019.

4. CHALLENGES TO AND ANTICIPATED BENEFITS FROM THE EXPANSION OF PUBLIC RECREATIONAL ACCESS TO COLORADO STATE TRUST LAND

4.1. Challenges to public access opportunities in Colorado

The opportunities for wildlife-related outdoor recreation for the public vary across the state for many reasons, but there are a couple of major themes that threaten public access. Population growth across the state has resulted in increased residential development, particularly along the Front Range and in valleys that historically have served as winter range for wildlife. For some sportspersons in the state, this means that local areas suitable for hunting and angling may no longer be accessible, may now be overcrowded, or may no longer exist. In addition to private land being developed, state trust land access for recreation is also continuing to be privatized, as leasing for private recreation by private entities has increased in the past decade and is ongoing. If the public lacks access to suitable hunting and fishing areas for any of the reasons outlined below, the number of sportspersons in the state is likely to decrease, resulting in decreased funding available for conservation work (at the state and national levels), decreased visitation to communities that had historically benefitted from hunting and angling-related tourism, and lost traditions and skills.

4.1.1. Population growth and residential development

Colorado's population has grown tremendously over the past few decades.⁸² Colorado's 2019 population estimate is almost 5.8 million people, and the Colorado State Demography Office estimates that the state's population could reach 8.1 million residents by 2050.⁸³ The 2019 Statewide Comprehensive Outdoor Recreation Plan acknowledges that "more residents and high tourist visitation means public recreation areas are facing crowding, maintenance backlogs and conflicting outdoor recreation pursuits."⁸⁴ More people are recreating on public land throughout the state, therefore state officials and state agencies should explore new options for responsibly accommodating the needs of outdoor recreationalists.

As Colorado's population has increased, the number of anglers seeking fishing opportunities in Colorado has increased as well, while the number of hunters seeking suitable hunting grounds has stayed stable (since 2010). Between 1990 and 2018 (roughly the period over which the Public Access Program has existed), the state's population increased by 73%.⁸⁵ The numbers of Colorado fishing and hunting license holders *has* decreased since 1990, consistent with national trends, however in the last two decades, the ratio of Colorado fishing license holders to the total Colorado population has been stable.⁸⁶ In 2002 and in 2018 the ratio of Colorado license holders to Colorado residents was 0.14, and between those years the

⁸² Statista. (n.d.). Resident population in Colorado from 1960 to 2018 (in millions). Retrieved from <https://www.statista.com/statistics/206101/resident-population-in-colorado/>

⁸³ State Demography Office. (n.d.). Population Projections 2010 to 2050. Retrieved from https://gis.dola.colorado.gov/apps/demographic_dashboard/

⁸⁴ Colorado Parks and Wildlife. The 2019 Statewide Comprehensive Outdoor Recreation Plan. Retrieved from <https://cpw.state.co.us/Documents/Trails/SCORP/Final-Plan/2019-SCORP-Report.pdf>

⁸⁵ Statista. (n.d.). Resident population in Colorado from 1960 to 2018 (in millions). Retrieved from <https://www.statista.com/statistics/206101/resident-population-in-colorado/>

⁸⁶ U.S. Fish and Wildlife Service. *Historical License Data Index*. Retrieved from <https://wsfrprograms.fws.gov/Subpages/LicenseInfo/LicenseIndex.htm>

proportion hovered between 0.12 and 0.14. During that same time period, the ratio of Colorado hunting license holders to Colorado residents declined only slightly from 0.07 in 2002 to 0.05 in 2018, but it has remained around 0.05 since 2013 (Figure 7).⁸⁷

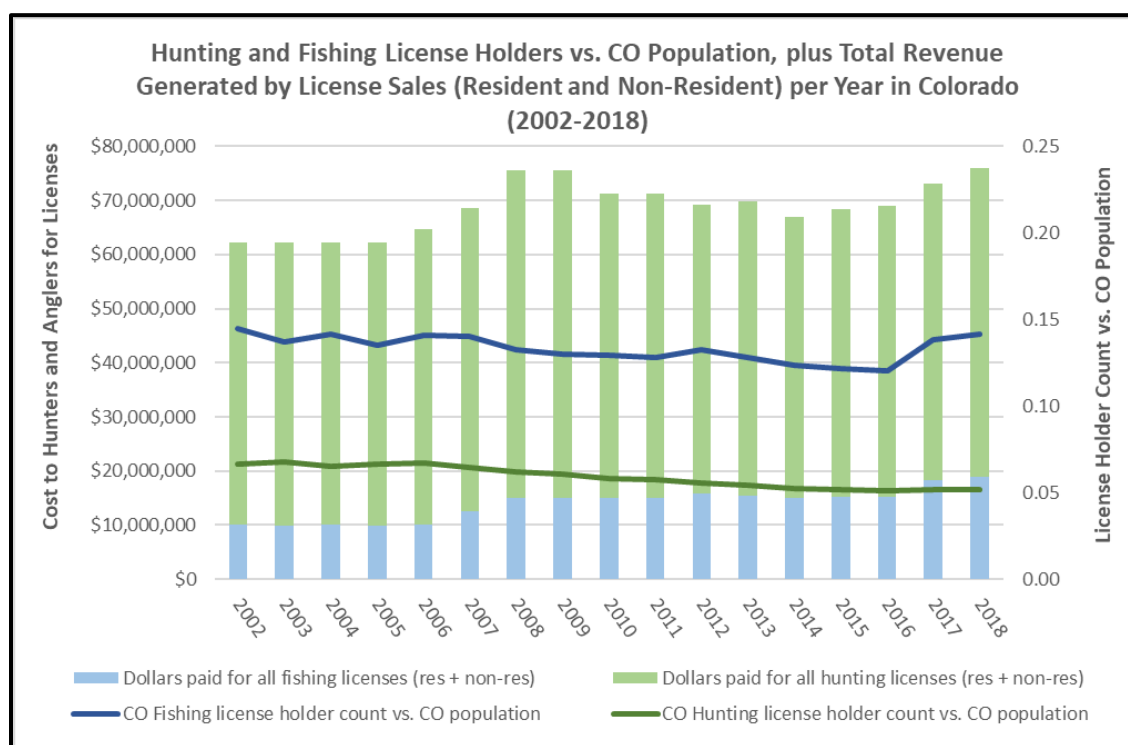


Figure 7: This chart shows the percentage of Colorado's population that purchased a hunting license (dark green) or fishing license (dark blue) between 1990 and 2018. The numbers of both resident hunters and resident anglers increased over this time period, even though the percentages decreased or remained relatively flat, respectively.⁸⁸ The dollar amount spent on hunting licenses is significantly larger than the dollar amount spent on fishing licenses in any given year, showing how important hunting license sales are to generating revenue and funding Colorado Parks and Wildlife.

To accommodate new residents and meet housing demands, large swaths of land that overlap with wildlife habitat have been developed. Colorado has seen a 32.2% change in land area developed with residences between 2000 and 2010, compared to a 12.3% change for the U.S. over all (Figure 8).⁸⁹ Increased development can be detrimental to wildlife population health and results in fewer opportunities for quality wildlife-related recreation in areas where sportspersons once had access for hunting and angling, whether that were on public or private land. It is not possible to preserve all existing tracts of land that have historically been important to outdoorspeople and wildlife, however state agencies could attempt to open *new* areas for wildlife-related recreation by purchasing additional land and/or by opening state trust land to outdoorspeople.

⁸⁷ U.S. Fish and Wildlife Service. *Historical License Data Index*. Retrieved from <https://wsfrprograms.fws.gov/Subpages/LicenseInfo/LicenseIndex.htm>

⁸⁸ U.S. Fish and Wildlife Service. *Historical License Data Index*. Retrieved from <https://wsfrprograms.fws.gov/Subpages/LicenseInfo/LicenseIndex.htm>

⁸⁹ Headwaters Economics' Economic Profile System. (15 May 2019). A Summary Profile, Selected Geographies: Colorado, Benchmark Geographies: U.S. Generated from: <https://headwaterseconomics.org/tools/economic-profile-system/>

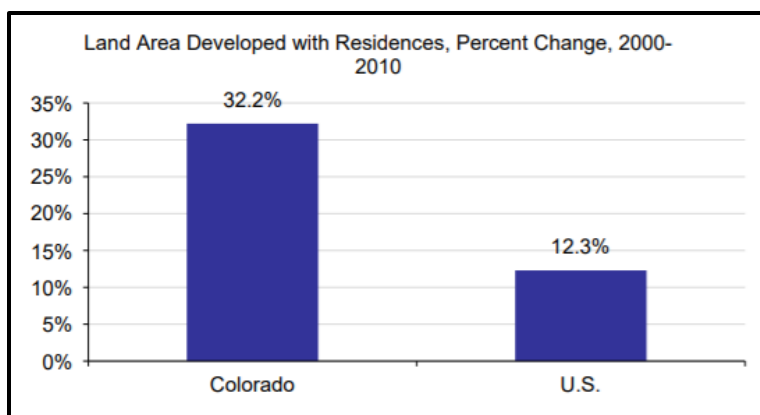


Figure 8: Due to Colorado's expanding population, the percentage change in land area developed with residences was 32.2% between 2000 and 2010, a much higher rate than was seen across the U.S. as a whole.⁹⁰ Not only is there less public land per person in Colorado now than in the past, there is also less private land suitable for hunting and angling available to sportspersons in Colorado compared to in the past.

