

# Tools for Landowners to Have Public Trails on Their Private Lands

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*Front and back photo credit: Nita Tallent. Soldier Ridge Trail System, Sheridan, WY.*

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# 1 Introduction

Trails worldwide have crossed the land for centuries, enabling peoples to connect for trade, socializing, acquiring resources, and/or conquering territories. Some trails extend great distances, passing through wild and scenic lands. Short paths are embedded in municipalities of all sizes and population densities, connecting people to places, often passing through areas that appear more developed than natural, yet still provide the space and essence of nature that benefit human physical health and emotional and psychological well-being. Whether urban or rural, these linear greenways benefit humans, birds, and wildlife, mainly when natural spaces near the trails are limited.

Once necessities for movement within and between communities, trails are now usually embedding natural areas in the modern world. Although there are numerous public trails located in the over 840 million acres of state and national parks, national forests, and other public lands, there would be more locations and opportunities if private lands in urban, rural, and peri-urban areas in between were made available.

Herein lies the conundrum. *How can private landowners, including corporations, open their spaces to the public to move about on trails for either recreation or transportation without infringing on the landowners' rights, privacy, and security?* Mechanisms used to conserve private lands for recreation, education, culture, sustainable working practices such as farming and timber, preservation of areas that have scenic vistas, threatened and endangered species, critical habitat, and historic sites can be ideal for establishing trail access for the public as well. The good news is that these mechanisms may increase the public's opportunities to recreate outdoors and also benefit the landowner financially.

This handbook with accompanying Appendices A, B, and C outline the private conservation options that landowners have available to establish publicly accessible trails on their lands. It also includes information and resources about landowners', conservation professionals', and recreationists' concerns about allowing strangers to hike, bike, ride, or ski (among other activities) on their private property. It is intended to provide general guidance for the curious, not conservation, legal, or financial advice. Landowners whose interests move from curiosity to action must initiate action by consulting the experts, whether conservation professionals and/or legal and financial advisors, for guidance specific to their preferences and projects and to the local and/or state authorities where the trail is located.



*Spence Mountain Trails, Klamath County, OR  
Photo credit: Trust for Public Land*

***Note: nothing in this handbook is intended to be relied upon as conservation, legal, and/or financial advice. The material presented is provided in the context of generalizations and may have more or less applicability to the user, depending on the subject. There is no guarantee that it is up-to-date or error-free.***

## 2 Allowing the public to access trails on private property

Generally, if properly designed and managed, trails have a gentle environmental footprint on the landscape. Trails on public lands are developed and managed by the relevant land management agency. However, these trails may not be readily accessible due to their distance from city centers, thus making their use physically, socially, and economically prohibitive for many.

Publicly accessible trails on private lands can fill the gaps and provide access to open spaces. If the landowner properly designates access using private land conservation mechanisms and easements<sup>1</sup>, these trails will not impact their rights, privacy, or security. The landowner determines the accessibility and permitted use of the trail, and they do not have to relinquish ownership of their land unless they wish. This process puts the landowner in control, empowering them to make decisions that best suit their needs and preferences.

Privately-owned open spaces such as ranches, farms, forests, and grasslands have tremendous conservation value for people and wildlife. The land, whether it is a ranch, farm, forest, or grassland, is not just a property but a valuable asset for conservation. Conservation includes preservation of land for outdoor recreation or education, protection of natural wildlife habitat, and preservation of farms, forests, or other open spaces and historically significant lands. The value of such conservation may be converted to a tangible federal income tax benefit for you as the landowner (per Internal Revenue U.S. Code 26 § Section 170(h)).

This is a responsibility and a source of pride for a landowner.<sup>2</sup>

The initial considerations to be taken by private landowners who are interested in opening their lands for public trails are to determine, designate, and document the location of the trails and to agree upon the conditions of their use with the entity that will hold the trail easement (e.g., governmental agency, land trust<sup>3</sup>) and, if not the same entity, the recreational organization(s) that will manage the use and maintain the trails. Once relationships and conditions have been documented, the final agreement(s) are registered with the county to remain with the land for the agreed-upon period, generally permanently or, in rare cases, for a set term.



*Bonneville Shoreline Trail, Mill Creek Canyon, Salt Lake County, UT.  
Photo credit: Trust for Public Land*

<sup>1</sup> An easement is a legal term for a type of property right that allows specific individuals, businesses, or entities access to, or the right to use, a property (in whole or a designated portion), along with any associated restrictions.

<sup>2</sup> U.S. Code § 170 – Charitable, etc., contributions and gifts: Subsection (h): a qualified conservation contribution must be exclusively for conservation purposes which include (i) “the preservation of land areas for outdoor recreation by, or the education of, the general public, (ii) the preservation of relatively natural habitat of fish, wildlife, or plants, or similar ecosystem, (iii) the preservation of open space (including farmland and forest land) where such preservation is – (I) for scenic enjoyment of the general public, or (II) pursuant to a clearly delineated Federal, State, or local government conservation policy, and will yield significant public benefit, or (iv) the preservation of an historically important land area or a certified historic structure.” (<https://www.law.cornell.edu/uscode/text/26/170>).

<sup>3</sup> Land conservation nonprofit organizations can go by a variety names: land trust, conservation trust, conservancy, watershed association, or protection society. In my thesis I will use the term land trust to refer to the suite of land conservation organizations a landowner can work with.

There are several steps and mechanisms that a landowner can follow. This handbook introduces some mechanisms for establishing public trails on private lands. Although a landowner can establish and manage a publicly accessible trail on their property independently, the recommended route is to work with a team of “experts” to designate the location and conditions of their property, which will be captured in the necessary agreements. The experts to be consulted will depend on the mechanism to be used. However, a land trust representative, government entity, recreational organization, legal counsel, and financial advisor should always be included. Each has its role in helping landowners walk the path to establishing a trail on their lands with trust and respect (See Sections 4 and 8 for more significant details).



*Gallatin Valley Land Trust, Bozeman, MT  
Photo credit: Gallatin Valley Land Trust*

## 3 Landowner’s First Steps

A landowner has much to contemplate when considering a trail project on their property. When landowners donate or sell their property for conservation purposes, they can stipulate what activities are allowed and restricted on their property. Therefore, the landowner must carefully consider possible conditions, related concerns, and consequences of allowing the public to access trails on their private land. Does the landowner want the public to recreate on their land? Where exactly on the landowner’s land should the public be allowed? When during the year and/or the day does the landowner want the public to have access? Moreover, what will the public be allowed or prohibited from doing? These and more are essential considerations for landowners before they act. Whether it is formalizing an access agreement on an existing trail or permitting and building a segment of a through trail system on private property, the landowner must understand the ramifications, benefits, and drawbacks of trail projects from the start and have the trust and respect of the partners that they will need to be engaged to bring a safe and environmentally friendly trail project to fruition.

### 3.1 PURPOSE

What is the purpose of the trail? Will the trail use be limited to walking on the trail? Will other activities such as off-trail wildlife viewing, trail running, mountain biking, fat-tire biking, cross-country skiing, and/or snowshoeing be permitted? Will the public access the land to reach waterways for boating, fishing, and/or swimming? Will the public collect antler sheds, mushrooms, and/or berries? Will hunting be allowed, or will access be restricted during hunting season for the protection of recreationists and to reduce interference with wildlife? Will domestic pack and non-pack animals (e.g., horses, dogs, lamas) be allowed on the trail? Should there be public events such as races and fun runs/walks on the trail? Will motorized vehicles be allowed, and if so, which vehicles (e.g., all-terrain vehicles, motorized dirt bikes, electric- or e-bikes, snowmobiles)? Will there be fundraising events on the land or for the trail?



### 3.2 SCALE AND DIMENSIONS

Does the landowner want to include the trail property<sup>4</sup> or only the trail? What is the scale of the trail? What are the dimensions of the trail? How wide and long is it? Is the trail a relatively short segment that extends, connects, or creates a through trail, trail system, or trail loop with another trail on public or private property? Or does the trail run entirely within the landowners' land?

### 3.3 DAILY AND ANNUAL USE AND CLOSURES

When and for how long will the public be able to access the trail annually and daily? Will seasonal closures be necessary for livestock or crop harvesting? Does the landowner want to limit access to specific times during the day (e.g., dawn to dusk)?



*Appalachian Trail at Crocker Mountain, Carrabassett Valley, ME  
Photo credit: Trust for Public Land*

### 3.4 CONSIDERATION FOR NEIGHBORS

Although the landowner has the right to open trail access to the public, they should consider the trail's impact on their neighbors and community. Will recreation disturb livestock, crops, and/or wildlife on their neighbor's property? Is the trail visible from the neighbor's residence or workplace? Will trailheads and trails interfere with neighboring property access? Will traffic to and parking at the trailhead impact public roads and spaces? Understanding the potential impact a trail may have on their neighbors and abutters and engaging with neighbors and the community about the trail early in the process is advisable. Keeping them informed of the development connotes respect and a spirit of collaboration, reducing the possibility of contention and interference later in the process.

### 3.5 FUTURE LANDOWNERS

Does the landowner want future landowners (i.e., family successors, new owners) to be able to challenge the public's right to access? Or is the intention for the access to be permanent?

### 3.6 SHIFTS IN PARTNERSHIP AND PUBLIC SUPPORT

How might public support and partnerships with recreational organizations and/or easement holders change over time? For example, could a change in the climate alter ecological conditions (e.g., decreased yearly snowfall and accumulation, increased, unpredictable seasonal precipitation) that necessitate a shift in what organizations are interested in maintaining the trails? Changes in climatic conditions may translate to fewer winter sports and more mud on the trail, reducing a

<sup>4</sup> The term trail property will be used henceforth and refers to either a stand-alone linear parcel on which a trail is or will be established and/or a larger parcel of land that includes a trail and the adjacent lands, the dimensions of which can be designated by the landowner.

cross-country ski organization's interest in supporting the trail. It may also increase the number of walkers and hikers on the trail for a more significant duration throughout the year, changing how it is managed and maintained. What happens if interest in the trail declines as community character and demographics change (e.g., suburban residential to industrial or commercial businesses)?

### 3.7 TRAIL MAINTENANCE

Who will be responsible for maintaining the trail?

### 3.8 WHEN RELATIONSHIPS END

Although agreements with land trusts, and easement holders are intended to last in perpetuity, there are rare events when they end. What happens if the land trust, easement holder, and/or recreational organization dissolves? Is a successor organization established to assume the easement and/or stewardship?



*Major Taylor Trail, Chicago, IL.  
Photo credit: Trust for Public Land*

## 4 The Team

The following describes potential partners that a landowner can include on their team.

### 4.1 EASEMENT HOLDER

The key to protecting lands for recreation by granting an easement is selecting an easement holder aligned with the landowners' intentions. Several third-party entities, such as a nonprofit<sup>5</sup> land trust, recreational organization, and/or government entity may hold the trail easement and thus should be considered a partner from the start of the project. Section 6 provides more information about potential easement holders.

### 4.2 LEGAL AND FINANCIAL ADVISORS

Every trail project involving a complex network of stakeholders, such as landowners, property holders, stewardship managers, recreational organizations, and trail users, necessitates legal arrangements that demand professional expertise tailored to each case. To safeguard the landowner's motivations and considerations, both in the present and the future, it is imperative to engage with professional legal and financial advisors who possess experience in private land conservation and trail easements.

<sup>5</sup> For the sake of this handbook the term nonprofit is being used to describe any IRS-recognized 501(c)(3) organization that is eligible to receive tax-deductible contributions in accordance with IRS Code section 170 (<https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-501c3-organizations>).

### 4.3 COMMUNITY, STATE, TRIBAL, AND FEDERAL OFFICIALS

Establishing a public trail requires a knowledge of local land use zoning regulations and compliances, plus knowing state and federal regulations, especially if adjoining and/or abutting properties are municipal, county, state (e.g., state trust lands, state parks, game reserves), tribal, and/or federally managed lands (e.g., USDA national forest, Department of Interior National Park Service or Bureau of Land Management land). Landowners are rarely public land specialists and thus must include the relevant agencies and officials from the beginning of the process to ensure necessary compliance and address concerns. Informing and including public land specialists familiar with the area and government agencies and regulations will reduce the likelihood of obstacles interfering with the project's completion. In addition, government offices often have access to funding, grants, and resources that private landowners do not. They can also establish networks and connections within the community, which can be valuable for forming collaborative partnerships. See Appendix A for further information and guidance.

### 4.4 TRAIL PLANNER

Whether a trail already exists or a new trail is being considered, a trail planner has the expertise to guide the team in managing, maintaining, and upgrading existing trails and designing, planning, building, and opening new trails. They would ideally know about trail design, routing, connectivity, access (including compliance with regulations for individuals with disabilities), shared use, environmental and cultural factors, and state and federal funding opportunities. Trail planners are specialized consultants that can be contracted by the landowner, land trust, and/or trail easement recipient. The internet posts many vendors such as Alta (<https://altago.com/>), American Trails (<https://www.americantrails.org/>), Avid Trails (<https://www.avidtrails.com/>), Professional TrailBuilders Association (<https://www.trailbuilders.org/>), and Timberline Trail Craft (<https://www.timberlinetrailcraft.com/>); in addition, organizations described in Appendix A may be able to recommend trail planners.

