

Western States

# CONSERVATION SCORECARD

An analysis of lands and energy policy  
across the West

October 2017







BY

SARA ROSE TANNENBAUM & JESSE PRENTICE-DUNN

---

# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>2.</b>
<b>THE RANKINGS:</b> How Western States Measure on Lands and Energy Policy	<b>3.</b>
<b>THE RESULTS</b>	<b>4.</b>
Lands and Access Scores	4.
Outdoor Recreation Scores	5.
Responsible Energy Development Scores	6.
<b>LANDS AND ACCESS</b>	<b>7.</b>
State Trust Lands Access	7.
Stream Access	9.
Funding for Land, Water, and Wildlife Conservation	11.
Public Lands Commemoration	13.
<b>OUTDOOR RECREATION</b>	<b>15.</b>
Office of Outdoor Recreation	16.
Outdoor Infrastructure	17.
Outdoor and Environmental Education	18.
<b>RESPONSIBLE ENERGY DEVELOPMENT</b>	<b>21.</b>
Setbacks From Oil and Gas Wells	22.
Public Disclosure of Fracking Chemicals	23.
Spill Reporting and Transparency	24.
Baseline Water Testing	25.
Oil and Gas Methane Emission Reduction	26.
Well and Mine Bonding	27.
Fair Taxpayer Return	28.
<b>CONCLUSION AND ACKNOWLEDGMENTS</b>	<b>30.</b>
<b>APPENDIX</b>	<b>31.</b>
<b>Table A:</b> State Trust Lands Access	31.
<b>Table B:</b> Royalty Rates, Severance Taxes, and Conservation Taxes	32.
<b>REFERENCES</b>	<b>33.</b>
<b>ADDENDUM:</b> State Conservation Scorecard One-Pagers	<b>43.</b>



# 1

## INTRODUCTION

Public lands are what make the American West the American West. They are the backbones of our local economies, living artifacts of our history, and the places that ground us. Public lands are managed by state, local, and the federal governments on behalf of the American public. While the U.S. government manages the vast majority of public lands—including national parks, monuments, forests, and wildlife refuges—state policies directly impact the health and accessibility of public lands and the local communities that rely on them.

The Western States Conservation Scorecard evaluates state policies in eight Western states—Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming—placing a score on each state’s commitment to protecting and enhancing public lands in three key areas: lands and access, outdoor recreation, and responsible energy development. The goal of the scorecard is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western

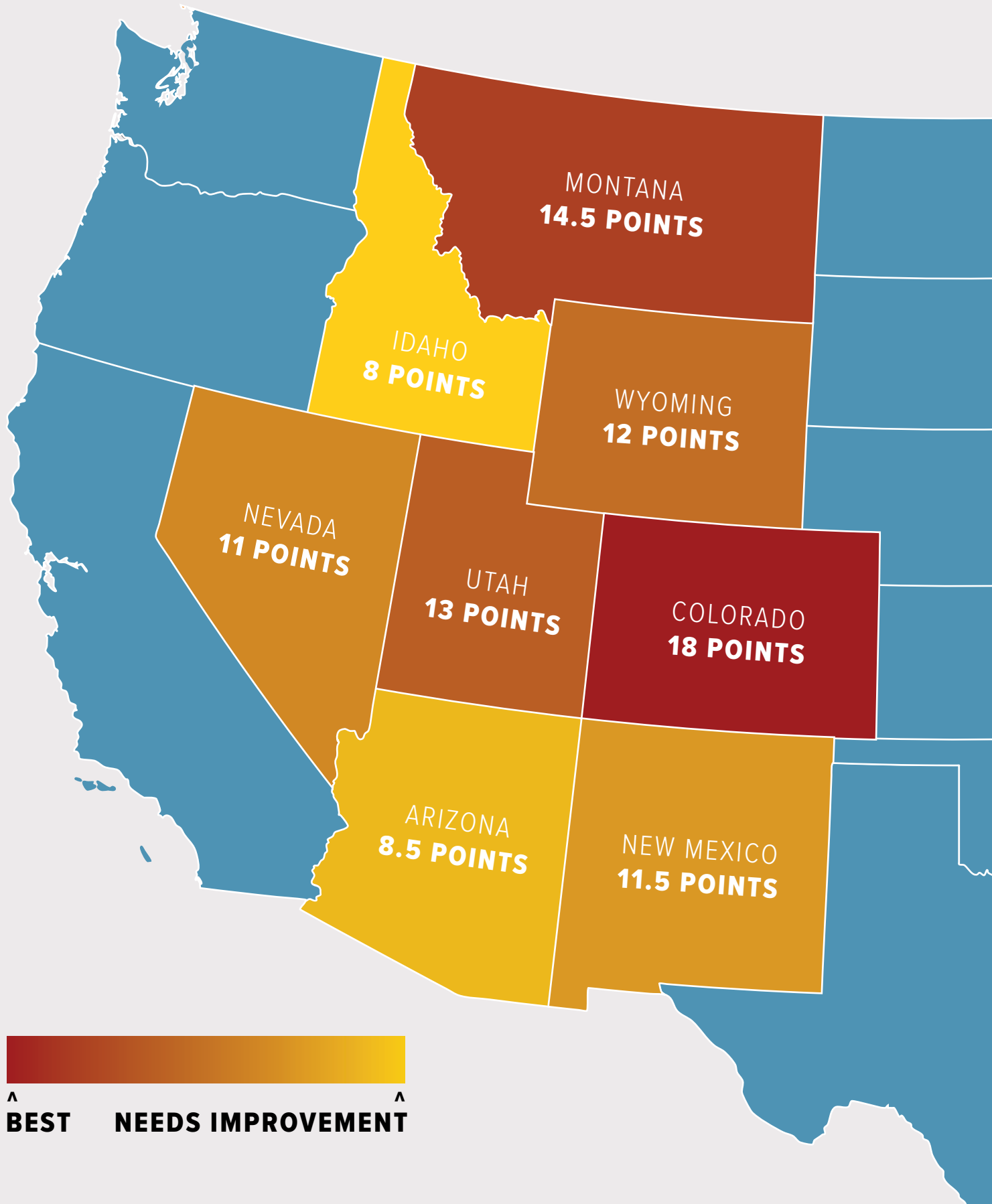
states are demonstrating leadership and where they can improve.

States are in the unique position to help build a culture and economy that protects and enhances America’s public lands: state energy regulations safeguard air and water, state-level offices of outdoor recreation encourage the growth of outdoor business, and state wildlife conservation efforts protect wildlife from development. Effective state policies and regulations are replicated by other states and the federal government. Two years after Colorado passed a rule limiting methane waste from oil and gas operations, the Bureau of Land Management authored its own set of rules based on Colorado’s model. After Utah and Colorado opened offices of outdoor recreation, Montana followed suit.

No one state does everything perfectly, and not every solution works for every state, but what is clear is that Western states have a lot to offer and learn from one another.

## THE RANKINGS:

HOW WESTERN STATES MEASURE UP ON **LANDS AND ACCESS, OUTDOOR RECREATION, AND RESPONSIBLE ENERGY DEVELOPMENT**



# THE RESULTS:

## METHODOLOGY

For each scorecard category—Lands and Access, Outdoor Recreation, and Responsible Energy Development—we created grading rubrics of measurable state-level policy standards to compare eight Western states: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. These rubrics were based on research and interviews with state policy experts. Each state was awarded points for fulfilling benchmarks within each category. Point totals within the Responsible Energy Development section were halved to weight them comparably to other sections. Points were then tallied for each state. States with the top score in each category ranked “best,” states with middle scores ranked “average,” and states with the lowest scores ranked “needs improvement.”

		LANDS AND ACCESS SCORES							
		AZ	CO	ID	MT	NM	NV	UT	WY
BENCHMARKS	<b>ACCESS TO STATE TRUST LANDS</b>								
	<b>1 pt:</b> Hiking, hunting, and fishing access on state trust lands	2	1	2	3	2	2	2	1
	<b>1 pt:</b> Camping access on state trust lands								
	<b>1 pt:</b> Lands access specialist								
	<b>STREAM ACCESS</b>								
	<b>1 pt:</b> Floating								
	<b>1 pt:</b> Wading	0	0	3	3	1	1	1	2
	<b>1 pt:</b> Walking along stream perimeter up to high water mark								
	<b>FUNDING FOR LAND, WATER, AND WILDLIFE CONSERVATION</b>								
	<b>3 pts total:</b> Strong dedicated funding for land, wildlife conservation								
<b>2 pts total:</b> Dedicated funding streams for wildlife conservation	2	3	0	2	1	1	1	2	
<b>1 pt total:</b> Variable funding for conservation									
<b>0 pts:</b> No specific funding streams for conservation									
<b>PUBLIC LANDS COMMEMORATION</b>									
<b>1 pt:</b> Has public lands day or commemoration	0	1	0	0	1	1	0	0	
<b>TOTAL</b>									
<b>Best:</b> 8 - 10	4	5	5	8	5	5	4	5	
<b>Average:</b> 5 - 7									
<b>Needs Improvement:</b> 0 - 4									

# OUTDOOR RECREATION SCORES

## BENCHMARKS

### OFFICE OF OUTDOOR RECREATION

**3 pts total:** Has an office

**2 pts total:** Has a task force

**1 pt total:** Proactive efforts underway

1 3 0 3 1 0 3 2

### OUTDOOR INFRASTRUCTURE

**1 pt:** Offers permanent funding for outdoor infrastructure

**1 pt:** Offers impermanent funding for outdoor infrastructure

1 2 1 0 0 1 1 0

### OUTDOOR EDUCATION

**2 pts:** Offers permanent funding for outdoor education (1 pt for impermanent funding)

**1 pt:** Statewide standards for outdoor/environmental education

**1 pt:** Every Kid in a Park program

1 2 0 1 2 2 1 1

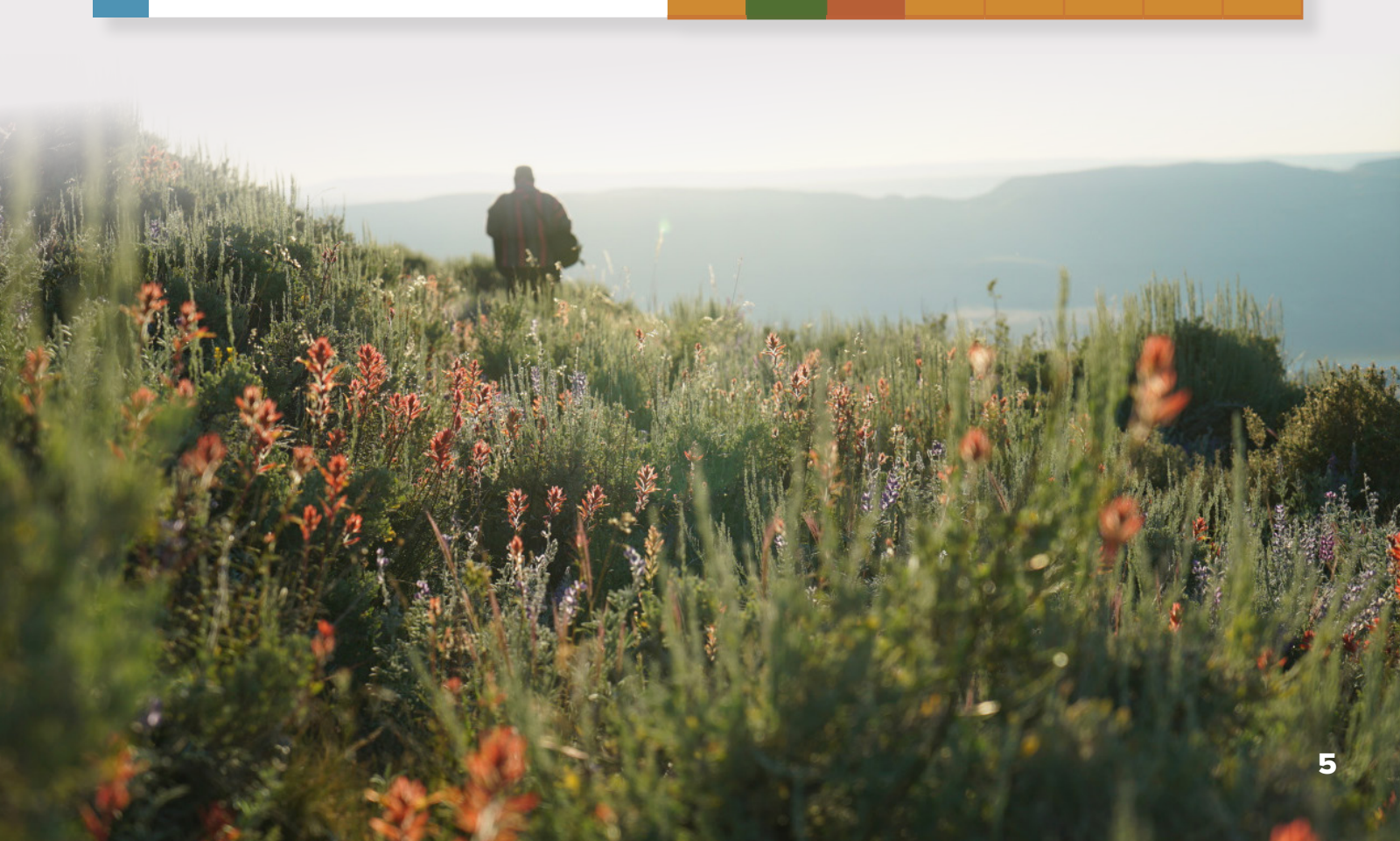
### TOTAL

**Best:** 6 - 9

**Average:** 3 - 5

**Needs Improvement:** 0 - 2

3 7 1 4 3 3 5 3



## RESPONSIBLE ENERGY DEVELOPMENT SCORES

	AZ	CO	ID	MT	NM	NV	UT	WY
<b>SETBACKS FROM OIL &amp; GAS WELLS</b> <b>2 pts total:</b> Half-mile setback or greater <b>1 pt total:</b> Less than half-mile setback <b>0 pts:</b> No setback	1	1	1	0	1	1	1	1
<b>PUBLIC DISCLOSURE OF FRACKING CHEMICALS</b> <b>1 pt:</b> Required, transparent reporting <b>1 pt:</b> Limit on trade secret claims	0	2	1	1	1	1	1	2
<b>SPILL REPORTING &amp; TRANSPARENCY</b> <b>1 pt:</b> Spill reporting requirements <b>1 pt:</b> Publicly-available online spill database	1	2	1	1	2	1	2	1
<b>BASELINE WATER TESTING</b> <b>1 pt:</b> Testing before and after drilling <b>1 pt:</b> Testing within a half-mile radius of wells	0	2	0	0	0	2	1	2
<b>OIL &amp; GAS METHANE EMISSION REDUCTION</b> <b>2 pts:</b> Statewide methane capture rules	0	2	0	0	0	0	0	0
<b>WELL &amp; MINE BONDING</b> <b>1 pt:</b> Strong bonding requirements for oil and gas wells <b>1 pt:</b> Prohibition against self-bonding for coal operations	0	0	0	1	0	0	0	0
<b>FAIR TAXPAYER RETURN</b> <b>1 pt:</b> Royalty rates above federal rate (12.5%) <b>1 pt:</b> Have severance tax <b>1 pt:</b> Have conservation tax	1	3	1	2	3	1	3	2
<b>TOTAL</b> <b>Best:</b> 11 - 14 <b>Average:</b> 6 - 10 <b>Needs Improvement:</b> 0 - 5	3	12	4	5	7	6	8	8