4.1.2. Privatization of recreation on Colorado state trust land

In the State Land Board's Multiple-Use Policy effective January 1, 1993, staff estimated that within ten years they would allow recreational access to around 1.4 million acres of state trust land and eventually generate \$1 million annually from recreation leases (public and private).⁹¹ CPW and the State Land Board agreed at that time that CPW would lease 500,000 acres for public recreational access, managed under the Public Access Program.⁹² This theoretically leaves ~900,000 acres open to leasing by private entities for exclusive outdoor recreation access.

The State Land Board's revenue from all recreation in FY 2013-2014 was \$974,205.⁹³ In 2013 the State Land Board collected \$771,925.70 from CPW in exchange for (primarily seasonal) public access to nearly 483,000 acres of state trust land through the Public Access Program (Figure 4).⁹⁴ In 2017, about 485,000 acres were enrolled in the Public Access Program, but CPW paid \$855,899.68 (an increase of ~2,000 acres and \$83,973.98 from 2013 to 2017). The total revenue generated by all recreation leases (public and private) in 2017 was \$1,876,122.97, a \$901,918 increase in just four years.^{95 96} The total recreation revenue amount is generated primarily from Public Access Program, private recreation, state parks, and state wildlife leasing.

Today around 300,000 acres of state trust land are leased for private recreation by the State Land Board through approximately 250 leases.⁹⁷ The average lease term for recreation leases not held by CPW is 6.0 years (as of Sept. 2018), with a maximum term of 30 years and

⁹⁰ Headwaters Economics' Economic Profile System. (15 May 2019). A Summary Profile, Selected Geographies: Colorado, Benchmark Geographies: U.S. Generated from: <https://headwaterseconomics.org/tools/economic-profile-system/>

⁹¹ The Multiple-Use Policy of the State Board of Land Commissioners, Recreational Use of State Trust Lands. Policy # 92-3 (1992).

⁹² Memorandum of Understanding Between the Colorado State Board of Land Commissioners and the Colorado Division of Wildlife. (1993).

⁹³ Colorado State Board of Land Commissioners. (CORA request placed on 19 February 2019). SLB Revenue History 10 Year FY 2006-2018 [Data].

⁹⁴ Colorado Parks and Wildlife. (8 April 2019). CPW Supp Approps – 8 April 2019 [file]. Received via CORA request.

⁹⁵ Colorado Parks and Wildlife. (8 April 2019). CPW Supp Approps – 8 April 2019 [file]. Received via CORA request.

⁹⁶ Colorado State Board of Land Commissioners. (n.d.). SLB Revenue History 10 Year FY 2006-2018 [Data]. Received via CORA request.

⁹⁷ Medina, A. (State Land Board Recreation Program Manager), personal communication [email], 11 March. 2019.

minimum of 3 years.⁹⁸ In the past 10 years, the State Land Board's private recreation leasing program has expanded, which limits the number of state trust land acres that could potentially be added to the Public Access Program in the future if it were to grow.

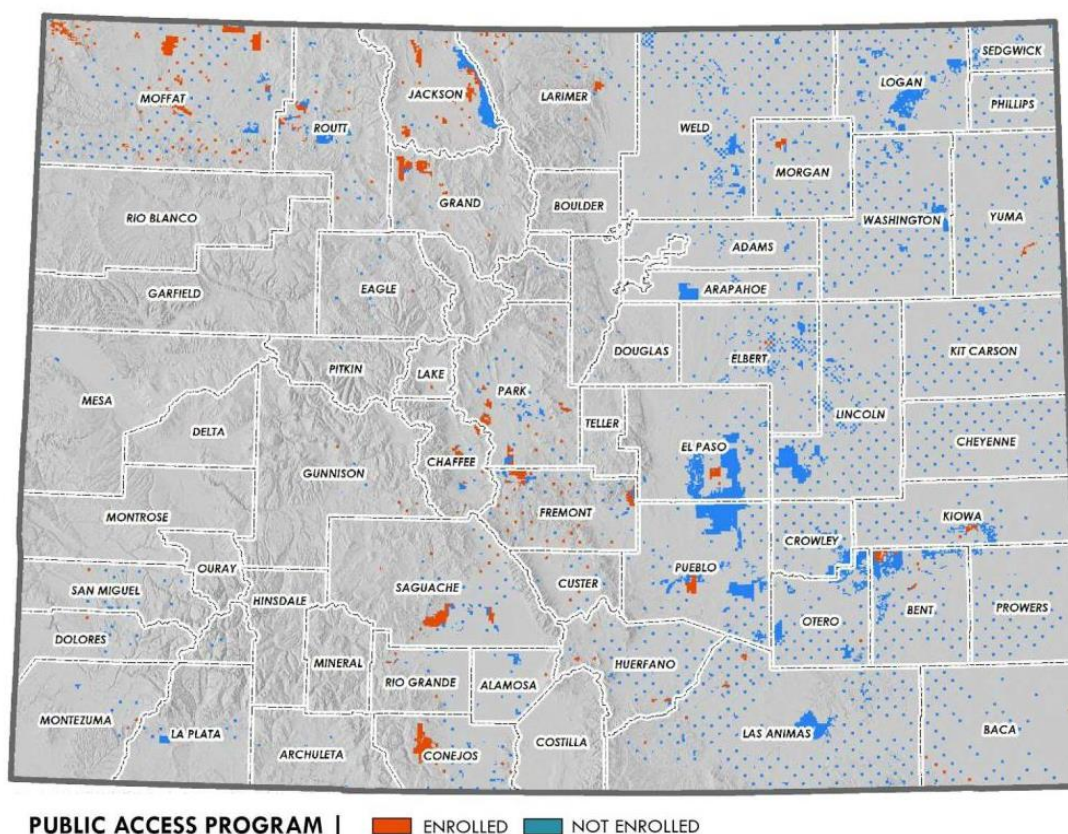


Figure 9: This map, created by the Colorado State Land Board and published in the Board of Land Commissioners July (2019) Meeting Packet, shows state trust land surface acres leased under the Public Access Program (red) vs. state trust land surface acres not enrolled in the Public Access Program (blue) as of June 2019.⁹⁹

4.2. Anticipated benefits from expanding public access to Colorado state trust land

Colorado's surface state trust lands exist in 56 out of 64 Colorado counties (87.5% of all Colorado counties).¹⁰⁰ While around two-thirds of Colorado state trust land (surface acreage) is located east of Interstate 25, the majority leased to CPW for public recreation is located west of Interstate 25 (Figure 9), as those leases were targeted in the early 1990s to provide the public with big-game hunting opportunities. Expanding public access to Colorado state trust land located in the Eastern half of the state would attract sportspersons to relatively rural areas where wildlife-related opportunities for the general public have generally been fewer, as most public land (especially federal public land) is in the Western part of the state. Increased seasonal visitation by sportspersons to communities with publicly-accessible state trust land could diversify sources of income for local residents whose businesses or employment cater to visitors

⁹⁸ Colorado State Board of Land Commissioners. (28 Sept. 2018). Other Surface leases [GIS Data]. Retrieved from: <https://www.colorado.gov/pacific/statelandboard/look-land>

⁹⁹ Colorado State Board of Land Commissioners. (3 July 2019). Public Meeting Agenda [201907_Board_Packet; p 209]. Retrieved from https://drive.google.com/file/d/1X4ZXnejjILrS-FvmRiu0jKJ68KM_1WIZ/view

¹⁰⁰ Counties that do not have any state trust land surface acres, according to State Land Board map server website on Aug. 13, 2019: Broomfield, Costilla, Delta, Garfield, Hinsdale, Mineral, Montrose, and Summit.

and outdoor recreationalists. Some state trust land properties may also provide access to other public lands that are currently landlocked, or surrounded by private land and therefore inaccessible to the public. In the Eastern part of the state where much of the land is privately-owned, many big game hunting licenses go unsold by CPW each year.¹⁰¹ If more land is made available to the public for hunting in regions where little public land exists today, it is likely that more of those licenses will be purchased which funds CPW and gets more people into the field.

When sportspersons (or *potential* sportspersons) lack access to land and water that provide quality opportunities to pursue game and fish, not only are fewer hunting licenses sold, the likelihood of recruiting, retaining, and/or reactivating sportspersons also decreases significantly. Expanding access to state trust lands for hunting and angling would support existing hunters and anglers in their pursuit of wildlife and outdoor recreation, while providing more opportunities for beginning sportspersons, and likely closer to their homes.

4.2.1. Rural economic development and economic diversification through outdoor recreation

Outdoor recreation is considered by the Colorado Office of Economic Development and International Trade (OEDIT) to be one of Colorado's 14 'Key Industries.'¹⁰² State-wide, outdoor recreation contributed \$62.5 billion in economic output in 2017 and accounted for 10% of Colorado's GDP (\$35.0 billion) as well as \$9.4 billion in local, state, and federal tax revenue and 511,000 jobs (nearly 20% of the labor force) that year.¹⁰³ Twenty-five out of Colorado's sixty-four counties have been identified as 'recreation economies' (Figure 10) by Headwaters Economics using the U.S. Department of Agriculture's Economic Research Service's definition of 'large recreation-related economies.'¹⁰⁴

Many rural communities have struggled to recover from the Great Recession, but some have fared better than others. Between 2010 and 2016 rural *recreation* counties in the U.S. attracted households with notably higher incomes compared to rural non-recreation counties. Rural recreation counties also gained slightly over 1 person per 1,000 residents on average compared to rural non-recreation counties which lost 20 people per 1,000 residents.¹⁰⁵ For comparison, the average for all U.S. counties between 2010 and 2016 was a loss of 3.2 people per 1,000 residents.¹⁰⁶ While the average earnings per job were lower in recreation counties than in non-recreation counties, the earnings growth rate in rural recreation economies grew faster from 2010 to 2016 than it did in non-recreation counties, suggesting that there may be more upward mobility potential and entrepreneurial opportunity in rural recreation counties.¹⁰⁷ In-migration to rural areas with natural and recreation amenities can increase local tax bases and spur economic development, but it can also increase the cost of living for long-term residents if

¹⁰¹ Colorado Parks and Wildlife. (2019). Leftover Quota Report 2018 [data]. Received via personal communication.

