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THE USE OF PRIVATE LANDS
FOR PUBLIC OUTDOOR RECREATION

A THESIS

Presented to
The Faculty of the Graduate Division
by
Thomas A. Ficht

In Partial Fulfillment
of the Requirements for the Degree
Master of City Planning

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THE USE OF PRIVATE LANDS
FOR PUBLIC OUTDOOR RECREATION

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ABSTRACT

Public demand for outdoor recreation has increased sharply in recent years and is expected to expand at an even greater rate in the future. Public recreation agencies at all levels of government are experiencing difficulty in meeting the public demand with existing public recreation areas and facilities. The use of private land for public outdoor recreation is one method of creating opportunity to meet the public needs.

The purpose of this study is to provide information on present and prospective use of private lands for public outdoor recreation, to determine the part that privately owned lands can play in meeting the increasing demand for recreation areas, and to suggest possible methods by which private lands can be incorporated into public recreation programs.

The study investigated the use of private land in existing programs of public recreation agencies at the three levels of government and the private programs undertaken by timber industries and sportsmen's groups to permit and promote public recreational use of private land.

It was found that the Federal level of government does not presently have any programs that are specifically intended to utilize private land for public outdoor
recreation. Much activity was found at the state level, with many state fish and game agencies having programs underway to use private lands primarily for public hunting and fishing. Little activity was found at the local level. Many large timber industries permit substantial public use of their lands, and a number of sportsmen's groups are working to improve landowner-sportsman relations.

Some of the problems arising in both public and private programs to use private land for public outdoor recreation are the question of liability on publicly used private lands, the assembly of an adequate amount of land, fire hazards, and littering and vandalism.

Recommendations are made as to the roles of the three levels of government in utilizing private lands for public outdoor recreation. They include: (1) Federal programs to aid state and local public recreation agencies in making use of more private lands; (2) state enabling legislation to authorize state and local use of private lands; and (3) selection of land, payment to the landowner, and financing.
CHAPTER I

INTRODUCTION

The demand for outdoor recreation has increased phenomenally in recent years. Changing factors in our present mode of life indicate an even more intensified demand for outdoor recreation in the future. The population is expected to double in the United States between the years 1960 and 2000, but the participation in outdoor recreation is expected to triple.  

Recreation is an important part of the American way of life and long has been considered a responsibility of government. Public recreation and other agencies at all levels of government have been hard-pressed to provide the public with the recreation areas and facilities they desire. In many areas of the country where population density is high, public outdoor recreation opportunities are limited. There is a shortage of space and facilities to meet the public demand. The problem is especially pressing in our large metropolitan areas where the majority of the people live and where keen competition for land results in high land prices. In such situations the budgets of most public recreation agencies are inadequate to afford the purchase of enough land to meet public needs.
Federal subsidies are available, such as those authorized by Title VII (Open Space Land) of the 1961 Housing Act. However, even with such aid, additional means must be found to provide the public with adequate outdoor recreation opportunities. One method to provide for more public outdoor recreation opportunities is to secure public recreational use of private lands.

**Purpose and Scope**

The purpose of this study is to provide information on present and prospective use of private lands for public outdoor recreation, to determine the part that privately owned lands can play in meeting the increasing public demand for recreation areas, and to suggest possible methods by which private lands can be incorporated into public recreation programs.

It is not intended that this study deal with commercial recreation nor the provision of recreation opportunities by civic, charitable, or religious organizations. Rather, it is intended that methods be found by which the public can use private lands for recreation that are managed primarily for some other purpose. Outdoor recreation will be limited to those activities which will be compatible with the primary use of private lands, usually the production of some type of crop for profit. For example, it would not be feasible to make use of private forest land for a stadium
or amusement park. Recreation activities that are generally compatible with crop production include:

Camping
Fishing
Hiking
Hunting
Nature Study
Picnicking
Riding
Swimming
Winter Sports

However, only one or two of these activities might be feasible on any given piece of land. Such factors as the size of the tract, its physical characteristics, ease of access to it, wishes of the landowner, and season of the year will all have a bearing on the use of the land for recreation. For example, a person with a small acreage may allow public hunting or hiking on his land but prohibit camping.

Methodology

Information for this study was obtained from a review of available pertinent literature and personal interviews or correspondence with persons and agencies involved in or having knowledge of programs involving public recreational use of private lands. The review of all information collected for this study indicated that most of the private land utilized for public recreation is forest land.

Chapter II discusses governmental and private programs that have been undertaken to make private lands
available for public recreational use and points out some of the merits and problems associated with them.

Chapter III contains proposals which may be employed by public recreation agencies to set up programs to make use of private lands to supplement the public resource. The proposals include: (1) governmental roles in this type of program; (2) aspects of administration; (3) tools of accomplishment; and (4) the provision of incentives to the landowner to encourage cooperation.
CHAPTER II

EXISTING PROGRAMS PROVIDING FOR PUBLIC OUTDOOR RECREATION ON PRIVATE LANDS

In order to gain a better understanding of what might be done to enable public recreation agencies to increase utilization of private lands for public outdoor recreation, it is logical and necessary to review existing programs to determine their effectiveness and likewise some of their associated problems. At present there is a limited amount of private land being used by the general public for outdoor recreation. Discussion of existing programs for public recreational use of private lands will be grouped under the two main headings of Public and Private Programs.

Public Programs

The public programs to make use of private lands for public outdoor recreation can conveniently be discussed when grouped according to action taken at the national, state, and local levels of government. At the Federal level, activities have been mainly in the form of financial aid to the states. Few examples of local participation were found during the course of this study. The greatest number and variety of programs have been undertaken at the state level.
Federal Programs

Until recent years, the Federal government has shown little interest in the provision of public outdoor recreation on private lands. Federal agencies, such as the Soil Conservation Service and the Forest Service, have indicated some interest in promoting recreation opportunities on private land in conjunction with their activities to aid and encourage the conservation of natural resources on private land. These agencies have emphasized the recreation benefits of fish and wildlife management and forest production on private lands as one inducement to landowners to undertake conservation projects.

Outdoor Recreation Resources Review Commission. The Federal government has recently shown increased interest in providing for public outdoor recreation. In 1958, legislation was passed to establish the Outdoor Recreation Resources Review Commission, which was instructed to inventory and evaluate both public and private outdoor recreation resources and opportunities in the United States. The Commission made its final report to the President and Congress in January, 1962. Its report included numerous sections on the present and potential role of private lands in providing areas for public outdoor recreation. The value and need of utilizing private lands for public outdoor recreation was recognized by the Commission as evidenced by the following statement from the report:
Greater public use of private lands and waters would provide significant quantities of additional recreation opportunities, particularly in parts of the country where population density is high and public resources are limited. There will be a growing need in the future to make greater use of this potential.\(^3\)

The Commission's view on this matter is further emphasized by one of its recommendations under the general heading, Expansion, Modification, and Intensification of Present Programs. The recommendation is as follows:

20. The States should encourage the public use of private lands by taking the lead in working out such arrangements as leases for hunting and fishing, scenic easements, and providing protection for landowners who allow the public to use their lands.\(^4\)

If the recommendations and ideas concerning public recreational use of private lands presented in this report are followed by the legislative bodies and administrative agencies at all levels of government, the public will benefit from an increased supply of land and facilities on which to engage in recreational pursuits.

Bureau of Sport Fisheries and Wildlife. At the present time there is no Federal program that has the sole and direct purpose of making private lands available for public outdoor recreation. However, the Bureau of Sport Fisheries and Wildlife of the Department of the Interior administers a Fish and Wildlife Restoration Program which provides funds to states for the primary purpose of protecting and improving the supply of the fish and wildlife resources of the nation. To accomplish this end, financial
assistance is provided to the states for the purposes of game habitat and stream development, research, coordination of project activities and land acquisition. The term "land acquisition" includes securing use of private land through lease, easement, or similar agreement. The majority of the land utilized under these methods is forest land and water because of the physical suitability of such areas for good game and fish habitat.

The funds for this Federal aid to the states come from a 10 per cent excise tax on sport fishing equipment authorized by the Dingell-Johnson Act in 1938, and from an 11 per cent excise tax on sporting arms and ammunition authorized by the Pittman-Robertson Act in 1952. The money collected as a result of both of these Acts is apportioned to the states by the Bureau on the basis of the area of the state and the number of hunting or fishing licenses sold. State projects approved by the Bureau are financed one-fourth by state funds and three-fourths by these Federal funds.