**Please note,** in order to weight the Responsible Energy Development section comparably to other sections, point totals were halved before adding them to the state's final score on page 3.



# 2

## LANDS AND ACCESS



States have a major role to play in the conservation of the lands and landscapes that make the American West the American West. State-level policies not only influence the public’s access to and enjoyment of lands and waterways, but ensure wildlife and water protections.

RANKING	<b>BEST</b>	MT
	<b>AVERAGE</b>	CO, ID, NM, NV, WY
	<b>NEEDS IMPROVEMENT</b>	AZ, UT

## BENCHMARK: STATE TRUST LANDS ACCESS

### POSSIBLE POINTS

- 1 pt:** Hiking, hunting, and fishing access on state trust lands
- 1 pt:** Camping access on state trust lands
- 1 pt:** Lands access specialist

### WHAT ARE STATE TRUST LANDS AND WHAT AFFECTS ACCESS TO THEM?

All Western states were granted trust lands by the federal government at statehood. In many states, the purpose of these lands is to generate funds for public institutions, including schools.<sup>1</sup> State trust lands are sometimes sold to private interests or leased for a range of uses including grazing, exclusive hunting, and mining. On the remaining unleased acreage the public has varying levels of access, with and without per-

mits, with and without fees—all determined by state rules and regulations. Some states allow camping, others do not. In most states, hunting and fishing on state lands is permitted with the appropriate license, and many state departments of fish and game lease state trust lands for license-holders.

There are also technical factors that inhibit access to state trust lands. Due to the checkerboard pattern of many of the lands granted at statehood, many state parcels are surrounded by private lands and “locked” to public access. Unless states have programs allowing sportsmen and women to cross corners or request right-of-ways on private lands (like the AccessYes! program in **Wyoming, Idaho, and Montana**), these state lands are effectively closed to access even if they’re legally open.<sup>2,3</sup>

Further, the quantity of state trust lands remaining in each state varies. States like **Arizona**, **Montana**, and **Wyoming** still have more than 80 percent of the state lands originally granted to them, while **Nevada** only holds around 3,000 acres of its original 2.7 million.<sup>4</sup> This discrepancy is due in part to the restrictiveness of federal language in each state’s Enabling Act. By the time **Arizona** and **New Mexico** joined the Union, stricter limitations on the selling of state trust lands were in place.<sup>5</sup>

## WHAT ARE STATES DOING? (SEE TABLE A IN APPENDIX)

**Montana** excels in access to state and public lands. With a lands access specialist position dedicated to the issue, recreation is allowed on all legally accessible state trust lands, with some minor stipulations and a permit.<sup>6,7</sup> State trust lands are legally accessible if they can be accessed from adjacent public lands, public roads, or public waterways. Montana also has an innovative tax incentive program to improve access to landlocked state lands.<sup>8</sup>

Access to state trust lands is also high in Idaho and Utah. In **Utah**, camping is permitted for up to 15 days and the Utah Division of Wildlife Resources pays an annual fee for licensed sportsmen to hunt on state trust lands.<sup>9</sup> Recreational use of **Idaho’s** “endowment lands” is allowed for no charge unless it interferes with other management activities.<sup>10</sup> The Idaho Department of Lands recently released new maps highlighting recreation access on state trust lands.<sup>11</sup> According to the maps, 96 percent of Idaho’s remaining trust lands are accessible by foot or boat.<sup>12</sup> The agency is currently working to ensure the new maps will be added to the state’s online hunt planner map.

In **Arizona**, residents who buy a recreational permit—which acts like a state parks pass—can hike, horseback ride, bike ride, have picnics, take photographs, sightsee, and bird watch.<sup>13</sup>

These activities are also permitted with a hunting and fishing license. Camping is restricted to no more than 14 days per year.<sup>14</sup> In **New Mexico**, camping is only allowed on leased state trust lands with written permission from the surface lessee. Fishing and hunting is allowed with a license, written permission, and only if the state trust lands are accessible by public road. Other recreation is allowed with a permit, which costs \$35 a year.<sup>15</sup>

State trust lands in **Wyoming** are open to hiking, hunting, and fishing, but not camping.<sup>16</sup> Many of Wyoming’s state trust lands are trapped by private property, but the AccessYes! program and an easy-to-navigate online map help guide recreationists.<sup>17</sup> Hunting is not permitted on state trust lands that are leased for agriculture. Even though **Nevada’s** remaining 3,000 acres of state trust lands are technically open to the public for some forms of recreation and camping, many prime parcels for recreation were sold long ago.<sup>18</sup>

The state with the least access to state trust lands is Colorado. **Colorado** state trust lands are not open to the public unless users have a recreation lease or a permit to hunt or fish on the state trust lands leased by Colorado Parks and Wildlife for that purpose.<sup>19</sup> Currently the state allows hunting and fishing access on roughly 20 percent of state trust lands, the lowest of any state in the West.<sup>20</sup>

It’s important to note that these rules about access to state trust lands don’t always translate to actual use, which is greatly influenced by levels of enforcement in each state.

## SCORES

**3 of 3 points:** Montana

**2 of 3 points:** Arizona, Idaho, New Mexico, Nevada, Utah

**1 of 3 points:** Colorado, Wyoming

# BENCHMARK: STREAM ACCESS

## POSSIBLE POINTS

**1 pt:** Floating

**1 pt:** Wading

**1 pt:** Walking along stream perimeter up to high water mark

## WHAT IS STREAM ACCESS?

Defining stream access can be murky, so to speak—especially when streams are intermittent, as they often are in the West. Privileges vary across each state, and across public and private lands, impacting the public’s opportunities for recreational fishing and boating. For some states, defining stream access is an ever-fluctuating, ever-contested process.

Ultimately, recreational use of waterways in the American West is not just a practical matter, but a legal one—grounded in English common law and the concept of “navigability.” Tests of navigability are interpreted differently by each state. To make matters even more complicat-

ed, permission to float on the water is not always paired with the right to wade in, or portage alongside it. Such nuances of stream access are disputed in court or altered in the legislature, upheld through case law and civil and criminal statutes. Together, these inform a state’s determination if its rivers are open to public use and enjoyment. In this section, points are awarded for floating access, wading access, and rights to walk alongside the stream perimeter up to the high watermark, which boaters rely on for scouting and portaging around obstacles.

## WHAT DO STATES ALLOW?

There are two Western states with exemplary stream access: **Montana** and **Idaho**. In both states, boaters and fishermen are free to float through private lands, wade in streambeds, and walk along waterways on private land all the way up to the high water mark.<sup>21</sup> This ensures walkable perimeters most times of year. Despite disputes in court and attacks by lawmakers, Montana’s stream access is generally considered the gold standard because the state has



constitutionally declared all rivers in the state public.<sup>22</sup> Idaho allows for public use through a variety of rules and statutes.

In **Wyoming**, **New Mexico**, and **Utah**, floating is permitted through private land, but wading and anchoring are only allowed with permission from the landowner. In these three states, streambanks and streambeds are considered private property. Limited scouting on streambanks is allowed in **Wyoming** in certain situations.<sup>23</sup>

A 2008 **Utah** Supreme Court decision expanded public access to private streambeds in Utah, but was effectively reversed two years later, when the Utah Legislature passed H.B. 141: Recreational Use of Public Water on Private Property, requiring landowner permission for setting foot on streambeds.<sup>24</sup> The Utah Stream Access Coalition appealed and is awaiting a State Supreme Court ruling. Similarly, in 2015, the **New Mexico** Legislature amended their Stream Access Law of 1978, cutting walk-and-wade access wherever a stream crosses private property, marking a significant step backwards in stream access.<sup>25</sup> Both New Mexico and Utah have had issues of private landowners erecting barbed wire fences through streams and putting up “no trespassing” signs.<sup>26</sup>

**Arizona’s** access is even more restrictive. The Arizona Navigable Stream Adjudication Commission (ANSAC), has the power to decide which of Arizona’s waterways are navigable, allowing for

more public access.<sup>27</sup> To date, only the Colorado River has received such distinction. Outside of the Colorado River, boaters may only float above federally-owned streambeds.

Stream access is a contentious issue in **Nevada**, whose details remain ambiguous and undefined by Nevada law. Neither the court nor the legislature has determined whether the public trust doctrine applies to non-navigable streams or whether boaters may wade or portage through private property.<sup>28</sup>

While the public can float downstream on most major rivers in **Colorado** if accessed by public land, wading or anchoring in Colorado streams on private property is considered trespassing.<sup>29</sup> Unlike many other Western states, the legality of floating through private property remains somewhat unsettled, resting on a 1983 opinion from the Colorado Attorney General which states boaters have a right to float downstream, so long as they do not touch the streambed.<sup>30</sup> The question of which streams are navigable is unsettled in the state, as Colorado courts have not settled on a consistent test for navigability.

## SCORES

**3 of 3 points:** Idaho, Montana

**2 of 3 points:** Wyoming

**1 of 3 points:** New Mexico, Nevada, Utah

**0 points:** Arizona, Colorado



# BENCHMARK: FUNDING FOR LAND, WATER, & WILDLIFE CONSERVATION

## POSSIBLE POINTS

**3 pts total:** Strong dedicated funding for land, wildlife conservation

**2 pts total:** Dedicated funding streams for wildlife conservation

**1 pt total:** Variable funding for conservation

**0 pts:** No specific funding streams for conservation

## WHY IS THIS IMPORTANT?

The expanding footprint of human development in the West is shrinking wild lands, cutting off landscape connectivity, and compromising waterways.<sup>31</sup> Add in the volatility of climate change, and this puts the health of ecosystems and species even more at risk. Sound wildlife, land, and water protection relies on broad-based funding for proactive management and restoration. Without sustained state-level conservation funding, states won't qualify for matching federal programs like the Land and Water Conservation Fund (LWCF).

## WHAT ARE STATES DOING?

Funding to protect land, wildlife, and water may apply to public and/or private lands. It may be intended for state agencies, nonprofits, or local levels of government. States with dedicated streams of funding outside of state general fund appropriations and with specific conservation programs do the best in this category. One-off funds, while certainly valuable, can be undependable and may ebb and flow from year to year.