¹⁰² Colorado Office of Economic Development and International Trade. (n.d.). Key Industries. Retrieved from <https://choosecolorado.com/>

¹⁰³ Colorado Parks and Wildlife. The 2019 Statewide Comprehensive Outdoor Recreation Plan. Retrieved from <https://cpw.state.co.us/Documents/Trails/SCORP/Final-Plan/2019-SCORP-Report.pdf>

¹⁰⁴ Headwaters Economics. (Jan 2019). Recreation Counties Attract New Residents and Higher Incomes. Retrieved from <https://headwaterseconomics.org/economic-development/trends-performance/recreation-counties-attract/#explore>

¹⁰⁵ Headwaters Economics. (Jan 2019). Recreation Counties Attracting New Residents and Higher Incomes. Retrieved from <https://headwaterseconomics.org/wp-content/uploads/recreation-counties-attract-report.pdf>

¹⁰⁶ Headwaters Economics. (Jan 2019). Recreation Counties Attracting New Residents and Higher Incomes. Retrieved from <https://headwaterseconomics.org/wp-content/uploads/recreation-counties-attract-report.pdf>

¹⁰⁷ Headwaters Economics. (Jan 2019). Recreation Counties Attracting New Residents and Higher Incomes. Retrieved from <https://headwaterseconomics.org/wp-content/uploads/recreation-counties-attract-report.pdf>

population growth is not planned for or thoughtfully managed.¹⁰⁸ Recreation attracts tourists as well, who spend money at hotels, restaurants, with businesses that cater to tourists and recreational needs.¹⁰⁹

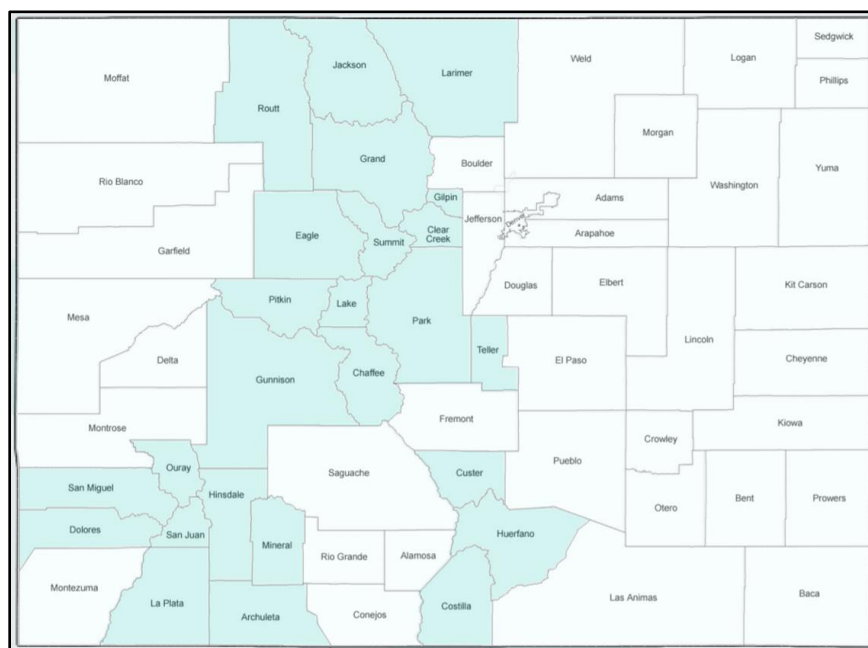


Figure 10: Recreation economy counties in Colorado, according to Headwaters Economics.¹¹⁰

Since the Great Recession (which was officially December 2007 to June 2009¹¹¹) rural communities have struggled to retain residents and jobs, and economic distress has been well-documented. “Opportunity Zones” were designated by the Colorado Office of Economic Development and International Trade (OEDIT) during the 2017 federal tax reform process (Tax Cuts and Jobs Act) where increased investment would support needed economic recovery and growth.¹¹² Opportunity Zones are part of a federal tax incentive program designed to attract investment to low-income urban and rural communities through its “favorable treatment of reinvested capital gains and forgiveness of tax on new capital gains.”¹¹³ Increased public land access in these counties could facilitate increased outdoor recreation and visitation, which would support these communities in different ways. All of the Opportunity Zones in Eastern Colorado have a significant number of state trust land sections within them, as do about half of the Opportunity Zones in Southwestern Colorado (Figure 11).

¹⁰⁸ Hunter, L. M., Boardman, J. D., and Onge, J. M. S. (2005). The Association Between Natural Amenities, Rural Population Growth, and Long-Term Residents' Economic Well-Being. *Rural Sociology*, 70(4), 452-469.

¹⁰⁹ Headwaters Economics. (Jan 2019). Recreation Counties Attracting New Residents and Higher Incomes. Retrieved from <https://headwaterseconomics.org/wp-content/uploads/recreation-counties-attract-report.pdf>

¹¹⁰ Headwaters Economics. (Jan 2019). Recreation Counties Attract New Residents and Higher Incomes. Retrieved from <https://headwaterseconomics.org/economic-development/trends-performance/recreation-counties-attract/#explore>

¹¹¹ Kenton, W. (25 June 2019). The Great Recession. *Investopedia*. Retrieved from <https://www.investopedia.com/terms/g/great-recession.asp>

¹¹² Colorado Office of Economic Development and International Trade. (n.d.). Opportunity Zones Overview. Retrieved from <https://choosecolorado.com/programs-initiatives/opportunity-zones/>

¹¹³ Colorado Office of Economic Development and International Trade. (n.d.). Opportunity Zones Overview. Retrieved from <https://choosecolorado.com/programs-initiatives/opportunity-zones/>

The prioritization of rural economic development and recovery is a theme present at multi-state, state, and regional levels as well. ‘Reimagining the Rural West’ is the priority initiative for the Western Governors’ Association (WGA) Chairman, for example, and includes exploring policies that leverage opportunities for economic growth and development, such as in the energy, agriculture, and tourism/outdoor recreation sectors.¹¹⁴ Colorado state agencies are prioritizing and supporting rural economic development through state agency partnerships and grant funding. The Colorado Department of Local Affairs administers a Rural Economic Development Initiative (REDI) which provides grant funding to communities interested in diversifying their economies to become more resilient.¹¹⁵

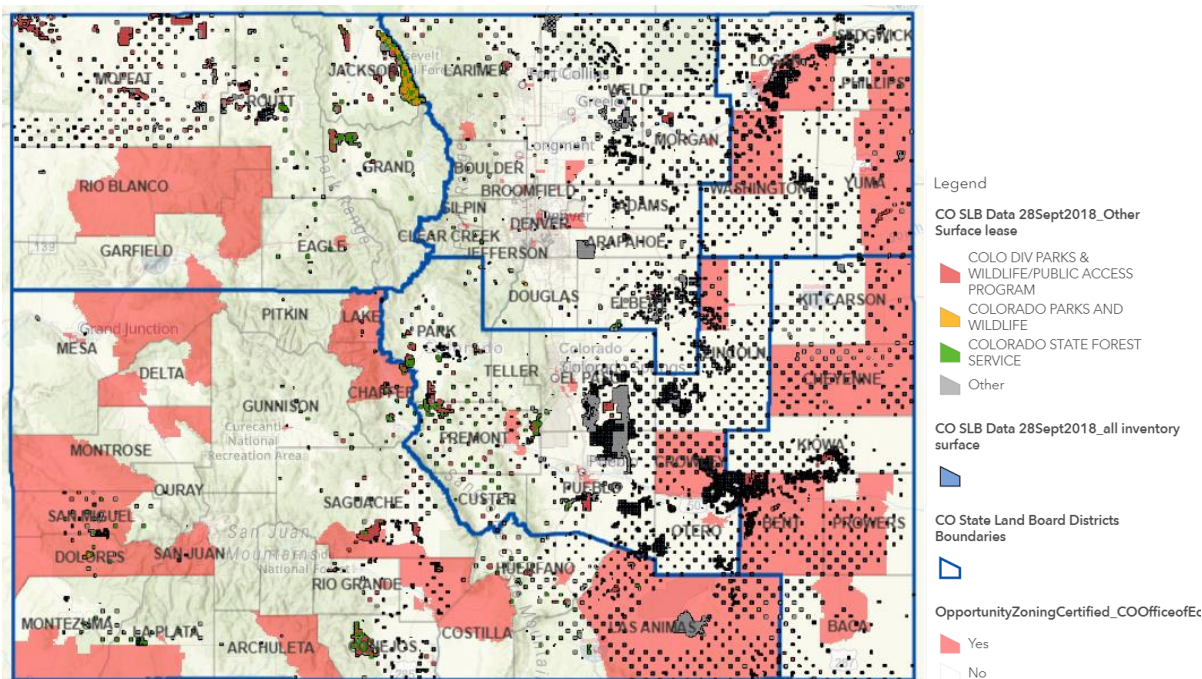


Figure 11: Opportunity Zones (large areas highlighted in red; adapted from <https://choosecolorado.com/programs-initiatives/opportunity-zones/>) overlap with a significant amount of state trust land acreage (blue, gray, or colorful squares outlined in black), particularly in Eastern Colorado.