During the fiscal year 1960, more than $25.6 million from these two sources were available to the 50 states and 3 territories for fish and wildlife restoration. Twelve states (Arizona, Idaho, Iowa, Montana, Nevada, New Mexico, Oklahoma, Oregon, Rhode Island, Texas, Washington, Wyoming) obligated $78,052 of this amount to lease or purchase other rights in 183,983 acres of private land for public hunting
and fishing during that year. A breakdown of the types of projects undertaken is as follows:^6

<table>
<thead>
<tr>
<th>Type</th>
<th>Area Leased</th>
<th>Acres</th>
<th>Total Cost</th>
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</thead>
<tbody>
<tr>
<td>Wildlife</td>
<td></td>
<td>183,038</td>
<td>$42,074</td>
</tr>
<tr>
<td>Fishing</td>
<td></td>
<td>563</td>
<td>26,320</td>
</tr>
<tr>
<td>Combination</td>
<td></td>
<td>382</td>
<td>9,658</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>183,983</td>
<td><strong>$78,052</strong></td>
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Expenditures for leased lands varied from the $24,358 spent by New Mexico for 21,025 acres of wildlife area ($15,000) and 374 acres of combination hunting and fishing area ($9,358) to the meager $300 expenditure by Iowa for 8 acres of combination hunting and fishing area. Although New Mexico spent more of its total Federal aid funds of $483,223 than any other state for leasing private land in 1960, it expended for this purpose only about 5 per cent of its Federal allotment.

As these figures indicate, the total amount of Federal aid spent by the states for leasing or purchasing easements on private land was insignificant, amounting to only 0.3 per cent of the total amount available to the states. Thirty-eight of the states, located mostly in the East, did not choose to spend any of their allotted funds to obtain use of private lands. There is no Federal restriction on the amount of these funds that states can spend for leasing or purchasing other rights in land. Evidently the states decided that the Federal aid could be used to better advantage in other ways.
U.S. Forest Service. There is also an existing Federal program that was conceived primarily for the administration of our National Forests and which provides some information to the private landowner on the benefits of multiple use of forest lands by using our National Forests as examples. In 1960, Congress passed the Multiple Use Act which formally directed that the National Forests be administered for the multiple uses of outdoor recreation, range, timber, watershed, and wildlife and fish purposes with no resource to be given priority over the others. The Forest Service has no formal program to emphasize outdoor recreation on private forest lands, but several of its activities provide limited information to the private landowner on multiple use benefits in private forest management. However, most of this information is provided on request only and is both scant and unorganized. The information provided by the Forest Service is in the form of news releases, various informative pamphlets, and field trips called "Show Me" trips in National Forests. These programs are available to landowners interested in how recreation and the other aspects of multiple use of their forest lands can benefit them.

The Food and Agriculture Act of 1962. President Kennedy's 1962 Agriculture Message to Congress outlined changes in agricultural land use needed to compensate for increased crop productivity. The President recommended
legislation to encourage a comprehensive survey of land uses, to convert crop land to alternate purposes such as recreation, and to initiate a series of pilot and demonstration land-use projects.

The President's recommendations were incorporated in Title I, Land-Use Adjustment, of proposed companion bills, S.3225 and H.R. 11222, and were in the form of amendments to two existing Acts. The amendments provided for recreational uses of private land. The first of these provisions amended the Soil and Domestic Allotment Act (49 Stat. 163, 1935, as amended) to expand the conservation program to include Federal payments and cost-sharing arrangements through long-term contracts with landowners who agree to undertake changes in cropping systems and land uses for development of soil, water, forest, wildlife and recreation resources. Federal aid would be proportionate to the obligations undertaken by the landowner or operator. Public recreational use of private lands could have been required under this program as a prerequisite for Federal aid.

The second provision amended the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 1937, as amended) to provide for Federal acquisition of submarginal private agricultural land or rights or interests therein, for the purpose of correcting maladjustments in land use, and to provide Federal loans to state and local public authorities for developing recreation and conservation programs. This would have
enabled local public authorities to manage these lands, both private and public, to provide public recreational development, fish and wildlife protection, and watershed protection. However, the proposed companion bills did not pass as H. R. 11222 was defeated in the House.

A compromise bill, H. R. 12391, was enacted as the "Food and Agriculture Act of 1962" on September 27, 1962. This bill was substantially the same as the defeated bill, except that it did not contain provisions for the transfer of excess cropland to recreational use. Title I, Sections 101 and 102, of the adopted bill amends the Soil Conservation and Domestic Allotment Act and the Bankhead-Jones Farm Tenant Act for the purpose of providing broader Federal aid to landowners who enter into agreements with the Federal government to undertake changes in cropping systems and land uses. These changes in land use are designed to use excess croplands "for the purpose of conserving and developing soil, water, forest, and wildlife resources."

However, no mention is made of the use of excess cropland for recreational purposes. In view of the present need for recreation areas, it is hoped that the valuable ideas for providing recreation resources on excess cropland which were contained in the defeated bill, S. 3225, will be revived and incorporated into legislation in the near future. There is merit in using public funds to encourage private landowners to switch lands to recreational uses in
those regions where lands are available and public recreation areas are in short supply, rather than subsidizing the same land to grow crops that are not needed.

State Programs

Most of the states have undertaken some programs to make use of private lands for public outdoor recreation. However, state programs have been limited to those of the state fish and game agencies and conservation agencies. For example, 34 of the states have some program, usually as part of a game management program, for leasing public hunting rights on private lands.⁸

Public use of these game management areas on private land is substantial. For example, the Florida Game and Fresh Water Fish Commission reported that eleven of its management areas on private lands received a total of 71,330 man-days of utilization for hunting during the 1958-59 hunting season.⁹ The California Department of Fish and Game tallied over 47,000 hunters making use of cooperative pheasant hunting areas on private lands during the 1960 season. The Department's records for the past twelve years show that between 41,166 and 96,402 hunters annually have utilized these cooperative hunting areas on private lands.¹⁰ Pennsylvania reports that its game management areas are successful with approximately one-half million hunters using these projects each year.¹¹

A limited survey was conducted by the author to
obtain firsthand information on state programs. The states included were selected on the basis of: (1) operation of a public recreation program utilizing private lands; and (2) representation in each of the four major Bureau of Census regions of the country. The states included in the survey were California, Florida, Georgia, Louisiana, Minnesota, Nebraska, New Mexico, Pennsylvania, Vermont, Washington, and Wisconsin. Survey information was gathered by correspondence and personal interviews with persons and agencies involved in state programs and was supplemented by a review of available literature on the subject. However, no attempt was made to undertake an exhaustive survey of the type and the extent of use made of private lands for public outdoor recreation by the states. The primary purpose was to examine a sufficient number of states to determine the general structure of such programs. Even though some types or variations of worthwhile programs may not be included, the broad trend of the programs surveyed by the combined research methods should give a valid indication of current state practices in using private lands for public outdoor recreation.

Many of the state programs are similar. Therefore, to facilitate discussion, they will be grouped as to: (1) agencies involved and their activities; (2) contracts and informal agreements used to secure use of land; and (3) incentives to encourage cooperation.
Agencies. State agencies that presently make use of private lands for recreation do not have the primary responsibility of providing for public recreation. For instance, the Florida Game and Fresh Water Fish Commission makes use of private land for the principal purpose of improving and protecting fish and game populations, with the secondary purpose of providing the public with hunting and fishing opportunities. The Minnesota Division of Forestry of the State Department of Conservation administers a program with the primary goal of promoting good forestry practices on private lands, while at the same time securing public use of the land for public hunting, fishing, and other recreation uses. The Nebraska Game, Forestation, and Parks Commission makes agreements with private landowners for public recreational use of their property, although the Commission's main function is to conserve the natural resources of the state.

Since the programs of such state agencies are primarily wildlife programs, they have been concerned with only a few of the outdoor recreation activities compatible with the primary use of private land, usually crop production. As a result, there has been practically no planning for any recreation activities on private land other than hunting and fishing, and little or no attempt has been made to relate these existing programs to the recreational programs of other agencies such as state park or recreation departments.
The author endeavored to ascertain the number of states that had enacted statutes authorizing the utilization (by leases, easements, agreements, etc.) of private lands for public recreation purposes by their: (1) state park and recreation agency; and (2) state fish and game agency.

The information was secured by a systematic survey of the annotated statutes of the 50 states and the latest session laws or cumulative supplement available. The tabulation of this study is presented in Table I of the Appendix. The study indicated that 47 of the state park and recreation agencies (all except Alaska, Kansas, and West Virginia) and 47 of the state fish and game agencies (all except Alaska, Hawaii, and Kansas) were authorized to utilize private lands for public outdoor recreation specifically by means of leases, agreements, licenses, easements, or authorization was implied by such terminating phrases as "or otherwise" or "by similar means." None of the states authorized use of all of the methods listed above, but all authorized at least one of these methods and in the majority of cases, two.