**Colorado** is considered the best when it comes to conservation funding, though the state's popular programs are currently under attack by some at the legislature. Great Outdoors Colorado (GOCO) is sustained by proceeds from the state lottery and provides funding to preserve and enhance the state's parks, wildlife,

and open spaces.<sup>32</sup> In FY2016, GOCO awarded \$64.3 million across 11 grant programs.<sup>33</sup> Colorado also directs funds from a Habitat Stamp (a required \$10 fee tagged on to the cost of a hunting or fishing license) to fund the Colorado Wildlife Habitat Protection Program, which works to increase access and protect critical wildlife habitat.<sup>34</sup> The state also offers Wetlands Project Funding for restoration of riparian areas and the Conservation Trust Fund, which is administered to local governments for conservation and recreation projects.<sup>35,36</sup>

**Montana, Wyoming, and Arizona** provide dedicated funding streams for wildlife conservation. The Habitat **Montana** program, originally established by the Montana legislature in 1987, directs portions of hunting license fees towards protecting wildlife habitat. The program currently generates about \$5.3 million annually, primarily from nonresident hunting licenses.<sup>37</sup> In 2015, the state legislature jeopardized the program, restricting some of its most important uses; however, conservationists and sportsmen led a successful effort in 2017 to restore the program.<sup>38</sup> Montana also conducts the Future Fisheries Improvement Program, which aims to restore essential habitats for wild fish populations in lakes, rivers, and streams.<sup>39</sup> In 2017 the Montana legislature passed legislation creating an "MT-PLAN" fund, which will accept private donations, including optional donations from conservation license purchases, to increase access to public lands.<sup>40</sup> In 2005, the **Wyoming** legislature established the Wildlife and Natural Resource Trust, dedicating interest earned on a permanent account towards conserving wildlife habitat.<sup>41</sup> The trust provides roughly \$8 million annually in grants.<sup>42</sup> Wyoming also requires a conservation stamp be purchased with a hunting license.<sup>43</sup>

**Arizona** established the Arizona Heritage Fund in 1990, directing proceeds from the state lot-

tery towards a range of conservation programs, including wildlife conservation and improvements at state parks.<sup>44</sup> In 2010, legislation eliminated funding for the State Parks Heritage Fund in an attempt to balance the budget, but left funding for wildlife conservation intact.<sup>45</sup> The state has also invested in the Arizona Water Protection Fund, which supports measures that “enhance and restore rivers, streams and riparian habitat, including projects that benefit fish and wildlife, that are dependent on these important resources.”<sup>46</sup>

Many Western states have less consistent sources of funding. **Nevada** voters have approved measures providing significant conservation funding; however, these measures do not automatically renew. In 2002, voters approved “Question 1,” approving the issuance of \$200 million in bonds with proceeds going towards improvements to trails, parks, and habitat conservation.<sup>47</sup> Voters also approved a bond measure in 1990, known as “Question 5,” which provided \$47.2 million for conservation projects, the bulk of which was spent by 1994.<sup>48</sup>

In **Utah**, The LeRay McAllister Critical Land Conservation Fund incentivizes local landowners to protect critical open and agricultural lands with matching grants, but is continually underfunded.<sup>49</sup> Since 1995, Utah’s Wildlife Habitat Account has been administered by the Utah Division of Wildlife Resources, providing roughly \$2 million annually for projects.<sup>50</sup> Similarly, **New Mexico’s** Natural Heritage Conservation Act put forth \$5 million in conservation funds to attract federal matching funds in 2010, but funding has since dried up.<sup>51</sup> Outside of traditional wildlife spending, **Idaho** has no sustained state-level funding for conservation.

## SCORES

**3 of 3 points:** Colorado

**2 of 3 points:** Arizona, Montana, Wyoming

**1 of 3 points:** New Mexico, Nevada, Utah

**0 points:** Idaho

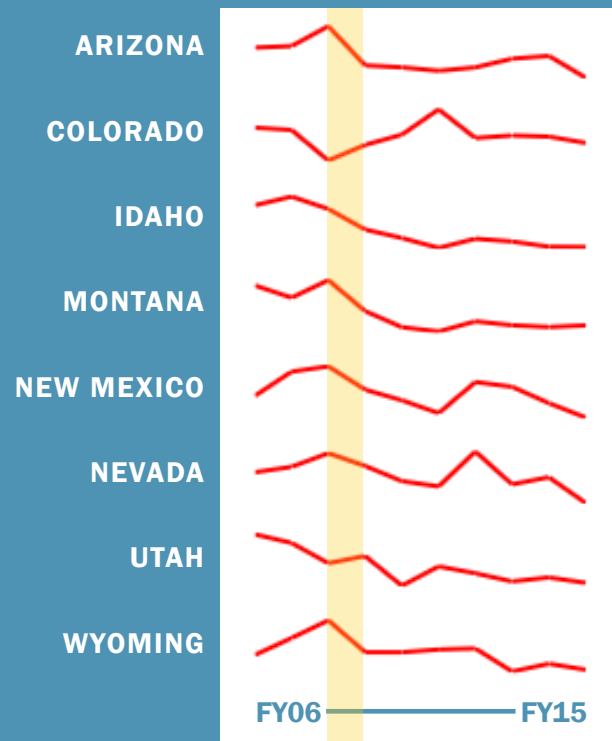
## STATE PARKS FUNDING

State parks have long been an important part of our Western public lands. From rugged mountains to reservoirs, state parks conserve and provide access to outdoor spaces across the region. In recent years, however, state parks have disproportionately felt the effects of recessions and budget crunches.

A look at state park budgets, compared to overall state operating budgets, shows that in most states across the West, state park funding declined during the Great Recession. When economic times get tough, state park funding is one of the first items thrown overboard. Even as state economies have recovered throughout the region, funding for parks has remained stagnant or declined.

With more people visiting parks than ever before, it will be critical for states to fund state parks adequately so that these places can be conserved for generations to come.

**STATE PARK BUDGETS** as a percent of total state operating budgets<sup>52</sup>  
Fiscal Year 2006 - 2015



**GREAT RECESSION**

# BENCHMARK: PUBLIC LANDS COMMEMORATION

## POSSIBLE POINTS

**1 pt:** Has public lands day or commemoration

## WHY IS THIS IMPORTANT?

The United States held the first National Public Lands Day in 1994, which now falls annually on a Saturday in late September. On National Public Lands Day, access to many federally-managed lands is free and volunteers gather for a day of service. In the last few years, states have followed the federal government's lead, passing legislation to announce their own public lands days.

Proclaiming a public lands day or passing a public lands resolution demonstrates a state's commitment to the public lands within its borders. This is a response to efforts by some states, most notably Utah, to seize and sell-off national public lands. The symbolic gesture of public lands days must also be backed up by concrete actions and policies.

## WHAT ARE STATES DOING?

**Colorado, Nevada, and New Mexico** have embraced statewide celebrations of public lands. Following successful legislation from State Senator Kerry Donovan, the first Colorado Public Lands Day took place on May 20th, 2017, with celebratory events ranging from group hikes to stewardship projects.<sup>53</sup> Nevada's Public Lands Day legislation was passed with an overwhelming bipartisan majority and signed into law by Governor Brian Sandoval in June of 2017, after Governor Sandoval first made a proclamation

## UTAH LEADS EFFORTS TO DISPOSE OF PUBLIC LANDS, UNDERCUT PROTECTIONS

This report focuses on proactive, state-based conservation and environmental policies with a concentration on what Western states are doing well. The methodology does not dock a state points for regressive conservation policies.<sup>54</sup>

That said, Utah has a black stain on its record not captured in the scoring. In recent years state lawmakers have work aggressively to undermine U.S. public lands protections.<sup>55</sup>

The state has led efforts to compel the government to dispose of U.S. public lands into state and private hands. In 2012, the state passed H.B. 148, Transfer of Public Lands Act, requiring national forests, monuments, wilderness, and other American-owned public lands inside of Utah to be handed over to the state by the end of 2014.<sup>56</sup> Utah threatened a lawsuit if the U.S. government did not oblige. The millions of acres in question were never disposed of, and, while Utah has yet to litigate, the legislature has promised to spend \$14 million in taxpayer funds suing to seize U.S. public lands.<sup>57</sup>

What's more, Utah state officials have led a campaign against national monuments—including Bears Ears National Monument and Grand Staircase Escalante—even passing resolutions calling for the dissolution of these two monuments.<sup>58,59</sup> The state's lawmakers have also lobbied Trump administration officials to shut down two of the state's national monuments; what would be an unprecedented, and likely illegal, action.<sup>60</sup>

Utah has a burgeoning, vibrant outdoor economy, yet anti-public lands politicians keep trying to seize and sell the lands. Utah has paid a stiff price for its politicians' sentiment—the \$45 million outdoor retailer trade show is relocating from Salt Lake City to Denver in 2018 because Colorado's support for public lands is more closely aligned with the outdoor industry.<sup>61</sup>

back in 2012.<sup>62</sup> The state’s first Public Lands Day occurred September 30, 2017, coinciding with National Public Lands Day. In 2016, **New Mexico** passed a Senate commemoration recognizing and honoring the state’s public lands legacy, affirming that public lands are “vital to the state and national economies and to the health and well-being of the residents of New Mexico.”<sup>63</sup>

The **Montana** legislature failed to pass a public lands day bill during their 2017 session.<sup>64</sup> **Wyoming** outdoor advocates are looking to introduce a bill for their 2018 session.<sup>65</sup>

## SCORES

**1 point:** Colorado, New Mexico, Nevada

**0 points:** Arizona, Idaho, Montana, Utah, Wyoming

# FINAL SCORES

		AZ	CO	ID	MT	NM	NV	UT	WY
BENCHMARKS	<b>ACCESS TO STATE TRUST LANDS</b>								
	<b>1 pt:</b> Hiking, hunting, and fishing access on state trust lands	2	1	2	3	2	2	2	1
	<b>1 pt:</b> Camping access on state trust lands								
	1 pt: Lands access specialist								
	<b>STREAM ACCESS</b>								
	<b>1 pt:</b> Floating	0	0	3	3	1	1	1	2
	<b>1 pt:</b> Wading								
	<b>1 pt:</b> Walking along stream perimeter up to high water mark								
	<b>FUNDING FOR LAND, WATER, AND WILDLIFE CONSERVATION</b>								
	<b>3 pts total:</b> Strong dedicated funding for land, wildlife conservation	2	3	0	2	1	1	1	2
<b>2 pts total:</b> Dedicated funding streams for wildlife conservation									
<b>1 pt total:</b> Variable funding for conservation									
<b>0 pts:</b> No specific funding streams for conservation									
<b>PUBLIC LANDS COMMEMORATION</b>									
<b>1 pt:</b> Has public lands day or commemoration	0	1	0	0	1	1	0	0	
<b>TOTAL</b>									
<b>Best:</b> 8 - 10	4	5	5	8	5	5	4	5	
<b>Average:</b> 5 - 7									
<b>Needs Improvement:</b> 0 - 4									



# 3

## OUTDOOR RECREATION



Outdoor recreation is an economic powerhouse in the American West. The outdoor industry contributes 925,000 jobs and \$104.5 billion in consumer spending to the Mountain West, providing \$7.2 billion in state and local tax revenues.<sup>66</sup> Many industries depend on the outdoor recreation economy, from companies that make outdoor gear, to local shops that serve tourists visiting national parks, and even to non-recreation businesses that choose to locate near public lands. The strength of the outdoor recreation economy relies on access to well-managed and well-funded public lands and waters. Access to lands for hunting, hiking, and fishing not only attracts companies, it gives them a competitive advantage for hiring and retaining workers.<sup>67</sup>

Some Western states are taking steps to prioritize and make investments in outdoor recreation by establishing funds to maintain trails, programs to foster the next generation of outdoor enthusiasts, and state-level offices of outdoor recreation to build the outdoor economy.

RANKING	<b>BEST</b>	CO
	<b>AVERAGE</b>	AZ, MT, NM, NV, UT, WY
	<b>NEEDS IMPROVEMENT</b>	ID

# BENCHMARK: OFFICE OF OUTDOOR RECREATION

## POSSIBLE POINTS

**3 pts total:** Has an office

**2 pts total:** Has a taskforce

**1 pt total:** Proactive efforts underway

## WHY IS THIS IMPORTANT?

An office of outdoor recreation can increase the visibility of a state's outdoor recreation economy, serving as a hub for planning and advocacy. States with an effective offices can provide grants, research, and the personnel to form relationships with the outdoor industry.<sup>68</sup> Successful offices of outdoor recreation have the potential to help attract and grow businesses that manufacture outdoor gear, as well as local businesses that benefit from tourism.

## WHAT ARE STATES DOING?

**Utah** Governor Gary Herbert was the first to establish a state Office of Outdoor Recreation in 2013.<sup>69</sup> **Colorado** Governor John Hickenlooper created Colorado's Outdoor Recreation Industry Office (OREC) in 2015.<sup>70</sup> Both offices are housed in the states' departments of economic development. Thanks in part to OREC, Colorado is home to 7,800 outdoor recreation firms, employing 177,700 people, with a \$6 billion annual payroll.<sup>71</sup> OREC's director, Luis Benitez, helped play a prominent role in landing the Outdoor Retailer trade show in Denver beginning in 2018.<sup>72</sup>

In the summer of 2016, **Montana** Governor Steve Bullock released a public lands and public access agenda aimed at upholding Montana's outdoor recreation economy and heritage.<sup>73</sup> In this agenda he outlined a plan to establish Montana's Office of Outdoor Recreation, which opened in the fall of 2017 with Rachel Van deVoort at the helm.<sup>74</sup>

In late 2016, **Wyoming** Governor Matt Mead formed a 26-person Wyoming Outdoor Recreation Task Force.<sup>75</sup> The diverse group of stakeholders shared their recommendations in the summer of 2017.<sup>76</sup> **Colorado** also facilitates an Outdoor Recreation Advisory Group, comprised of over 30 individuals from across the outdoor recreation community.<sup>77</sup>



**Arizona, Idaho, Nevada, and New Mexico** do not have an office dedicated to outdoor recreation, though Arizona has a Council for Enhancing Recreation and Tourism, which produces an interactive online map of all the recreational opportunities in the state.<sup>78</sup> During the 2017 session, **New Mexico** passed a resolution requesting that the tourism and economic development departments study the impact of creating a state office of outdoor recreation and recruiting outdoor industries to the state.<sup>79</sup>

## SCORES

**3 of 3 points:** Colorado, Montana, Utah

**2 of 3 points:** Wyoming

**1 of 3 points:** Arizona, New Mexico

**0 points:** Idaho, Nevada

# BENCHMARK: OUTDOOR INFRASTRUCTURE

## POSSIBLE POINTS

**1 pt:** Offers permanent funding for outdoor infrastructure

**1 pt:** Offers impermanent funding for outdoor infrastructure

## WHY IS THIS IMPORTANT?

Access to public lands is incomplete without trails to hike, run and ride on, boat ramps to launch from, and facilities like parking areas with restrooms. Many state agencies are charged with providing these types of outdoor infrastructure, and some states provide additional grants for such improvements.