CPW and the State Land Board could contribute to the diversification of rural economies in Colorado by preferentially targeting state trust land leases for the Public Access Program in counties where recreation could provide a needed boost in tourism dollars and/or in-migration. Recreation and tourism development can be key in sustaining healthy rural communities by increasing local employment, wage levels, and income; improving education and health; and decreasing poverty.^{116 117} According to the U.S. Fish and Wildlife Service’s 2016 National Survey data, big-game hunters averaged trip-related expenses of \$675 per hunter per year, or \$47

¹¹⁴ Western Governors Association. (12 June 2019). WGA Chair Gov. Doug Bergum announces Reimagining the Rural West Initiative. Retrieved from <http://westgov.org/news/wga-chair-gov.-doug-burgum-announces-reimagine-the-rural-west-initiative>

¹¹⁵ Colorado Department of Local Affairs. (n.d.). Rural Economic Development Initiative. Retrieved from <https://www.colorado.gov/pacific/dola/rural-economic-development-initiative>

¹¹⁶ Oncescu, J., and Robertson, B. (2010). Recreation in remote communities: A case study of a Nova Scotia Village. *Journal of Rural and Community Development*, 5(1).

¹¹⁷ Reeder, R. J., and Brown, D. M. (2005). Recreation, Tourism, and Rural Well-Being [USDA Economic Research Report Number 7].

per day, while migratory bird hunters spent an average of \$546 per year, or \$82 per day.¹¹⁸ Hunters pursuing ‘other animals’ averaged \$493 per year, or \$49 per day in 2016.¹¹⁹ Furthermore, migratory bird hunters averaged seven days of bird hunting per year, while individuals hunting other animals hunted an average of ten days in 2016. Sportspeople who have the opportunity to recreate in or near Colorado’s rural communities are more likely to spend some of those dollars in those communities, thus helping to boost local economies seasonally each year.

In many rural economies, local governments may not have the resources to support leisure or recreation programs. Researchers commonly promote accessible leisure and recreation opportunities as mechanisms to improve quality of life in rural communities,¹²⁰ however, where private sporting clubs provide the majority of recreational opportunities they often cater to the wealthy and/or vacationers.¹²¹ The privatization of outdoor recreation opportunities can restrict rural and lower-income residents from recreating outdoors in or near their own communities. In contrast, opening additional state trust lands for public wildlife-related outdoor recreation near communities in need of increased public access opportunities could simultaneously stimulate the local economy and provide increased equity and access to the outdoors for a wider subset of the population, which is more socioeconomically inclusive.

4.2.2. Increased sales of big game licenses

At the end of every big game season in Colorado, thousands of big game licenses (also known as ‘big game tags’) remain unsold. Many of these leftover licenses coincide with areas where public land and public access are limited and/or mixed with private land. After the close of the 2018 hunting season more than 600 deer licenses, 2000 elk licenses, and 1500 pronghorn licenses that had been available to hunters for non-private, non-special regulation, public land hunting went unsold (Table 1).¹²² If more public land were made available for hunting in pronghorn range, for example, and if even just half of those leftover licenses were sold (835 licenses) at \$40 each (the 2019 rate), CPW could stand to make approximately \$33,400 more from pronghorn license sales in just one year. Furthermore, big-game hunters averaged \$47 per day in trip-related expenditures in 2016.¹²³ If each of those 835 hypothetical pronghorn hunters spent three days hunting, spending \$47/day, this could result in \$117,735 of additional spending, some of which would go to rural Colorado businesses and economies (835 hunters x \$47/hunter/day x 3 days = \$117,735).

¹¹⁸ U.S. Fish and Wildlife Service. (2016). 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation.

¹¹⁹ U.S. Fish and Wildlife Service. (2016). 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation.

¹²⁰ Edwards, M. B., and Matarrita-Cascante, D. (2011). Rurality in leisure research: A review of four major journals. *Journal of Leisure Research*, 43(4), 447-474.

¹²¹ Johnson, C. Y., Bowker, J. M., and Cordell, H. K. (2001). Outdoor recreation constraints: An examination of race, gender, and rural dwelling. *Southern rural sociology*, 17(1), 111-133.)

¹²² Colorado Parks and Wildlife. (Report run date 26 June 2019). Leftover Quota Report 2018 [Data].

¹²³ U.S. Fish and Wildlife Service. (2016). 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation.

<u>BIG GAME LEFTOVER RESULTS</u>		<u>Leftover license count</u>	<u>Individual 2019 license (tag) cost for a Colorado resident</u>	<u>CPW 'lost revenue' estimate from un- sold licenses</u>
DEER	TOTAL NON-PRIVATE, NON-SPECIAL REG, NON-FLOAT LICENSES	609	\$46	\$28,014
ELK	TOTAL NON-PRIVATE, NON-SPECIAL REG, NON-FLOAT LICENSES	2365	\$61	\$111,155
PRONGHORN	TOTAL NON-PRIVATE LEFTOVER LICENSES	1671	\$40	\$66,840

Table 1: Big-game hunting licenses offered by Colorado Parks and Wildlife but left un-sold during the 2018-2019 hunting seasons are listed for deer, elk, and pronghorn are listed above.¹²⁴ The leftover license count multiplied by the standard resident license cost shows the revenue that could have been realized by CPW if licenses had been sold.

4.2.3. The opportunity to leverage state trust land to facilitate access to other landlocked public lands

A state-level analysis by onX and Theodore Roosevelt Conservation Partnership (TRCP) in 2019 revealed that Colorado has ~18,000 acres of *federal* public land that's landlocked by a combination of private land and state lands that are closed to the public.¹²⁵ "Landlocked" public land is that which is surrounded by non-public land or water on all sides and does not touch a public road, therefore it is not legally accessible to the public by foot and therefore does not provide practical public access. Even where the corners of public parcels touch, it is illegal for the public to "corner-cross," or step from public land to public land across the touching corners.¹²⁶ State trust land could be strategically leased by CPW to provide access to the identified landlocked federal lands, thereby increasing the utility of license and access fees paid to CPW each year.

TRCP and onX's analysis of Colorado public land also found that 435,000 acres of *state-owned* land are landlocked in Colorado (Figure 12).¹²⁷ Increasing access to the landlocked state acreage could be achieved in a variety of ways, including by securing surface access rights from private land-owners through easements, negotiating exchange of use agreements, or by leasing seasonal surface access rights through the Walk-In Access program.¹²⁸ The State Land Board could also theoretically sell landlocked state trust lands to instead purchase land that is suitable for long-term revenue generation *and* accessible to the public for outdoor recreation.

¹²⁴ Colorado Parks and Wildlife. (Report run date 26 June 2019). Leftover Quota Report 2018 [Data].

¹²⁵ Theodore Roosevelt Conservation Partnership, onX. (2019). Inaccessible State Lands in Colorado [report]. Retrieved from http://www.trcp.org/wp-content/uploads/2019/06/2019_0618_CO_PublicLandReport_OR.pdf

¹²⁶ BLM Colorado State Office. (29 Aug 2013). Access Tips For Hunting On BLM Lands [press release]. Retrieved from <https://www.blm.gov/press-release/access-tips-hunting-blm-lands>

¹²⁷ Theodore Roosevelt Conservation Partnership, onX. (2019). Inaccessible State Lands in Colorado [report]. Retrieved from http://www.trcp.org/wp-content/uploads/2019/06/2019_0618_CO_PublicLandReport_OR.pdf

¹²⁸ Colorado Parks and Wildlife. (n.d.). Walk-in Access Program. Retrieved from <https://cpw.state.co.us/thingstodo/Pages/WalkInAccessProgram.aspx>