A typical example of the powers conveyed to state fish and game agencies is illustrated by this excerpt from the Delaware State Code. Under this Code, the Board of Game and Fish Commissioners may:

*Acquire by purchase, lease or agreement, gift or devise, lands, marshes or waters suitable for the purposes hereinafter enumerated, and maintain the*
same for said purposes: . . . (c) to provide public
hunting, fishing, or other recreational grounds or
waters. . . . \textsuperscript{12}

Enabling legislation sections authorizing state park
and recreation agencies to utilize private land for public
recreational use are similar to those granting authorization
to state fish and game agencies. A characteristic section
from the Louisiana Statutes states that the State Parks
Commission is authorized to:

\ldots acquire in the name of the state by purchase,
 lease, agreement, condemnation, or otherwise, such
 land as it deems necessary or desirable for park
 purposes . . . \textsuperscript{12}

Even though both the park and conservation agencies
of most of the states have the power to lease or make other
agreement to use private lands, only the conservation agen­
cies have made any appreciable use of private lands.
Probably the main reason for this is that park and recrea­
tion agencies in most cases find it inadvisable to make any
improvements on land they do not own, and in some states,
such as Georgia and New Mexico, the state park and recrea­
tion agencies are not authorized to make any type of
improvement on private land. Thus, even if lands were
leased, they would be of limited recreational value because
of lack of facilities. Also, many state park agencies have
difficulty in securing adequate funds even for minimum oper­
ation, and the major portion of their allotted funds are
expended for the administration, maintenance, and development
of existing parks, with little money left over for land acquisition either by lease or fee simple title.14

Much more work could be done at the state level to utilize private lands for public outdoor recreation and to coordinate the recreation programs of the various state agencies.

Contracts and Informal Agreements. The different states make use of various types of contracts ranging from formal leases to informal agreements to secure the use of private lands for public outdoor recreation. By use of leases, easements, agreements, etc., public recreation agencies can usually obtain more land for public use per dollar expended than by fee simple purchase. The purchase of an easement over private land has certain advantages over outright acquisition in that it is cheaper, since only those rights in the land which are in the public interest need be purchased. The owner can continue to use the land as long as such uses do not conflict with the rights sold to the public agency. In addition, the land stays on the local tax rolls as the remaining rights in the land are still taxable.

Many states make use of both formal contracts and informal agreements in their programs. Specifications in the contracts and agreements vary from state to state. For example, states find it advantageous to lease private land for public fishing, hunting, and related purposes. The
State of New Mexico executes an annual lease with landowners to secure public use of lakes and streams for fishing. The Louisiana Wild Life and Fisheries Commission leases private lands for use as public waterfowl hunting areas. Leases for these purposes are also utilized to a lesser extent by the state fish and game agencies of Tennessee, North Carolina, Texas, Arkansas, and others. The Wisconsin Department of Conservation purchases perpetual easements on private land for the purpose of developing and maintaining public hunting and fishing areas. The State of Washington acquires perpetual easements along private streams to permit public fishing.

Many states have found it useful to make informal agreements with private landowners for public use of their lands for recreational activities. Public use of this land is limited mostly to hunting and fishing, and the states put no permanent facilities on the land. For instance, the Pennsylvania Game Commission signs cooperative agreements with landowners to secure public hunting rights on private farmlands. Georgia makes use of a "memorandum of understanding" which provides for public recreational use of private lands. Various types of cooperative agreements have been used to open a substantial amount of private land for public outdoor recreation in the Southeast. Nine states in that region had 2.3 million acres of private land under cooperative agreement and open to public use in 1961.15
This is a substantial amount of land, with the active program of Florida accounting for more than 50 per cent (1.4 million acres) of the total.

It is somewhat easier to obtain large acreages for fish and game management by cooperative agreement in the Southeast than in other parts of the country because of the large timber and pulpwood company holdings located there. For example, in Florida the game and fish agency dealt with about 150 landowning corporations and individuals in order to bring one million acres under cooperative agreement as game management areas, while the State of Pennsylvania had to sign up more than 11,500 farms to bring a similar amount of land under agreement for the same purpose.

The contracts and informal agreements between state fish and game agencies and private landowners make certain requirements of the public, the landowner, and the state agency. The public is often subject to regulations above and beyond existing state fish and game laws and regulations when making use of private land for hunting and fishing. For example, management areas may have a different bag limit or the hunter may be required to purchase a special license to use the area, as is the case in Florida. Also, such lands are more heavily patrolled than most other areas.

The landowner is required to permit the public access to, and to travel on, his land for the recreation activities stipulated in the contract, such as hunting and fishing by
legal means. Also, state employees must be given the right of entry to the land so as to carry out any services to be furnished the landowner, such as game habitat development. The landowner can use his land as he sees fit as long as the use is not inconsistent with the rights conveyed to the public. Leases of private lands by state agencies are usually made annually whereas the purchase of recreational easements on private land may be in perpetuity, as in Wisconsin. Cooperative agreements between private landowners and state agencies usually range in length from five years to perpetuity, with five years being considered by most agencies the minimum time needed to make the operation economical and beneficial to the public. Many states, such as Georgia, have further specified that if notice of agreement termination is not given on game management areas by a certain date of each year, for example March 1, the area shall be kept open until after the following hunting season.

The state agency must provide the landowner with payments and services as outlined in the agreement and provide such services without interfering with the normal operation of the land. The services provided must meet the approval of the landowner.

As shown above, there are examples of the use of contracts by the different states, especially in the South-east. However, at the present time most states make only limited use of contracts and could obtain public use of
substantial amounts of additional private land using con-
tracts if more incentives could be furnished the private
landowner.

Incentives. There is a wide variation in the type of
payment or other incentive that the states offer the private
landowner in return for opening his land to the public. The
incentives offered may be grouped into three major groups:
(1) services; (2) cash payments; and (3) tax concessions.

Services are rendered to landowners in payment for
the use of their land in some states, such as Nebraska,
Georgia, and Virginia. In these states, the fish and game
agencies make no direct payment to the landowner but do
provide services of value to the landowner, such as road
and trail construction and maintenance, fence building,
fire lane plowing, game and fish stocking and management,
and protection against fires and vandals. All states fur-
nish services of some type to private landowners as full or
partial payment for an agreement to allow public use of
their land. The following are typical examples of services
offered by state agencies.

One service that all state fish and game agencies
furnish landowners in return for public recreation use of
their land is supervision of public use. Administration of
private lands by public agencies relieves the landowner of
the necessity of patrolling his land to prevent vandalism
or to detect fires. Often this service is rather minimal
at the present time. For example, the agreement used by the Florida Game and Fresh Water Fish Commission specifies that one permanent Commission employee shall be assigned to the area within six months from the date the agreement is signed and said employee:

...shall devote their full time either to patrolling and protecting said lands or adjoining lands included in the game management area (not to exceed 100,000 acres) of which said lands are a part, or to such game management activities as fence maintenance and habitat improvement...  

Even though this amount of supervision is increased by seasonal help during the hunting season, it remains scant. Landowners should be guaranteed as much supervision of their land as is financially feasible. The American Forest Products Industries recommends that state agencies leasing land from timber industries furnish one supervisory employee for every 20,000-25,000 acres of land.  

Other services frequently provided are fire prevention and suppression. The specifications for the provision of these services tend to be limited and vague as indicated by the following excerpt from the agreement used by the Georgia Game and Fish Commission. The Commission and the landowner mutually agree:

That prevention of uncontrolled woods fire is to the advantage of both parties and that each agency will cooperate to the extent of its capacity in prevention and suppression of same.  

The protection provided under this agreement is not detailed but consists of aid in fire detection by the Wild-
life Officer assigned to the management area and aid in fire suppression by any Commission personnel or equipment that might be in the area. The Commission maintains a number of mobile equipment units that are used primarily for game habitat improvement and are moved from one management area to another as needed. These units would provide aid in fire suppression provided they were close enough to arrive in time to be used effectively. Also, to aid in fire control, firebreaks are plowed on management areas; often these firebreaks serve a dual purpose as they are sometimes seeded with wildlife forage crops.

Services such as fire detection and suppression can be of great value to a landowner. Public agencies that offer such services to landowners in partial payment for public recreational use of their land should offer protection above the normal level by providing more equipment and personnel and the aid to be furnished should be clearly specified in the agreement.

An additional service that state agencies provide the landowner is road construction and/or maintenance. The roads provided are usually not all-weather roads and are often primitive type access or jeep roads. They are provided for the use of the fish and game agencies in their wildlife management program. However, they can be of value to the landowner for use as logging roads or other purposes such as managing livestock.
On management areas in Tennessee the Game and Fish Commission "may improve any roads on the area and construct additional roads as it may deem necessary for wildlife management purposes." The landowner should be consulted to help select the route of any new roads to be constructed on his land by the state agency so they can be of maximum benefit to both parties. Also, roads of a higher type should be furnished as they will be of value to both the recreationist and the landowner.

