

Public Access to Private Lands

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Summary of presentation for MAFWA Directors meeting, June 26-29, 2011

Many of the Midwest states have programs that provide public access to private lands. Before 2010, at least 6 Midwest states (KS, MI, NE, ND, SD, WI) had access programs that opened over 3.5 million acres of private lands up to public hunting, and in some cases fishing. The majority of those acres come from 3 states that enrolled over 1 million acres last year: KS, ND, SD.

Midwest states were very successful in applications for the new Voluntary Public Access and Habitat Incentives Program (VPA-HIP) that was implemented by FSA-USDA in 2010. 10 states secured a combined > \$10 million in VPA-HIP funds in the Midwest (IL, IA, KS, KY, MI, MN, NE, ND, SD, WI) to develop new access programs or to expand existing programs. On a national scale, 10 of the 17 approved VPA-HIP grants in the initial year came to Midwest states.

Clearly this region has been in a leadership role in developing programs that provide public access to private lands. The VPA-HIP mentioned earlier was included in the 2008 Farm Bill, and really had its genesis many years earlier in Congress as "Open Fields". This legislation was championed by several Midwest Senators and Congressmen as a way to increase public access for hunting and fishing, as a way to provide additional payments to landowners, increase participation in hunting, and stimulate local economies from hunting activities. With that regional leadership role, Midwest states have a fairly long history and experience with access programs. The following is a brief summary of access programs across those states that have had them.

In general, Access programs that have been developed to provide public access to private lands do so by entering into contracts with private landowners.

Those contracts typically require the provision of public access in exchange for:

- Payments for access (eg. per acre or per parcel)
- Payments for habitat improvement (requiring access for some period of time in exchange)
- Payments for both access and habitat improvements

Another difference between programs is contract length. Depending on the program, they may provide access using:

- Annual contracts
- Multi-year contracts (eg. 5-10 years)
- Long-term contracts (15 yrs+) and easements

Programs use a variety of funds to pay for access programs including:

- Game cash (permit funds)
- User fees (specific access stamps or permits)
- Pittman-Robertson funds (reimbursements via Federal Aid from the USFWS)
- VPA-HIP (newly offered)
- State general funds (taxpayer funds)

How the program is delivered also varies from state-to-state. Some states deliver using a few specific staff in a specific division (eg. Private Lands, Law Enforcement), while others deliver their access program through all agency field staff from multiple divisions. Often the challenge is getting enough landowner outreach so they are aware of the program, as many landowners are not going to be interested in a public access program (eg. they hunt themselves or have family that does, have friends that traditionally return to hunt, lease their land, or simply are not comfortable not having control of who has access to their land). All states recognize the dual need of having both outreach to landowners to enroll in the program, as well as outreach to potential users (typically hunters, fishermen, but can also be for other types of recreational access...all program dependent).

Challenges for access programs. Several central themes come up with most access programs:

- 1) Liability concerns from landowners. Many states have a “recreational liability act” that protects landowners from liability if they enroll land in a state run public access program, versus the liability they typically take on if they are accepting payments from individual hunters, guides, or outfitters.
- 2) Issues of control. As stated earlier, some landowners simply are not willing to give up control of who has access to their land. This is not a stumbling block, but simply something everyone (eg. state agencies, administrators, commissions) must recognize as access programs are developed. Some states are developing programs for limited use or special hunts (using regulations) to allow for some level of increased public access on private lands, but not wide open access to every hunter or fisherman that wants to use properties.
- 3) Measuring effects. One of the challenges states may face is being able to measure the effects their programs have on hunting and fishing participation rates and license sales. Access is often identified as a challenge for recruiting and retaining hunters, but it is difficult to parse out how access programs impact the rates of change in hunter numbers. Along with that, politically, efforts to expand access often include potential benefits to local economies both through payments to landowners, and trips/visits to local areas that benefit businesses (hotels, restaurants, gas stations). The AFWA Ag Committee does currently have a Multi-State Conservation Grant to help states develop estimates of the benefits. This appears to be the most difficult information for states to gather, as we have the information on hunters/fishermen and can complete surveys to get estimates of hunter use of private properties open to access.

In summary, Midwest states have used a variety of methods to get public access to private lands. Each state has developed programs that will work for their agency, their staff, their

public, and their landowners. We have a variety of successful models, as well as some unsuccessful models, for access programs in the Midwest. Success really comes down to figuring out what works in each state. There is no “perfect” public access program, the perfect one is the one that works for your state!