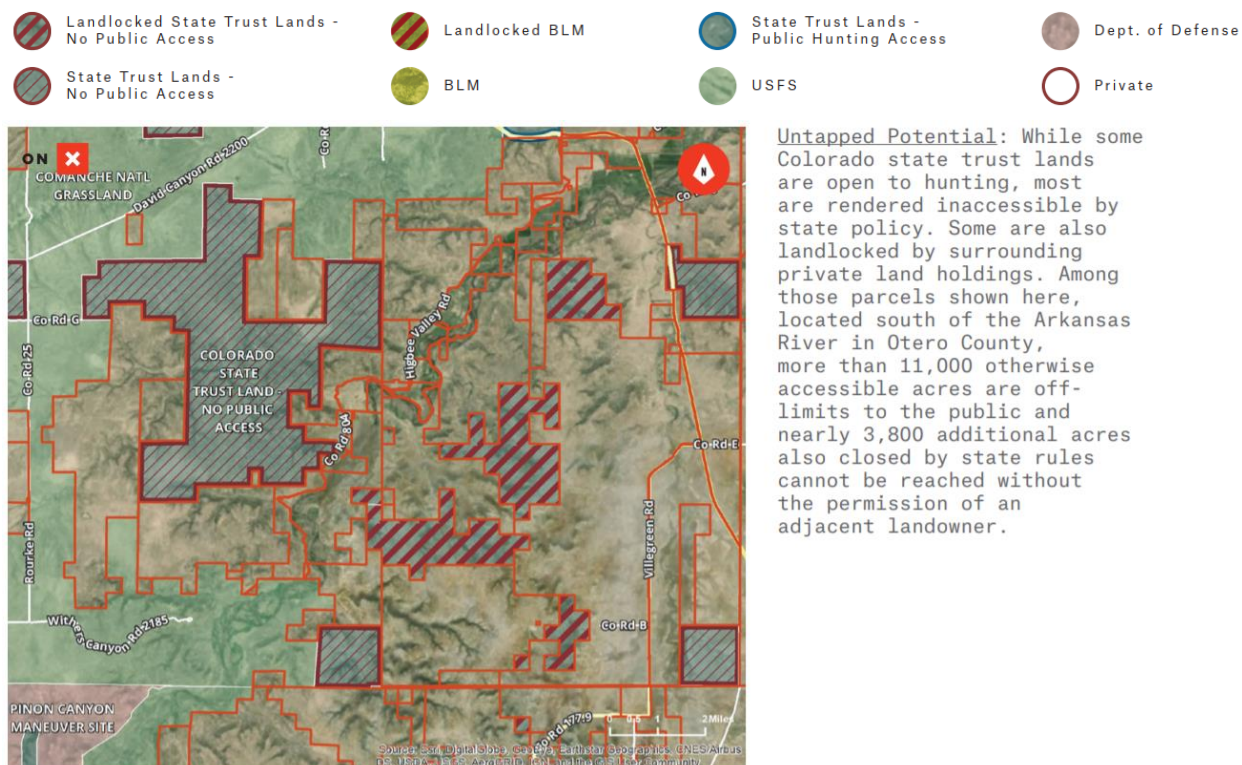


Figure 12: This map from onX and TRCP's 2019 analysis and report shows landlocked state trust land (center) as well as state trust land that connects to roads and/or Comanche National Grassland but is not available to the public for recreation.¹²⁹

4.2.4. Recruiting, retaining, and reactivating sportspersons through increased outdoors access and opportunity

The benefits to individual and community health from time spent in nature have proven to be substantial, and the subject of a significant amount of research in recent years,¹³⁰ however the percentage of the population that participates in hunting and fishing has generally declined across the US since the late 1980s.¹³¹ Because license sales fund state agencies and because excise taxes from the purchase of hunting and angling equipment and gear support conservation work nationally, the USFWS and state agencies dedicate a significant amount of resources to recruiting new sportspersons, retaining existing license buyers, and reactivating former outdoor enthusiasts.¹³² Today twenty-six states have R3 (“recruit, retain, reactivate”) coordinators,¹³³ and outdoors media and sportspersons’ organizations constantly encourage sportspersons to recruit and mentor new hunters and anglers. According to *Outdoor Life*, from the large amount of research “the takeaway is stupidly simple: If just 30 percent of the 11.5 million individuals who

¹²⁹ Theodore Roosevelt Conservation Partnership, onX. (2019). Inaccessible State Lands in Colorado [report]. Retrieved from http://www.trcp.org/wp-content/uploads/2019/06/2019_0618_CO_PublicLandReport_OR.pdf

¹³⁰ Frumkin, H., Bratman, G. N., Breslow, S. J., Cochran, B., Kahn Jr, P. H., Lawler, J. J., ... and Wood, S. A. (2017). Nature contact and human health: A research agenda. *Environmental health perspectives*, 125(7), 075001.

¹³¹ US Fish and Wildlife Service. 2018. What is R3? Recruitment, retention and reactivation explained. <https://www.fws.gov/midwest/news/WhatIsR3.html>

¹³² US Fish and Wildlife Service. 2018. What is R3? Recruitment, retention and reactivation explained. <https://www.fws.gov/midwest/news/WhatIsR3.html>

¹³³ Krebs, N. (19 January 2018). Why We Suck at Recruiting New Hunters, Why it Matters, and How You Can Fix It. *Outdoor Life*. Retrieved from <https://www.outdoorlife.com/why-we-are-losing-hunters-and-how-to-fix-it/>

hunted in 2016 create one new hunter, we could solve the looming license problem in one year.”¹³⁴

Two major reasons for the decline in the proportion of Americans who hunt and fish are the migration of citizens to cities and a lack of access to suitable land for recreation. Between 2008 and 2017, 71% of all metropolitan counties grew, while over half of micropolitan and rural counties either shrunk or stayed the same size.¹³⁵ According to the USFWS’s 2011 survey, 89% of all anglers reside within cities containing at least 50,000 residents.¹³⁶ Furthermore, between the years 2000 and 2010, the average age of anglers increased and the percentage of non-white anglers increased (from 7% to 14%).¹³⁷ A 2019 study by Valdez et al. suggested that increasing developed fishing sites *closer to cities* would likely encourage both aging and minority populations to participate in recreational fishing and would better accommodate their preferences.¹³⁸ While “R3” strategies for anglers may differ in some ways than those for hunters, more sportspersons and *potential* sportspersons have settled in cities, therefore outdoor opportunities’ proximity to metropolitan areas is important. Many state trust land properties are within a few-hours’ drive of the Colorado Front Range and could therefore serve residents and visitors who are looking for wildlife-related opportunities close to home. In the words of Colorado BHA member and University of Northern Colorado doctoral student Matthew Clay,

*“...we cannot just create the version of these activities we wish to see in our future, but we must create a version that others can see themselves in now... we must leave space for the person who only has the opportunity to fish a small city park for panfish or hunt squirrels on a postage stamp of public land. Offering the folks who have limited access, time, or resources equal opportunity- should they be able to visit the large pieces of public land we call home- is not enough. Rather, we must make these folks, these potential conservationists, equal participants in defining these activities where they are now.”*¹³⁹

Attracting younger, urban, and/or minority residents to wildlife-related outdoor recreation is important for future funding of CPW and for sustaining a robust outdoor recreation economy at various scales (local, regional, and state-wide). Though over 90% of hunters are white and 70% are male,¹⁴⁰ between 2001 and 2016, female participation in hunting increased by 104%, and women became one of the fastest growing segments in hunting and target shooting sports.¹⁴¹ In addition to administering a variety of programs designed to expand the number of quality acres available for wildlife-related recreation, CPW also administers education and mentorship

¹³⁴ Krebs, N. (19 January 2018). Why We Suck at Recruiting New Hunters, Why it Matters, and How You Can Fix It. *Outdoor Life*. Retrieved from <https://www.outdoorlife.com/why-we-are-losing-hunters-and-how-to-fix-it/>

¹³⁵ Swenson, D. (9 July, 2019). Much of Rural America is Doomed to Decline. *High Country News*. https://www.hcn.org/articles/growth-sustainability-much-of-rural-america-is-doomed-to-decline?utm_source=wcnl&utm_medium=email

¹³⁶ U.S. Fish and Wildlife Service. (2011). 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. Retrieved from <https://www.census.gov/prod/2012pubs/fhw11-nat.pdf>

¹³⁷ U.S. Fish and Wildlife Service. (2011). 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. Retrieved from <https://www.census.gov/prod/2012pubs/fhw11-nat.pdf>

¹³⁸ Valdez, R. X., Drake, M. D., Burke, C. R., Peterson, M. N., Serenari, C., and Howell, A. (2019). Predicting development preferences for fishing sites among diverse anglers. *Urban Ecosystems*, 22(1), 127-135.

¹³⁹ Clay, M. (Summer 2019). On the Philosophy of Language and Local Hunting. *Backcountry Journal*.

¹⁴⁰ Congressional Sportsmen’s Foundation. (2018). America’s Sporting Heritage: Fueling the American Economy [report]. Retrieved from http://congressionalsportsmen.org/uploads/page/CSF_Sportsmens_Economic_Impact_Report_2018.pdf

¹⁴¹ Congressional Sportsmen’s Foundation. (2018). America’s Sporting Heritage: Fueling the American Economy [report]. Retrieved from http://congressionalsportsmen.org/uploads/page/CSF_Sportsmens_Economic_Impact_Report_2018.pdf

programs to encourage and support those who are new to hunting, angling, and the outdoors.¹⁴² CPW offers fly-fishing, ice fishing, and elk hunting instruction as well as mentored hunting opportunities including the Women Afield, Novice Hunter, Youth Hunter Outreach, and Rookie Sportsman programs.¹⁴³ Successful recruitment and retention of outdoorspeople still depends on there being quality public access close enough to home to allow them to practice what they've learned.

¹⁴² Colorado Parks and Wildlife. (n.d.). Hunter Outreach Program. Retrieved from <https://cpw.state.co.us/learn/Pages/HunterOutreach.aspx>

¹⁴³ Colorado Parks and Wildlife. (n.d.). Hunter Outreach Program. Retrieved from <https://cpw.state.co.us/learn/Pages/HunterOutreach.aspx>

5. POLICY RECOMMENDATIONS

There are several ways that the State of Colorado could increase the number of acres available to the public for wildlife-related outdoor recreation. Change in state trust land multiple use policies could be accomplished administratively, legislatively, or by ballot initiative (Figure 13). Significant public access acreage gains could be made most quickly via administrative change by expanding or modifying the existing Public Access Program lease agreement between the State Land Board and CPW. Fundamental, sweeping changes in state trust land access policy could be achieved through legislative means or by ballot initiative.