### 4.5 OTHER "TRAIL OWNERS"

Other landowners with publicly accessible trails can provide valuable perspectives and lessons learned. The land trusts and other organizations described in Appendix A may be able to point landowners toward such individuals. Another option is to contact landowners identified as the owners on trail signage, social media, and/or in published community directories (e.g., tourist and real estate guides). In that case, their willingness to advertise their trails may connote a willingness to share their experience with others. Other methods include researching ownership using landownership software and applications such as onX maps (see Appendix A) to identify landowners. Deeds and easements are public records and generally available through county clerks' registry of deeds offices. Although these records are public information, knowing who the landowner is does not mean they are interested in being contacted. Regardless of the means of learning of other landowners who have public trails on their private lands, all landowners should be approached with respect. If they are receptive, their experience may prove extremely helpful and pave the way, especially if they live in the same area.



*Gallatin Valley Land Trust, Bozeman, MT  
Photo credit: Gallatin Valley Land Trust*

## 4.6 POTENTIAL NEW LANDOWNERS

In the spirit of full disclosure, landowners who know they will sell their land where the trail is located and have already identified a potential buyer should inform the potential landowner. If interested, the buyer should be offered a seat at the table from the beginning of the project until it reaches fruition.

## 4.7 RECREATIONISTS

Trails are used by many individuals, including hikers, runners, horse riders, bicyclists, and people using wheelchairs, for various purposes such as education, health, and access to nature. Regardless of the purpose of individual recreationists or representatives of their respective recreational organizations, a landowner should include them on the team. Who is better than the trail user to share standards, practices, etiquette, and concerns with the landowner? To reciprocate, by the landowner opening space for the trail users to be part of the process, they are fostering mutual respect among partners from the beginning. Trail users who are also part of the trail development/acquisition process may adopt a proprietary attitude towards “their” trail, becoming the trail’s greatest ally, protector, supporter, and promoter. Trail users often want to be involved in trail development and stewardship and have the potential to influence responsible trail etiquette among users. Also, they may volunteer to monitor, maintain and remediate.

## 5 Mechanisms for Public Trails on Private Lands

Many mechanisms can be used to transfer long-term rights to public access to trails located on private property. There is no “one size fits all.” In some cases, the landowner may continue to own their land while transferring the trail easement to another entity. They may donate or sell a portion (e.g., linear parcel) of the trail property such that the landowner no longer owns the title to that parcel despite it being embedded within their property. In either case, the recipient may be a governmental entity and/or a nonprofit such as a local or national land trust or a recreational organization. This section describes the various mechanisms (e.g., donation, land sale) that can be used alone or in conjunction with others to shape the future of a trail. These subsections are intended to provide an overview of options but are not intended to be comprehensive. As previously noted, landowners should consult with an accountant, financial advisor, conservation professional, and/or legal advisor for specific guidance about these and other opportunities.



*Ventura River Parkway, Ventura, CA.  
Photo credit: Trust for Public Land*

## TRAIL SPOTLIGHT: SOLDIER RIDGE TRAIL SYSTEM

The Soldier Ridge Trail System (SRTS) in Sheridan, Wyoming, illustrates how a grassroots effort fostered by a local land trust in collaboration with private landowners and the public can create a recreational resource that benefits a rural community.

The Soldier Ridge Trail System, west of Sheridan, Wyoming, is a natural-surface trail established on working (cattle-grazed) sagebrush steppe. The trail system is established on two privately-owned working ranches, with the conservation easements held by the Sheridan Community Land Trust (SCLT) under Wyoming law (Wyo. Stat. Ann. § 34-1-201) and with the City of Sheridan. Segments of the trails were established through trail easements held by Sheridan County and an access license agreement held by the SCLT. While most of the trail system is established on private ranch lands, there are segments and trailhead parking lots on municipal land. Access to the ranch lands is limited to the trail. The public is informed of this and other restrictions on signage at the trailheads and posted on fences along the trail. It is a non-motorized trail that allows walking, cycling, and horse riding. Some segments of the trail are closed seasonally for calving, which was outlined in the landowner's easement agreement.



*Soldier Ridge Trail System, Sheridan, WY  
Photo credit: Nita Tallent*

When the past Executive Director of the SCLT, Colin Betzler, moved to Sheridan, Wyoming, in 2009, he made it his mission to “create a local trail system through his role at the Sheridan Community Land Trust”.<sup>6</sup> Betzler organized a grassroots effort of recreationists to locate an area suitable for trails that would minimally impact the environment, be accessible to the community, and have private landowner support. His passion led to the SCLT opening the Soldier Ridge Trail (a 4-mile segment of the SRTS) in 2012. Organized and implemented as a grassroots movement, it was not initiated by municipal entities. However, some government funds have been used to acquire conservation easements and for construction and maintenance, conservation interns, and student projects.

The SCLT acquired the conservation easements of the Blacktooth and Sheridan Heights Ranches through purchase and donation. The trail easement for the SRTS between the Blacktooth Ranch and Sheridan County occurred on the same day the Blacktooth Ranch was conveyed to the SCLT. The trail easement of the Sheridan Heights Ranch had been donated before SCLT acquired the conservation easement.

The SCLT Director of Conservation monitors the SRTS trail private property per the standards and practices set forth by the Land Trust Alliance to ensure that the conservation objectives are being met. However, there are no formal ecological monitoring and assessment protocols to track the biophysical condition of the trail or trail property.

The SCLT has a full-time recreation program manager who organizes and oversees volunteers and staff for the upkeep of the trails and signage. At the same time, the fences, gates, cattle guards, and stiles are the responsibility of the private property landowners. The land on which the trailhead parking lots are located is owned by one of the landowners and the city of Sheridan, as appropriate, while the SCLT “owns” the maintenance of the trailheads. There are no formal agreements with recreational organizations; however, the SCLT Recreation Manager is working on a partnership agreement with the Bomber Mountain Cycling Club to assist with and raise funds for trail maintenance and development.

For more information, visit the Sheridan Community Land Trust website at <https://sheridanclt.org/>

<sup>6</sup> Kent, M. (2023, April 25). Making space. Land trusts take on community access to outdoor recreation. *Western Confluence*. <https://westernconfluence.org/making-space/>

## 5.1 WHEN THE LANDOWNER RETAINS TITLE

There are several options when the landowner wishes to retain title to their property yet allow public access. For additional information, see Appendix A for several private land conservation organizations, such as the Land Trust Alliance, New Hampshire Land Trust Coalition, and further information available through WeConservePA.

### 5.1.1 DONATING THE CONSERVATION EASEMENT OF THE TRAIL PROPERTY.

Short of a private landowner freely permitting public access to a trail on their property, one effective way to enable public use of trails on private lands is conveying a conservation easement.<sup>7</sup> This easement can be conveyed to a land trust or a government entity with the stipulation that the public can access existing trails and/or build public trails<sup>8</sup>. However, it is noteworthy that donating or selling the conservation easement to an easement holder does not require or connote that the public must have access. Generally, a conservation easement will limit the subdividing or development of the parcel of the trail property or trail. At the same time, the landowner continues to own, manage, and regulate public access as they wish (see Section 3.1). Procedures for easement transactions differ by location; thus, the following guidance serves as a reference.

Suppose the landowner wants to allow the public to access a trail on the trail property with a conservation easement protecting the conservation value of the land. Depending on the location, a trail easement should be recorded in the recipient's conservation easement deed. A benefit of this approach is that it may provide the landowner with a state and/or federal conservation and/or estate tax deduction specific to each state (and thus the recommendation to consult with a legal consultant and/or financial advisor). Depending on the terms of the agreement, the landowner could be responsible for indirect expenses such as title search, surveying, and inspection fees, which may be tax deductible (see Section 9). Alternatively, the recipient may incur those expenses. In such cases, the nonprofit may be eligible for funding mechanisms (e.g., grants, tax-deductible donations) to offset expenses unavailable to the independent landowner.

Depending on federal tax laws, the value of the conservation easement may be tax deductible (as determined by the difference between the land's fair market value with and without the conservation easement) for the landowner. When there is a limit on the deduction amount per year, the landowner may want to donate in installments over a set number of years, extending the financial benefit to the landowner. As noted in the introduction, an accountant, financial advisor, and/or legal consultant can provide the best and most current guidance governing donations and perpetual land protection. Landowners can also further restrict protected properties with a trail easement, provided the purposes of the conservation easement permit it.

7 Conservation easements are an increasingly popular means to conserve ecosystem services and other public benefits of privately-owned lands. "The Uniform Conservation Easement Act (for a concise summary, see Gustanski [2000, p. 11-12]), approved in 1981 and adopted in 16 states and the District of Columbia, defines "conservation easement": "A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property." See Code of the District of Columbia, Title 42. Real Property § 42-201. (2018). <https://code.dccouncil.gov/us/dc/council/code/titles/42/chapters/2>.

8 See <https://fwp.mt.gov/aboutfwp/access/unlocking-public-lands#:~:text=The%20objective%20of%20the%20Unlocking,%2C%20hunting%2C%20trapping%2C%20hiking%2C> for more information.



*Soldier Ridge Trail System, Sheridan, WY  
Photo credit: Nita Tallent*

**5.1.2 Trail, Road, and Trailhead Easements.** The landowner may choose to donate only the trail easement<sup>9</sup> to a third-party nonprofit organization or government entity with stipulations per their wishes (e.g., non-motorized access only, seasonal closures for cattle or wildlife.). The trail may be located entirely within their property or only a trail segment, connecting through-trails, loops, and/or open spaces.

In addition to the trail easement, an easement for the trailhead may also be designated in the *trailhead envelope*. The *envelope* is an area of the size and location described in the easement agreement that generally provides access and parking for recreation opportunities associated with the trail easement.

**5.1.3 Donation of the Property by Will, also known as *By Devise*.** Gifting the trail, with or without the trail property, to a land trust or other nonprofit entity through a will is another mechanism in which the landowner retains their private property until their death or other specified time. The donors' will should stipulate who is bequeathed the land (e.g., land trust, government entity) and any specific requirements attached to the trail, such as allowable activities and restrictions. Although the donor will not receive income tax benefits using this method, the gift will remove the property's value or easement from the landowners' estate's taxable assets, thereby potentially reducing estate taxes. It is essential to check with the land trust/recipient before gifting the trail property or trail to ensure they are willing to accept responsibility for the property or trail. In addition, there are risks associated with this option, as testamentary bequeathed gifts documented in wills can be changed and contested.

**5.1.4 Donation With Reserved Life Estate.** The landowner can divide ownership of their property into present and future interests then commit to donating the future interest in their property to a recipient ( e.g., land trust, government) while retaining the right to remain on part or all of their property to live, work, and recreate until their death or other specific time. Reservation of the present interest allows the landowner to retain ownership, knowing that the future interest of the land will be transferred to an entity that will conserve the land for recreation as designated. This arrangement is generally outlined in a deed, which is released to the recipient at the time of donation. Notably, a donation with a reserved life estate is binding and difficult for successors to challenge. Donating the future interest in the land can result in federal income tax benefits and estate tax relief.

**5.1.5 Leasing Access to Trail or Conservation Organization.** This mechanism may provide the landowner with revenue while protecting public access for the lease terms. It may be used in the short term as the landowner considers long-term options. The lessee may be any entity; however, if it is a state government, it may be limited to locations where funds are available for the lease. See Section 5.1.8 for more information about state-sponsored agreements.

**5.1.6 Licensed Trail Agreement.** Establishing a formal "licensed trail" agreement that authorizes an entrant permission to access and use the land per the landowner's specification is an option. Usually, licensed access is for specific uses, such as hunting or fishing, and is not recommended for general trail access.

While this mechanism allows the landowner to retain the total value and title of their land and enables them to develop the land per the conditions of the license, a licensed trail can be revoked without notification. This mechanism does not guarantee that the trail agreement will remain with the land because the license can be terminated with a transfer (sale) of the land, ending access to trail users.



*Soldier Ridge Trail System, Sheridan, WY  
Photo credit: Nita Tallent*

<sup>9</sup> A trail easement may also be referred to as a grant of right-of-way.

**5.1.7 Deed Restriction.** Similar to establishing a license for a trail, a landowner can place a deed restriction on a trail property, preventing the development of land adjacent to the trail and/or a segment for any other purpose than a publicly accessible trail. As with a license, it is not carried from one owner to another. This mechanism has the same advantages and disadvantages as a license agreement.

**5.1.8 State Game and Fish Public Access Programs.** Many states have programs where the state will lease or purchase the access right for the licensed public to fish and hunt seasonally from private landowners. In some cases, access programs will grant the public access, with landowner permission, to private lands to collect consumables such as antler sheds, berries, or mushrooms. Wyoming and Idaho has the Access Yes Program<sup>10</sup>, while Montana hosts the Unlocking Public Lands Program. Landowners should contact their state game, wildlife, and fish agencies to learn more about these or similar programs.