## WHAT ARE STATES DOING?

**Colorado** connects and maintains trails through its Great Outdoors Colorado (GOCO) Connect Initiative grants—ongoing, dedicated funding safeguarded in the state’s constitution and sustained by a fraction of proceeds from the state lottery.<sup>80</sup>

**Utah** generates up to \$50,000 in matching funds for outdoor infrastructure projects through the Utah Office of Outdoor Recreation’s Outdoor Recreation Grant.<sup>81</sup> Revenue for the grant is generated from a transient occupancy tax.<sup>82</sup> A portion of **Nevada’s** voter-approved Question

1 bond program provided grants to state agencies, local governments, and nonprofits for trail and infrastructure work; however, the bond program has not been renewed.

The **Arizona** State Committee on Trails and Arizona State Parks have partnered on the Arizona Premier Trail System to recognize and support non-motorized trails of special significance in the state.<sup>83</sup> Funding for state park and other infrastructure improvements provided by the Arizona Heritage Fund was eliminated in 2010. **Idaho** has an Idaho Off-Road Motor Vehicle Fund, which is funded annually through a portion of the state gas tax.<sup>84</sup>

The Federal Highway Administration’s Recreational Trails Program requires each state to have a trail advisory committee that works towards a balance of motorized, non-motorized and diverse trail infrastructure in each state.<sup>85</sup> Beyond this federal requirement—and outside of state parks initiatives—there is no explicit funding for non-motorized trails or infrastructure in **Idaho, Montana, New Mexico, or Wyoming.**

## SCORES

**2 of 2 points:** Colorado

**1 of 2 points:** Arizona, Idaho, Nevada, Utah

**0 points:** Montana, New Mexico, Wyoming



# BENCHMARK: OUTDOOR AND ENVIRONMENTAL EDUCATION

## POSSIBLE POINTS

**2 pts:** Offers permanent funding for outdoor education (1 pt for impermanent funding)

**1 pt:** Statewide standards for outdoor/environmental education

**1 pt:** Every Kid in a Park program

## WHY IS THIS IMPORTANT?

Outdoor recreation not only relies on sound trails and infrastructure, but on a community and culture to match it. In order to become stewards of our public lands, children and adults need to learn how to safely respect and experience nature. Children especially benefit from opportunities to explore and grow outside. To this end, between 2009 and 2012, **Colorado, Nevada, and New Mexico** each passed a Children's Outdoor Bill of Rights, recognizing the necessity of creating outdoor experiences for youth.<sup>86,87</sup> Programs that get kids outside are offered by nonprofits and state agencies, often in collaboration. In addition to providing programs, states can give kids and their families free access to state parks, offer grants for outdoor education, and ensure that environmental education is a required part of school curriculum through statewide benchmarks and standards.

## WHAT ARE STATES DOING?

### **Grant funding for outdoor education:**

Some states offer grants specifically intended for providing outdoor experiences for youth. **Colorado** administers permanent grants through its Great Outdoors Colorado's Inspire Initiative grants, which are available to coalitions and teams of environmental/outdoor educators, and their School Yard Initiative funds school-based projects that inspire play and outdoor learning.<sup>88,89</sup> The 2018 grant cycle objectives of **Arizona's** more tenuous Arizona Heritage Fund include environmental education, outdoor education, and





schoolyard habitat.<sup>90</sup> The **New Mexico** State Parks Kids n' Parks program and the **Montana** Fish, Wildlife and Parks Department both provide transportation grants to connect their students to the outdoors.<sup>91,92</sup> **Utah** funds outdoor education initiatives through the Utah Office of Outdoor Recreation's Outdoor Recreation Grant.<sup>93</sup>

**Statewide standards for outdoor/environmental education:** **Arizona, Idaho, New Mexico,** and **Utah** have no state-level standards or benchmarks purely for environmental or outdoor education. However, the Utah Office of Education put out a large funding package designed to bring non-formal education programs into schools in support of science curricula.<sup>94</sup> **Wyoming** and **Colorado** have no standalone statewide standards for environmental education. However, Colorado's Environmental Education Plan, adopted in 2012 following the passage of the Colorado Kids Outdoors Grant Program bill in 2010, outlines all of the general education standards related to environmental education.<sup>95</sup> Colorado also offers training programs for teachers, including Outdoor Understanding for Teachers.<sup>96</sup> In 2014, **Nevada** adopted Google's Next Generation Science Standards, a set of state-driven standards which emphasize hands-on experiential learning about science.<sup>97</sup>

#### **Every Kid in a Park programs:**

A handful of states have followed federal footsteps, offering schoolchildren free passes to parks through the Every Kid in a Park model.<sup>98</sup> **Nevada's** Kids in Parks program gives every 5th grader a free pass to Nevada's state parks.<sup>99</sup> Both **Idaho** and **Wyoming** have a similar initiative for 4th graders.<sup>100,101</sup> Since 2003, access to state parks has been free for all **Montanans**.<sup>102</sup> **Colorado** residents have the option to check out state parks passes through the state's Library Loan program.<sup>103</sup> For one year in 2015, **New Mexico** offered a free pass for 4th graders.<sup>104</sup>

## **SCORES**

**4 of 4 points:** none

**3 of 4 points:** none

**2 of 4 points:** Colorado, Nevada, New Mexico

**1 of 4 points:** Arizona, Montana, Utah, Wyoming

# FINAL SCORES

	AZ	CO	ID	MT	NM	NV	UT	WY
BENCHMARKS	<b>OFFICE OF OUTDOOR RECREATION</b>							
	<b>3 pts total:</b> Has an office							
	1	3	0	3	1	0	3	2
	<b>2 pts total:</b> Has a task force							
	<b>1 pt total:</b> Proactive efforts underway							
	<b>OUTDOOR INFRASTRUCTURE</b>							
	<b>1 pt:</b> Offers permanent funding for outdoor infrastructure							
	1	2	1	0	0	1	1	0
	<b>1 pt:</b> Offers impermanent funding for outdoor infrastructure							
	<b>OUTDOOR EDUCATION</b>							
<b>2 pts:</b> Offers permanent funding for outdoor education (1 pt for impermanent funding)								
1	2	0	1	2	2	1	1	
<b>1 pt:</b> Statewide standards for outdoor/environmental education								
<b>1 pt:</b> Every Kid in a Park program								
<b>TOTAL</b>								
<b>Best:</b> 6 - 9								
3	7	1	4	3	3	5	3	
<b>Average:</b> 3 - 5								
<b>Needs Improvement:</b> 0 - 2								



# 3

## RESPONSIBLE ENERGY DEVELOPMENT



Oil and gas extraction has long impacted the American West with economic booms and busts, spills, water contamination, air pollution, and habitat fragmentation. Energy production continues to be a major presence in the region, with Wyoming, New Mexico, and Colorado all listed among the top ten producing states of crude oil in the nation.<sup>105</sup> Even though the types and quantity of energy production vary from state-to-state, Western states should enact responsible and commonsense measures that reduce the impacts of energy development on our Western communities, public lands, water, and wildlife.<sup>106,107</sup>

Standards that protect public health and the environment can be established through statutes, stipulations of permit conditions, and voluntary action. As technology and practices change and improve over time, rules and regulations can too. Every state has room for improvement and every state has its own set of energy challenges. This scorecard examines a sampling of state-level policies related to energy development.

RANKING	<b>BEST</b>	CO
	<b>AVERAGE</b>	NM, NV, UT, WY
	<b>NEEDS IMPROVEMENT</b>	AZ, ID, MT

# BENCHMARK: SETBACKS FROM OIL & GAS WELLS

## POSSIBLE POINTS

**2 pts total:** half-mile setback or greater

**1 pt total:** Less than half-mile setback

**0 pts:** No setback

## WHY IS THIS IMPORTANT?

Setbacks, or required distances between drilling sites and private residences, schools, and other development, keep disturbances associated with energy development—such as air and noise pollution—at a distance. Setbacks from local water wells are preventative measures to avoid water contamination. Across the West, state rules on setbacks vary significantly, including in distance and jurisdiction.

## WHAT ARE STATES DOING?

**Colorado's** required setbacks vary from 1,000 feet from multi-occupancy buildings to 500 feet from residences.<sup>108,109</sup> **Wyoming** maintains a setback of 500 feet.<sup>110</sup> In 2016, **Idaho** decided to keep their setback requirement at 300 feet instead of raising it to 500 feet.<sup>111</sup> **New Mexico** and **Utah** let counties determine setbacks, which range dramatically.<sup>112,113</sup> **Arizona's** setbacks vary from 150-1,000 feet.<sup>114</sup> **Nevada** has a 300 foot setback rule for fracking wells, but none for conventional wells.<sup>115</sup> **Montana** has no setback rules.

## SCORES

**2 of 2 points:** none

**1 of 2 points:** Arizona, Colorado, Idaho, New Mexico, Nevada, Utah, Wyoming

**0 points:** Montana





# BENCHMARK: PUBLIC DISCLOSURE OF FRACKING CHEMICALS

## POSSIBLE POINTS

**1 pt:** Required, transparent reporting

**1 pt:** Limit on trade secret claims

## WHY IS THIS IMPORTANT?

Many chemicals are injected into the earth during oil and gas extraction. Though these mixes are often coveted and secret tools of the trade, requiring public disclosure of fracking chemicals encourages the use of less toxic fluids, and ensures accountability for their potentially harmful effects.

## WHAT ARE STATES DOING?

In 2010, **Wyoming** became the first state to require disclosure of fracking chemicals.<sup>116</sup> Industry soon began voluntarily reporting chemicals on FracFocus, a registry established by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission.<sup>117</sup> In

2015, the federal government recommended all companies drilling on federal public lands use this tool.<sup>118</sup>

Today, **Colorado, Idaho, Nevada, and Utah**, require public reporting using FracFocus.<sup>119,120</sup> In the case of Colorado, reporting is required 48 hours prior to hydraulically fracturing a well. Other states—like **Montana** and **New Mexico**—have their own systems of disclosing chemicals through their state agencies.<sup>121,122</sup> **Arizona** has no fracking chemical disclosure rules and reporting through FracFocus is voluntary.<sup>123</sup> **Wyoming** and **Colorado** have also taken measures to make it more difficult for trade secret claims to trump disclosure.<sup>124</sup>

## SCORES

**2 of 2 points:** Colorado, Wyoming

**1 of 2 points:** Idaho, Montana, New Mexico. Nevada, Utah

**0 points:** Arizona



# BENCHMARK: SPILL REPORTING & TRANSPARENCY

## POSSIBLE POINTS

**1 pt:** Spill reporting requirements

**1 pt:** Publicly-available online spill database

## WHY IS THIS IMPORTANT?

Spills are an ongoing reality of energy development. When spills do happen, it's essential that states require producers to report them and for the state to transparently convey that information to the public. This data should be easily available online and easily accessible for the public to understand the impact of spills.

## WHAT ARE STATES DOING?

All Western states require oil and gas operators to report spills when they occur. **Montana** requires immediate reporting of spills by telephone and a written report in five days.<sup>125</sup> **Colorado's** Rule 906 requires spill reporting within the first 24 hours of discovery.<sup>126</sup> **Arizona, New Mexico, Utah,** and **Wyoming** also require in-

dustry reporting within 24 hours.<sup>127,128,129,130</sup> **Nevada** and **Idaho** have spill reporting hotlines.

**Colorado, New Mexico,** and **Utah** share spills data publicly in online databases.<sup>131,132,133</sup>

Though **Wyoming** collects spills data, the Wyoming Oil and Gas Conservation Commission does not publish the data online. Both the Wyoming and **Nevada** Departments of Environmental Quality post some data on certain spills online; however, their lists are not comprehensive.<sup>134,135</sup> In 2015, the **Montana** Board of Oil and Gas Conservation began posting state spills data online in monthly increments, but the data is difficult to find.<sup>136</sup> **Arizona** and **Idaho** do not have publicly-available spills databases online.

## SCORES

**2 of 2 points:** Colorado, New Mexico, Utah

**1 of 2 points:** Arizona, Idaho, Montana, Nevada, Wyoming

**0 points:** none



# BENCHMARK: BASELINE WATER TESTING

## POSSIBLE POINTS

**1 pt:** Testing before and after drilling

**1 pt:** Testing within a half-mile radius of wells

## WHY IS THIS IMPORTANT?

Baseline water testing at oil and gas sites is important for protecting groundwater from contamination, for protecting nearby communities, and for determining the source of contamination. Requiring water testing before and after drilling across a broad area can provide key data and ensure contamination is detected and addressed.

## WHAT ARE STATES DOING?

States vary in how large a radius they require companies to take water samples in, as well as how many water wells they require companies to sample within that radius. **Colorado, Wyoming, and Nevada** require pre-drill testing and two rounds of post-drill testing at four locations within a half-mile of the oil and gas well.<sup>137,138,139</sup> The Utah Geological Survey conducted comprehensive baseline water quality in **Utah's** productive Uinta Basin, but no where else in the state.<sup>140</sup> In **New Mexico**, some industry groups have urged companies to voluntarily conduct baseline testing, without success.<sup>141</sup>

## SCORES

**2 of 2 points:** Colorado, Nevada, Wyoming

**1 of 2 points:** Utah

**0 points:** Arizona, Idaho, Montana, New Mexico



# BENCHMARK: METHANE EMISSION REDUCTION

## POSSIBLE POINTS

**2 pts:** Statewide methane capture rules

### WHY IS THIS IMPORTANT?

In 2012, it was estimated that nearly a quarter of U.S. greenhouse gas emissions come from oil, gas, and coal development on public lands.<sup>142</sup> Methane, in particular, is a potent greenhouse gas that also contributes to ozone formation. Methane capture technology not only keeps harmful methane from entering the atmosphere, but generates another source of energy, while saving taxpayer resources.