Currently only ~31% of Colorado state trust lands are leased for any type of recreation (~17% through PAP, ~11% for private recreation, and ~3% as state parks and wildlife areas),¹⁴⁴ which is very limited compared to other Western states.¹⁴⁵ Considering that outdoor recreation drives a significant amount of economic activity in Colorado, increasing outdoors opportunities for the public while leveraging outdoor recreation to grow and diversify local and regional economies is in-line with state priorities and values.¹⁴⁷

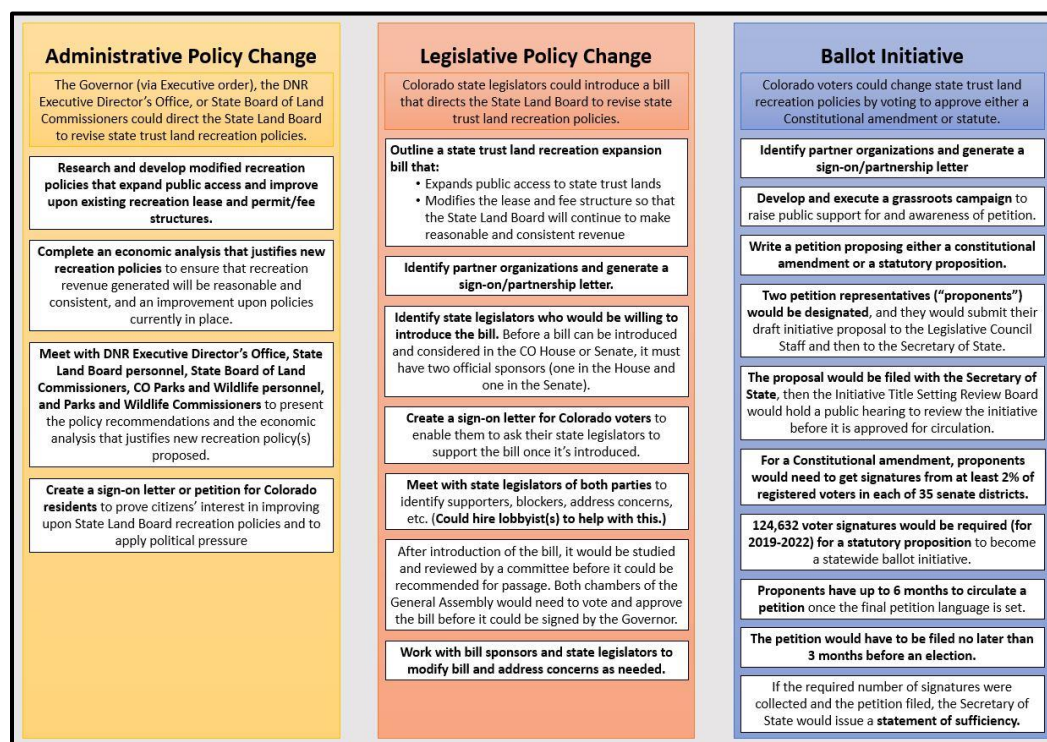


Figure 13: The policies that govern recreational access to state trust land could be modified by administrative action, legislative action, or a ballot initiative passed by Colorado voters. In the figure above, actions that would need to be taken by an advocacy group or coalition to achieve the desired change(s) in policy are bolded and outlined from top to bottom for each policy change mechanism.

¹⁴⁴ Medina, A. (State Land Board Recreation Program Manager), personal communication [email], 11 March. 2019.

¹⁴⁵ As of July 1, 2019; See Post-Script for fall 2019 update.

¹⁴⁶ Backcountry Hunters & Anglers. (2016). SPORTSMAN REPORT: OUR PUBLIC LANDS ARE NOT FOR SALE. Retrieved from https://www.backcountryhunters.org/sportsman_report_our_public_land_is_not_for_sale

¹⁴⁷ Colorado Parks and Wildlife. The 2019 Statewide Comprehensive Outdoor Recreation Plan. Retrieved from <https://cpw.state.co.us/Documents/Trails/SCORP/Final-Plan/2019-SCORP-Report.pdf>

To ensure that public access and opportunity for wildlife-related recreation persists in Colorado for generations to come, steps should be taken to expand public access to state trust land for wildlife-related outdoor recreation while protecting these public assets (state trust land) from privatization and/or the establishment of exclusive recreation rights.¹⁴⁸ To ensure that the State Land Board continues to generate reasonable and consistent revenue while responsibly increasing the utility of Colorado's state trust land, steps should be taken to explore other public recreational access options.

5.1. State trust land policy goals

1. Change policies pertaining to recreation on state trust land so that they are more consistent with those in other Western states that have state trust land (i.e. 'open unless closed').
2. Explore other recreational access policies that would produce reasonable income from outdoor recreation while increasing access and opportunity for Coloradans.
3. Put a hold on private recreational leasing of state trust land until CPW has had the opportunity to finalize a lease deal with the State Land Board and leverage all fee increase funds for the expansion of public recreational access.
4. Allow public recreation where surface rights are leased by a Colorado state agency, such as the Colorado State Forest Service when public recreation is compatible with the leasing agency's activities.
5. Convene a Public Access Working Group in 2019 that includes decision-makers and experts from a variety of state office, coordinated by the Governor's office.
6. Leverage Colorado state trust land to maximize public access and connectivity to other public lands. State trust land surface acres bordering other public land should be identified and prioritized.

5.2. Rationale for state trust land policy goals

The rationale for the policy recommendations outlined above are explained below:

1. Change policies pertaining to recreation on state trust land so that they are more consistent with those in other Western states that have state trust land (i.e. 'open unless closed') because:

¹⁴⁸ There will be situations in which certain state trust lands will not reasonably accommodate outdoor recreation. Outdoor recreation may not be appropriate at specific times and/or on specific properties, for example during logging or mineral extraction operations; when cultivated cropland has yet to be harvested; where state trust land is surrounded by private land and therefore not legally accessible by foot; and/or where the public's safety is a concern for other reasons. These kinds of exceptions will apply.

- Every other state with state trust land in the Mountain West allows the public to access and recreate on the vast majority of state trust lands (Figure 1).^{149 150}
 - i. For example, in Wyoming state trust land is open to the public for recreation unless excepted for specific reasons, such as on active, cultivated cropland where public access could harm agricultural production.¹⁵¹
 - Participation in hunting and angling tends to decrease when sportspersons do not have access to quality hunting areas, and hunters and anglers fund over 70 percent of Colorado Parks and Wildlife's wildlife management programs.¹⁵² The funding of wildlife management and habitat improvements benefits all of Colorado's wildlife and wild spaces for all residents and visitors to enjoy.
 - Increased public land access could facilitate increased outdoor recreation in rural counties where increased visitation would support local businesses and increased opportunities for wildlife-related outdoor recreation could improve the quality of life. About 70 percent of Colorado state trust land is located east of Interstate 25. All of the Opportunity Zones (areas that have not sufficiently recovered from the Great Recession¹⁵³) in Eastern Colorado have a significant number of state trust land sections within them (Figure 11).
2. *Explore other recreational access policies that would produce reasonable income from outdoor recreation while increasing access and opportunity for Coloradan because:*
- State land commissions in these other Western states have found ways to generate sufficient revenue from non-exclusive recreation leasing practices. Recreation-related revenue-generating mechanisms in other Western states include hunting and/or fishing license prerequisite fees,¹⁵⁴ lease agreements with state wildlife agencies,¹⁵⁵ annual state trust land recreation permits purchased by the public,^{156 157} and utilizing part of other kinds of fees.¹⁵⁸
 - In Colorado, existing program dollars could be leveraged to compensate the State Land Board for allowing public recreation on state trust land. Examples of

¹⁴⁹ Backcountry Hunters & Anglers. (2014). SPORTSMAN REPORT: OUR PUBLIC LANDS ARE NOT FOR SALE. Retrieved from https://www.backcountryhunters.org/sportsman_report_our_public_land_arenotforsale

¹⁵⁰ Theodore Roosevelt Conservation Partnership, OnX. (2019). Inaccessible State Lands in Colorado [report]. Retrieved from http://www.trcp.org/wp-content/uploads/2019/06/2019_0618_CO_PublicLandReport_OR.pdf

¹⁵¹ Wyoming Office of State Lands and Investments. (n.d.). Recreation. Retrieved from <https://lands.wyo.gov/resources/recreation>

¹⁵² Colorado Parks and Wildlife. (n.d.). Conservation and Management. Retrieved from <https://cpw.state.co.us/learn/Pages/Conservation.aspx>

¹⁵³ Colorado Office of Economic Development and International Trade. (n.d.). Opportunity Zones Overview. Retrieved from <https://choosecolorado.com/programs-initiatives/opportunity-zones/>

¹⁵⁴ Montana Fish, Wildlife, and Parks. (n.d.). State Land Use Permits. Retrieved from <http://fwp.mt.gov/recreation/permits/stateLandUse.html>

¹⁵⁵ (Utah) Board of Trustees of the School and Institutional Trust Lands Administration. (2005). Policy Statement No. 2005-02. Retrieved from <https://trustlands.utah.gov/our-agency/board-of-trustees-members/board-policy-statements-resolutions/>

¹⁵⁶ Montana Fish, Wildlife, and Parks. (n.d.). State Land Use Permits. Retrieved from <http://fwp.mt.gov/recreation/permits/stateLandUse.html>

¹⁵⁷ New Mexico State Land Office. (n.d.). Recreational Access. Retrieved from http://www.nmstatelands.org/Recreational_Access.aspx

¹⁵⁸ Idaho State Board of Land Commissioners. (21 Aug 2018). Land Board Policy Number OPS-18-01. Retrieved from <https://www.idl.idaho.gov/recreation/index.html>

programs or agencies that could potentially allocate money to expanded sportspersons access include State Parks passes, the Habitat Protection Program, Great Outdoors Colorado, Colorado Department of Local Affairs, and/or the Colorado Office of Economic Development and International Trade.