In many instances, the services presently offered landowners could be improved so as to be of greater benefit to them. Despite this situation, the provision of services to landowners is one of the main incentives that encourages their cooperation and participation. The improvement of services could be a major factor in opening more private land to public recreational use.

Cash payments are offered in some states, such as Vermont and Wisconsin, where the landowner is paid an annual cash sum per acre in addition to having certain services performed on his land. For example, Wisconsin pays lease fees ranging from $0.20 to $5.00 per acre per year to private landowners for permitting public hunting and fishing on their land. The State of Florida pays rates as low as $0.02 per acre per year.

Still other cash incentives are offered to landowners to encourage participation. In Pennsylvania, landowners
are paid for raising gamebirds for the Game Commission or for leaving unharvested grain in the field for wildlife food. Wyoming attaches a tag to antelope hunting permits which is to be turned over to the landowner on whose land an animal is killed, and which can be redeemed for cash from the state. In California and North Carolina, landowners who sign agreements to qualify their lands as public cooperative areas receive certain services from the state as well as the right to collect daily fees from each permit hunter using the area. The qualified landowner may collect a maximum daily fee of $2 in California and $4 in North Carolina.

In most cases, cash payments tend to be low and are not used extensively. State agencies do not have large enough budgets to undertake this method of securing public recreational use of land on a large scale. Cash payments are usually reserved for the acquisition of key tracts of land such as access points to lakes and streams.

Tax concessions are offered in addition to services and cash payments in some states, such as Michigan and Wisconsin. These states offer tax relief for forest lands that are managed according to state regulation and which are open for public hunting and fishing. For example, Michigan allows for the removal of qualified forest lands from local tax rolls, and thereafter the landowner pays the local government an annual property tax of 5 cents per acre and a 10 per cent yield tax. In addition, the state contributes
10 cents per acre annually to the local government. At the present time, this program does not offer much incentive to the property owner to participate because the forest property tax in the state is low. Approximately 89 per cent of the forest lands are taxed less than 25 cents per acre.\textsuperscript{22} The State of Minnesota provides that a landowner who allows public hunting on his land may be accorded a property tax reduction for a period of not less than 15 years. The law reads in part: "The reduction in taxes shall be commensurate with the reduced value of lands by virtue of the easements so conveyed."\textsuperscript{23}

Property tax concessions have not been employed as an incentive to any extent by public recreation agencies. Tax concessions, in conjunction with cash payments and/or services, could provide substantial benefits to landowners and thus encourage participation in public programs. If a project were of statewide value, it would be appropriate to replace, out of state funds, a portion of the tax base lost to the local community.

As shown above, the incentives offered to the landowner by the states in many cases are minimal and often the state agency cannot afford to compete for land with private hunt clubs or other groups. In southern Florida, private lands open to public hunting are becoming scarce due to the competition from these groups. Other states, such as Colorado, Texas, Virginia, and California, also report that
significant portions of their better hunting lands have been appropriated by private sportsmen's groups.

Private hunt clubs offer more money to landowners for hunting privileges than do state agencies. For example, the Florida Game and Fresh Water Fish Commission's operating costs for services offered the landowners in return for public use of their land amount to 10 cents per acre per year, while hunting clubs in the same region pay an average of $2 an acre a year for hunting privileges. Also, private hunt clubs limit the number of people who use the land, police themselves, and agree to be responsible for any property damages. These conditions, in addition to the monetary advantage, are important factors to the landowner in deciding whether to lease his property to a public or private group.

As discussed in the preceding sections, the states must find methods of increasing the value of incentives offered private landowners if they are to increase the amount of private land available to the public for recreational use. The increased use of private lands will surely be necessary if the states are to provide their citizens with adequate recreation opportunities.

Local Public Programs

There is little activity at the local public level to make use of private forest lands for public outdoor recreation. Few examples of any county or municipal programs were found during the course of this study. An investigation
was made of the provisions of a substantial number of municipal and county recreation programs across the nation. The recreation programs of these municipalities and counties were all carried out on land owned by them or on land leased from State or Federal governments.

The small amount of local action is further substantiated by a survey conducted by the author of 25 cities and counties selected on the basis of: (1) operation of an active recreation program; and (2) inclusion of two or more cities or counties in each of the four major Bureau of Census regions of the United States. The public recreation agencies of these cities and counties were queried as to whether they used private land in the operation of their recreation programs. Twenty-one responses were received, with sixteen indicating that no private land was used in the operation of their recreation programs and four indicating that only minor use was made of private land. One reply indicated that the public recreation agency used "many parcels of private land" in its recreation program. The tabulation of the survey replies is presented in Table II of the Appendix.

The following is a representative excerpt from a reply indicating minor use of private land:

Arlington Co., Virginia (Mr. Ralph C. Wilson, Director of the Department of Recreation and Parks): "... the only private lands utilized by the Arlington County Department of Recreation and Parks
is (sic) an area of approximately three acres in size on which the Department operates a neighborhood playground program during the summer months."

However, the majority of the replies were typified by the following excerpts:

Minneapolis, Minnesota (Mr. Richard J. Jorgensen, Assistant Director of Recreation): "The City of Minneapolis Park System does not make use of private lands in the operation of its recreational program."25

Akron, Ohio (Mr. A. T. Wilcox, Secretary of the Metropolitan Park District): "We have no private land used in connection with our program."26

The assumption that only a small amount of private land is utilized for public outdoor recreation by the local levels of government is given further validity by a recent statement of Mr. George A. Nesbitt of the Correspondence and Consultation Service of the National Recreation Association. In reply to a query on the amount of local recreational use of private land, he stated:

"... we (the Association) have not been able to locate any such materials (on local use) ourselves. ... there is a tendency on the part of public recreation agencies to shy away from the use of private lands because of the inadvisability of developing on such property. ..."27

In conjunction with the aforementioned study of state statutes authorizing state park and recreation and fish and game agencies to utilize private lands for public outdoor recreation, a study was made by the author of the number of states having enabling legislation authorizing municipalities and counties to use private lands for this purpose.

The study indicated that 45 of the states authorized
municipalities to utilize private land and 40 of the states authorized counties to use private lands by means of leases, agreements, easements, or authorization of these means was implied by such terminating phrases as "or otherwise." The means available to both municipalities and counties for making use of private land were limited, with only the use of leases authorized in many cases. The tabulation of this study is presented in Table I of the Appendix. For instance, the enabling clause of the Tennessee act reads in part:

The governing body of any city or town, or county . . . may dedicate and set apart for use as playgrounds, recreation centers, and other recreational purposes, any lands or buildings, or both, owned or leased by such municipality . . . 28

In North Carolina all cities and towns have the power to:

. . . acquire property in fee simple or a lesser interest or estate therein by purchase, gift, devise, bequest, appropriation, lease, or lease with privilege to purchase . . . (in order to) lay out, establish, and regulate parks within or without the corporate limits of the city . . . 29

Even though most of the states have conveyed authority to their municipalities and counties to use private lands for public outdoor recreation, very few have made use of this power. Probably the main reason that local recreation agencies have not made greater use of private land is because they find it inadvisable to make any improvements on land they do not own. Without improvements land is of limited value for a municipal-type recreation program. Many municipal park and recreation agencies also
report that they obtain any needed additional land for their programs from other agencies such as school boards and from state and Federal governments.

Sizeable amounts of private forest land have been made available for public recreational use by private agencies. The next section will discuss some of these programs.

Private Programs

Many large commercial forest industries have undertaken varied programs and adopted policies to permit, and in some cases encourage, public recreational use of their forest lands. In addition, numerous hunt and sportsmen's clubs have programs underway to encourage friendly relations between landowners and sportsmen.