### WHAT ARE STATES DOING?

**Colorado** is best known for its statewide methane waste rules, which inspired similar regulations at the federal level.<sup>143</sup> Colorado's landmark rules require oil and gas operators to capture methane and prevent leaks. No other Western states have adopted similar methane capture rules.

However, several states have made strides to limit emissions of ozone precursors from oil and gas operations. For example, with the help of the Upper Green River Valley Ozone Task Force, **Wyoming** created local Leak Detection and Repair (LDAR) requirements for the region, after ongoing noncompliance with EPA ozone levels related to natural gas development.<sup>144</sup> Similarly, in 2014, **Utah** enacted rules to reduce certain emissions from oil and gas operations.<sup>145</sup>

### SCORES

**2 of 2 points:** Colorado

**0 points:** Arizona, Idaho, Montana, New Mexico, Nevada, Utah, Wyoming



# BENCHMARK: WELL & MINE BONDING

## POSSIBLE POINTS

- 1 pt:** Strong bonding requirements for oil and gas wells
- 1 pt:** Prohibition against self-bonding for coal operations

## WHY IS THIS IMPORTANT?

Wells and mines that aren't retired properly can be potential sources of methane—a highly explosive gas—and water contamination. When an operator abandons a well or mine, responsibility for reclamation often falls to the state and taxpayers. Bonding acts like an insurance policy for the state, a backup for contamination or abandonment. Unfortunately, most state bonding requirements are not sufficient to address the real cost of adequately closing wells and mines—meaning wells and mines often go unreclaimed for long periods of time, posing a greater risk of contamination.<sup>146</sup> Most Western states allow companies to pay “blanket bonds,” essentially one price covering multiple wells. Many blanket bond levels are quite low, providing insufficient funds for reclamation. Another type of policy, found more frequently in coal operations, is “self-bonding,” in which companies promise to pay future cleanup costs based on their own financial strength.<sup>147</sup> Self-bonding becomes essentially meaningless when a company goes bankrupt, leaving cleanup efforts to the state, and ultimately the taxpayer.

## WHAT ARE STATES DOING?

All Western states allow some form of blanket bonding for oil and gas wells.<sup>148</sup> While those blanket bonding levels vary significantly, none are strong enough to adequately cover reclamation needs. **Colorado, New Mexico, Utah,** and **Wyoming** allow varying levels of self-bonding for coal mines, pursuant to financial viability requirements.<sup>149</sup> Montana is the only state that explicitly does not allow self-bonding for coal operations.

## SCORES

**2 of 2 points:** none

**1 of 2 points:** Montana

**0 points:** Arizona, Colorado, Idaho, New Mexico, Nevada, Utah, Wyoming



# BENCHMARK: FAIR TAXPAYER RETURN

## POSSIBLE POINTS

**1 pt:** Royalty rates above federal rate (12.5%)

**1 pt:** Have severance tax

**1 pt:** Have conservation tax

## WHY IS THIS IMPORTANT?

Oil and natural gas production can be important sources of public revenue, and it is critical that taxpayers receive a fair return for energy produced on public lands. There are three main taxes on energy extraction that ensure taxpayers get a fair share: severance taxes, royalty rates, and conservation levies. Severance taxes, or taxes charged to producers for extracting nonrenewable resources, get redistributed back to the states to offset costs associated with production impacts, like road maintenance and environmental protections.<sup>150</sup> States also receive royalty payments based on the market value of the resources extracted from state owned lands. Conservation taxes are intended specifically for redirection into conservation and remediation programs.

## WHAT ARE STATES DOING?

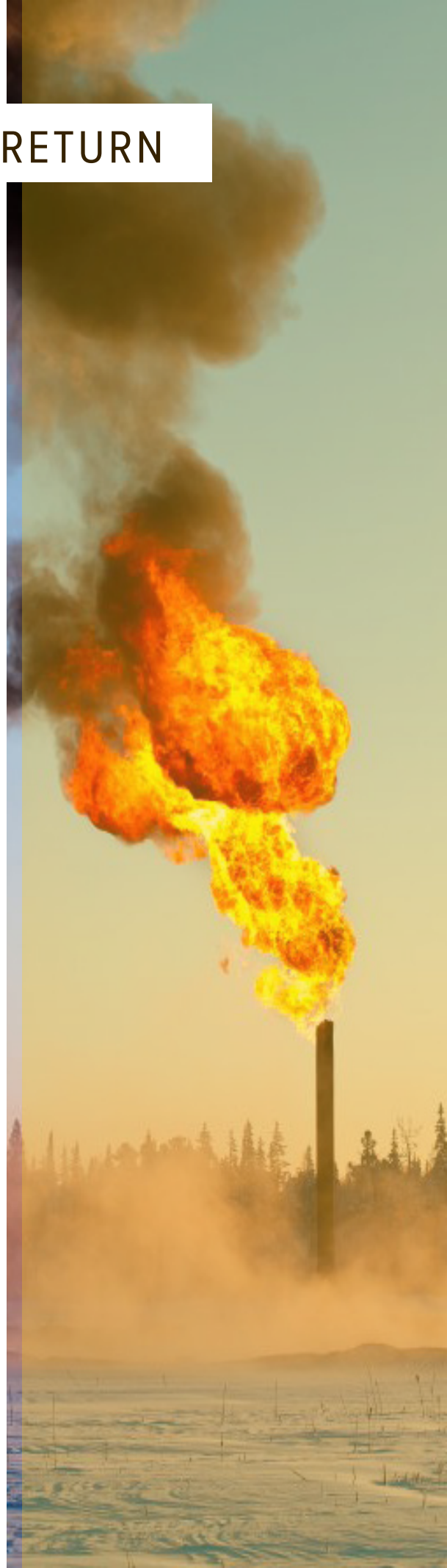
Many Western states have royalty rates that exceed the federal royalty rate of 12.5 percent. **Arizona** and **Idaho** have royalty rates that match the federal rate of 12.5 percent, which the Government Accountability Office has said does not optimize revenue to provide a fair return for taxpayers.<sup>151</sup> **Nevada** does not have a state royalty rate. **Colorado, New Mexico, and Utah** all require an oil and gas conservation tax or levy and a severance tax, while **Arizona, Idaho, and Wyoming** charge a severance tax, but no conservation tax. **Montana** and **Nevada** charge a conservation tax or levy, but no severance tax.<sup>152</sup>

## SCORES

**3 of 3 points:** Colorado, New Mexico, Utah

**2 of 3 points:** Montana, Wyoming

**1 of 3 points:** Arizona, Idaho, Nevada



# FINAL SCORES

		AZ	CO	ID	MT	NM	NV	UT	WY
BENCHMARKS	<b>SETBACKS FROM OIL &amp; GAS WELLS</b> <b>2 pts total:</b> Half-mile setback or greater <b>1 pt total:</b> Less than half-mile setback <b>0 pts:</b> No setback	1	1	1	0	1	1	1	1
	<b>PUBLIC DISCLOSURE OF FRACKING CHEMICALS</b> <b>1 pt:</b> Required, transparent reporting <b>1 pt:</b> Limit on trade secret claims	0	2	1	1	1	1	1	2
	<b>SPILL REPORTING &amp; TRANSPARENCY</b> <b>1 pt:</b> Spill reporting requirements <b>1 pt:</b> Publicly-available online spill database	1	2	1	1	2	1	2	1
	<b>BASELINE WATER TESTING</b> <b>1 pt:</b> Testing before and after drilling <b>1 pt:</b> Testing within a half-mile radius of wells	0	2	0	0	0	2	1	2
	<b>OIL &amp; GAS METHANE EMISSION REDUCTION</b> <b>2 pts:</b> Statewide methane capture rules	0	2	0	0	0	0	0	0
	<b>WELL &amp; MINE BONDING</b> <b>1 pt:</b> Strong bonding requirements for oil and gas wells <b>1 pt:</b> Prohibition against self-bonding for coal operations	0	0	0	1	0	0	0	0
	<b>FAIR TAXPAYER RETURN</b> <b>1 pt:</b> Royalty rates above federal rate (12.5%) <b>1 pt:</b> Have severance tax <b>1 pt:</b> Have conservation tax	1	3	1	2	3	1	3	2
	<b>TOTAL</b> <b>Best:</b> 11 - 14 <b>Average:</b> 6 - 10 <b>Needs Improvement:</b> 0 - 5	3	12	4	5	7	6	8	8

**Please note,** in order to weight the Responsible Energy Development section comparably to other sections, point totals were halved before adding them to the state's final score on page 3.

# 5

## CONCLUSION AND ACKNOWLEDGEMENTS

Spectacular landscapes and outdoor lifestyles are the calling card of the American West. Along with federal and local governments, Western states have and should continue to improve laws to protect our lands, provide recreation access and funding for stewardship, and mitigate the impacts of energy. As laboratories of democracy, improved and strengthened state policies can spread across the region and throughout the nation, strengthening our conservation legacy. With strong policies in place, Western states can ensure our remarkable lands, water, and wildlife are there for the enjoyment generations to come.

### **THANK YOU**

We are grateful to the many people who shared their expertise and feedback. This report would not have been possible without your knowledge and support.



# 6

## APPENDIX

TABLE A: **STATE TRUST LANDS ACCESS**

	CAMPING	HIKING	HUNTING & FISHING	ACCESS SPECIALIST
<b>ARIZONA</b> <sup>153</sup>	Yes (no more than 14 days)	Yes (with recreational permit and fee)	Yes (with license)	No
<b>COLORADO</b> <sup>154</sup>	Not permitted on the majority of state trust lands*	Not permitted on the majority of state trust lands*	Not permitted on the majority of state trust lands*	No
<b>IDAHO</b> <sup>155</sup>	Yes (but only in designated areas, no dispersed camping)	Yes	Yes	No
<b>MONTANA</b> <sup>156</sup>	Yes (but only for 2 nights outside designated areas)	Yes (with permit)	Yes (with license)	Yes
<b>NEW MEXICO</b> <sup>157</sup>	Yes (with written permission of surface lessee)	Yes (with permit)	Yes (with license)	No
<b>NEVADA</b> <sup>158</sup>	Yes**	Yes**	Yes (with license)**	No
<b>UTAH</b> <sup>159</sup>	Yes (up to 15 days)	Yes	Yes (with license)	No
<b>WYOMING</b> <sup>160</sup>	No	Yes	Yes (with license)	No

\* State trust lands not leased by Colorado Parks and Wildlife for hunting and fishing

\*\* Unless activity interferes with other management activities

**TABLE B: ROYALTY RATES, SEVERANCE TAXES & CONSERVATION TAXES IN 8 WESTERN STATES**

	ROYALTY RATE	SEVERANCE TAX <sup>169</sup>	CONSERVATION TAX <sup>170</sup>
ARIZONA	12.5% <sup>162</sup>	<ul style="list-style-type: none"> <li>3.125% for oil and gas production and nonmetal mining</li> </ul>	<ul style="list-style-type: none"> <li>none</li> </ul>
COLORADO	20% <sup>163</sup>	<ul style="list-style-type: none"> <li>2-5% based on gross income for oil, gas, carbon dioxide and coalbed methane</li> <li>4% of gross proceeds on production exceeding 15,000 tons per day for oil shale</li> </ul>	<ul style="list-style-type: none"> <li>Maximum 1.5 mills/\$1 of market value at wellhead</li> </ul>
IDAHO	12.5% <sup>164</sup>	<ul style="list-style-type: none"> <li>Maximum of 5 mills/bbl. Of oil and 5 mills/50,000 cubic feet of gas</li> <li>Additional tax: 2% of market value at site of production</li> </ul>	<ul style="list-style-type: none"> <li>none</li> </ul>
MONTANA	16.67% <sup>165</sup>	<ul style="list-style-type: none"> <li>none</li> </ul>	<ul style="list-style-type: none"> <li>Maximum of 0.3% on the market value of each barrel of crude petroleum oil or 10,000 cubic feet of natural gas produced, saved and marketed or stored within or exported from the state</li> </ul>
NEW MEXICO <sup>161</sup>	12.5% to 20% <sup>166</sup>	<ul style="list-style-type: none"> <li>3.75% of value of oil, other liquid hydrocarbons, natural gas and carbon dioxide</li> </ul>	<ul style="list-style-type: none"> <li>0.19% of value</li> </ul>
NEVADA	none	<ul style="list-style-type: none"> <li>none</li> </ul>	<ul style="list-style-type: none"> <li>\$50/mills/bbl of oil and 50 mills/50,000 cubic feet of gas</li> </ul>
UTAH	12.25 to 16.67% <sup>167</sup>	<ul style="list-style-type: none"> <li>3% of value for the first \$13 per barrel of oil and 5% if the value is \$13.01 or higher</li> <li>3% of value for the first \$1.50/mcf and 5% if the value is \$1.51 or higher</li> <li>4% of taxable value of natural gas liquids</li> </ul>	<ul style="list-style-type: none"> <li>0.002% of market value at the wellhead</li> </ul>
WYOMING	12.25 or 16.67% <sup>168</sup>	<ul style="list-style-type: none"> <li>6% on crude oil, lease condensate or natural gas</li> <li>4% for stripper oil</li> </ul>	<ul style="list-style-type: none"> <li>none</li> </ul>