## 5.2 WHEN THE LANDOWNER RELINQUISHES TITLE

If the landowner does not want to retain an interest in the trail property, they have several options. Some are immediate, while others allow the landowner to retain title and/or the right to remain on the land until their death or the death of an heir. Summaries of the various options are provided below. Note: This subsection is intended as an overview of options but is not comprehensive. Appendix A lists organizations that can provide more extensive guidance, such as the Land Trust Alliance, New Hampshire Land Trust Coalition, and WeConservePA. In addition,

<sup>10</sup> See <https://wgfd.wyo.gov/public-access> and <https://idfg.idaho.gov/access/yes#:~:text=Access%20Yes!%20is%20a%20program,willing%20landowners%20who%20provide%20access> for more information.

## LAND TRUST SPOTLIGHT: BITTER ROOT LAND TRUST

The Bitter Root Land Trust (BRLT), based in Hamilton, Montana, is an example of a land trust that has successfully facilitated the acquisition and transformation of private land into an urban park. In 2020, through the generosity of the people of the Bitterroot Valley and in partnership with the City of Hamilton, the BRLT facilitated the purchase of the land on which today's Skalkaho Bend Park was established. Following the purchase, the land was donated to the City of Hamilton which has the capacity and resources to maintain the property for the public to exercise and enjoy nature. For more information on the project, visit the BRLT website at <https://bitterrootlandtrust.org/SBP>



*Skalkaho Bend Park, Hamilton, MT, Bitter Root Land Trust  
Photo Credit: Bitter Root Land Trust*



## TRAIL SPOTLIGHT: SEWELL WOODS CONSERVATION AREA

The Sewell Woods Conservation Area (SWCA) in Wolfeboro, New Hampshire, is a prime example of public trail development on conserved private lands.

- The SWCA spans 179 acres and is owned by the Lakes Region Community Trust (LRCT), which acquired the land through a combination of purchases from three landowners and the donation of a fourth parcel. The Town of Wolfeboro holds a Conservation Easement on one parcel.
- The area features 10 miles of walking, skiing, and singletrack bike trails, including 2 miles of improved crushed-stone trails within regenerated deciduous hemlock-hardwood pine woodlands. The trail system includes old logging roads and constructed trails with wooden ramps over ephemeral pools and streams.
- In 1972, Verna and Cal Flagg played a crucial role in protecting the land by coordinating with landowners to sell or donate their parcels to the LRCT. This effort preserved the area's conservation values and ensured continued public access for recreational activities.
- The trails are primarily used for cross-country skiing during winter. Snowshoeing is permitted on designated trails. Skiers must purchase passes from the Wolfeboro Cross Country Ski Association (WCCSA; <https://www.wolfeboroxc.org/>), which funds trail grooming and maintenance.
- In the warmer months, the trails are open for hiking and biking, with no pass required.
- Two nonprofit organizations, the WCCSA and the Wolfeboro Single Track Alliance (WSA; <https://www.wolfeborosingletrack.org/>), have formal agreements with the LRCT. They are responsible for maintaining and establishing new trails with the permission of the LRCT.
- Both WCCSA and WSA depend on volunteers for trail maintenance. The LRCT largely relies on these organizations for the upkeep of the trail system, but also organizes their own volunteer to manage the property.
- The LRCT is committed to maintaining the trails in alignment with the conservation objectives established for the conservation area. This includes organizing periodic stewardship activities such as invasive species removal and timber harvests.

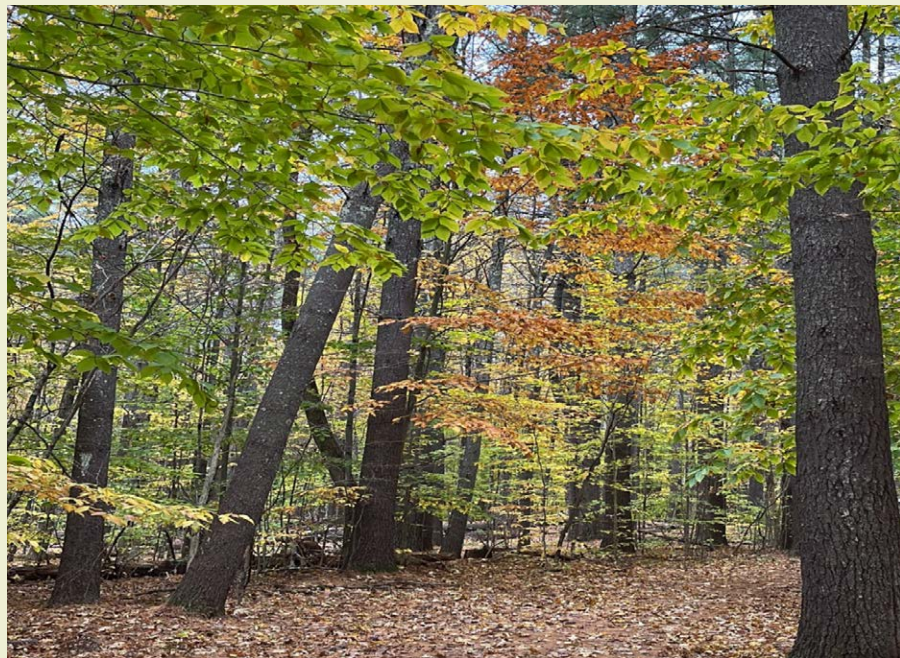


*Sewell Woods Conservation Area, Wolfeboro, NH,  
Lakes Region Conservation Trust  
Photo credit: Nita Tallent*

- The LRCT follows Land Trust Alliance standards for monitoring to ensure conservation goals are met. However, there are no formal protocols for tracking the ecological condition of flora and fauna in or around the trails.
- The SWCA has a current land value of \$1.8 million, reflecting its location in the affluent vacation community of Wolfeboro. Without conservation, the land might have been subdivided for vacation homes.
- The LRCT, WCCSA, and WSA are all nonprofits, enabling them to accept donations, seek funding, and apply for grants to support their conservation and recreational activities.

The Sewall Woods Conservation Area stands as a testament to effective land conservation and community-driven management. Through collaborative partnerships, dedicated volunteer efforts, and a commitment to conservation principles, the SWCA remains a valuable asset for both recreational use and ecological preservation.

For more information, visit the Lakes Region Conservation Trust website at <https://lrct.org/>



*Sewall Woods Conservation Area, Wolfeboro, NH,  
Lakes Region Conservation Trust  
Photo credit: Nita Tallent*

as previously advised, landowners should consult with an accountant, financial advisor, conservation professional, and/or legal advisor for recommendations and specific guidance about these and other opportunities.

**5.2.1 Sale of All or a Portion of the Trail Property at Full Market Value.** Very simply, this is selling the property (“fee-simple”) for its value on the open market to a nonprofit (i.e., land trust, recreational organization) or government entity interested in the trail. The landowner may choose this option when a nonprofit and/or recreational organization has the funds to purchase the full interest<sup>11</sup> in the land. Selling the land conveys full ownership and all of the rights and responsibilities associated with it to the recipient. This option works best when the landowner no longer wants to own the property and would like to sell it for a profit yet also wants to conserve and protect the land and trails. The drawback for the landowner when they sell the property for total market value is that tax benefits to the seller are not available, especially if there are capital gains.

Selling the land may be an appropriate option if the land is of lower market value than other lands in the same area because it cannot be developed due to the presence of wetlands, floodplains, or threatened or endangered species or if it is a protected critical habitat. The conservation value may be high, making it suitable for conservation and recreation. Another case is when landowners (i.e., businesses, corporations) sell remediated lands (e.g., brownfields, decommissioned mine lands, quarries) that may not be attractive for residential or commercial purposes yet are highly suitable to be developed for green open space and recreation/trails.

**5.2.2 Bargain Sale.** A *bargain sale* sells the trail property or easement for less than fair market value. This option is used because organizations (e.g., land trusts) frequently do not have the funds to pay total market value for a property when a landowner is motivated to conserve their property and/or trail, and/or they can use the tax relief. Despite the loss of profit, when the land or easement is sold to a nonprofit (e.g., land trust) or government entity, then the seller might be able to claim the difference between fair market value and the bargain sale price as a charitable donation, which may provide a federal income tax benefit.

**5.2.3 Sale with Reserved Life Estate.** Similar to Section 5.1.4, Donation With Reserved Life Estate, the landowner can sell rather than donate their land to a land trust or government while retaining the right to reside, work, and/or manage the land during their lifetime or other specified period (e.g., no longer able to live in the home due to illness, following the death of an heir). The process is the same as a donation. However, the landowner sells their property to a land trust or government, transferring the deed to the receiver per agreement. Notably, selling with a reserved life estate is binding and difficult for heirs to challenge. This option can be approached as a bargain sale when the sale of the future interest to a nonprofit is less than the total market value and thus may result in tax benefits for the landowner.



*Sewell Woods Conservation Area, Wolfeboro, NH,  
Lakes Region Conservation Trust  
Photo credit: Wolfeboro Singletrack Alliance*

11 The full interest in lands can also be referred to as fee-simple, fee title, or fee.

## 6 Easement Holder or Owner of the Trail

Who will be the easement holder or trail owner? The gist is that “it depends” on landowners’ preference and the recipients’ and partners’ capacities and resources. This section introduces a few options for potential easement holders or recipients (new owners) of the trail and/or the land on which the trail is located. Appendix A provides more information about the organization or option listed in the following subsections.

### 6.1 LAND TRUST

A land trust is a nonprofit established solely for protecting lands for conservation, which can include recreation. The trust may purchase or accept donations to hold a conservation easement for a given property. The conservation easement agreement may specify the right to continue or establish a trail system or to grant the easement to another. The trust may hold the trail easement for a trail on the property; however, this option is infrequently used. More often, the conservation or land trust will hold a conservation easement while another entity holds the trail easement because the trust may not have the resources to manage the trails. See Section 7 for further information about the benefits of conservation or land trusts partnering with other entities for trail stewardship, development, and maintenance.

### 6.2 CONSERVATION ORGANIZATIONS

Several national and state conservation organizations acquire and/or accept property or easements, which they will transfer to other entities following the acquisition. They serve as a pass-through organization because they have the funding (e.g., donations, grants) to support the acquisition. However, long-term stewardship or maintenance is not within their mission or capacity. See Appendix A for more information about conservation organizations, their missions,

## LAND TRUST SPOTLIGHT: GALLATIN VALLEY LAND TRUST

The Gallatin Valley Land Trust (GVLT) located in Bozeman, Montana, plays a crucial role in enhancing Montana’s landscapes by conserving open spaces and developing community trail systems. Their approach to building and maintaining these trails is multifaceted and collaborative:

- GVLT excels at community collaboration uniting diverse groups to work towards a unified vision for community trails. They ensure a comprehensive and inclusive approach to trail development by bringing together stakeholders from various sectors.
- They actively facilitate public engagement, encouraging community input and discussion throughout the planning process. This involvement helps align trail projects with community needs and preferences.
- GVLT is involved in every stage of trail-building, from initial design and securing funding to actual construction. Their hands-on approach ensures that trails are well-planned and executed.
- They collaborate with a range of partners, leveraging these relationships to enhance the effectiveness and reach of their projects. These partnerships are critical to their success in both acquiring land and securing necessary resources.
- As a nonprofit organization, GVLT has the flexibility to quickly seize opportunities for land acquisition, funding, and partnerships. This nimbleness allows them to act efficiently and adapt to changing circumstances.
- Hundreds of volunteers contribute their time and effort to maintain the trails, ensuring they remain safe and accessible for everyone. This volunteer support is vital for the ongoing care and sustainability of the trail system.

GVLT’s comprehensive approach and strong community ties significantly contribute to developing and preserving Montana’s trails and open spaces. For more information, visit <https://gvlt.org/>.



*Gallatin Valley Land Trust,  
Bozeman, MT  
Photo credit: Gallatin  
Valley Land Trust*

and the options they may have to hold a trail easement.

## 6.3 GOVERNMENT ENTITIES

**6.3.1 Federal Public Land Agencies.** The US Department of Interior's National Park Service, Fish & Wildlife Service, Bureau of Land Management, Bureau of Reclamation, and the US Department of Agriculture's Forest Service can all acquire (e.g., purchase) and/or accept donated property or easements for trails. Some receive title to the entire parcel of land with conservation values suitable for recreation. In contrast, others may receive the trail easement on property the landowner continues to own. Agency policies, budgets, and/or capacity influence the ideal approach. See Appendix A for additional information about agencies, their missions, and the options they may have to serve as the easement holder of a trail.

**6.3.2 State Land Agencies.** States' conservation, game, fish, wildlife, and/or recreation agencies or departments may acquire and/or accept property or easements for trails. Some accept the donation or will purchase lands suitable for recreation, while others may receive the trail easement. Agency policies, budgets, and/or capacity influence the ideal approach. Working with a land specialist or land trust is advised to determine the approach most aligned with the landowners' wishes. See Appendix A for information about potential recipients.