- CPW's rental rate in 2013 was \$1.64 per acre,¹⁵⁹ but in FY 2017-2018 it was approximately \$1.76 per acre.¹⁶⁰ If 2 million surface acres of state trust land were leased to CPW for public recreational access at a comparatively low rate of \$0.90 per acre, it would generate \$1.8 million for the State Land Board, which is only about \$150,000 less than the total amount of revenue received by the State Land Board for the combination of public and private recreational leases in FY17-18.¹⁶¹ This scenario would leave ~800,000 acres open for private recreation and/or surface uses that are incompatible with outdoor recreation. \$1.8 million divided by 295,000 hunting license holders (because 294,319 people purchased hunting licenses in Colorado in 2018¹⁶²) is \$6.10 per license holder, if hunters were to pay for this through part of an existing or possible stamp.
- Eastern Colorado has the majority of surface state trust land but not a lot of federal public land compared to Central and Western Colorado. More land and water providing wildlife-related recreational opportunities for the public in Eastern Colorado could improve quality of life for Eastern Colorado residents as well as Front Range residents who live within a few hours of many state trust lands.

3. *Put a hold on private recreational leasing of state trust land until CPW has had the opportunity to finalize a lease deal with the State Land Board and leverage all fee increase funds for the expansion of public recreational access because:*

- The average non-CPW recreation lease on Colorado state trust land is 6.0 years. If private, exclusive leasing of state trust land for Colorado continues and/or accelerates, CPW's options for adding quality hunting areas to the Public Access Program will diminish, which is not in the best interests of sportspersons who depend on public land and water for wildlife-related recreation.
- Revenue generated from increased CPW fees can simultaneously be leveraged to expand public recreational access and fund state educational institutions if the revenue from sportspersons' license fees is used to secure recreation leases through the Colorado State Land Board (since this agency uses state trust land to generate revenue for Colorado public education).

4. *Allow public recreation where surface rights are leased by a Colorado state agency, such as the Colorado State Forest Service when public recreation is compatible with the leasing agency's activities because:*

¹⁵⁹ State of Colorado. Interagency Real Property Lease Agreement. (Sept. 2013). Lease No. OT 80188.

¹⁶⁰ Colorado Parks and Wildlife. (8 April 2019). CPW Supp Approps – 8 April 2019 [file]. Received via CORA request.

¹⁶¹ Colorado State Board of Land Commissioners. (2018). Annual Report FY 2017-2018. Retrieved from <https://www.colorado.gov/pacific/statelandboard/reports-2>

¹⁶² U.S. Fish and Wildlife Service. *Historical License Data Index*. Retrieved from <https://wsfrprograms.fws.gov/Subpages/LicenseInfo/LicenseIndex.htm>

- Revenue-generating activities by other state agencies, such as timber harvesting by the State Forest Service, may occur on state trust lands during limited periods of time. Many of these state-agency-owned, state-agency-leased state trust lands could also support recreation (at least seasonally) through an agreement between agencies.
 - Wildlife-related recreation has proven to be compatible with other land surface uses on Colorado state trust land.
5. *Convene a Public Access Working Group in 2019 that includes decision-makers and experts from a variety of state offices, coordinated by the Governor's office because:*
 - A Public Access Working Group could explore and address concerns or conflicts related to recreational public access on Colorado state trust land.
 - A Public Access Working Group could explore permitting, leasing and/or policy mechanisms that have been used in other states to provide recreational state trust land access to the public.
 6. *Leverage Colorado state trust land to maximize public access and connectivity to other public lands. State trust land surface acres bordering other public land should be identified and prioritized because:*
 - By leasing and/or opening public access on state trust lands that border other kinds of public lands, CPW could maximize the utility of sportspersons' dollars.
 - i. Opportunities include but are not limited to, state trust land that borders State Wildlife Areas, the Comanche National Grasslands, the Pawnee National Grasslands, or other landlocked federal public lands (Figure 14).

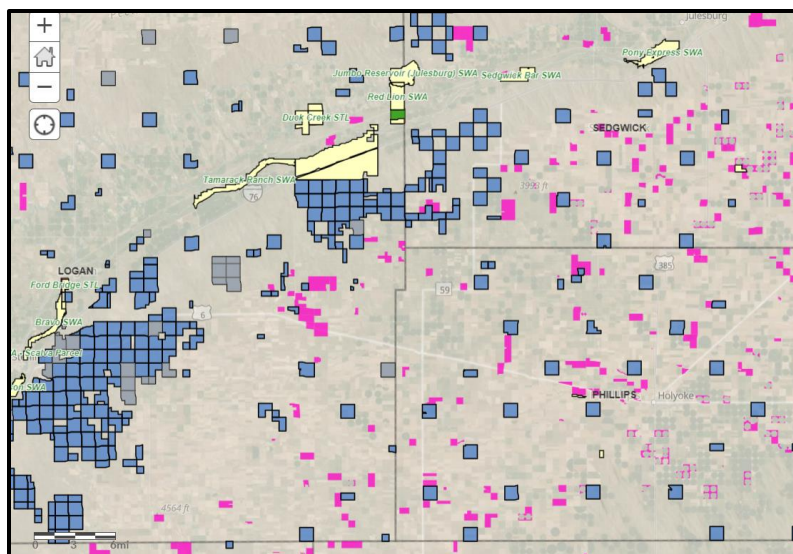


Figure 14: Many state trust land properties (in blue) border other kinds of publicly-accessible land. Opening these state trust lands for hunting and/or angling could provide the public with larger, more connected, and therefore more valuable areas in which to recreate. State Wildlife Areas are shown here in yellow. Walk-In Access properties are shown here in pink. Gray properties have existing recreation leases (as of Sept. 2018).

6. IN CLOSING

Access to nature and the outdoors is linked to human mental, physical, and social well-being.¹⁶³ In the 2018 Colorado Outdoor RX report, the Colorado Outdoor Recreation Industry Office calls on the public sector to “work across sectors to develop programs and interventions that promote health through outdoor activities, including programs that increase access to outdoor recreation.”¹⁶⁴ By modifying the way that state trust land recreational access is managed in Colorado, the state has the opportunity to support human mental, physical, and social well-being through outdoor recreation opportunities while continuing to generate reasonable and consistent revenue from state trust land.

The Colorado Outdoor Partnership (CO-OP) developed a collective vision in 2018 through cross-sector, statewide collaboration between a range of partners that “in 2050, Colorado’s people and economy thrive because of our healthy lands, water, wildlife, working farms and ranches, and improved hunting, angling and outdoor recreation opportunities for all.”¹⁶⁵ Colorado’s Statewide Comprehensive Outdoor Recreation Plan (SCORP) builds on this vision and identifies four priority areas to address some of the challenges and trends currently observed in Colorado: (1) Sustainable Access and Opportunity, (2) Stewardship, (3) Land, Water, and Wildlife Conservation, and (4) Funding the Future.¹⁶⁶ The state of Colorado has the opportunity to revise state trust land recreation policies and utilize state trust land to help address priority areas (1) and (4). The expansion of access to public land is an important component in ensuring that the state remains a desirable place in which to live and to visit.

Backcountry Hunters & Anglers’ position is that the state should revisit and revise Colorado’s state trust land recreation (i.e. multiple use) policies so that the public has access to the majority of state trust land, at least seasonally, as is standard in the West. Expanded public access can be accomplished in a way that: fulfills the State Land Board’s requirement to generate reasonable and consistent revenue; respects other lessees’ rights to operate on state trust land; facilitates responsible hunting and angling; and provides more equitable access and opportunity for Colorado sportspersons. By improving upon the existing policies, the State will demonstrate its commitment to upholding the missions of the State Land Board and Parks and Wildlife divisions and its commitment to Colorado residents by “providing more opportunities on public lands to a wider range of Coloradans.”¹⁶⁷

¹⁶³ The Millennium Ecosystem Assessment. (2005). *Ecosystems and Human Well-Being [Health Synthesis]*. Retrieved from <https://www.who.int/globalchange/publications/ecosystems05/en/>

¹⁶⁴ Colorado Outdoor Recreation Industry Office. (2018). Colorado Outdoor RX [Report]. Retrieved from <https://www.outdoorrx.org/colorado>

¹⁶⁵ The Colorado Outdoor Partnership. (June 2018). Our Vision. Retrieved from www.copartnership.org/

¹⁶⁶ Colorado Parks and Wildlife. The 2019 Statewide Comprehensive Outdoor Recreation Plan. Retrieved from <https://cpw.state.co.us/Documents/Trails/SCORP/Final-Plan/2019-SCORP-Report.pdf>

¹⁶⁷ Blevins, Jason. (5 June 2016). Colorado emerging as a national leader in developing a recreational-based economy. *The Denver Post*. Retrieved from <https://www.denverpost.com/2016/06/05/after-languishing-at-the-political-kids-table-outdoor-recreation-emerges-as-a-key-driver-of-the-u-s-economy/>