# References

- [1] Culp, S. & Marlow, J. (2015). "Conserving State Trust Lands: Strategies for the Intermountain West." Lincoln Institute of Land Policy. Last accessed October 13, 2017: <http://www.lincolninst.edu/sites/default/files/public/conserving-state-trust-lands-full.pdf>
- [2] Idaho Fish and Game Department. "AccesYes!" Last accessed October 13, 2017: <https://idfg.idaho.gov/yes>
- [3] Wyoming Game and Fish Department. "AccesYes Programs." Last accessed October 13, 2017: <https://wgfd.wyo.gov/Public-Access/Access-Yes>
- [4] Culp, S. & Marlow, J. (2015). "Conserving State Trust Lands: Strategies for the Intermountain West." Lincoln Institute of Land Policy. Last accessed October 13, 2017: <http://www.lincolninst.edu/sites/default/files/public/conserving-state-trust-lands-full.pdf>
- [5] Ibid.
- [6] French, B. (June 9, 2016). "Governor announces Montana public land access initiatives." Billings Gazette. Last accessed October 13, 2017: [http://billingsgazette.com/lifestyles/recreation/governor-announces-montana-public-land-access-intiatives/article\\_cdca7fba-1e74-5ef5-8823-69be6a1569a6.html](http://billingsgazette.com/lifestyles/recreation/governor-announces-montana-public-land-access-intiatives/article_cdca7fba-1e74-5ef5-8823-69be6a1569a6.html)
- [7] Montana Department of Natural Resources and Conservation. "Know the rules for hunting on state trust lands." Last accessed October 13, 2017: <http://dnrc.mt.gov/news/know-the-rules-for-hunting-on-state-trust-lands-1>
- [8] Montana Fish, Wildlife, and Parks. "Unlocking Public Lands: Program Overview." Last accessed October 13, 2017: <http://fwp.mt.gov/hunting/hunterAccess/unlockingPublicLands/>
- [9] State of Utah School and Institutional Trust Lands Administration. "Camping." Last accessed October 13, 2017: <https://trustlands.utah.gov/business-groups/surface/recreational-use-of-trust-lands/camping/>
- [10] Idaho Department of Lands. "Recreating on Endowment Lands." Last accessed October 13, 2017: <https://www.idl.idaho.gov/recreation/>
- [11] Kruesi, K. (July 7, 2017). "Idaho maps public access to endowment lands." Associated Press. Last accessed October 13, 2017: <http://www.spokesman.com/stories/2017/jul/07/idaho-maps-public-access-to-endowment-lands/>
- [12] Idaho Department of Lands. (July 6, 2017). "Updated map shows endowment lands 96 percent accesible." Press Release. Last accessed October 13, 2017: <https://www.idl.idaho.gov/news-media/2017-releases/7-6-2017-updated-map-shows-endowment-lands-96-percent-accessible.pdf>
- [13] Arizona State Land Department. "Recreational Permit Portal." Last accessed October 13, 2017: <https://land.az.gov/recreational-permit-portal>
- [14] Arizona State Land Department. "Recreational Permit Terms and Conditions." Last accessed October 13, 2017: <https://land.az.gov/natural-resources/recreation-permits/recreational-permit-terms-conditions>
- [15] New Mexico State Land Office. "Recreational Access." Last accessed October 13, 2017: [http://www.nmstatelands.org/Recreational\\_Access.aspx](http://www.nmstatelands.org/Recreational_Access.aspx)
- [16] Wyoming Office of State Lands and Investments. "Public Access Rules." Last accessed October 13, 2017: <http://lands.wyo.gov/resources/recreation>
- [17] Wyoming Office of State Lands and Investments. "State Land Access Map." Last accessed October 13, 2017: <http://gis.statelands.wyo.gov/GIS/OSLIGIS/StateLandAccess/>
- [18] Culp, S. & Marlow, J. (2015). "Conserving State Trust Lands: Strategies for the Intermountain West." Lincoln Institute of Land Policy. Last accessed October 13, 2017: <http://www.lincolninst.edu/sites/default/files/public/conserving-state-trust-lands-full.pdf>

[files/conserving-state-trust-lands-full.pdf](#)

[19] Colorado State Land Board. "Recreation." Last accessed October 13, 2017: <https://www.colorado.gov/pacific/statelandboard/recreation-0>

[20] Brass, T. (March 14, 2016). "Expanding Public Access on Colorado's State Trust Lands." Backcountry Hunters and Anglers. Last accessed October 13, 2017: [https://www.backcountryhunters.org/expanding\\_public\\_access\\_on\\_colorado\\_s\\_state\\_trust\\_land](https://www.backcountryhunters.org/expanding_public_access_on_colorado_s_state_trust_land)

[21] Frank, M. (August 3, 2011). "Montana's stream access law stays strong." High Country News. Last accessed October 13, 2017: <http://www.hcn.org/issues/43.12/montanas-stream-access-law-stays-strong>

[22] State of Montana. (March 22, 1972). "The Constitution of the State of Montana." Last accessed October 13, 2017: <https://courts.mt.gov/portals/113/library/docs/72constit.pdf>

[23] Bebensee, A. "Wyoming stream laws." (June 18, 2015). Casper Star-Tribune. Last accessed October 13, 2017: [http://casperjournal.com/sports/article\\_ae7d8c27-8482-5b35-afb4-ec853b24559f.html](http://casperjournal.com/sports/article_ae7d8c27-8482-5b35-afb4-ec853b24559f.html)

[24] Utah Legislature. (2010). H.B. 141. "Recreational use of Public Water on Private Property." Last accessed October 13, 2017: <http://le.utah.gov/~2010/bills/hbillenr/hb0141.pdf>

[25] Boyd, D. (April 3, 2015). "Gov. Martinez signs bill into law restricting NM stream access." Albuquerque Journal. Last accessed October 13, 2017: <https://www.abqjournal.com/564540/gov-martinez-signs-bill-into-law-restricting-nm-stream-access.html>

[26] Shmukler, Chad. (March 25, 2015). "New Mexico anglers about to lose access to public waters." Last accessed October 13, 2017: <https://www.hatchmag.com/articles/new-mexico-anglers-about-lose-access-public-waters/7712413>

[27] State of Arizona. "Arizona Navigable Stream Adjudication Commission." Last accessed October 13, 2017: <http://www.ansac.az.gov/>

[28] American Whitewater. "Nevada Navigability Report."

Last accessed October 13, 2017: <https://www.americanwhitewater.org/content/Wiki/access:nv>

[29] Colorado Whitewater. "River Access." Last accessed October 13, 2017: <http://www.coloradowhitewater.org/river-access>

[30] Ibid.

[31] Gentile, N., Lee-Ashley, M., Rowland, J., & Kustin, M.E. "The Disappearing West." Center for American Progress. Last accessed October 13, 2017: <https://www.disappearingwest.org>

[32] Great Outdoors Colorado. "About Us." Last accessed October 13, 2017: <http://www.goco.org/about-us>

[33] Great Outdoors Colorado. "2016 Annual Report." Last accessed October 13, 2017: <http://www.goco.org/report>

[34] Colorado Parks and Wildlife. (March 2, 2017). "Colorado Wildlife Habitat Protection Program (CWHPP): 2017 RFP" Last accessed October 13, 2017: [https://cpw.state.co.us/Documents/Commission/2017/March/Item\\_19-PowerPoint-2017\\_RFP-Priorities-March2017-PWCMtg.pdf](https://cpw.state.co.us/Documents/Commission/2017/March/Item_19-PowerPoint-2017_RFP-Priorities-March2017-PWCMtg.pdf)

[35] Colorado Parks and Wildlife. "Wetlands Project Funding." Last accessed October 13, 2017: <http://cpw.state.co.us/aboutus/Pages/WetlandsProjectFunding.aspx>

[36] Colorado Department of Local Affairs. (2017). "Conservation Trust Fund (CTF). Last accessed October 13, 2017: <https://www.colorado.gov/pacific/dola/conservation-trust-fund-ctf>

[37] Wildlife Division. (January 2017). "Habitat Montana: Report to the 65th Montana Legislature." Montana Fish, Wildlife and Parks. Last accessed October 13, 2017: <http://fwp.mt.gov/fwpDoc.html?id=78779>

[38] Missoula Current. (May 13, 2017). "Bullock signs bill restoring Habitat Montana program." Missoula Current. Last accessed October 13, 2017: <http://www.missoulacurrent.com/government/2017/05/montana-habitat-montana/>

[39] Montana Fish, Wildlife and Parks. "Future Fisher-

ies Improvement Program.” Last accessed October 13, 2017: <http://fwp.mt.gov/fishAndWildlife/habitat/fish/futureFisheries/default.html>

[40] Montana State Legislature. (2017). H.B. 597. “An Act Creating the Montana Public Land Access Network Grant Program.” Last accessed October 13, 2017: <http://leg.mt.gov/bills/2017/sesslaws/ch0374.pdf>

[41] State of Wyoming. “Wyoming Wildlife and Natural Resources Trust.” Last accessed October 13, 2017: <http://wwnrt.wyo.gov/>

[42] Wyoming Wildlife and Natural Resources Trust. “Wyoming Wildlife and Natural Resources Trust Status Report 2016.” Last accessed October 13, 2017: <http://wwnrt.wyo.gov/status-report>

[43] Wyoming Game and Fish Department. “What I need to go hunting in Wyoming.” Last accessed October 13, 2017: <https://wgfd.wyo.gov/Hunting/What-do-I-need-to-Hunt>

[44] Arizona Game and Fish Department. “Heritage Fund Program.” Last accessed October 13, 2017: [http://azgfd.gov/w\\_c/heritage\\_program.shtml](http://azgfd.gov/w_c/heritage_program.shtml)

[45] Trust for Public Land. “Land Conservation in Arizona.” Conservation Almanac. Last accessed October 13, 2017: <http://www.conservationalmnanc.org/secure/almanac/southwest/az/index.html>

[46] Arizona Water Protection Fund. “Arizona Water Protection Fund.” Last accessed October 13, 2017: <http://www.azwpcf.gov/>

[47] Nevada Division of State Lands. “Question 1.” Last accessed October 13, 2017: <http://lands.nv.gov/Question1/Q1.htm>

[48] Trust for Public Land. “Land Conservation in Nevada.” Conservation Almanac. Last accessed October 13, 2017: <http://www.conservationalmnanc.org/secure/almanac/west/nv/index.html>

[49] O’Donoghue, A. J. (March 11, 2013). “Land purchase funds dwindling; infusion of state money unlikely.” Deseret News. Last accessed October 13, 2017: <https://www.deseretnews.com/article/865575512/>

[Land-purchase-funds-dwindling-infusion-of-state-money-unlikely.html](http://www.deseretnews.com/article/865575512/)

[50] Utah Division of Wildlife Resources. “About the DWR: Fiscal Year 2017 financial information.” Last accessed October 13, 2017: <https://wildlife.utah.gov/about-us/64-what-we-do/about-us/191-financial-overview.html>

[51] Wilbur, S. (November 18, 2010). “New Legislation Creates Funding For Land Conservation in New Mexico.” New Mexico Land Conservancy. Last accessed October 13, 2017: [http://www.nmlandconservancy.org/index.php/news\\_events/news\\_detail/new\\_legislation\\_creates\\_funding\\_for\\_land\\_conservation\\_and\\_restoration\\_in\\_ne](http://www.nmlandconservancy.org/index.php/news_events/news_detail/new_legislation_creates_funding_for_land_conservation_and_restoration_in_ne)

[52] Leung, Y., Smith, J., & Miller, A. (2007 - 2016). “Statistical Reports of State Park Operations: Annual Information Exchange.” Fiscal Years 2005 - 2016. National Association of State Park Directors.

[53] Colorado Public Lands Day. “Colorado Public Lands Day.” Last accessed October 13, 2017: <http://copubliclandsday.com/>

[54] Rowland, J. & Gentile, N. (September 27, 2017). “Outdoor Recreation is Big Business.” Center for American Progress. Last accessed October 13, 2017: <https://www.americanprogress.org/issues/green/reports/2017/09/27/439530/outdoor-recreation-big-business/>

[55] Ibid.