**6.3.3 Local and National Trail Organizations.** Several organizations are dedicated to outdoor trails for a variety of uses (American Trails - <https://www.americantrails.org/>) or are specific to a particular recreational activity, such as mountain biking (International Mountain Bicycling Association - <https://www.>

## LAND TRUST SPOTLIGHT: FIVE VALLEYS LAND TRUST

Land acquisitions and partnerships facilitated by the Five Valleys Land Trust (FVLT), Missoula, Montana exemplify the power of collaboration in creating a public trail system. In 2007, the FVLT and the US Forest Service undertook a significant project to enhance the Route of the Olympian Trail, which connects to the popular Route of the Hiawatha Trail, extending it nearly 45 miles from near St. Regis, Montana, to Pearson, Idaho. This extension was crucial for closing gaps along a former road right-of-way, thereby completing a vital link in the trail system, which is part of the national Rails to Trails program.

To accomplish this, FVLT acquired several privately held parcels using funding from Montana Fish, Wildlife, and Parks' Recreational Trails Program and Land and Water Conservation Funds. These sorts of funding programs are essential for supporting recreational projects and land conservation efforts.

Once acquired, these parcels were transferred to the US Forest Service. FVLT's final parcel was transferred to the US Forest Service in 2017 - a decade after the project began - highlighting the crucial part that organizations like land trusts can play in public land and trail acquisitions. The Forest Service assumed responsibility for developing the new trail segments and now manages and maintains the entire trail system. For more information, visit the FVLT website at <https://www.fvlt.org/>



*Confluence Property, Missoula, MT, Five Valleys Land Trust  
Photo credit: Five Valleys Land Trust*

[imba.com/](http://imba.com/)), horse riding (Equine Land Conservation Resource - <https://elcr.org/about-elcr/>), or hiking (American Hiking Association - <https://americanhiking.org/>). How they support trails varies. The organizations generally share information about all things trails, including trail design, building, monitoring, maintenance, stewardship, sustainability, user etiquette, and promoting local and national trails. Some organizations also provide training, host conferences and meetings, grant funds for trail projects, and advocate for governmental funding and public land policy to expand access to public lands. Rarely do these organizations opt to hold trail easements; however, there may be exceptions. Appendix A lists several organizations a landowner can contact for information about trail and trail property acquisitions, funding, development, maintenance, and remediation.



*Confluence Property, Missoula, MT, Five Valleys Land Trust  
Photo credit: Five Valleys Land Trust*

## 7 Stewardship, Monitoring, Managing, Maintenance, and Communications

Stewardship is the term that describes the commitment to protecting the land and its ecological and cultural resources. Trails and trail properties, which are owned by land trusts, or the trail easement that is held by a land trust or government, must ensure that conservation values are not degraded over time, regardless of the ownership of the property. However, the stewardship for a conservation easement (as prescribed by the easement agreement and Land Trust Standards and Practices<sup>12</sup>) is different from environmental or ecological stewardship of a property being held in trust despite both being focused on ensuring the environmental sustainability of the trail and trail properties. Another type of stewardship is trail monitoring, when the trails are inspected for safety and sustainability. The following subsections describe the differences between easement stewardship, ecological monitoring, and trail monitoring.

Regardless of which type, trail and trail property stewardship is enhanced by clear and concise communication with the public. Signage, web pages, and social media can be used for outreach and communication with the community and trail users about the conditions that apply to the trail and trail property. Visitors should be informed on signage at the trails and web pages of the specifics of the trail, such as when the trail and/or trail property opens and closes daily or seasonally, prohibitions such as dogs or motorized vehicles, risks and hazards for the visitor's safety, amenities, and accessibility. The information should be clear and concise to trail users because they respond better when they know the rationale behind the conditions and rules. The signs and posting can also include stewardship information and volunteer opportunities and suggest that trail users support the trail through donations to the appropriate partner and/or volunteering to be a trail steward (e.g., collecting environmental data, becoming a trail host or ambassador, and/or assisting with trail maintenance and development). Communications and outreach pertain to all three types of stewardship, trail safety, and violations (covered in Section 10.1).

12 The Land Trust Alliance's Land Trust Standards and Practices – Ethical and Technical Guidelines for Responsible Operation of a Land Trust can be found at <https://a.storyblok.com/f/120093/x/d55c13297e/landtruststandardsandpractices.pdf>.

## 7.1 LAND TRUST CONSERVATION EASEMENT STEWARDSHIP, MONITORING, AND ENFORCEMENT

Land trusts are required to oversee stewardship tasks on easement-restricted lands. Although voluntary, land trusts that choose to be accredited by the Land Trust Accreditation Commission<sup>13</sup> must adhere to Land Trust Standards and Practices.

What is monitored depends on ownership and the terms of the conservation agreement. When the conservation easement of the trail property is held by a land trust (while the landowner retains the property), they must develop a land condition report or baseline documentation report (to be discussed in Section 7.2) before the easement transaction is completed. After the trail or trail property ownership transaction is completed, the land trust must conduct and document periodic conservation easement monitoring to determine if the landowner maintains the property's conservation values per the conservation easement agreement.

The deed restriction outlines the conditions agreed upon between the landowner and the land trust. These may include the land trust to visit the trail property regularly, maintain and/or develop trails, and continue public access. The land trust, alone or in partnership, may be responsible for various activities based on what was agreed upon when the land was sold or gifted. These may include marking boundaries, posting signs, installing and maintaining public recreational improvements, such as parking areas, trails, and signage, managing livestock and pet access, and maintaining a trash-free environment. The landowner is responsible for developing plans for timber and agricultural harvests. Depending on the activities the land trust has committed to conduct, it may need to partner with third-party recreational organizations to oversee and meet its commitments.

In addition, the land trust should include a description of the trail, trail property's conservation values (as applicable), and stewardship responsibilities (as identified in partnership agreements; see Section 3.8) with government or third-party recreation organizations to ensure their activities are in keeping with the conservation values as well as a baseline documentation report.<sup>14</sup> Conservation easement stewardship should not be confused with monitoring and remediation of ecological resources described in Section 7.2.

Suppose landowners and/or recreational organizations are not managing and maintaining the trail property or trails. In that case, the land trust will need to enforce the terms of the conservation agreement as committed. Remediation of inaction or mis-actions, such as



*Gallatin Valley Land Trust, Bozeman, MT  
Photo credit: Gallatin Valley Land Trust*

<sup>13</sup> The Land Trust Accreditation Commission, an independent program of the Land Trust Alliance (see Appendix A), administers land trust accreditation. "Achieving accreditation demonstrates that a land trust implemented Land Trust Standards and Practices." 81% of all land trusts are accredited. <https://landtrustalliance.org/resources/learn/topics/organizational-management/land-trust-accreditation>

<sup>14</sup> For every easement, the land trust has a baseline documentation report (that includes a baseline map) prepared prior to closing and signed by the landowner at closing. The report documents the important conservation values protected by the easement and the relevant conditions of the property as necessary to monitor and enforce the easement. <https://www.landcan.org/article/baseline-authentication-and-admissibility/1041>

removing structures or opening access, may need to be sought. This may require as little as a conversation between trusted partners reminding them of the agreement. If the reminder does not work, land trusts should have the resources to remedy it as best as possible.

## 7.2 ENVIRONMENTAL OR ECOLOGICAL LAND STEWARDSHIP, MONITORING, MAINTENANCE AND REMEDIATION

The value of monitoring for ecological conditions cannot be underestimated, especially when allowing the public access to trails. Walking on trails can lead to entrenched and eroded surfaces, altering surface water hydrology, introducing invasive plants and animals (domestic and wild), and adding human and animal waste and litter. These impacts are generally tracked and managed on public lands where recreation is among the suite of land uses ascribed to the land. This proactive approach, guided by national, state, and local laws, policies, and regulations, ensures that the impacts of recreationists on public lands are tracked, reduced, and remediated. Federal and state programs have been implemented with the specific mandate to proactively monitor the impact of land use on public lands in anticipation of the need to regulate the use and remediate damages. However, such rules and monitoring programs generally do not apply, nor can measures to reduce or remediate the impact of recreationists be enforced on private lands. This leaves it to landowners to deal with the repercussions of visitors on privately-owned natural resources. Landowners, however, can restrict access, uses, and/or partnership with entities that have the means to track and manage recreational use, acquire funds for maintenance, and remediate damages to natural resources as appropriate.

Although not standard practice and potentially an added expense, landowners and land trusts should explore the feasibility of partnering with citizen scientists or educational organizations to conduct resource inventories, an assessment of the issues that are impacting their trails and trail properties and developing management plans to address their stewardship goals and issues. These parties may also have access to funding that could offset expenses incurred by these activities.

Natural Lands<sup>15</sup>, a nonprofit dedicated to protecting open spaces, caring for nature, and connecting people in eastern Pennsylvania and southern New Jersey, published a comprehensive private land stewardship guide called Land for Life: A Handbook for Caring for Natural Land (see Appendix A) for private landowners, including land trusts. “Land for Life provides a framework to make decisions on stewardship of natural lands.” It is a common-language guide for landowners that provides information about stewardship objectives (i.e., what the current condition of the land is and what the desired future natural condition is). From the landowner-designated stewardship objectives, a stewardship plan can be developed that identifies an inventory of natural resources and the issues impacting the land’s conservation value, such as fragmentation, invasive species encroachment, or an overabundance of deer or other natural grazers. The plan should also include strategies for best management practices.



*Skalkaho Bend Park, Hamilton, MT, Bitter Root Land Trust  
Photo Credit: Bitter Root Land Trust*

15 See <https://natlands.org/> for further information.



Steps to remediate degraded trail properties and conduct annual maintenance are best approached with land trusts and any third-party organization supporting the trails. Volunteer-supported work parties to remove invasive species, fix damaged and degraded trails, berms, bridges, and walkways, clear trails, and pick up trash may be enough to correct problems. Issues that require more effort or expertise might be the target of fundraising events and/or research projects hosted by partnering educational institutions.

### 7.3 TRAIL MONITORING

Monitoring trail conditions is another area of stewardship that must be addressed. Trails can readily degrade from every day or over- or improper use over time. Wilderness Connect (see Appendix A) posts trail impact monitoring methods on their website, which can be readily accomplished by volunteers and/or recreationists or during the annual conservation easement assessment. Trail monitoring consists of conducting a problem assessment along the trail and property visible from the trail (the distance to be determined by the land trust and landowner) at set intervals. Problems of concern include trail erosion, entrenchment, downed trees, unauthorized social trails and camping sites, damage to walkways, bridges, signs, and structures, surface degradation impacting waterways, and evidence of litter and/or waste (human and animal).

The Colorado Mountain Club has developed the RIMS Mobile App<sup>16</sup> (See Appendix A) for citizen scientists and volunteers to collect trail conditions for public land management planning and stewardship. This publicly available tool can record trail monitoring data on private lands when the landowner or land trust has an agreement with the Colorado Mountain Club, streamlining trail monitoring on private lands.

Similar to the ecological monitoring and remediation described in Section 7.2, trail concerns might be remediated, and regular trail maintenance may be accomplished by volunteers or targets of fundraising efforts if beyond the scope of a volunteer workday, such as repairing a culvert or building a wooden walkway above wetlands. When trail activity and condition have degraded conservation values and/or user safety, the trail may need to be decommissioned and closed. Decommissioning requires removing trail signs and markers and posting “trail closed” signs at the trailhead and on signage on the trail. The trail footprint must be mitigated to promote natural restoration aligned with the landscape. Actions may require correcting poor drainage, scarifying compacted soils to enhance water absorption and seed set, placing rocks and natural woody debris on the trails, and planting native grasses, shrubs, and trees. See Appendix A, Pacific Crest Trail Association Course 207, for more information about trail decommissioning and wildland restoration.

## 8 Collaborative Partnerships

Acquiring the land and/or easement for a trail can be complex and lengthy – one which no single organization may have the expertise, capacity, or resources to carry out. Once the ink is dry on the acquisition documents, few land trusts have



*Sewell Woods Conservation Area, Wolfeboro, NH,  
Lakes Region Conservation Trust  
Photo credit: Nita Tallent*

16 See <https://www.cmc.org/conservation/rims-mobile-app> for more information.

the capacity or expertise to provide the long-term ecological stewardship to monitor, maintain, and manage the trails and trail properties that will be in constant need. The easement holder does not have to do it alone. Instead, communities have a variety of entities that can be collaborative partners with the easement holder to engage community support, provide volunteers to maintain the trails, and conduct stewardship, trail, and ecological monitoring, maintenance, and management (see Section 4), acquire funds through grants and fundraising events, and attract donors to provide funding. Consider partnering with local recreational organizations, schools, tribes, health care providers, and governmental recreation agencies to shepherd the complex land transaction and steward the recreational infrastructure.

It is worth noting that partnerships among land trusts, governments, recreational organizations, and others should codify their relationship through a memorandum of agreement (MOA)<sup>17</sup>, also known as a memorandum of understanding (MOU; henceforth referred to as a MOA). The value of a MOA is that it signals the willingness of partners to collaborate and support each other's missions. MOAs should clarify who does what, when, and for how long about a trail project. In addition, the MOA should identify who will pay for what, under what circumstances, and to what limits. A MOA may be used for a trail project to clarify the relationship between a trail easement holder and/

<sup>17</sup> A memorandum of agreement (MOA) or understanding (MOU) is an agreement between two parties that is not legally binding but documents each partner's intentions or expectations.