Forest Industries

According to James C. McClellan, Chief Forester for the American Forest Products Industries, Incorporated (AFPI) a trade association, many large forest industries find it to their advantage to consider recreation in their operations. He states:

Use of forest land for recreational purposes is an important part of the multiple-use management program which forest industries are following. In 1956, the AFPI surveyed 370 forest industries to determine the amount and type of public outdoor recreation occurring on their lands. These industries owned 46.3
million acres of forest land, or 68.3 per cent of the commercial forest land in the United States. The survey revealed that 42.6 million acres (92.4 per cent of the acreage surveyed) were open to the public for hunting, and 44.6 million acres (96.3 per cent of the acreage surveyed) were open to the public for fishing. In addition, the forest industries had the following acreages open for other types of outdoor activities.31

<table>
<thead>
<tr>
<th>Activity</th>
<th>Acreage Open (in millions of acres)</th>
<th>Per Cent of Acres Surveyed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hiking</td>
<td>43.5</td>
<td>90.4</td>
</tr>
<tr>
<td>Picnicking</td>
<td>40.1</td>
<td>86.7</td>
</tr>
<tr>
<td>Camping</td>
<td>37.7</td>
<td>81.5</td>
</tr>
<tr>
<td>Winter Sports</td>
<td>20.6</td>
<td>44.4</td>
</tr>
</tbody>
</table>

A similar survey made in 1960 covered 518 companies that owned 58.1 million acres or 86.2 per cent of the total forest industry acreage in the United States at that time. Although the 1960 survey covered about 12 million more acres, the percentages of land open to the various outdoor activities were approximately the same. The 1960 survey showed slight increases over the 1956 survey in the percentage of land open to picnicking (1.6 per cent), camping (4.7 per cent), and fishing (1.1 per cent).32 Although slight decreases were indicated in the percentage of land open to hiking, hunting, and winter sports, these decreases were insignificant considering the total increase in private land available to the public.
Between 1956 and 1960 there was a 25 per cent increase in the acreage surveyed, but there was an increase of 307 per cent (from 1.5 to 6.1 million) in the number of recreational visits. This large increase is probably accounted for by the fact that the public is discovering that many industry-owned lands are open to the public for recreation activities.

The Southern Pulpwood Conservation Association made an economic analysis of the pulp and paper industry in 12 southern states for the years 1956, 1958, and 1960. These analyses included the number of acres of company forest land open to the public for hunting and fishing as well as the number of company recreation areas open to the public. The acreage open to the public for hunting and fishing increased from 13.7 million acres in 1956 to 17.9 million acres in 1960. During this same time the number of recreation areas increased from 77 to 129.33

Some timber industries report heavy recreational use of their land. To illustrate, a large timber industry in the Northwestern United States, the Weyerhaeuser Company, stated that 89,000 persons used its tree farms for recreation in 1955 and an estimated 40,000 of these people used the 14 parks furnished by the industry.34 Another timber industry in the Southeastern United States, the International Paper Company, reports that over 180,000 people used its land in 1961 for recreation activities such as camping,
picnicking, and fishing. 35

These surveys indicate that the forest industries in the United States have made a substantial amount of their forest land holdings available to the public for outdoor recreation activities. Some companies set up their own programs to provide for public use of their lands, others cooperate with state fish and game agencies for the same purpose, and still others allow use of their lands without any program. Of course, many companies also lease portions of their holdings to organized sportsmen's clubs.

An outstanding example of a program that has been developed by a company to encourage public use of its lands is that of the Weyerhaeuser Timber Company which has adopted a recreation policy to formalize its recreation program. The company's policy is as follows:

Although the primary use of the forest land is for the production of timber, it is company policy to make the land available for secondary uses which are not detrimental to the maximum growth of new tree crops.

Recreational opportunities shall be offered to the public through the use of designated tree farm areas for campers, hunters, fishermen, and other recreationists. The use of these areas shall be limited only as necessary to avoid fire, injury to employees or the public, or damage to the timber crops, roads, or equipment.

Whenever possible, sites of historic interest or outstanding scenic beauty shall be preserved for public enjoyment.

The company shall cooperate with groups interested in promoting recreational use of forest land in de-
veloping programs for the proper use of the designated areas.

Extending to the public the privilege of use of company lands for recreational purposes will help to achieve a better understanding and appreciation of the benefits to be derived from sound forestry management of privately owned timber lands. The Weyerhaeuser Company opened its first public park in 1941. Today it has 25 parks, camps, and picnic areas in the states of Washington and Oregon open to the public. The company supervises and maintains these areas and furnishes facilities such as campgrounds, picnic tables, water and restrooms.

The International Paper Company has also voluntarily opened most of its forest land holdings to the public for hunting and fishing. In Louisiana alone, there are some 590,000 acres. The company provides facilities such as docks, picnic tables, and sanitary facilities at many of the areas that are open to the public. On some of its holdings the company has entered into cooperative agreements with state fish and game agencies and is thus able to provide good fish and game populations on its lands without incurring any expense. The company has a 16,000-acre tract near Bainbridge, Georgia, that is under cooperative agreement to the Georgia Game and Fish Commission and is open to the public for hunting.

The Hiwassee Land Company, a member of the Bowater Corporation, makes all of its lands available to the public
for hunting and fishing without any special program, although areas with recreational value have been identified for future development.\textsuperscript{38}

The timber industries give various reasons for being willing to permit and even encourage public use of their lands. The primary reason given is to secure good public and community relations which can be invaluable to a company. Also listed as benefits are reduced fire hazards and the prevention of retaliatory vandalism. Other reasons listed are beneficial employee relations and the lowering of wildlife damage.\textsuperscript{39}

While private timber industries have made a substantial contribution in providing public outdoor recreation areas, they have made little effort to coordinate their programs with those of public recreation agencies. Since in many cases they administer their own programs and most public recreation agencies are ill-equipped to make use of private lands, this situation is understandable. Public recreation programs should be initiated that will take maximum advantage of forest industry lands by supplementing existing industry efforts where possible and by offering more incentives to private landowners. Greater incentives will encourage more private landowners to allow public recreation agencies to undertake programs on their land.

In the future, forest industries can be expected to give increased weight to public recreational use of their
lands due to the public relations and other benefits they receive. However, such action cannot be counted on as representing a substantial answer to the ever-increasing demand for outdoor recreation unless an organized program is undertaken.

**Hunt and Sportsmen's Clubs**

There are many private hunt and sportsmen's clubs that are working both to open new private land and to keep existing private land open for public outdoor recreation activities by encouraging and promoting better relationships between landowners and sportsmen. The programs of several of these groups will be discussed in the following sections.

**The Izaak Walton League of America.** This organization is made up of persons interested in outdoor recreation, an abundant fish and wildlife crop, soil conservation, and the elimination of water pollution. The League is organized on national, state, and local levels and has a program to preserve public hunting on private lands.

This program is known as Hunt America Time (HAT). It started as a national program in 1958 after its inauguration as a successful state program (Red Hat Days) in Oregon several years before. In 1958, the HAT program opened approximately 35,000 acres of land in the United States that had been closed to hunting. The program is carried out at the local level. Chapters across the nation now undertake this program annually with the two objectives
of educating the hunter to respect private property and of convincing the landowner that more and more hunters—through the HAT program—will respect his property rights.

To help educate the hunter to respect private property, League members encourage them to sign pledge cards indicating that the signer will respect private property and observe firearms and fire safety rules while afield. Signers are given lapel buttons to indicate to landowners that they have taken the pledge. Members also call on landowners and urge them to post their lands with "Hunting by Permission Only" signs. This serves to inform hunters that they can gain access to these private lands by asking permission and gives the landowner control over who uses his land.

The HAT program has helped considerably to further good landowner-hunter relationships and has received support from ranchers, tree farmers, county agents, state game departments and the U.S. Forest Service. \(^{41}\) Many other groups, organized on a state or local basis, have programs similar to that of the Izaak Walton League. The following section will outline the program of one of these associations organized on the state level.

The Sportsman and Landowner Association of Colorado. This recently organized (September, 1961) group draws its members from the ranks of both landowners and sportsmen in the state of Colorado. The association has recently launched
"Operation Respect" with the goal of fostering mutual respect between those who use the out-of-doors for recreation and those who use it for their livelihood. The purpose of this program is to provide a mutual meeting ground where problems affecting the recreationist and the landowner may be discussed and solved. This arrangement will help to keep private land open to the public for outdoor recreation activities and protect the landowner against property damage.

The program is being carried out on a local basis with participation by local industries, community organizations, and the public, but with statewide coordination and cooperation. Projects such as the posting of lands, placing of trash barrels, and issuing of courtesy cards to be signed by both landowners and sportsmen are underway. This type of organization is very encouraging during a time when many landowners are posting their lands with "No Hunting" signs.

Federation and Industry Recreation (FAIR). This program began as a cooperative effort between large forest industries and local sportsmen's clubs in the development and use of outdoor recreation facilities. The pilot project known as FAIR started in Louisiana where the Olin Mathieson Chemical Corporation and the affiliates of the Louisiana Wildlife Federation (a sportsmen's organization) cooperated in making recreational developments on the company's forest land. Under this program the industry made
405,000 acres available and the sportsmen's organization provided for the development, maintenance, and protection of recreational facilities and enforced respect for the rights of the landowner. Although the work was done by the Federation, the land was open to the public. The program was so successful that several additional companies negotiated agreements with sportsmen's organizations. The FAIR program does not provide for any payment to the owner but does provide him with valuable services and excellent public relations. Equally as important, it provides the public with needed recreation areas and facilities.