[56] Utah State Legislature. (2012). H.B. 148. “Transfer of Public Lands Act and Related Study.” Last accessed October 13, 2017: <https://le.utah.gov/~2012/bills/static/HB0148.html>

[57] Gerhke, R. (June 10, 2016). “Utah’s lawsuit over federal lands nearly ready, expenses questioned.” Salt Lake Tribune. Last accessed October 13, 2017: <http://archive.sltrib.com/article.php?id=3984279&itype=CM-SID>

[58] Utah State Legislature. (2017). H.C.R. 11. “Concurrent Resolution Urging the President to Rescind the Bears Ears National Monument Designation.” Last accessed

October 13, 2017: <https://le.utah.gov/~2017/bills/static/HCR011.html>

[59] Utah State Legislature. (2017). H.C.R. 12. "Concurrent Resolution Urging Federal Legislation to Reduce or Modify the Boundaries of the Grand Staircase-Escalante National Monument." Last accessed October 13, 2017: <https://le.utah.gov/~2017/bills/static/HCR012.html>

[60] Squillace, M.S., Biber, E, Bryner, N.S., & Hecht, S. B. (June 14, 2017). "Presidents Lack the Authority to Abolish or Diminish National Monuments." Last accessed October 13, 2017: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2967807](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2967807)

[61] McCombs, B. (July 27, 2017). "As Outdoor Retailer Show packs up for Colorado, industry flexes political muscle in U.S. land fight." Associated Press. Last accessed October 13, 2017: <http://www.denverpost.com/2017/07/27/outdoor-retailer-show-donald-trump-national-monument-review/>

[62] Whaley, S. (May 9, 2017). "Public lands bill passes 38-1 in Nevada Assembly." Las Vegas Review-Journal. Last accessed October 13, 2017: <https://www.reviewjournal.com/news/2017-legislature/public-lands-bill-passes-38-1-in-nevada-assembly/>

[63] New Mexico Legislature. (2017). S.M. 11. "New Mexico Public Lands Legacy, In Recognition." Last accessed October 13, 2017: <https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=M&LegNo=11&year=16>

[64] Kuglin, K. (April 4, 2017). "Land-study amendment derails Public Lands Day bill." Missoulian. Last accessed October 13, 2017: [http://missoulian.com/news/government-and-politics/land-study-amendment-derails-public-lands-day-bill/article\\_f1e93db7-fed9-5871-9d56-5189ceaf2374.html](http://missoulian.com/news/government-and-politics/land-study-amendment-derails-public-lands-day-bill/article_f1e93db7-fed9-5871-9d56-5189ceaf2374.html)

[65] Funk, J. (September 30, 2017). "Wyoming outdoor advocates seek sponsor for Public Lands Day bill." Wyoming Tribune Eagle. Last accessed October 13, 2017: [http://www.wyomingnews.com/news/local\\_news/wyoming-outdoor-advocates-seek-sponsor-for-public-lands-day-bill/article\\_3df6c0a0-a59a-11e7-b87d-8f5544571698.html](http://www.wyomingnews.com/news/local_news/wyoming-outdoor-advocates-seek-sponsor-for-public-lands-day-bill/article_3df6c0a0-a59a-11e7-b87d-8f5544571698.html)

[66] Outdoor Industry Association. (2017). "The Outdoor Recreation Economy." Last accessed October 13, 2017: [https://outdoorindustry.org/wp-content/uploads/2017/04/OIA\\_RecEconomy\\_FINAL\\_Single.pdf](https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf)

[67] Headwaters Economics. (November 2012). "West is Best: How Public Lands in the West Create a Competitive Economic Advantage." Last accessed October 13, 2017: <https://headwaterseconomics.org/economic-development/trends-performance/west-is-best-value-of-public-lands/>

[68] Outdoor Industry Association. (August 2017). "State Funding Mechanisms for Outdoor Recreation." Last accessed October 13, 2017: <https://outdoorindustry.org/wp-content/uploads/2017/08/Headwaters-Economics-v4-Screen.pdf>

[69] Utah Governor's Office of Economic Development. "Office of Outdoor Recreation." Last accessed October 13, 2017: <http://business.utah.gov/programs/outdoor/>

[70] Colorado Outdoor Recreation Industry Office. "Tourism and Outdoor Recreation." Colorado Office of Economic Development and International Trade. Last accessed October 13, 2017: <https://choosecolorado.com/key-industries/tourism-outdoor-recreation/>

[71] Outdoor Industry Association. (2017). "The Outdoor Recreation Economy." Last accessed October 13, 2017: [https://outdoorindustry.org/wp-content/uploads/2017/04/OIA\\_RecEconomy\\_FINAL\\_Single.pdf](https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf)

[72] Reimers, F. (July 6, 2017). "How Colorado Lured the Biggest Trade Show in the Outdoor Industry." Outside Magazine. (Last accessed October 13, 2017: <https://www.outsideonline.com/2197706/how-colorado-lured-biggest-trade-show-outdoor-industry>

[73] Office of Governor Steve Bullock. (2016). "Governor Bullock Announces Public Lands & Public Access Agenda." State of Montana. Last accessed October 13, 2017: <http://governor.mt.gov/newsroom/governor-bullock-announces-public-lands-public-access-agenda>

[74] Scott, T. (October 4, 2017). "A Rising Tide of Outdoor Recreation: Whitefish native is head of new governor's Office of Outdoor Recreation." Flathead Beacon. Last

accessed October 13, 2017: <http://flatheadbeacon.com/2017/10/04/rising-tide-outdoor-recreation/>

**[75]** Wyoming State Parks, Historic Sites and Trails. “Wyoming Outdoor Recreation Task Force.” State of Wyoming. Last accessed October 13, 2017: <http://wyoparks.state.wy.us/index.php/learn/wyoming-outdoor-recreation-task-force>

**[76]** Coli, C. (May 15, 2017). “Outdoor Recreation Task Force focuses on economy, access.” The Sheridan Press. Last accessed October 13, 2017: <http://thesheridanpress.com/73563/outdoor-recreation-task-force-focuses-on-economy-access/>

**[77]** Colorado Office of Outdoor Recreation. “Outdoor Recreation Advisory Group.” Colorado Office of Economic Development and International Trade. Last accessed October 13, 2017: <https://choosecolorado.com/key-industries/tourism-outdoor-recreation/outdoor-recreation-advisory-group/>

**[78]** Visit Arizona. “Arizona’s Recreation & Cultural Sites Map.” Arizona Office of Tourism. Last accessed October 13, 2017: <https://www.visitarizona.com/planning/maps>

**[79]** New Mexico State Legislature. (2017). House Memorial 91. “Requesting the Tourism and Economic Development Departments to Study the Cost and Financial Impact of Creating a State Office of Outdoor Recreation and the Economic Potential of Recruiting Outdoor Recreation Products and Service Industries to New Mexico.” Last accessed October 13, 2017: <https://www.nmlegis.gov/Sessions/17%20Regular/memorials/house/HM091.html>

**[80]** Great Outdoors Colorado. “Connect Initiative.” Colorado Parks and Wildlife & Colorado Lottery. Last accessed October 13, 2017: <http://www.goco.org/grants/apply/connect-initiative-grants>

**[81]** Utah Office of Outdoor Recreation. “Utah Outdoor Recreation Grant.” Utah Governor’s Office of Economic Development. Last accessed October 13, 2017: <http://business.utah.gov/programs/office-of-outdoor-recreation/office-of-outdoor-recreation-grant-program/>

**[82]** Outdoor Industry Association. (August 2017). “State

Funding Mechanisms for Outdoor Recreation.” Last accessed October 13, 2017: <https://outdoorindustry.org/wp-content/uploads/2017/08/Headwaters-Economics-v4-Screen.pdf>

**[83]** Arizona State Parks and Trails. “Introducing Arizona Premiere Trail System.” State of Arizona. Last accessed October 13, 2017: <https://azstateparks.com/premier-trails>

**[84]** Idaho State Parks and Recreation. “The Idaho Off-Road Motor Vehicle (ORMV) Fund.” State of Idaho. Last accessed October 13, 2017: <https://parksandrecreation.idaho.gov/idaho-road-motor-vehicle-ormv-fund>

**[85]** Federal Highway Administration. “Recreational Trails Program.” U.S. Department of Transportation. Last accessed October 13, 2017: [https://www.fhwa.dot.gov/environment/recreational\\_trails/](https://www.fhwa.dot.gov/environment/recreational_trails/)

**[86]** Lipman, S. (March 24, 2011). “States Adopt Children’s Outdoor Bills of Rights.” Children and Nature Network. Last accessed October 13, 2017: <http://www.childrenandnature.org/2011/03/24/states-adopt-childrens-outdoor-bills-of-rights/>

**[87]** New Mexico State Lands Office. (January 29, 2014). “Children’s Outdoor Bill of Rights’ Helps New Mexico Children Increase School Performance and Reduce Obesity.” Press release. Last accessed October 13, 2017: <http://www.nmstatelands.org/uploads/files/ChildrensBillOfRights.pdf>

**[88]** Great Outdoors Colorado. “Inspire Initiative.” Colorado Parks and Wildlife & Colorado Lottery. Last accessed October 13, 2017: <http://www.goco.org/grants/apply/inspire-initiative>

**[89]** Great Outdoors Colorado. “School Yard Initiative.” Colorado Parks and Wildlife & Colorado Lottery. Last accessed October 13, 2017: <http://www.goco.org/grants/apply/school-yard-initiative>

**[90]** Arizona Game and Fish Department. “Wildlife Heritage Fund Grants.” State of Arizona. Last accessed October 13, 2017: <https://www.azgfd.com/wildlife/heritagefund/grantsubprograms/>

**[91]** New Mexico State Parks. “NM State Parks Outdoor

Education.” State of New Mexico. Last accessed October 13, 2017: <http://www.emnrd.state.nm.us/spd/Outdoor%20Education/OutdoorEducation.html>

[92] Montana Fish, Wildlife and Parks. “Transportation & Lodging Grant.” State of Montana. Last accessed October 13, 2017: <http://fwp.mt.gov/education/montanaWild/grants/>

[93] Utah Governor’s Office of Economic Development. (November 10, 2016.) “Utah Office of Outdoor Recreation Awards 2016 Infrastructure and Youth Program Funding.” Press Release. Last accessed October 13, 2017: <http://business.utah.gov/news/utah-office-outdoor-recreation-awards-2016-infrastructure-youth-program-funding/>

[94] Informal Science Education Enhancement Utah. “About iSEE.” Last accessed October 13, 2017: <http://www.iseeutah.org/about-isee-utah/>

[95] Colorado Department of Education, Colorado Department of Natural Resources. (September, 2014). “Colorado Environmental Education Plan: Leveraging Resources to Advance Environmental Literacy.” Last accessed October 13, 2017: <https://www.caee.org/sites/default/files/Colorado%20EE%20Plan%20Final2.pdf>

[96] Colorado Parks and Wildlife. “Teacher Resources.” State of Colorado. Last accessed October 13, 2017: <http://cpw.state.co.us/learn/Pages/TeacherResources.aspx>

[97] State of Nevada Department of Education. “Nevada Academic Content Standards for Science (NVACSS).” State of Nevada. Last accessed October 13, 2017: [http://www.doe.nv.gov/Standards\\_Instructional\\_Support/Nevada\\_Academic\\_Standards/Science/](http://www.doe.nv.gov/Standards_Instructional_Support/Nevada_Academic_Standards/Science/)

[98] United States Government. “Every Kid in a Park.” Department of Interior. Last accessed October 13, 2017: <https://www.everykidinapark.gov/>

[99] Chereb, S. (May 12, 2017). “Students watch Sandoval sign bills promoting Nevada state parks.” Las Vegas Review-Journal. Last accessed October 13, 2017: <https://www.reviewjournal.com/news/2017-legislation/students-watch-sandoval-sign-bills-promoting-nevada-state-parks/>

[100] Idaho State Parks and Recreation. “Every Kid in a Park - Free Daytime Access.” State of Idaho. Last accessed October 13, 2017: <https://parksandrecreation.idaho.gov/news/every-kid-park-free-daytime-access>

[101] Wyoming State Parks, Historic Sites and Trails. (2017). “‘Every Kid in a Park’ Program Guidelines.” Last accessed October 13, 2017: <http://wyoparks.state.wy.us/pdf/Kids/EKIP%20Program%20Guidelines%202017.pdf>

[102] McKee, J. (December 2, 2003). “New law allows Montana residents free access to all 42 state parks.” Billings Gazette. Last accessed October 13, 2017: [http://leg.mt.gov/content/Committees/Interim/2003\\_2004/environmental\\_quality\\_council/subcommittees/agency\\_oversight/staffmemos/park-fee.pdf](http://leg.mt.gov/content/Committees/Interim/2003_2004/environmental_quality_council/subcommittees/agency_oversight/staffmemos/park-fee.pdf)

[103] Colorado Parks and Wildlife. “About the ‘Check Out State Parks’ Program.” State of Colorado. Last accessed October 13, 2017: <http://cpw.state.co.us/Pages/LibraryBackpack.aspx>

[104] (November 6, 2015.) “State Parks to provide every fourth-grader with pass to explore New Mexico.” Valencia County News-Bulletin. Last accessed October 13, 2017: [http://www.news-bulletin.com/news\\_stream/state-parks-to-provide-every-fourth-grader-with-pass-to/article\\_189f8558-832d-11e5-b3e1-fb5b5b4c4eb6.html](http://www.news-bulletin.com/news_stream/state-parks-to-provide-every-fourth-grader-with-pass-to/article_189f8558-832d-11e5-b3e1-fb5b5b4c4eb6.html)

[105] U.S. Energy Information Administration. (June 2007). “Rankings: Crude Oil Production (thousand barrels).” Last accessed October 13, 2017: <https://www.eia.gov/state/rankings/?sid=US#/series/46>

[106] U.S. Energy Information Administration. “U.S. States: State Profiles and Energy Estimates.” Last accessed October 13, 2017: <https://www.eia.gov/state/>

[107] Richardson, N., Gottlieb, M., Krupnick, A. & Wiseman, H. (June 21, 2013). “The State of State Shale Gas Regulation: State by State Tables.” Center for Energy Information and Policy. Last accessed October 13, 2017: [http://www.rff.org/files/document/file/RFF-Rpt-StateofStateRegs\\_StateTables\\_0.pdf](http://www.rff.org/files/document/file/RFF-Rpt-StateofStateRegs_StateTables_0.pdf)

[108] Colorado Oil and Gas Commission. (August 2, 2013). “2013 Setback Rules: Definitions, Zones, Exceptions.” Operator Training Manual. State of Colorado. Last



accessed October 13, 2017: [http://cogcc.state.co.us/announcements/hot\\_topics/setbacks/definitions\\_zones\\_exceptions.pdf](http://cogcc.state.co.us/announcements/hot_topics/setbacks/definitions_zones_exceptions.pdf)

**[109]** Fortier, J. (April 20, 2017). “How Is Colorado’s Oil And Gas Industry Regulated?” Community Radio for Northern Colorado (KUNC). Last accessed October 13, 2017: <http://www.kunc.org/post/how-colorado-s-oil-and-gas-industry-regulated>

**[110]** Watson, M. (July 19, 2016). “Wyoming Oil and Gas Conservation New Rules.” Presentation. Wyoming Oil and Gas Conservation Commission. Last accessed October 13, 2017: <https://www.wyomingbar.org/wp-content/uploads/Intro-to-Wyomings-Air-Quality-Division.pdf>