## COMMUNITY COLLABORATION SPOTLIGHT: PILOT HILL RECREATION & WILDLIFE HABITAT MANAGEMENT AREA

The Pilot Hill Recreation & Wildlife Habitat Management Area in southeastern Wyoming stands out as a unique model of community engagement and multi-jurisdictional collaboration in shaping recreational land use and conservation.

Initiated by the Albany County Commissioners and their appointed Oversight Committee, this project involves key partners such as the University of Wyoming, the Wyoming Office of State Lands, City of Laramie, Albany County, Laramie Rivers Conservation District, Wyoming State Parks, Wyoming Game & Fish, US Bureau of Land Management, and adjoining private landowners including the US Forest Service.

In 2017, a private landowner offered to sell a portion of their ranch land to facilitate a recreational connection between the city of Laramie and National Forest Lands, and to protect critical wildlife habitat and the underlying aquifer recharge resource. Through a series of land transactions including sales, exchanges, and leases, the Pilot Hill Area now includes land owned by the University of Wyoming, the Wyoming Office of State Trust Lands, and the U.S. Bureau of Land Management. The non-profit Pilot Hill, Inc. holds management agreements over all the area, and a Wildlife Habitat Management Agreement for approximately half of the property for collaborative management by the Wyoming Game and Fish Department.

While not a conventional conservation or trail easement, Pilot Hill is a shining example of the impact of collaborative efforts in preserving open space, protecting natural resources, and advancing sustainable development. It demonstrates how pooling resources and expertise from various stakeholders can realize a collective vision, enhancing educational and recreational opportunities, conserving wildlife habitat and critical natural resources, and fostering regional economic development. For more information, visit the Pilot Hill website at <https://pilothill.org/>.



*Pilot Hill Recreation & Wildlife Habitat Management Area, Laramie, WY. Photo credit: Pilot Hill*

or landowner and a recreational organization committed to providing trail stewardship and maintenance. See Appendix B for an example of an agreement.

Working together as collaborative partners is highly recommended. Including a specialist in collaborative practices from the beginning of a project is highly recommended. There are several organizations dedicated to building collaborative partnerships among stakeholders, such as the Institute for Conservation Leadership<sup>18</sup> and the Center for Collaborative Conservation<sup>19</sup> as well as state recreation collaboratives committed to expanding outdoor recreation opportunities<sup>20</sup>.

## 9 Expenses and Funding

Donating or selling trail property, the trail, or a conservation easement entails various expenses around the initial transaction and for ongoing stewardship. The land trust may have the capacity to absorb these costs, but if not, the landowner will be required to make an initial financial contribution to cover these. The following should be discussed with the land trust before the landowner signs a formal agreement conveying the trail property or trail to the land trust.

### 9.1 ACQUISITION EXPENSES

When a landowner commits to donating or selling trail property or trail easement, they must also commit to cover project processing and transactional “closing” costs similar to any

<sup>18</sup> See <https://www.icl.org/collaboration/> for further information.

<sup>19</sup> See <https://collaborativeconservation.org/cfcn/> for further information.

<sup>20</sup> See <https://wyooutdoorrecreation.wyo.gov/index.php/outdoor-recreation-collaboratives> as an example of a statewide recreational collaborative program.

## TRAIL SPOTLIGHT: VIOLET CROWN TRAIL

The multi-jurisdictional Violet Crown Trail (VCT) embodies the power of good planning, community engagement and multi-jurisdictional collaboration in shaping recreational land use and conservation.

The VCT begins at Zilker Park in Austin, Texas, and goes through neighborhoods, parks and the Lady Bird Johnson Wildflower Center (LBJWC) to its terminus in the Texas Hill Country thirty miles south of Austin. (Construction on the final 15 miles will begin in 2025.) VCT embodies the power of good planning, community engagement and multi-jurisdictional collaboration in shaping recreational land use and conservation. Initiated by the Hill Country Conservancy in 2005, this project offers outdoor enthusiasts access to some of the most beautiful, native landscapes of the Texas Hill Country and education opportunities about the importance of preserving the underlying Water Quality Protection Lands that provide rural communities’ drinking water.

The VCT involves critical partners such as American YouthWorks, Austin Ridge Riders, LBJWC, Texas Parks & Wildlife and the cities of Austin and Sunset Valley, the landowners. Several Homeowners Associations (HOAs) and retail centers are also partners on a few perpetual trail easements where the cities do not own the land.

Hill Country Conservancy, a central Texas land trust, planned and developed VCT and is committed to maintaining it to high standards in perpetuity pursuant to Agreements with the landowners.

For more information, visit the VCT website or contact George Cofer, VCT Project Manager, at [george@georgecofer.com](mailto:george@georgecofer.com).



*Violet Crown Trail, Austin, TX. Photo credit: Hill Country Conservancy*

real estate transaction such as the attorney and financial advisors' fees, appraisals, title search, environmental hazard assessment, boundary survey, and recording fee to the county Registry of Deeds. Additional fees may be added depending on the expertise the project team needs, such as trail planner or construction costs. The land trust may request a fee to cover their time and expenses as well as the expenses to cover a portion of the long-term stewardship (monitoring and managing). The land trust should estimate all costs and expenses expected of the landowner before the landowner commits to donating or selling their property. The land trust may be able to cover these costs. However, when the landowners have to cover expenses, the costs may be tax deductible.

## 9.2 STEWARDSHIP

As described in Section 7, stewardship will cost the landowner, land trust, and/or recreational organization to monitor, manage, maintain, and remediate. Landowners may be required to contribute funds towards a permanent stewardship fund, known as a “monitoring fund” or “stewardship endowment fund,” to defray the recipient’s costs, inspection, and other activities. The land trust will strive to use only the fund’s interest to support annual easement stewardship requirements. A Stewardship Funding Covenant that describes stewardship funding arrangements and the easement holder’s responsibilities should be documented as part of the conservation easement agreement. Model covenants are available in the [WeConservePA Resources Library](#) (see Appendix A). Often, stewardship costs include the baseline documentation report that captures current conditions of the property.

In addition, it is important to evaluate the finances of partner organizations before deciding whether to partner. Do they have general operating or other endowments to support the partnership? The land trust generally does not cover funds for ecological or trail stewardship (unless the land trust is the landowner); however, third-party nonprofit entities such as recreational organizations can raise funds to cover the costs or solicit in-kind donations (see Section 9.4).

## 9.3 GRANTS

State and federal agencies (e.g., U.S Department of Transportation Federal Highway Administration Recreational Trails Program; see Appendix C for more information about this and other opportunities) host grant programs to provide funds to qualifying organizations (e.g., county and municipal recreation departments, nonprofit land trusts and recreational organizations) for acquisition of trail properties and trail easements, development, monitoring, maintenance, and remediation. Landowners other than land trusts or other nonprofits are not eligible to apply for government grants. Thus, another reason landowners should partner with third-party nonprofit organizations is to maintain and improve existing trails and construct new trails.



*Mt. Monadnock, Jaffrey, NH  
Photo credit: Emily Lord*

## 9.4 Fundraising and Donations

Land trusts and other nonprofits may be able to raise funds and/or accept tax-deductible donations that can then be used to further specific trail projects that private landowners cannot. Nonprofits can also solicit donations (cash and/or in-kind services) from the business community as another funding mechanism.

Nonprofits can also solicit donations (cash and/or in-kind services) from the business community as another funding mechanism. A business's commitment to generosity can foster significant recognition, enhance promotional visibility, and generate valuable publicity. Such actions not only elevate the brand's reputation within the community but also provide financial advantages, including potential tax deductions. By adopting a philanthropic approach, organizations can build a positive image while concurrently benefiting their financial standing. As described in Sections 7 and 8, partnerships that carry the expectation of raising funds and/or accepting donations towards trail projects should have a formal agreement (i.e., MOA) outlining expectations and processes.

Fundraising events serve multiple purposes. Events held to generate funds (e.g., picnics, trail runs, auctions) not only raise money to purchase trail properties and trail easements and/or to expand existing or new trail projects but also can promote the land trust, recreational organizations, current trails, future projects, land conservation, and trail stewardship and etiquette. These events can contribute the added benefit of promoting community unity and individual health and well-being.



*Gallatin Valley Land Trust, Bozeman, MT  
Photo credit: Gallatin Valley Land Trust*

## 10 Addressing Landowners' Concerns

The last section of this chapter addresses a few concerns landowners may have about allowing the public to access trails on their private property. This section is not intended to be comprehensive, nor should a land trust assume that landowners will have these concerns. It is being included as information if concerns arise among landowners, land trusts, recreational organizations, recreationists, and other partners.

### 10.1 VANDALISM, DISTURBANCE & ENFORCEMENT

When a landowner allows the public to access their private property, they may face various risks. These include disrespectful behavior that could lead to vandalism and disturbances of natural resources, interference with livestock or wildlife, littering or illegal dumping of debris, violations of daily or seasonal closures, breaches of restricted uses, trespassing near residences, and an overall increase in nuisance activities. These concerns are legitimate. Furthermore, land trusts and other organizations do not have the capacity or authority to police trails. However, landowners can report violations to local law enforcement even though trail access has been granted through a trail easement. All incidents should be reported to local law enforcement, and land trusts and recreational organizations should be informed when incidents occur. Landowners who frequently face violations may choose to terminate public access unless it is covered by a conservation easement, which is very difficult to amend.

The best way to deter bad behavior is through communications and outreach with the community about the damage being done to “their” trails. These may include posting rules and conditions (e.g., when the trail and/or trail property opens and closes daily or seasonally, and prohibitions such as dogs or motorized vehicles).

Partnering with the news and social media to report on violations may activate users’ proprietary pride toward their trail. Engaged trail users may be good ambassadors who provide oversight and encourage good behavior and trail etiquette among other users. Land trusts and partners may consider offering “Leave No Trace”<sup>21</sup> training, trail community events, and land trust-sponsored programs to educate, inform, and promote good behavior and trail pride.



*Soldier Ridge Trail System, Sheridan, WY  
Photo credit: Nita Tallent*

## 10.2 LEGAL AND LIABILITY ISSUES

**10.2.1 State Recreational Use Statutes.** All state legislatures have adopted recreational use statutes (RUS) to encourage landowners to open private land for recreation while shielding them from liability.<sup>22</sup> In brief, a state RUS covers many activities undertaken for exercise, relaxation, or pleasure if they are enumerated in the statute and its qualifications, but each state law is different.<sup>23</sup> Unless the landowner charges a fee or expects compensation for entry or limits access to specific individuals, such as their neighbor or a recreational club, the landowner is protected by the state RUS.<sup>24</sup> For more information, Headwaters Economics (see Appendix A) has published an introduction to legal issues associated with trails<sup>25</sup> that describes landowners’ responsibilities to those using private lands. Suffice it to say, RUSs are nuanced and should be interpreted only by legal professionals. Because RUSs differ significantly from state to state in scope and content, and the legal issues can be complex, landowners are encouraged to consult with an attorney if liability is a concern.

**10.2.2 Hazards and Risks and Landowner Liability.** Outdoor recreation on trails has an inherent risk of harm that the public assumes when they engage in it, whether it be trips and falls or exposure to ticks, noxious plants, venomous reptiles, aggressive animals, and/or precarious terrain. Trail users should generally know the inherent risks of being outdoors and be prepared, especially when they choose to be in remote, unmaintained wilderness on trails. Per the assumption of risk doctrine or recreational use statutes,<sup>26</sup> knowing the conditions, accepting responsibility for personal safety and prevention, and being willing to accept the repercussions are incumbent on the trail user, not the landowner.

Nonetheless, it is recommended that risks, hazards, and prohibitions (for the visitor’s safety) be communicated on trail signage, the trail and trail property web page, and social media. The information should be clear and concise for trail users, who respond better when they know the rationale behind the rules and warnings. For more information about landowner liability, see Section 10.2.1. However, the wise landowner should consult with legal and insurance advisors to learn more if liability related to natural hazards and inherent risks are concerns.

21 See <https://lnt.org/> for more information about the Leave No Trace organization and their training and education programs.

22 Terence J. Centner, *Revising State Recreational Use Statutes To Assist Private Property Owners And Providers Of Outdoor Recreational Activities*, 9 Buff. L. Rev. 4, 5 (2001).

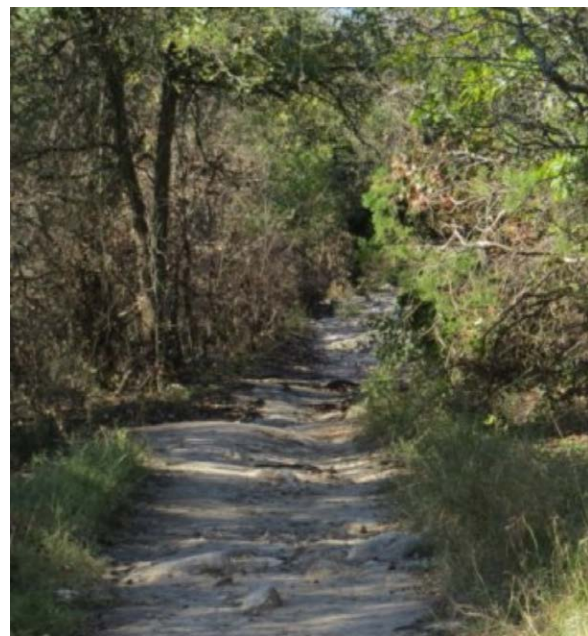
23 *Id.* at 9-10; See What Constitutes Recreational Purpose Within Meaning of Recreational Use Statutes, 78 A.L.R.7th Article 5 (2022).