The foregoing discussion of several sportsmen's programs is only a sample of such programs underway. Many other sportsmen's organizations, both large and small, are leasing or purchasing rights in private forest lands or providing services to landowners in return for public or semi-public recreational use of the land. The point to be made in this section is that private groups interested in outdoor recreation are making substantial efforts to provide for their recreational needs as well as those of the public.

Problems

In addition to the problems discussed above in connection with the various governmental and private programs, there are others that must be considered in any program to make use of private forest lands for public outdoor recreation.
One difficulty that hinders most states in utilizing private forest lands for public outdoor recreation is the question of who is liable for accidents occurring on private property that is formally under easement or lease to a state agency. In most states the owner is still liable for accidents even if his property is under easement or lease to a state agency. This serves to discourage persons and industries from allowing public use of their lands. To modify this adverse influence, the states of Maine, New York, New Hampshire, Pennsylvania, and Minnesota have recently enacted laws to limit or eliminate the liability of landowners for injury to parties using their lands for recreation. For example, Section 4, entitled "Liability for Injuries," of the 1961 Minnesota Law reads:

No liability or cause of action for any injury to person or property occurring in the course of or in connection with any outdoor recreational use of any free recreational area specified in the applicable declaration of record insofar as such injury was caused or contributed to by any natural or artificial object, structure, or condition existing therein shall lie against the owner or the person having the right or possession and control of the area; provided, that this shall not relieve any person from civil or criminal liability for negligence as defined by Minnesota Statutes 1957, Section 610.02.43

This type of legislation is needed in the remaining states if private landowners are to be expected to permit public use of their land.

It is recommended that all states pass legislation
to specifically eliminate or limit the liability of landowners for accidents suffered by recreationists making use of their land under the auspices of a public recreation agency.

Difficulty of Assembling Land

Any public recreation program that is designed to make use of private forest lands must take into consideration the characteristics of the ownership of such land. Nationally, 73.3 per cent of the commercial forest land is owned by private individuals or corporations, the remaining being owned by the various levels of government. The privately owned land is classified as belonging to forest industries (12.8 per cent), farmers (33.8 per cent), and other private owners (26.7 per cent). 44

Over two-thirds of the holdings of forest industries are of 50,000 acres or more. However, substantial use is already made of their lands, and they own a relatively small percentage of the total. If substantial recreation use is to be made of private forest land, the program will have to include lands of some of the farmers and other private owners who own more than 60 per cent of the total commercial forest lands in the United States.

There will be some difficulty in making use of this land owing to the size of the parcels and the characteristics of the owners. The average farm holding is only 49 acres and the average "other private ownership" is only 118 acres. In many areas of the country it will be difficult to assemble
enough land to make recreational areas of a desirable size. Also, many farmers with small timber holdings will not be willing to allow strangers to wander around their farmstead.

The land owned by people in the "other private owners" category also presents a problem as many of them are non-residents of the area and may wish to reserve the land for their own recreational use. A 1954 study in the Tennessee Valley of this type of owner revealed that timber production was the primary goal of only 3 per cent of the owners. The typical landowner in this group is described as "... a businessman who resides in a small city near a forest property that he purchased about 12 years ago for a combination of occasional timber income and recreational use."

It is recommended that the forestry and agricultural agencies of each state undertake a study in conjunction with the state planning agency to find ways and means of encouraging consolidation of small land holdings that are uneconomical to farm. A study of this type would not only be of benefit in developing a program to make public recreational use of private land, but would be of additional value to the state and local government in reducing the cost of governmental services to rural areas.

Fire Hazards

One of the most serious objections that landowners, particularly forest landowners, have to allowing public recreational use of their property is the added fire hazard
incurred. A recent survey of timber industries by AFPI indicated that the number one problem reported with recreationists using industry lands was fires.46

In order to diminish the fire hazard caused by recreationists, a vigorous public education program is needed to inform the public of the economic loss caused by fires and how to prevent them. The Smokey Bear campaign of the U. S. Forest Service is an outstanding example of such a program. In addition, public agencies using private land should furnish personnel to help with fire detection and suppression. Recreationists using private land should be required to obtain a fire permit before they build a fire. This will make the public aware that someone is concerned with controlling fires in the area and also give the person granting permits a chance to urge caution in the use of fire by the public. During periods of extreme fire hazard public use of the land might be prohibited altogether. Littering and Vandalism

Two serious deterrents to public recreational use of private land are littering and vandalism. The AFPI survey listed littering and vandalism as the number two and number three problems arising from public use of timber industry lands. The thoughtless action of a minor portion of our population results in unattractive, rubbish-strewn picnic areas and bullet-riddled signs. Effects are felt on private as well as public lands. The littering of roads,
parks, and forests is a blight on the countryside of today and adds millions of dollars annually to maintenance costs—money that could otherwise be used to provide for additional recreation opportunities. Each year vandals cause untold amounts of damage by acts such as cutting fences, setting fires, and indiscriminate pot-shooting. Private landowners must receive protection for their property if they are to be expected to welcome public use of their lands.

Public recreation agencies should furnish personnel to patrol the private lands used in their programs as part of the incentives offered the landowner. The public agency should also be responsible for the provision, policing, and maintenance of facilities on private land used for public recreation. The troublesome problems of littering and vandalism in recreational areas can be attacked effectively at the local governmental level. Local communities should undertake programs to abate these harmful practices through both school and public information programs. In conjunction with this, local authorities should undertake more aggressive enforcement of anti-littering and vandalism laws and publicize convictions.
CHAPTER III

CONSIDERATIONS IN THE UTILIZATION OF PRIVATE LANDS FOR PUBLIC OUTDOOR RECREATION

The purpose of this chapter is to assist public recreation and other agencies in utilizing private lands in their outdoor recreation programs. The recommendations are based on the analyses of existing public governmental programs and existing private programs presented in Chapter II, and on other information obtained from correspondence, interviews, and available pertinent literature.

The recommendations contained in this chapter are discussed within two broad divisions of subject matter. The first division deals with the role of the Federal Government in encouraging wider use of private lands for public recreational use. The second outlines considerations in the utilization of private land by public recreation agencies at the state and local levels, which are discussed concurrently since many aspects of the two programs are similar.

Federal Government

As mentioned earlier, several agencies of the Federal Government presently have underway programs that affect the use of private land for public outdoor recreation, but these
programs are limited. The following recommendations are intended to broaden existing Federal programs as well as initiate new ones in order to better utilize private lands.

1. It is recommended that the present Fish and Wildlife Restoration Program of the Bureau of Sport Fisheries and Wildlife be expanded to provide more Federal financial aid to state fish and game agencies for the provision of public recreation on private lands. This would involve increased emphasis on the acquisition of less-than-fee interests in private lands for use as fish and game management areas. The Bureau should also give added technical aid to the states in setting up management areas on private property in order to provide more public recreation opportunities. Consideration should be given to the provision of demonstration grants to states which would undertake projects and studies that would be of exemplary value to other states in setting up programs to meet the demand of the hunting and fishing public for more recreation areas through the use of private lands.

2. The U. S. Forest Service should expand its public information and education program for the multiple-use concept in managing the National Forests with regard to recreation. The U. S. Forest Service should emphasize to private landowners that the recreation aspect of multiple-use is equally as beneficial when practiced on their lands as on the National Forests. Demonstration projects should be
sponsored by the U. S. Forest Service to illustrate how recreational use of land is compatible with forest farming and how it can produce extra income for landowners. Multiple use of all forests will become increasingly important in the future as the demand for recreation areas and timber products continues to grow.

3. It is recommended that the Federal Government enact land-use adjustment measures similar to those outlined in Sections 101 and 102 of Title I of the defeated version of the 1962 Agriculture Act as presented in Senate Bill 3225. These sections provided for Federal financial aid to landowners and Federal acquisition of certain lands, or rights therein, in order to provide for conversion of crop-land to conservation and recreation uses.

On the local level, these programs could be administered as a joint undertaking of the local offices of the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, the local recreation agency, and the county agricultural agent and forester.

4. The recently created (April, 1962) Bureau of Outdoor Recreation in the Department of Interior has been given the over-all responsibility for coordinating related Federal recreation programs and for assisting other levels of government to meet the demands placed on them for outdoor recreation. Thus, the Bureau offers an excellent vehicle to coordinate the Federal effort to encourage increased state
and local use of private lands for public outdoor recreation. It is recommended that the Bureau undertake steps to provide technical assistance to states and local governments to enable them to take full advantage of the aforementioned Federal programs.

