

Public Lands Foundation

Position Statement: 2010-09

Public Access to the National System of Public Lands

July 24, 2010

Executive Summary

The Public Lands Foundation (PLF), the Bureau of Land Management (BLM) and the public recognize that there is a need to obtain or improve public access to many public land areas within the National System of Public Lands for public recreation and management and protection of resources, but inadequate funding, staffing and priority is given to solving access problems. PLF believes that a national database should be developed by the BLM to define the scope of the access issue. It should include data on acreage of public lands unavailable for public use; number of easements needed and estimated costs of easements. This database should then be used to obtain adequate funding and acquire needed access to public lands. Additionally, BLM land use plans need to specifically identify access needs.

Background

BLM and interested publics have identified a need for additional access to the National System of Public Lands for recreational opportunities and other public uses including resource improvement and management.

The public land ownership pattern administered by the BLM throughout the 11 western states has been fragmented through a series of historical lands actions including the issuance of homestead and mining claim patents, and railroad and state land grants. Land ownership fragmentation has resulted in the elimination of public access to some well-blocked tracts of Bureau-administered lands. The intensity of the access issue varies from state to state, depending upon the fragmentation pattern present and the quality/quantity of resources unavailable to the public. However, increased access to Public Lands is an issue in all states where BLM has a significant management presence.

The BLM-administered lands have become the open space and outdoor enjoyment areas for the urban populations of the West. The 2009 edition of the BLM's "Public Land Statistics" estimates that there are over 63 million visitor days of recreational uses on the BLM lands annually. User groups have helped document the need for increased public access to BLM lands in many areas.

Public county roads systems in many counties are often ill defined. There is an increasing trend for the abandonment and closure of county roads and right-of-ways in many areas. There is a growing reluctance on the part of county and state agencies to defend the status of historical roads and travel-ways. Thus, there is a need to determine

the ownership status of rural roads. In other words, are these private or public roads? In many instances this question can be answered through the research of county road records. This research can be less expensive than the purchase of public road easements. In many counties, the results of road record research are welcomed as the county records will be updated and improved and the county's knowledge base expanded.

There is also a growing trend throughout the western United States for some purchasers of private properties to acquire lands for the purpose of controlling access to adjacent federal lands for fee hunting and other for-profit or personal motives. Economic incentives for some private landowners to engage in fee hunting and guide services and the granting of leases to outfitters for hunting rights and exclusive guide services has resulted in more recreational pressures being placed on BLM lands. There is also an increase in the numbers of private landowners who no longer allow the public access to cross their lands. In most cases there are very legitimate reasons for this, e.g., concerns about vandalism, killing of livestock, gates being left open, fire danger, littering, potential liabilities and the desire for privacy and exclusive personal uses.

Discussion

Appropriate public access—legal access to BLM-administered lands and facilities to support resource management programs and public access to BLM-administered lands that have high recreational potential—is needed. BLM land use plans need to include an access category where the access status is shown and access needs are identified.

The need for additional access is not getting adequate leadership attention, innovative thinking, or commitment of money and personnel resources. A Bureau-wide data base which describes the scope of the problem, acreage of public lands which are unavailable for public uses, numbers of easements needed and estimated costs is not available from the BLM on a national scale.

As access needs are developed, guidelines need to be established, perhaps through the public planning process itself; or perhaps in concert with program budget rankings, to assist in prioritizing access needs.

Adequate provisions must be made for the protection and management of sensitive resources in determining the need for public access and prior to opening of additional areas. These plans would enable the BLM to respond timely to access needs when opportunities arise.

A budget strategy, coordinated with the overall access program strategy, needs to be developed so that the public and the Congress can see the direction of a positive, action-related program. Budgets should also reflect a total cost approach, so that the access program will not fail because of a lack of support funding from related resource management programs, especially for newly opened areas, to prevent degradation and damages.

Volunteer help provided by PLF members and other interested groups can help perform much of this research. Counties could be requested to provide part of the funding for this research since they are primary beneficiaries of the work. Roads which are found to be part of the county system and which provide access to public lands should be signed and made available for public use.

PLF Position

1. The need for appropriate public access to BLM administered lands needs to be a prominent feature of all BLM land use plans.
2. Both long-term and short-term budgets for access acquisition need to be addressed.
3. County road record research should be undertaken in priority counties where access to public lands has been identified as an issue.
4. The use of innovative partnership arrangements with State and local governments and private groups with an interest in acquiring access to public lands to help resolve access conflicts and uncertainties needs to be increased. Use of the full range of legal means, not just acquisitions, available to all of these public entities is needed in the resolution of access issues.
5. Greater use of land acquisitions and land exchanges to help alleviate the problems generated by the historical fragmentation of land ownership should be advocated.
6. An incentive program needs to be developed to reward and compensate private landowners for public usage and access to public lands.
7. A Bureau-wide database needs to be developed, which describes the scope of the problem, acreage of public lands that are unavailable for public uses, and numbers of easements needed. This database should then be used to obtain adequate funding and acquire needed access to public lands.

Updated from No. PLF 13-00, September 2000