24 78 A.L.R.7th Article 5; Effect of statute limiting landowner’s liability for personal injury to recreational user 47 A.L.R 4th 262 § 2(a).

25 See <https://headwaterseconomics.org/wp-content/uploads/trails-library-legal-overview.pdf> for an online copy of the Legal Issues Associated with Trails: An Introduction

26 1 Modern Tort Law: Liability and Litigation § 9:1 (2d ed.); 47 A.L.R 4th 262.

**10.2.3 Prescriptive Easement.** Depending on the state and under certain circumstances, trails that have been open to the public for a state-specified period without restriction by the landowner (yet without a formal written easement or right of way) may be considered permanently accessible by the public through a “prescriptive easement”.<sup>27</sup> It is beyond the scope of this chapter to expand upon the legal specifics of a prescriptive easement. However, it is being included to heighten private landowners’ awareness that by not prohibiting the public from accessing trails on their property, in some states and under specific circumstances, the public may legally challenge the landowner if they close the trail after allowing casual public access for a specified period of time. The law is inconsistent, unpredictable, and still being considered when it comes to prescriptive easements; however, cases are pending, especially in the western U.S., where landowners have closed trails after decades of casual access. These cases involve trail users challenging the private landowners’ right to restrict access or private landowners challenging the federal government’s assumption that the public has the right to use trails that cross their property without written easements. Both circumstances involve long-term, unimpeded, casual use of the trail by the public.<sup>28</sup> Landowners who have “inherited or purchased” trails that the public has used for extended periods without written easements should consult legal advisors to learn whether this is a concern.



*Violet Crown Trail, Austin, TX  
Photo credit: Hill Country Conservancy*

## 10.3 PRIVACY

When landowners allow public access, they are not expected to sacrifice their privacy rights. Trails should not be near private residences or areas the landowner does not want open to the public. Restricted areas should be adequately posted per state specifications.<sup>29</sup>

## 10.4 ACCESSIBILITY FOR PEOPLE WITH DISABILITIES

The overarching goal when establishing public trails on private lands is to increase the availability for all people, including those who live with disabilities that require accommodations for trail access, movement, and safety. The challenge is to ensure that trails meet the mandates and guidance outlined in the federal Americans with Disabilities Act of 1990 and the Architectural Barriers Act (ABA) of 1968 (see Appendix A.1) without impacting the overall outdoor experience or imposing an undue financial burden on the private landowner.<sup>30</sup> Although the specification is nuanced (when is a trail a transportation route vs. used primarily for outdoor recreational purposes), both laws, in concert with the U.S. Access Board (an independent federal agency whose primary mission is accessibility for people with disabilities; see Appendix A), specify accessibility standards for new state and federally supported recreation programs and trails and associated facilities (e.g., parking areas at trailheads, restrooms, signage, visitor centers, picnic areas) or those being altered (work is being

<sup>27</sup> See Restatement (First) of Property § 477 Extent of Easements Created by Prescription.

<sup>28</sup> See generally *id*

<sup>29</sup> 47 A.L.R. 4th 262 § 2(b).

<sup>30</sup> See U.S. Access Board, Guide to ABA Accessibility Standards, Chapter 10- Outdoor Developed Areas, Introduction (last visited September 11, 2024) <https://www.access-board.gov/aba/guides/chapter-10-outdoor/#introduction>.

done to change the original design, purpose, intent, or function to an existing trail) to ensure they conform to the law to the extent practicable.<sup>31</sup> Routine maintenance is not considered an alteration.<sup>32</sup> Trails and recreational facilities standards include width to allow for passing spaces, evenness, openings, running slope, cross slope, resting intervals, surface usability (type), protruding surfaces, signage, and elements and spaces at trailheads, parking, picnic, and camping areas, resting spaces, toilets, and other facilities.<sup>33</sup> Signage, online resources, and printed materials should clearly describe the trail, allowing users with disabilities to know what to expect and to plan accordingly.

Exceptions per the ABA include cases where it is not practicable due to terrain (e.g., steeply sloped areas), construction cannot be accomplished with prevailing construction practices, the fundamental function or purpose of the facility or setting would be altered, and/or other laws such as the Endangered Species Act of 1973 (16 U.S.C. §§ 1531 et seq.), Wilderness Act of 1964 (16 U.S.C. §§ 1131 et seq.) and/or National Historic Preservation Act of 1966 (16 U.S.C. §§ 470 et seq.) limits or precludes compliance.<sup>34</sup> Request for relief must be filed and vetted and cannot be determined by the landowner.

Not all public trails on private lands need to comply with federal and/or state standards, such as when no federal funding is used to acquire or construct the trail or when the trail owner receives no federal tax relief.<sup>35</sup> Legal counsel and/or an accessibility specialist should be consulted to determine if and when a trail project is exempt from the ADA, ABA, or U.S. Access Board. The funds land trusts, government, or recreational organizations receive through federal grants, such as through the Department of Transportation Recreational Trail Program, can and are often used for trail accessibility assessments of new or altered trail.<sup>36</sup>

These regulations are in place to ensure that individuals with disabilities have as many outdoor recreation opportunities as practicable without impacting the overall outdoor experience.<sup>37</sup> Landowners should consult with legal counsel with expertise in disability access to provide guidance and assess applicability, conformity to standards and practices (state and federal), and practicability.

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31 *See Id.*

32 U.S. Access Board, Guide to ABA Accessibility Standards, Chapter 2- Alterations and Additions, Outdoor Developed Areas (last visited September 11, 2024) <https://www.access-board.gov/aba/guides/chapter-2-alterations-additions-and-leases/#alterations>.

33 U.S. Access Board, Guide to ABA Accessibility Standards, Chapter 10- Outdoor Developed Areas, Trails (last visited September 11, 2024) <https://www.access-board.gov/aba/guides/chapter-10-outdoor/#trails>; U.S. Access Board, Guide to ABA Accessibility Standards, Chapter 10- Outdoor Developed Areas, Trailheads and Trails, ( last visited September 11th, 2024) <https://www.access-board.gov/aba/guides/chapter-10-outdoor/#trailheads-and-trail-facilities>.

34 U.S. Access Board, Guide to ABA Accessibility Standards, Chapter 10- Outdoor Developed Areas, Conditions for Exceptions, (last visited September 11, 2024)

35 42 U.S.C. § 2000d.

36 23 USCA § 206; Hudson River Greenway Rails to Trails Conservancy, Recreational Trails Program (RTP), (last visited September 11th, 2024). <https://www.railstotrails.org/policy/funding/recreational-trails-program/>.

37 U.S. Access Board, Guide to ABA Accessibility Standards, Chapter 10- Introduction *supra* note 11.



## 11 Conclusion

In conclusion, this handbook and its accompanying Appendices A, B, and C aim to provide a brief overview of the private conservation options available to landowners for establishing publicly accessible trails on their properties. It is designed to serve as general guidance for those who are curious, rather than as conservation, legal, or financial advice.

Landowners who wish to move from curiosity to action are encouraged to consult experts, including conservation professionals, as well as legal and financial advisors, to receive guidance tailored to their specific preferences and projects, as well as to the local and state authorities where the trail is located (since practices and policies can vary by region). Ultimately, this handbook is intended to enhance opportunities for the public to enjoy the many benefits of spending time outdoors, regardless of who owns the land they explore.

# Appendices

## APPENDIX A. RESOURCES FOR PUBLIC TRAILS ON PRIVATE PROPERTY

Organizations, tools, statutes, and other resources are listed to assist landowners, land trusts, and recreational organizations establish, maintain, and sustain trails on private conservation lands. Some of the descriptions of the organizations have been reproduced as originally printed or posted online to ensure that the organizations' missions are accurately described. [Information current as of December 2024.]

### A.1 Access (Disabilities)

#### **Americans for Responsible Recreational Access (ARRA)**

ARRA is committed to ensuring that all Americans have the right to access public lands for “multifaceted recreational pursuits.” The ARRA website hosts a resources page with links and information about the DOT FHWA Recreational Trails Program and Off-Highway Vehicle (OHV) training courses.

<https://arra-access.com/about-us/>

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#### **Americans with Disabilities Act (ADA) National Network**

“The ADA National Network provides information, guidance, and training on how to implement the Americans with Disabilities Act (ADA) to support its mission to “assure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.” The ADA National Network is a coalition of 10 regional centers committed to providing technical assistance on ADA issues.

<https://adata.org/national-network>

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#### **Architectural Barriers Act of 1968 (ABA)**

All facilities designed, built, or leased with federal funds must adhere to the standards issued under the Architectural Barriers Act. The law applies to federal buildings as well as non-federal facilities funded (built or renovated) with federal grants or loans. The U.S. Access Board is an independent federal agency devoted to equality for people with disabilities, providing technical assistance and training on accessible design. Chapter 10 of the ABA Accessibility Standards guides recreational facilities, including trails.

<https://www.access-board.gov/aba/#aba-1017>

## **U.S. Access Board**

“The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and development of accessibility guidelines and standards.” The Access Board has published the Public Rights-of-Way Accessibility Guidelines, intended as best practices to ensure access for people with disabilities, yet they are not legally enforceable.

In general, trails are considered transportation and recreation facilities, and thus, accessibility is mandated by the federal Americans with Disabilities Act (ADA) of 1990 and the Architectural Barriers Act (ABA) of 1968, which requires design standards for trails and associated facilities to conform to the law under certain circumstances. Regulations are in place to ensure that individuals with disabilities have outdoor recreation opportunities as practicable. Depending on the project funding, state, and sources such as Recreational Trail Program funds, projects may need to address access for individuals with disabilities through a trail accessibility assessment. Your legal advisor should be able to provide guidance.

<https://www.access-board.gov/aba/guides/chapter-10-outdoor/>

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## **A.2 Conservation Organizations**

### **Conservation Alliance**

The Conservation Alliance is a collective of businesses and outdoor communities that funds and advocates for protecting North American wild places. The Alliance supports this protection through various grants to 501(c)(3) certified nonprofits.

<https://conservationalliance.com/grants>

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### **Forest Society or the Society for the Protection of New Hampshire Forests**

Founded in 1901, the Forest Society is committed to helping private landowners conserve their lands through conservation easements and permanent land acquisition. Many of the “reservations” held by the Forest Society in New Hampshire allow public access for outdoor recreation per the landowners’ specifications. Thus, the Forest Society has a long history and much experience with public trails on private lands owned by the Forest Society or individuals.

<https://www.forestsociety.org/visitor-guide>

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### **Land and Water Conservation Fund (LWCF) Coalition**

The LWCF Coalition is a group of stakeholders united in supporting the LWCF. The LWCF Project Toolkit is an online resource “dedicated to educating stakeholders, lawmakers, and the general public on LWCF’s ten sub-programs.”

<https://lwcfc coalition.org/toolkit>

## **Land Trust Alliance (LTA)**

The LTA is the premier private land conservation organization committed to “saving the places people need and love. We [LTA] accomplish this by empowering and mobilizing land trusts in communities across America to conserve land – and connect people to the land – for the benefit of all.” The LTA supports the land trust community through standards and practices and an accreditation program. Members can access training, examples, and templates to facilitate professional and consistent land conservation. The LTA also hosts the Conservation Rally, the largest international annual gathering of land conservation professionals.

<https://landtrustalliance.org/resources>

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## **New Hampshire Land Trust Coalition**

The New Hampshire Land Trust Coalition is a nonprofit land conservation organization dedicated to advancing land conservation in New Hampshire through professional development and education through training and programs. They also advocate for land conservation and trusts in the NH legislature and public agencies. Their Conserving Your Land book (available online at <https://nhlhc.org/resources/conserving-your-land-publication>) guides landowners, local governments, and the public interested in private land conservation. Although written for New Hampshire, the book contains relevant information and guidance beyond state boundaries.

<https://nhlhc.org/>

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## **Trust for Public Land**

Trust for Public Land (TPL), founded in 1972, is a national nonprofit committed to connecting everyone with the outdoors and enabling access to outdoor trails of all types. They provide education, training, and resources (<https://www.tpl.org/resource-hub>). Although TPL focuses on access to public lands, their resources and experience are relevant to private trail property conservation projects.

<https://www.tpl.org/>

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## **WeConservePA**

WeConservePA (formerly the Pennsylvania Land Trust Association) is committed to helping people care for, use wisely, and enjoy nature’s ecosystem services. The organization hosts a robust online library of model documents, land use ordinances and development standards, and land conservation guidance documents, including a “Model Grant of Trail Easement with Commentary,” “Model Trail Easement Agreement with Commentary,” and “Model Grant of Fishing and Boating Access Easement.” However, intended for Pennsylvania, the organization and its website host a library

(WeConservePA Library) that provides extensive and up-to-date information, guidance, and model documents relevant to areas beyond their state boundaries.