The Bureau should also administer a grants-in-aid program to the states for the planning, development, and acquisition of private lands for public outdoor recreation. Money for this program could come from the land conservation fund that the President recommended be created through a system of user fees at Federal recreation areas, diversion of tax funds on gasoline used in motor boats, annual user charges on recreation boats, and receipts from sale of surplus non-military government lands. Projects should be subject to review by the Bureau to ensure compliance with Federal regulations and close coordination with the open space provisions of recent Federal legislation.

5. The Federal Government could provide additional incentive to landowners to encourage them to permit public recreational use of their lands by revising certain sections of the Internal Revenue Code. Section 170 of the Code (Charitable Contributions and Gifts) allows an individual granting a public recreation agency an easement to permit public use of his land to deduct from his income tax the fair market value (rental value) of the use of the land for the entire period of such use. However, the fair market
value for the entire period of use must be deducted in the year of conveyance only, provided such a deduction does not exceed 20 per cent of the individual's adjusted gross income, that is, his gross income minus all legally deductible expenses as determined by Federal income tax regulations.47

The allowance of a deduction for a gift of the use of land in the year of conveyance only does not provide any incentive for a long-term easement if the value of the gift exceeds the amount the landowner can claim as a deduction for that year. To receive more tax benefits, a landowner could make separate annual conveyances, but this would involve the inconvenience of annual negotiations for both him and the public recreation agency. Also, the public agency would have less assurance of use of the land in planning a recreation program.

If the Bureau of Internal Revenue were to change this ruling and allow individuals to claim a deduction annually, as long as the property was under use by a public recreation agency, it would serve as an added incentive to landowners to allow public recreational use of their land. It would seem appropriate to allow this type of deduction annually for a contribution of use of property to a public agency just as annual deductions for monetary gifts to such agencies are allowed.
State and Local Government

Substantial use is being made of private land for public outdoor recreation as a result of both public and private programs. However, public recreational use of private land is presently far less than is both desirable and possible. Such land could help relieve the shortage of land for public use now experienced by many public recreation agencies. It is recognized that it may not be advantageous for public recreation agencies to utilize private land in every case.

A recreation study would be necessary to determine if public recreational use of private land would be appropriate. No attempt is made to outline the technical procedures to be used in making such a study since each public recreation agency must undertake a study which is applicable to its particular situation. Generally, it will be necessary to evaluate such factors as the existing supply and location of public and private recreation areas, the existing and projected population of the agency's jurisdiction, the financial situation of the agency, and legislative regulations concerning public recreation.

The following sections will discuss considerations of interest to both state and local recreation agencies that wish to utilize private lands for public outdoor recreation. Discussion will be presented under the four main headings of: (1) legislation; (2) selection of land; (3) payment to
landowner; and (4) financing. One of the first things state and local recreation agencies will want to know about using private land is whether they are authorized to do so under existing state legislation.

**Enabling Legislation**

Any program to authorize public recreation agencies to utilize private lands for public outdoor recreation must have a firm legislative base. As pointed out in Chapter II, almost all of the states have enacted legislation to permit state agencies, municipalities, and counties to make use of private land for public outdoor recreation by means of lease, agreement, easement, license, or otherwise.

It is recommended that the remainder of the states enact legislation to permit state and local agencies to employ private lands for public outdoor recreation. In addition, all states which have such enabling legislation should review those sections of their statutes authorizing the recreational use of private lands by state agencies and local governments and consider broadening the means available to public recreation agencies to utilize private land. For example, many municipalities are presently authorized to make recreational use of private lands by lease only. Authorization to use easements, agreements, and other similar devices would provide greater flexibility in securing use of private land.

Once it is established that a public recreation
agency can use private land it must consider what type of private land can be best used in its recreation program.

Selection of Land

Three important factors that a public recreation agency must consider in the selection of private land to be used in its recreation program are: (1) what recreation activities are contemplated on the land and what are the characteristics of land suitable for these activities; (2) how much land is needed and in what size parcels; and (3) what type of private landowner will be most receptive to public use of his land. Discussion of these factors will be undertaken in the following sections.

Activities and Land Characteristics. As pointed out in Chapter I, a public recreation agency may not be able to make use of private land for all of the outdoor recreation activities in its program. The activities must be compatible with the major use of the land, usually crop production. This study has indicated that the major use of most of the private land now utilized is forestry, and it is anticipated that forest land will continue to make up the bulk of the private land used for public recreation.

Generally, land that is wooded or which has some other interesting physical characteristic, such as variation in topography or a body of water, is the most useful for recreation purposes. The public recreation agency involved will determine the type of land needed. To illustrate, a
state fish and game agency looking for land for cooperative
game management areas would be interested in land with
physical characteristics that provided good game habitat
and had wildlife potential. A city park department might be
interested in land that would provide suitable areas for
recreation activities such as hiking and day camping which
it could not provide for on its present holdings.

The location of private land holdings suitable for
use by public recreation agencies will also determine how
adequately they can be used to meet the public's recreation
needs. The public must have adequate access to any private
lands available. At least a portion of the land should be
adjacent to a street or highway. Suitable private holdings
may not always be in proximity to urban areas. A city
probably could not provide neighborhood parks on private
land, but in many cases large extensively used parks might
be provided on private land. Such parks are usually located
on the urban fringe and are often located entirely outside
the city boundaries. Some cities will be able to make ex-
tensive use of private land for public outdoor recreation
while private holdings will be of limited value to others,
due to location.

A state agency would be in position to make more
extensive use of private holdings because it has greater
flexibility in locating areas suitable for state-wide rec-
reation. State recreation agencies should especially inves-
tigate private lands that are adjacent to existing state recreation lands. Such lands could be of special use to state park agencies or to fish and game agencies that need extra land for activities such as camping, hiking, bridle paths, fishing, or hunting. Permanent facilities such as parking lots, sanitary facilities, and drinking fountains could be placed on the state-owned land while the majority of the areas for recreation activities not requiring special facilities could be on private lands but only if agreements are binding on the landowner.

The states and cities should consider undertaking a program specifically aimed at securing title to certain small key tracts on which to place needed facilities while easements or leases are used to secure use of surrounding private land for public recreation. These arrangements would help to overcome the present inability of many public recreation agencies to effectively utilize private land because they cannot develop or find it inadvisable to develop facilities on land they do not own.

Amount and Size. The amount of private land needed by a public recreation agency will depend on such factors as the existing supply of public land, the population to be served, public demand for various activities, and the agency's recreation program. Each recreation agency must decide how much private land it will need to provide the public with adequate recreation opportunities. The increase
in public participation in such activities as camping, picnicking, and fishing will increase the potential amount of private land needed by public recreation agencies as there is generally a shortage of areas for such activities on public land that is readily available to the public.

Special consideration must be given to the minimum size of a parcel that can be utilized effectively by a public recreation agency. The minimum size will depend on the activities planned on the site, and the amount of land the agency can utilize effectively in terms of administration practices.

A state park agency would need a large tract of land if it wished to undertake a development of state park stature. In some cases it will be necessary for public agencies to contract with several adjacent landowners in order to secure enough land for their needs. Local communities will generally need smaller tracts to satisfy their needs. The minimum size of a tract of land is also of importance when considering whether it will return enough benefits to the owner to merit his cooperation. It is doubtful that a tract smaller than ten acres would produce enough income or other benefits to a landowner to make it worthwhile for him to permit public recreational use of his land. It is also doubtful that a tract smaller than ten acres could be utilized effectively by a public recreation agency.
Ownership. Chapter II indicated that presently the largest group of private landowners permitting extensive public recreational use of their land is the large timber industries. Timber industries permit, and even encourage, public recreational use of their land chiefly because of the benefits they receive from good public relations. Their land is used both as a result of programs administered by the industries themselves and by state fish and game agencies. Therefore, timber industry holdings should be of prime interest to a public recreation agency that is attempting to locate private land to supplement its public land resource. Negotiations with timber industries offer the advantages of dealing with people who are usually receptive to the idea of public recreational use of their land, of obtaining use of such land for a minimum cash payment, and of obtaining a large amount of land in one transaction.

Timber industry lands are located for the most part in the Southeast, the West, and the Lake States. In other areas of the country, such as the Midwest, where there are very few timber industries, the holdings of power, oil and gas, or mining companies might be utilized in a like manner. Smaller private holdings should not be overlooked as it has been demonstrated, that it is feasible to acquire enough smaller holdings to make up a usable recreation area, as has been done in the case of cooperative game management areas in the states of Pennsylvania and Nebraska.
Aerial photographs may be used to facilitate the location of areas that are suitable in respect to size, location, and physical characteristics. Such areas can be delineated by studying aerial photographs of the urban fringe or other regions where public recreation sites are needed. After this preliminary step, tax maps can be consulted to determine ownership boundaries; thereafter, the owners of usable sites can be consulted to elicit their cooperation in a program for public recreational use of their land.