7. *POST-SCRIPT: FALL 2019 UPDATE*

The following article was published to BHA's Fall 2019 Backcountry Journal

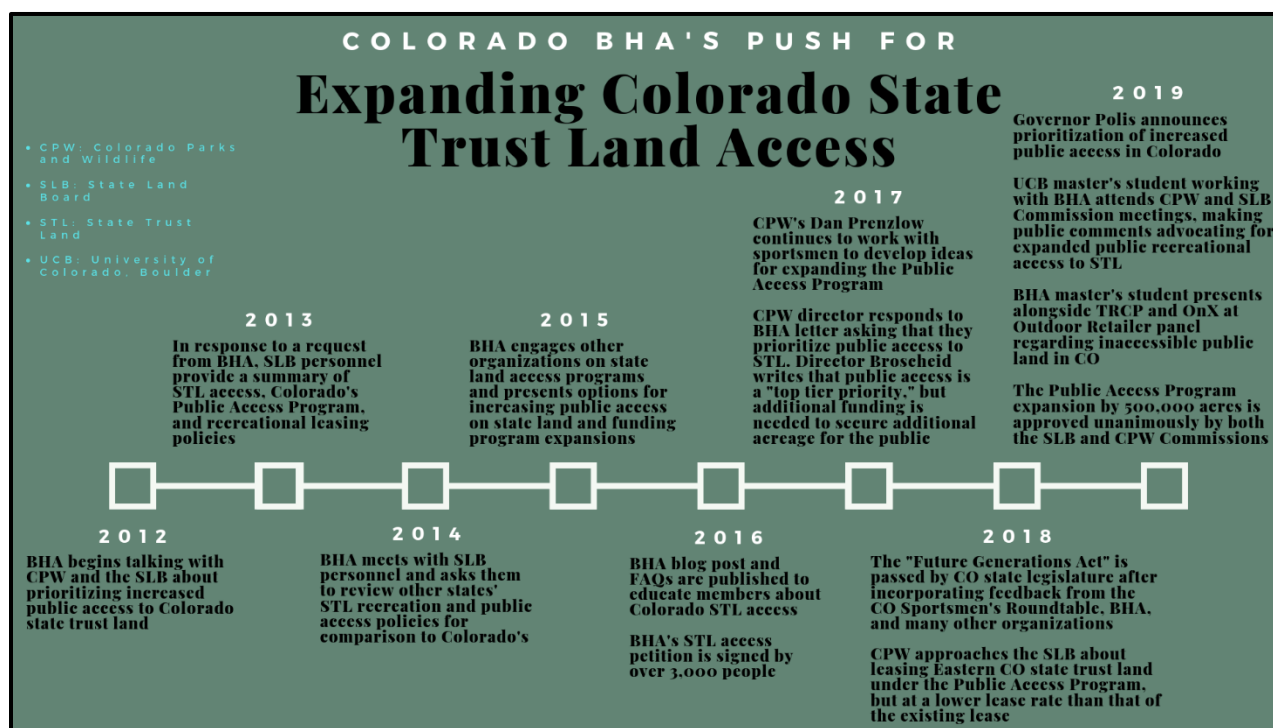
On July 19th, 2019 the Colorado Parks and Wildlife Commission voted unanimously in favor of opening an additional 500,000 acres of state trust land to the public for hunting which will increase Colorado Parks and Wildlife's state trust land access program (the "Public Access Program") lease to about 980,000 acres. One week prior, the Colorado State Land Board had likewise voted unanimously in favor of expanding public access to Colorado state trust lands (STL) and praised the partnership between Colorado Parks and Wildlife (CPW) and the State Land Board (SLB) that dates back to 1993. Once the additional state trust land acreage is open to the public, all licensed sportspersons will have seasonal access to about 35% of Colorado's 2.8 million acres of state trust land within the state.

Colorado BHA has been working for almost a decade to increase the amount of Colorado state trust land that's open to the public and over the next three years we will finally see accessible state trust land acreage double. For scale, 500,000 acres is roughly twice the size of Rocky Mountain National Park, or about half the size of Glacier National Park. Of the 500,000 additional acres promised, 100,000 were opened to the public for the start of the 2019-2020 hunting season. The immediate addition of 100,000 acres is a significant gain in public access for sportsmen and women in Colorado and could not have been done so quickly without a significant amount of effort by CPW and SLB personnel, for which we thank them.

"What is so special about state trust land?" and "Why is this a big deal?" you might ask. State trust land was given to the state by the Federal government at the time of statehood for the purpose of generating revenue to fund public institutions (namely public schools) so it is managed differently than other kinds of public land. In Colorado, any kind of access to state trust land must be granted by the State Land Board through some sort of lease agreement. For the past 26 years the number of acres leased by CPW for hunting and angling by the public (mostly seasonally, September through February) has hovered around 500,000 under what's called the Public Access Program. During the 2018-2019 hunting season only about 17% of Colorado state trust lands were open to the public under the Public Access Program, which differs notably from other Western states where the general public can access the vast majority of their state trust lands for recreation, in many cases year-round (see https://www.backcountryhunters.org/sportsman_report_our_public_land_is_not_for_sale).

The recent expansion of the Public Access Program follows years of work by Colorado BHA and other sportsmen's organizations, CPW wildlife managers and personnel, and sportsmen and women like you who have attended meetings, signed petitions, written op-eds, and taken the initiative to learn about the complexities of access to Colorado state trust land. Roughly two-thirds of all Colorado state trust land is located east of Interstate 25, thus the majority of the acreage to be added to the program will be in the eastern part of the state. Following the 100,000 additional acres of state trust land opened to the public for the September 1st season-opener this year, another 200,000 acres will be made available under the Public Access Program for the 2020-2021 hunting season, and then the next 200,000 acres will be made available for the 2021-2022 hunting season. The additional hunting opportunities will include access to upland game, waterfowl, pronghorn, and deer.

Colorado BHA's efforts to expand public access to Colorado state trust lands have been continuous since at least 2012 (see timeline below). Since that time, Colorado BHA leaders have sent letters to the State Land Board, CPW, state legislators, and other organizations; collected information from agencies; met with agency decision-makers and representatives from other nonprofit and sportsmen's organizations; attended Commission meetings; published opinion pieces and generated press; created a petition that now has over 3,300 signatures; and made absolutely sure that the lack of access to Colorado state trust lands was not going unnoticed by anyone working on sportsmen's issues in Colorado (see timeline below). 2018 marked a major turning point in the effort to expand public access to state trust lands, as the "Future Generations Act" (Colorado Senate Bill 18-143) was passed by the Colorado state legislature and signed by then-Governor Hickenlooper. The passage of this bill allowed CPW to increase fees to generate revenue. With the increased revenue, CPW has committed to fulfilling ten goals by 2025, with the first one being to "grow the number of hunters and anglers," and the second to "expand public and private land access."



This timeline illustrates BHA's advocacy efforts related to Colorado state trust land access.

In 2019 Colorado BHA partnered with a CU Boulder MENV Environmental Policy graduate student on a year-long master's project focusing on the expansion of public recreational access to public lands and waters within Colorado. As Governor Polis began his first term in office, the value of public access to state land was repeatedly emphasized by Colorado sportsmen and women. The Governor made clear his desire to provide more opportunities for recreation, hunting, and fishing on public lands, and to do so for "a wider range of Coloradans,"¹⁶⁸ and BHA continued to speak up in support of public access to state trust lands publicly and in

¹⁶⁸ Blevins, J. (1 June 2019). How nearly \$30 million in lottery money has been distributed in effort to connect all Coloradans to a park or trail. *Steamboat Pilot & Today*. Retrieved from <https://www.steamboatpilot.com/news/how-nearly-30-million-in-lottery-money-has-been-distributed-in-effort-to-connect-all-coloradans-to-a-park-or-trail/>

conversations with others in the outdoors community. BHA's master's student advocated for Public Access Program expansion on behalf of BHA by delivering public comments at CPW and SLB Commission meetings; attending conferences and events within the conservation and sportsmen's community; writing letters to CPW Commissioners; and writing and speaking to the news media to help educate the public on the issue and opportunities. The high level of interest among sportsmen and women like you in public access in general and in Colorado state trust land access specifically encouraged state decision-makers to take action.

If Colorado wants to provide recreational opportunities on state trust land that are on par with those in other Western states, there is work to be done still. Increasing public access from 17% to 35% of Colorado state trust land for hunting and angling is a major step forward, however there is still room for improvement. According to a report produced by the Theodore Roosevelt Conservation Partnership (TRCP) and onX prior to the July 2019 Public Access Program expansion, there were about 1.78 million acres of state trust land that were technically accessible but closed to the public for recreation ("Inaccessible State Lands in Colorado," 2019). With the recent 500,000-acre addition, this leaves about 1.28 million acres of state land that is accessible but not open to the public for recreation.

Sometimes it takes years of laying the ground work before tangible change will occur, so keep with it. In this case, the many years of work resulted in 500,000 more acres becoming available to sportspersons for hunting for years to come. Our collective impact depends on all of us doing our part. If we don't continue to educate ourselves and continue to show up, prepared to advocate for our wild public lands, waters, and wildlife, who will?

Public access and opportunity are core to BHA's mission and ethos. Wins like this don't come around often enough, so it's important that we learn from each other's successes and celebrate the moment. With that said, our work is far from over. Defending the access we *have*, and fighting for the access we *need* to ensure the future of our hunting heritage is what BHA is all about, and we can't do it without you!