<https://library.weconservepa.org/guides/140-trail-easements>

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### **Wilderness Connect**

Wilderness.net is a website formed in 1996 through a collaborative partnership between W.A. Franke College of Forestry and Conservation's Wilderness Institute at the University of Montana, the Arthur Carhart National Wilderness Training Center, and the Aldo Leopold Wilderness Research Institute. <https://wilderness.net/practitioners/default.php>

Although the site is dedicated to preserving wilderness character and wildlife on natural lands, it has a comprehensive web library of information about natural land stewardship, ecological and trail condition monitoring that can be found at <https://wilderness.net/practitioners/toolboxes/trail-condition-monitoring/>

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## **A.3 Legal**

### **Environmental Law Institute**

The Environmental Law Institute is dedicated to developing environmental law and policy, educating professionals and the public about environmental law, and facilitating interdisciplinary collaboration to solve environmental problems. Their webpage includes resources, reports, and updates about the intersection of the environment and the laws, regulations, and policies shaping our future.

<https://www.eli.org/>

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### **Headwaters Economics**

“Headwaters Economics is an independent, nonprofit research group that works to improve community development and land management decisions.” The Headwaters Economics online Library of Trails Benefits hosts research on trails’ impacts on communities, the economy (economic impact analysis), public health, and quality of life.

<https://headwaterseconomics.org/trail/>

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## **A.4 Monitoring Programs**

Effective land management is crucial for maintaining ecosystems’ health and ensuring natural resource sustainability. The Departments of Interior and Agriculture have recognized the importance of systematic monitoring and have developed structured programs to achieve these goals.

By implementing the programs listed below and others, land management agencies can effectively monitor natural resources and wildlife, ensuring their sustainability for future generations. Still, land trusts and private landowners face challenges in implementing comprehensive federal and state monitoring protocols due to limited capacity and funding. The programs listed below have information and protocols to assist local landowners and conservation professionals in protecting conserved lands and trails.

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**U.S. Department of Interior Bureau of Land Management’s National Conservation Lands National Scenic and Historic Trails Inventory, Assessment, and Monitoring Methodology Volumes 1 and 2**

<https://www.blm.gov/sites/default/files/documents/files/LibraryBLMTechnicalreference628001vol1.pdf> AND <https://www.blm.gov/sites/default/files/documents/files/LibraryBLMTechnicalreference628001vol2.pdf>

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**U.S. Department of Interior National Park Service Inventory & Monitoring Program**

<https://www.nps.gov/im/index.htm>

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**U.S. Department of Interior, National Park Service, Rivers, Trails, and Conservation Assistance Program (NPS-RTCA)**

The NPS-RTCA supports locally-led conservation and outdoor recreation projects across the United States. Their website has resources for the community and public land managers to support the development of outdoor recreation opportunities.

<https://www.nps.gov/orgs/rtca/trails.htm>

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**NPS Trail Planning Guide**

<https://www.nps.gov/orgs/rtca/upload/Trail-Planning-Workshop-Toolkit-2.pdf>

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**National Park Conservation and Outdoor Recreation Community Assistance Program**

<https://cdn2.assets-servd.host/material-civet/production/images/documents/NPS-RTC-Assistance-Program.pdf?dm=1677857541>

## **U.S. Department of Interior Visitor Use and Impact Monitoring Program**

<https://www.nps.gov/yose/learn/nature/visitor-use-monitoring.htm>

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## **U.S. Department of Transportation**

See Funding Section for a description of the Recreational Trails Program and funding opportunities.

## **A.5 Technology & Digital Data Applications**

### **Anecdata**

Anecdata is a smartphone app. Projects can be set up for data input, storage, and sharing. The website is <https://www.anecdata.org/>. It is available for organizations and citizen scientists.

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### **Digital Data Collection Application Forum**

Digital data collection application forum that could be useful for organizations with citizen scientists working in the data collection arena

<https://forum.getodk.org/>

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### **eBird**

Cornell University bird identification smartphone app. Although it is generally used to track personal bird lists, it can also be used to track birds found in specific locations for projects.

<https://ebird.org/home>

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### **OnX Map or OnX Application**

OnX maps, or OnX computer applications, is a suite of mobile mapping and navigation applications committed to providing locational data. Hence, every outdoor adventurer knows “where to go, to know where they stand, and to be able to share their experiences.” Depending on which application the user subscribes to, the application provides maps, land ownership, and navigation to enhance the recreational experience and access. OnX is committed to “preserving outdoor recreation opportunities for future generations by protecting our land access and advocating for more.” To accomplish this commitment, OnX works directly with land managers to “keep the land public,” analyzing maps for landlocked

public lands (public lands on which access is prevented by being surrounded by private lands) and funding public access in specific locations.

<https://www.onxmaps.com/about>

<https://www.onxmaps.com/blog/three-years-access-advocacy>

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### **Plantnet - plant ID and data collection application**

<https://plantnet.org/en/>

### **Smart Phone Camera/Species ID applications**

Species or project-specific identification or participatory science methods with data collection applications.

It is noteworthy that both iPhone and Android Google have photo ID functions. Take a picture of a plant or animal, and AI built into your phone (connected to the camera and locational data) will ID the species within seconds (on and offline—stored and generated once your phone is online again).

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### **SQAPP: The soil quality app**

Setting a new standard in soil quality assessment, iSQAPER has built an app for mobile devices to use anywhere in the world, providing location-specific soil quality information and sustainable land use management options. A multi-actor approach underpins the development of SQAPP, which has been developed, tested, evaluated, and improved by farmers, scientists, practitioners, agricultural service providers, and policymakers.

<https://www.isqaper-is.eu/sqapp-the-soil-quality-app>

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### **vTree**

Tree and plant identification smartphone app that can be customized to an area.

<https://dendro.cnre.vt.edu/dendrology/vtree.htm>

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### **WikiWatershed**

WikiWatershed is a web toolkit designed to help citizens, conservation practitioners, municipal decision-makers,



researchers, educators, and students advance knowledge and stewardship of fresh water. WikiWatershed is an initiative of Stroud Water Research Center, a global leader in freshwater science.

<https://wikiwatershed.org/water-quality-app/>

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## A.6 Trail and Recreation Organizations

### **AllTrails**

AllTrails computer and mobile application is a fitness and travel mobile app used in outdoor recreation to identify over 400,000 trails worldwide. The app provides access to trail maps, crowdsourced reviews, and images to inform users of the location, conditions, difficulty rating, restrictions (e.g., pets, horses, motorized), and suitability for different types of users (e.g., mobility-limited, child-friendly). It also includes information about landownership and gates.

<https://www.alltrails.com/>

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### **American Hiking Society (AHS)**

Hiking access and trails advocacy nonprofit organization committed to empowering communities to “enjoy, share, and preserve the hiking experience; advocating for protection and expansion of hiking spaces; fostering trail stewardship; and collaborating with partners whose strengths are complementary”.

<https://americanhiking.org/>

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### **American Trails**

American Trails is a nonprofit organization committed to advancing the “development of diverse, high-quality trails and greenways for the benefit of people and communities.” The American Trails website provides a comprehensive library of resources for “planning, building, designing, funding, managing, enhancing, and supporting trails, greenways, and blueways.” In addition, it provides training and information about all things trails and “invigorate communities financially” by supporting trails that “spur economic development.” American Trails and the Professional Trail Builders Association (PTBA) host the International Trails Summit/Symposiums and Training Institute every odd-numbered year in concert with the PTBA Sustainable Trails Conference.

<https://www.americantrails.org/resource-library>

## **Appalachian MTN Club (AMC)**

The United States longest-serving conservation and recreation organization. “We [AMC] envision a world where our natural resources are healthy, loved, and always protected, and where the outdoors occupies a place of central importance in every person’s life.” The AMC provides training, guided outdoor experiences, and public advocacy to preserve and expand natural spaces. The AMC’s Complete Guide to Trail Building and Maintenance 5th Edition is a hard copy and digital book for purchase that includes a section dedicated to Private Lands and Private Landowners in Chapter 2 (pp. 12-23).

<https://www.outdoors.org/about/>

Harvey, R. (ed.) (2021). AMC’s Complete Guide to Trail Building and Maintenance 5th Edition. AMC Skills Series. Appalachian Mountain Club Books. Boston. <https://amcstore.outdoors.org/products/amcs-complete-guide-to-trail-building-and-maintenance-5th-edition>

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## **Colorado Mountain Club (CMC)**

Regarding Conservation, CMC is committed to on-the-ground protection and improvement of public lands throughout the state. Our Stewardship Crews work across Colorado each summer and fall to assist land managers in maintaining trails and restoring natural resource areas. CMC also hosts volunteer events and partners with numerous nonprofits to assist in trail design and project management.

<https://www.cmc.org>

### **Recreation Impact Monitoring System (RIMS)**

The CMC RIMS program was launched in 2019 to help land managers collect and utilize crowdsourced data to understand better and address critical issues related to recreation and natural resources. The RIMS Mobile App is the data collection tool, which includes GPS point data, detailed surveys, photos, editing and sharing features, and offline functionality.

App users can report trail maintenance needs, inventory campsites, track visitor use, and more to help agencies and stewardship groups prioritize hot spots and deploy crews to work on trail issues.

<https://www.cmc.org/blog/cmc-recreation-impact-monitoring-system-rims>

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## **Equine Land Conservation Resource (ELCR)**

Leaders in the protection and conservation of lands for horses and horse-related activities. The ELCR is not a conservation trust or conservancy; it is committed to providing ready access to information, resources, and tools “that help horse people take action” to keep spaces open. The ELCR website has templates for letters and how-to guides for engaging with private landowners.

<https://elcr.org/about-elcr/>

## **International Mountain Bike Association (IMBA)**

The IMBA is an international mountain bike organization committed to advocacy and is “the only organization in the U.S. focused entirely on trails and access...” It provides training and resources to promote low-impact riding, local advocacy, sustainable trail design, and collaborative practices among trail user groups. Its website provides various online land access and trail development “training” resources.

The IMBA published, with the support of other mountain bike organizations (i.e., Greater Minnesota Regional Parks and Trails Commission (GMRPTC)), the publication of Jake Carsten’s 2023 Mountain Bike Trail Development Guidelines for Successfully Managing the Process, a comprehensive guide for trail development intended for mountain bike trail yet a helpful resource for developing trails for other recreation.

Carson, J. (2023). Mountain bike trail development guide: Guidelines for managing the process. International Mountain Bike Association. ISBN-13 9798218220907

<https://www.imba.com/resource/mountain-bike-trail-development-guidelines>

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## **Pacific Crest Trail Association**

The Pacific Crest Trail Association is a nonprofit dedicated to protecting, maintaining, and advocating for the approximately 2,650-mile Pacific Crest National Scenic Trail, a national through trail extending between the US/Canada and US/Mexican border. Although most of the trails are on public lands, segments cross private lands where the landowners have granted the public a right of way or trail easement to access. In places where the trail should have crossed private lands, yet the landowner has not granted public access, the trails have been rerouted to public roads or alternative routes.

<https://www.pcta.org/>

The Pacific Crest Trail Association has extensive experience monitoring, assessing, maintaining, and remediating trails using volunteers. Its web page hosts trail-related information and training.

Guidance on how to decommission natural trails and restore wildland can be found at

<https://www.pcta.org/wp-content/uploads/2012/11/207TrailDecommissionv0311.pdf?x65313>

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## **Rails-to-Trails Conservancy**

Rails-to-Trails Conservancy is a national nonprofit organization dedicated to converting abandoned (dead) railroad rights-of-ways into public trails. Although focused on railroad routes and beds, the Rails-to-Trails Conservancy has a robust online Resources Library that will complement any trail project. The Rails-to-Trails Conservancy has used several

mechanisms to acquire railroad routes that are now located on private lands, which are helpful models and lessons learned for private land trails.

<https://www.railstotrails.org/resource-library/>

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### **Trails and Open Space Coalition (TOSC)**

The TOSC is a 501(c)3 nonprofit organization committed to preserving open spaces for the Pikes Peak Region, including parks, trails, bikeways, and greenways. The website posts resources such as trail and open space development stories and master planning documents that include language about road, trail, and trailhead easements.

<https://www.trailsandopenspaces.org/get-outdoors/parks/>

## **A.7 Volunteer Organization**

### **Nature Groupie Outdoor Volunteers in New England**

Nature Groupie is a New England-based organization hosted by the University of New Hampshire Extension office. It was developed for conservation and recreational organizations to share volunteer opportunities, such as citizen or participatory science data collection, building trails and boardwalks, trail clean-up and maintenance, and invasive species management events.

<https://naturegroupie.org/>

See Nature Groupie's Trail Professional and Organizations web directory to learn about contractors, organizations, and clubs working in New England who provide trail services, training, or volunteer opportunities.

<https://naturegroupie.org/trail-professionals-and-organizations>

## APPENDIX B. MODEL MEMORANDUM OF AGREEMENT OR UNDERSTANDING

### MEMORANDUM OF AGREEMENT OR UNDERSTANDING<sup>38</sup> BETWEEN HAPPY VALLEY LAND TRUST AND THE LOCAL HIKING CLUB<sup>39</sup>

The purpose of this agreement is to establish roles and responsibilities for parties engaged in trail stewardship activities in ANYWHERE, USA, parks herein after referred to as “the Site”, described and attached as Addendum(s). The Local Hiking Club, hereinafter referred to as “TLHC”, and HAPPY VALLEY LAND TRUST, hereinafter referred to as “HVLTL”, agree to cooperate in the stewardship of off-road trails at the Site in accordance with the terms set out herein and for the purpose of providing recreational opportunities at the Site. These terms are applicable to any additional locations that may be incorporated into this agreement via addenda.