**Payment to Landowners**

As mentioned in Chapter II, there is a variety of methods that may be used to pay private landowners for permitting public recreational use of their land. State fish and game agencies have been successful in obtaining large amounts of private land for public use primarily by providing landowners with services, and in some cases, services supplemented with a nominal cash payment. In some instances, public recreational use of key tracts of land is obtained by cash payments for leases or easements. A few states provide landowners with a reduction in property taxes in return for a grant of public recreational use of their land.

To secure public use of more private land and in order to compete with private hunt clubs, public recreation agencies must make it advantageous for private landowners to participate in their programs. The most effective method of obtaining use of private land would be through provision
of a combination of incentives such as provision of services, a cash payment, and property tax reduction.

Incentives to private landowners for leases and easements should be increased enough to make them economically competitive. The amount of cash and service payments will be determined by the rights conveyed and the market value of the land. In addition, states should pass legislation enabling communities to grant property tax concessions to landowners who sign agreements to permit public recreational use of their land if such legislation does not already exist.

State fish and game agencies have found that provision of services to landowners can serve as an incentive in persuading private landowners to permit public use of their land. This study has indicated that services presently provided to landowners are of minimum benefit to the landowner. Public recreation agencies should find methods of increasing the value of services offered landowners in order to encourage greater cooperation. For example, a higher degree of policing might be provided so as to better protect the private property as well as give added protection to the users. A degree of fire protection above the normal amount should be provided by the establishment of a special firefighting force or else by adding men and/or equipment to an existing firefighting body. Agreements with private landowners should contain a clause providing payment to the landowner
for any damages that occur as a result of public recreational use of the land.

Financing

Even though securing use of private lands for public outdoor recreation will not be as expensive as purchasing land in fee simple, it will still involve expenditures that must be made. Public recreation agencies must expect to pay more than they have in the past for the use of private lands in order to meet the competition from private hunt clubs and to encourage landowners to make more acreage available to the public.

The most direct method of obtaining money to finance the cost of easements, leases, or services to landowners is to obtain a legislative appropriation from the general funds of the state or community involved. Financing by the general fund is appropriate. Recreation costs are thus spread equitably among all residents of the state or community. However, this may not result in the provision of enough funds because of the many other demands placed on a limited general fund. There are a number of other financing sources that can be used to help supplement the general fund appropriations for recreation, such as user fees, bonds, Federal aid, and state aid.

User Fees. One source of financing at least a portion of the cost of utilizing private lands is user fees. This has not been practiced to any extent on private land
either by public recreation agencies or by landowners. A survey of 518 timber industries showed that less than 3 per cent made a charge for such activities as picnicking, camping, and fishing.\textsuperscript{48} Evidently the industries considered that it would cost more to collect the fees than the revenues they would produce, or perhaps they feared the charging of fees might injure their public relations.

State fish and game agencies make little use of user fees on their cooperative game management areas on private land. Only a few states make a charge for hunting on these areas. Florida requires hunters to purchase an annual special license costing $5 to use cooperative management areas. These special licenses can be used at any area in the state. Public recreation agencies do not make widespread use of user fees even on public lands. A study by the Outdoor Recreation Resources Review Commission revealed that less than 30 per cent of the public outdoor recreation areas charge any fees at all.\textsuperscript{49} Public recreation agencies that do charge fees do not attempt to finance public parks totally through entrance or user fees, since parks are considered a public service and need not pay their own way. For example, the Georgia Park Department charges fees for certain specialized activities at state parks, such as boating and swimming. The Department uses these fees to finance the operating cost of these activities, with capital improvements being paid from the general fund.
It is recommended that fees be charged for the use of specialized facilities such as camp grounds and swimming acres. The fees could be established at a level that would recover a reasonable portion of the administration and operation costs of these facilities. However, participation in recreation activities such as hiking and picnicking should be free or at a very nominal fee so as not to preclude anyone because of inability to pay.

Bonds. Other methods of financing public use of private land include general obligation and revenue bonds. Revenue bonds are not generally suitable for financing public park acquisitions. General obligation bonds could be used to finance the heavy costs that might be incurred to purchase perpetual easements and long-term leases in the first few years of a program to utilize private lands for public outdoor recreation. This would have the advantage of spreading the cost of initiating such a program over a period of years to allow future, as well as present, users to share in the cost. The financing of such bonds would, of course, come from general tax funds.

Federal Aid. States, counties, and municipalities may be able to obtain Federal aid to help finance the acquisition of less-than-fee interests in private land in urban areas which are to be used for park and recreation purposes. Title VII (Open Space Land) of the 1961 Housing Act authorizes Federal grants to authorized public bodies up
to 30 per cent of the eligible costs of an approved project on private land. The Act states that, "Appropriate lesser interests may include long-term leases, development rights, easements, and remainder interests subject to life estates." To secure this aid, the state or local government agency involved must be ready and able to adhere to Federal regulations concerning allotment of the funds. In some cases this may cut down on the amount of desired flexibility in a local program, and some communities may not be able to meet the technical requirements for compliance.

**State Aid.** The states of New Jersey, New York, and Wisconsin have recently set up funds for helping their municipalities acquire less-than-fee interests in open space land to be used for public outdoor recreation. The funds for the state aid to municipalities are being supplied through the sale of bonds in the states of New Jersey and New York and through an excise tax on cigarettes in the state of Wisconsin. For instance, the New Jersey Green Acres Land Acquisition Act of 1961 provides for matching payments to local governments to acquire lands for public recreation and "lands" are defined as including, "... easements, privileges and all other rights or interests of any kind or description in, relating to or connected with real property." It is recommended that other states consider setting up funds to aid their municipalities in utilizing private lands for public outdoor recreation.
Summary

The demand for more recreation areas is increasing, and many public recreation agencies are hard-pressed to provide adequate public recreation areas and facilities. The use of private land for public outdoor recreation offers a method of meeting this demand.

The review of existing public and private programs to utilize private land for public outdoor recreation has disclosed some of the advantages and difficulties associated with using private land. Present recreational programs of the Federal Government provide little aid to state and local public recreation agencies in making use of private lands. Many states are making extensive use of private lands through their fish and game agencies and these programs offer some useful experience as to what types of contracts and incentives are useful in securing use of private land. At the present time, little private land is used by local recreation agencies. The private programs of large timber industries and sportsmen's groups also offer some experience to point the way to public recreational use of private land.

The recommendations set forth in Chapter III should enable public recreation agencies to utilize more effectively private lands for public outdoor recreation. The use of private lands will be of special importance in those areas...
where public recreational demands are high, the public resources inadequate, and public recreation budgets limited. In many instances, private land can be used to provide public recreation opportunities that might otherwise be unavailable. The use of private land for public outdoor recreation can help to meet the increasing demand for more public recreation areas.
Table 1. States with Enabling Legislation Authorizing Public Agencies to Utilize Private Lands for Public Outdoor Recreation (1)

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<th>State</th>
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Table 1. States with Enabling Legislation Authorizing Public Agencies to Utilize Private Lands for Public Outdoor Recreation (Continued)

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Table 1. States with Enabling Legislation Authorizing Public Agencies to Utilize Private Lands for Public Outdoor Recreation (Continued)

(1) Latest Cumulative Supplement or Session Laws Utilized in Survey.

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(2) Municipalities include cities, towns, villages, and boroughs.

(3) Includes parishes and towns.

(4) Has no counties.
Table 2. Some Cities and Counties that Use Private Land for Public Outdoor Recreation (1)

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</table>

Legend

(1) Data obtained in a survey by the author.

x indicates no use of private land

* indicates minor use of private land
Literature Cited


2. Ibid., p. iii.

3. Ibid., p. 159.

4. Ibid., p. 9.


6. Ibid., p. 28.


9. Florida Game and Fresh Water Fish Commission, Game Management Division, Statistics obtained from compilations by the Division, n. d., unpaged.


12. Delaware Code, Annotated (1953), Title 7, Article 106, Section 3.

13. Louisiana Statutes, Annotated (1952), Section 56, Article 1663.


18. Florida Game and Fresh Water Fish Commission, Agreement dated May 24, 1955, between the Commission and the Consolidated Naval Stores Company on file with the Commission at Tallahassee, p. 2.


24. Letter from Ralph C. Wilson, Director, Department of Recreation and Parks, Arlington County, Virginia, July 13, 1962.


31. Ibid.

32. Ibid.


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45. Ibid., pp. 311-312.


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