#### I. Definitions

- A. The term “Trail Steward” as used in this agreement is defined as an individual designated and approved by TLHC as the person responsible for coordinating stewardship activities at a specified Site.
- B. The term “Volunteer” as used in this agreement is defined as an individual participating with TLHC in an approved trail stewardship project.
- C. The term “Stewardship” as used in this agreement includes activities conducted for purposes of trail maintenance and development at a specified Site. Examples may include trimming vegetation, armoring creek crossing, repairing trail erosion, and other such trail stewardship activities.

#### II. Public Use-Related Guidelines

- 1. The location of the trail is described on the attached map in Happy County. The trail is a loop with four points of entry located at X, Y, Z, and A. The trail is X feet wide and X miles.
- 2. Parking for 10 vehicles is available at each point of entry.
- 3. The Site is a non-motorized trail that allows walking, running, bicycling, roller-skating/blading, and motorized mobility devices for the mobility limited individuals.
- 4. Horse riding and motorized vehicles use (other than for mobility limited individuals) are prohibited on the trail.
- 5. Dog walking is allowed on the Site. Dogs must be leashed at all times and site users will be required to remove dog walk. Pet waste stations will be stocked, emptied, and maintained by TLHC.

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38 This model serves as a preliminary guideline. It is strongly advised to consult with other land trusts and councils, adjusting it as necessary for each region.

39 Adapted from model Hill Country Conservancy and input from the Society for the Protection of New Hampshire Forests.

### **III. Project Management**

#### **A. Communication**

1. TLHC will designate a Trail Steward who will serve as the primary point of contact for HVLТ and who will be responsible for coordination of stewardship activities.
2. HVLТ will designate an individual who will serve as the primary point of contact for the Trail Steward in the scheduling of stewardship activities.
3. By entering into the Memorandum of Agreement with the Happy Valley Land Trust, the Local Hiking Club Trail Steward will become a member of the Happy Valley Trail Stewardship Council, for as long as this agreement is in effect.
4. HVLТ and TLHC will coordinate on all grant requests and other mechanisms to acquire funding for the Site.
5. HVLТ and TLHC will coordinate when a trail is formally discontinued to identify and assign responsibility for the decommissioning of the trail including but not limited to removal of signage, structures, and restoration and remediation of property to correspond with the surrounding natural landscape.

#### **B. Stewardship**

1. TLHC will coordinate with HVLТ to identify maintenance needs for existing trails and locations for development of new off-road trail and/or trail rerouting.
2. All project activities will be with the approval of and within parameters established by HVLТ.
3. Stewardship activities will take into account sustainable trail design principles promoted by [insert the trail design authority being followed] and as determined appropriate for the terrain, native vegetation, and other conditions of the trail.
4. HVLТ may periodically review stewardship activities and provide project oversight as needed.
5. TLHC will provide an assessment of trail conditions to HVLТ upon request. The assessment may include information such as trail stewardship summaries, problem areas at the Site, suggested reroutes, proposed trail expansion plans, as well as general observations of trail usage and sustainability.
6. TLHC will provide to HVLТ a liability insurance certificate listing the HVLТ as an additionally insured.
7. TLHC Trail Steward will wear a high visibility orange or yellow safety vest during trail stewardship activities.

#### **C. Maintenance**

1. Access to the property must be granted by the HVLТ for maintenance activities.
2. Trail maintenance will be conducted quarterly corresponding with the end of season.

3. TLHC will host an annual clean-up, the timing of which to be determined annually between the TLHC and HVLTL.
4. All maintenance practices must adhere to Best Management Practices (BMPs) and comply with local, state, and federal laws, as applicable.
5. New trails or amendments to existing trails (e.g., adding culverts, bridges, walkways, or scenic overlooks) must be approved by the HVLTL prior to be started and must adhere to local, state, and federal guidelines. Any changes to the location of trails, the creation of new connecting trails, or the use of heavy equipment must receive prior approval.
6. Chainsaw operations require Personal Protective Equipment (PPE) and must be conducted by a certified operator.
7. Third-party contractors must be approved by HVLTL in advance, and their operators must also be authorized.

#### **D. Volunteers**

1. TLHC will recruit volunteers to participate in scheduled trail stewardship activities.
2. TLHC will guide and assist volunteers in such activities as corridor clearing, vegetation removal, armoring, tread finishing, and other stewardship tasks as needed.
3. TLHC will maintain a record of the number of volunteer hours and will submit a summary of stewardship activities to HVLTL upon request.

#### **E. Tools and Materials**

1. All tools and materials necessary for trail stewardship activities will be provided by TLHC or its volunteers unless other arrangements have been made with HVLTL.
2. A variety of power tools and hand tools may be used during trail stewardship activities. TLHC will make reasonable efforts to ensure that volunteers wear appropriate safety gear and follow common sense safety practices when working with such tools.
3. HVLTL may provide heavy equipment such as an, ATV, front end loader, or mini excavator if at the sole discretion of HVLTL a particular piece of HVLTL equipment is available and suitable for the task. HVLTL will be responsible for operation of any HVLTL equipment. No such equipment will be operated by any TLHC volunteer unless authorized by HVLTL.

#### **F. Signage**

1. TLHC may coordinate with HVLTL to develop a signage plan for the Site and may assist with installation of the signage as needed.
2. TLHC may advise the HVLTL of maintenance needs for signage specifying:
  - The adequate marking for wayfinding and signage outlining guidelines and permitted uses (style/language must be approved in advance).

- Protocol for marking temporary trail hazards, etc.
  - Closure if ground conditions are not suitable for public use.
  - Closure during active timber harvest or land management operation.
  - Special permission required for activities beyond the scope of the agreement installed in accordance with this agreement and may assist with repair or replacement as needed.
3. Trail signage with the primary intention of appealing to users for financial support on landowner property (may or may not be allowed).

### **III. Off-Road Trail Use**

HVLT reserves the right to close sections of the trail due to environmental concerns or for other reasons as necessary. If any section of the trail is required to be closed, HVLT will offer TLHC the option to reroute the trail in a manner subject to approval by HVLT.

### **V. Liability and Indemnification**

HVLT AGREES THAT NOTHING IN THIS AGREEMENT TRANSFERS TO TLHC OR CREATES FOR TLHC ANY LEGAL DUTIES TO TRAIL USERS THAT WOULD OTHERWISE BE OWED BY HVLT TO SUCH USERS. TLHC IS NOT LIABLE FOR ANY LOSS OR INJURY SUSTAINED BY ANY TRAIL USER AT THE SITE, WHETHER DUE TO NATURAL CONDITIONS OR DUE TO ANY ACT OR OMISSION RELATED TO TLHC'S TRAIL STEWARDSHIP. TLHC MAKES NO WARRANTY THAT TRAILS ARE SAFE, AS RESPONSIBILITY LIES SOLELY WITH USERS TO ASSESS RISK AND DANGERS OF THE TRAIL ENVIRONMENT.

[Agreement should cite all state landowner liability laws]

TLHC and HVLT will acquire the required certificate of insurance, as needed [specifications of which vary per agreement]

TLHC volunteers acting on behalf of the THVT, must be covered by liability policy. Proof of insurance must be kept on file and readily available as necessary.

### **VI. Non-Profit Volunteer Organization**

TLHC's status shall be that of a Non-Profit Volunteer Organization and not an agent, servant, employee or representative of HVLT in the performance of activities under this agreement.

### **VII. Entirety of Agreement**

This agreement represents the sole, entire and integrated agreement between TLHC and HVLT with respect to the subject matter herein and supersedes any prior negotiations, representation or agreements, whether oral or written. If any section herein is found to be incorrect, such finding does not nullify the entire agreement.

Written amendments signed by authorized representatives of both parties may be incorporated into the agreement at any time. The agreement shall remain valid until terminated by either party by written 30- day notice. Sole remedy shall be termination of agreed activities by both parties.



Any notices required in this agreement shall be sent as follows:

If to: The Local Hiking Club ATTN: President  
PO BOX  
Anywhere, USA 00000  
If to: HVLY  
Attn: Director

«address line 1»  
«address line 2»

IT IS HEREBY UNDERSTOOD AND AGREED by both parties that the purpose of this agreement is to establish roles and responsibilities for parties engaged in trail stewardship activities at the Site.

IN WITNESS THEREOF, the parties have executed this agreement on this the \_\_\_\_ day of \_\_\_\_\_, 20xx

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The Local Hiking Club  
Name:  
Title:

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Happy Valley Land Trust  
Name:  
Title:

### ADDENDUM 1

Name of Trail:	Happy Trail
Physical location:	See attached map
Primary Contact:	Joe Doe
Primary phone:	
Primary e..mail:	

<p>Special conditions or requirements for this trail:</p>	<p>Pick up trash/debris. Trim vegetation of less than 2” diameter from trail corridor and/or sight lines. Block “bandit” (unauthorized) trails. Place signs/ markings as needed to educate users to stay on existing trail. Clear any loose debris from trail surface. Drain, backfill, or rock armor muddy areas. Add low (&lt;20 inch high) dirt/rock berms to improve trail flow and control widening of the existing trail. Other trail stewardship duties as necessary.</p> <p>Mechanical operations (chainsaws, etc.) are not permitted from March 1 through September 1 due to endangered species occupation during that time</p> <p>TLHC shall require all of its volunteers or workers to comply with safety standards, including but not limited to, the use of protective eye wear, head protection, gloves, hard-soled or steel-soled shoes .and long sleeved shirts as appropriate for the specific work tasks that are required by the volunteers.</p> <p>“The volunteers agree and understand that no oak trees will be cut/pruned during the period February 1 through June 30.” The 2” diameter rule still applies to everything else.</p>
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INSERT TRAIL MAP

## APPENDIX C. FUNDING SOURCES FOR TRAILS

### C.1 American Hiking Society (AHS)

The American Hiking Society’s National Trails Fund is the only privately funded (as of 2023, primarily supported by L. L. Bean) national grant program dedicated to building and protecting hiking trails. They also offer micro-grants (\$500-\$3000) to active AHS Alliance of Hiking organization members to improve hiking access or safety on individual trails.

<https://americanhiking.org/National-Trails-Fund/>

### C.2 Land and Water Conservation Fund (LWCF)

The LWCF is a federal program dedicated to conserving “irreplaceable lands and improving outdoor recreation opportunities” across America. The LWCF is a partnership program between federal, state, and local efforts to protect, preserve, and conserve working, recreational, and educational lands and provide the tools for communities and recreational and conservation professionals to meet the public’s needs. Created by Congress in 1964 and fully and permanently funded in 2020 by the Great American Outdoors Act, the LWCF uses revenues from acquiring natural resources to support land and water conservation through grants. The Program allows for the acquisition of private lands for conservation, which includes recreation.

Two LWCF sub-programs that support trails are the Federal Land Acquisition Programs and the Outdoor Recreation Legacy Partnership Program. Although only state agencies are eligible to apply for Outdoor Recreation Legacy Partnership (ORLP) funds, nonprofit partners can collaborate with states and municipalities to secure funds for recreation opportunities.

<https://lwcfoalition.org/federal-programs>

### **C.3 Department of Transportation Federal Highway Administration Recreational Trails Program (DOT FHWA RTP)**

“The Recreational Trails Program (RTP) funds States to develop and maintain recreational trails and trail-related facilities for nonmotorized and motorized recreational trail uses. The RTP is the Department of Transportation’s Federal Highway Administration (FHWA) assistance program. Federal transportation funds benefit recreation, including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. ... Each State administers its own [RTP] program.... Contact your State RTP administrator for guidance on State policies and project eligibility requirements.”

RTP is an 80/20 program requiring applicants to match 20% of the local community. The funds may be used for: “Acquisition of easements and property for recreational trails or recreational trail corridors... States may make grants to private organizations or municipal, county, State, Tribal, or Federal government agencies. [Dependent on individual State or entity policy] Projects may be on public or private lands, but projects on private land must provide written assurance of public access.” All federally funded programs and projects must comply with the National Environmental Protection Act (NEPA) and other federal environmental laws, regulations, and executive orders. In addition, a trail accessibility assessment may be required to determine accessibility for people with disabilities.

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#### **Federal Highway Administration Recreational Trails Program**

<https://www.fhwa.dot.gov/environment/recreationaltrails/>

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#### **Federal Highway Administration Primary Programs for Trails**

Trails as Resilient Infrastructure Guidebook December 2023

<https://www.fhwa.dot.gov/environment/recreationaltrails/overview/benefits/#primary>

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### **C.4 Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program**

RAISE grants to state, local, and tribal governments/agencies for planning or constructing surface transportation infrastructure that will improve safety, environmental sustainability, quality of life, mobility and community connectivity, economic competitiveness, and opportunity for tourism, among other purposes. Past awardees include trails programs around the United States.

<https://www.transportation.gov/RAISEgrants>



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