**[111]** Western Organization of Resource Councils. (July 15, 2016). “Idaho Keeps Oil & Gas Well Setback at 300 Feet.” Last accessed October 13, 2017: <http://www.worc.org/idaho-well-setback/>

**[112]** Intermountain Oil and Gas BMP Project. “New Mexico County and Municipal Law.” University of Colorado Boulder. Last accessed October 13, 2017: [http://www.oilandgasbmps.org/laws/new\\_mexico\\_localgovt\\_law.php](http://www.oilandgasbmps.org/laws/new_mexico_localgovt_law.php)

**[113]** Intermountain Oil and Gas BMP Project. “Utah County and Municipal Law.” University of Colorado Boulder. Last accessed October 13, 2017: [http://www.oilandgasbmps.org/laws/utah\\_localgovt\\_law.html](http://www.oilandgasbmps.org/laws/utah_localgovt_law.html)

**[114]** Oil and Gas Conservation Commission. “Arizona Administrative Code.” Last accessed October 13, 2017: [http://apps.azsos.gov/public\\_services/Title\\_12/12-07.pdf#page=3](http://apps.azsos.gov/public_services/Title_12/12-07.pdf#page=3)

**[115]** Interstate Oil and Gas Compact Commission. “Nevada.” State Statutes Summary. Last accessed October 13, 2017: [http://iogcc.ok.gov/Websites/iogcc/images/State\\_Statute\\_Summaries\\_2015/Nevada\\_2015.pdf](http://iogcc.ok.gov/Websites/iogcc/images/State_Statute_Summaries_2015/Nevada_2015.pdf)

**[116]** Zuckerman, L. (March 26, 2012). “Groups seek fuller disclosure of fracking Wyoming.” Reuters. Last accessed October 13, 2017: <http://www.reuters.com/article/usa-fracking-wyoming/groups-seek-fuller-disclosure-of-fracking-in-wyoming-idUSL2E8ER2LV20120327>

**[117]** Harvard Environmental Law Program Policy Initiative. “Information Disclosure.” Harvard Law School. Last accessed October 13, 2017: <http://environment.law.harvard.edu/information-disclosure/>

**[118]** Office of the Federal Register. (April 26, 2015). “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands.” Rule. Bureau of Land Management. Last accessed October 13, 2017: <https://www.federalregister.gov/documents/2015/03/26/2015-06658/oil-and-gas-hydraulic-fracturing-on-federal-and-indian-lands>

**[119]** Rogers, J. (October 30, 2012). “Notice to Oil and Gas Operators Re: New Hydraulic Fracturing Rule R649-3-30.” Division of Oil, Gas and Mining, Utah Department of Natural Resources. Last accessed October 13, 2017: [https://oilgas.ogm.utah.gov/pub/Notices/Notice\\_Operators\\_Hydraulic\\_Fracturing\\_Rule\\_10302012.pdf](https://oilgas.ogm.utah.gov/pub/Notices/Notice_Operators_Hydraulic_Fracturing_Rule_10302012.pdf)

**[120]** Colorado Oil and Gas Association. “Colorado’s Oil and Gas Regulatory Timeline 2010-2016.” Last accessed October 13, 2017: <http://www.coga.org/wp-content/uploads/2016/04/Whitepaper-Regulatory-Timeline-.pdf>

**[121]** Administrative Rules of Montana. (August 26, 2011). Rule: 36.22.1015. “Disclosure of Well Stimulation Fluids.” Oil and Gas Conservation. Montana Department of Natural Resources and Conservation. Last accessed October 13, 2017: <http://www.mtrules.org/gateway/RuleNo.asp?RN=36%2E22%2E1015>

**[122]** Oil Conservation Division. “Oil and Gas Education.” Energy, Minerals, and Natural Resources Department. State of New Mexico. Last accessed October 13, 2017: <http://www.emnrd.state.nm.us/OCD/education.html>

**[123]** Interstate Oil and Gas Compact Commission. “Arizona.” State Statutes Summary. Last accessed October 13, 2017: [http://iogcc.ok.gov/Websites/iogcc/images/State\\_Statute\\_Summaries\\_2015/2015%20SOS/Arizona%202015%20\(updated\).pdf](http://iogcc.ok.gov/Websites/iogcc/images/State_Statute_Summaries_2015/2015%20SOS/Arizona%202015%20(updated).pdf)

**[124]** Hall, K.B. (2013). “Hydraulic Fracturing: Trade Secrets and the Mandatory Disclosure of Fracturing Water Composition.” Journal Article. LSU Law Digital Commons. Louisiana State University Law Center. Last accessed October 13, 2017: [http://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=1189&context=faculty\\_](http://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=1189&context=faculty_)

## scholarship

[125] Administrative Rules of Montana. (April 1, 1992). Rule: 36.22.1103. "Notification and Report of Emergencies and Undesirable Incidents." Oil and Gas Conservation. Montana Department of Natural Resources and Conservation. Last accessed October 13, 2017: <http://www.mtrules.org/gateway/RuleNo.aspx?RN=36%2E22%2E1103>

[126] Colorado Oil and Gas Conservation Commission. Rule 906. "Spills and Releases." State of Colorado. Last accessed October 13, 2017: [https://cogcc.state.co.us/Announcements/Hot\\_Topics/Hydraulic\\_Fracturing/Rule906.pdf](https://cogcc.state.co.us/Announcements/Hot_Topics/Hydraulic_Fracturing/Rule906.pdf)

[127] Arizona Administrative Code. R12-7-120. "Notification of Fire, Leaks, Spills, and Blowouts." Oil and Gas Conservation Commission. State of Arizona. Last accessed October 13, 2017: [http://apps.azsos.gov/public\\_services/Title\\_12/12-07.pdf](http://apps.azsos.gov/public_services/Title_12/12-07.pdf)

[128] Patterson, L., Konschnik, K. E., Wiseman, H., Fargione, J., Maloney, K.O, Kiesecker, J., Nicot, J., Baruch-Morodo, S., Entekin, S., Trainor, A., & Saiers, J.E. (February 21, 2017). "Unconventional Oil and Gas Spills: Risks, Mitigation Priorities, and State Reporting Requirements." *Environmental Science and Technology*. 2017, 51 (5), pp 2563–2573. Last accessed October 13, 2017: <http://pubs.acs.org/doi/pdfplus/10.1021/acs.est.6b05749>

[129] Utah Administrative Code. R649-3-32. "Incident Reporting." Last accessed October 13, 2017: <https://rules.utah.gov/publicat/code/r649/r649-003.htm>

[130] Nevada Division of Environmental Protection. "Spill Hotline: Report a Release." Last accessed October 13, 2017: <https://ndep.nv.gov/environmental-cleanup/spill-hotline>

[131] Colorado Oil and Gas Conservation Commission. "Colorado Oil and Gas Information System." Colorado Department of Natural Resources. State of Colorado. Last accessed October 13, 2017: <http://cogcc.state.co.us/data.html#/cogis>

[132] Oil Conservation Division. "Spill Search." Energy, Minerals, and Natural Resources Department. State of New Mexico. Last accessed October 13, 2017: <https://>

[wwwapps.emnrd.state.nm.us/ocd/ocdpermitting/Data/Incidents/Spills.aspx](http://wwwapps.emnrd.state.nm.us/ocd/ocdpermitting/Data/Incidents/Spills.aspx)

[133] Utah Department of Environmental Quality. "Environmental Incidents Database: Utah State Spills." State of Utah. Last accessed October 13, 2017: [http://eqspills.deq.utah.gov/Search\\_Public.aspx](http://eqspills.deq.utah.gov/Search_Public.aspx)

[134] Wyoming Department of Environmental Quality. "Spills and Emergency Response." State of Wyoming. Last accessed October 13, 2017: <http://deq.wyoming.gov/admin/spills-and-emergency-response/>

[135] Nevada Division of Environmental Protection. Personal communication. October 12, 2017.

[136] Montana Board of Oil and Gas. "Hearings." Department of Natural Resources and Conservation. State of Montana. Last accessed October 13, 2017: <http://www.bogc.dnrc.mt.gov/Hearings/>

[137] Nevada State Legislature. NAC 522.722. "Baseline sampling and monitoring; exceptions." Nevada Administrative Code, Oil and Gas General Provisions. Last accessed October 13, 2017: <https://www.leg.state.nv.us/NAC/NAC-522.html#NAC522Sec722>

[138] Seeley, R. (April 16, 2014). "Baseline water testing rule to remove ambiguity in Wyoming." *Unconventional Oil and Gas Report*. Last accessed October 13, 2017: <http://www.ogj.com/articles/uogr/print/volume-2/issue-2/baseline-water-testing-rule-to-remove-ambiguity-in-wyoming.html>

[139] Koepsell, A. W. Rule 609. "Statewide Groundwater Baseline Sampling and Monitoring." Colorado Oil and Gas Conservation Commission. State of Colorado. Last accessed October 13, 2017: [https://cogcc.state.co.us/COGIS\\_Help/SampleData.pdf](https://cogcc.state.co.us/COGIS_Help/SampleData.pdf)

[140] Wallace, J. (January 2013). "Establishing Baseline Water Quality in the Southeastern Uinta Basin." *Utah Geological Survey*. Utah Department of Natural Resources. Last accessed October 13, 2017: <https://geology.utah.gov/map-pub/survey-notes/establishing-baseline-water-quality-in-the-southeastern-uinta-basin/>

[141] Matlock, S. (June 22, 2014). "Drilling industry, watchdogs: Testing water quality is good." *Santa Fe New*

Mexican. Last accessed October 13, 2017: [http://www.santafenewmexican.com/news/local\\_news/drilling-industry-watchdogs-testing-water-quality-is-good/article\\_26842b75-1936-574b-9720-bfff8d9990d8.html](http://www.santafenewmexican.com/news/local_news/drilling-industry-watchdogs-testing-water-quality-is-good/article_26842b75-1936-574b-9720-bfff8d9990d8.html)

[142] Moser, C., Mantell, J., Thakar, N., Huntley, C., & Lee-Ashley, M. (March 19, 2015). "Cutting Greenhouse Gas from Fossil-Fuel Extraction on Federal Lands and Waters." Center for American Progress. Last accessed October 13, 2017: <https://www.americanprogress.org/issues/green/reports/2015/03/19/108713/cutting-greenhouse-gas-from-fossil-fuel-extraction-on-federal-lands-and-waters/>

[143] Ogburn, S. P. (February 25, 2014). "Colorado First State to Limit Methane Pollution from Oil and Gas Wells." E&E News. Last accessed October 13, 2017: <https://www.scientificamerican.com/article/colorado-first-state-to-limit-methane-pollution-from-oil-and-gas-wells/>

[144] Upper Green River Basin Air Quality Citizens Advisory Task Force. (September 21, 2012). "Recommendations to the Wyoming Department of Environmental Quality." Last accessed October 13, 2017: [https://www.uwyo.edu/haub/\\_files/\\_docs/ruckelshaus/collaboration/2012-ozone/ugrb-task-force-recommendations-final-09-21-2012.pdf](https://www.uwyo.edu/haub/_files/_docs/ruckelshaus/collaboration/2012-ozone/ugrb-task-force-recommendations-final-09-21-2012.pdf)

[145] Utah Department of Environmental Quality. "Ozone in the Uinta Basin." State of Utah. Last accessed October 13, 2017: <https://deq.utah.gov/locations/U/uinta-basin/ozone/overview.htm>

[146] Western Organization of Resource Councils. (August 15, 2016). "Reclamation Bonding Requirements for Oil and Gas Wells." Last accessed October 13, 2017: <http://www.worc.org/publication/reclamation-bonding/>

[147] Paterson, L. (June 17, 2016). "U.S. Lawmakers Want to Ban Self-Bonding." Inside Energy. Last accessed October 13, 2017: <http://wyomingpublicmedia.org/post/us-lawmakers-want-ban-self-bonding>

[148] Western Organization of Resource Councils. (August 15, 2016). "Reclamation Bonding Requirements for Oil and Gas Wells." Last accessed October 13, 2017:

<http://www.worc.org/publication/reclamation-bonding/>

[149] Office of Surface Mining Reclamation and Enforcement. "Self-Bonding Facts." U.S. Department of the Interior. Last accessed October 13, 2017: <https://www.osmre.gov/resources/selfBonding.shtm>

[150] Pless, J. (February 2012). "Oil and Gas Severance Taxes: States Work to Alleviate Fiscal Pressures Amid the Natural Gas Boom." National conference of State Legislatures. Last accessed October 13, 2017: <http://www.ncsl.org/research/energy/oil-and-gas-severance-taxes.aspx>

[151] United States Government Accountability Office. (June 2017). "Oil, Gas and Coal Royalties: Raising Federal Rates Could Decrease Production on Federal Lands but Increase Federal Revenue." Report to Congressional Committees. Last accessed October 13, 2017: <http://www.gao.gov/assets/690/685335.pdf>

[152] Appendix, Table B.

[153] Arizona State Lands Department. "Why do I need a permit to go on State Trust land for recreation purposes and how do I obtain a recreational permit?" State of Arizona. Last accessed October 13, 2017: <https://land.az.gov/content/why-do-i-need-permit-go-state-trust-land-recreation-purposes-and-how-do-i-obtain-0>

[154] Colorado Parks and Wildlife. (2017). "Colorado State Recreation Lands." State of Colorado. Last accessed October 13, 2017: <http://cpw.state.co.us/Documents/RulesRegs/Brochure/lands.pdf>

[155] Idaho Department of Lands. "Recreating on Endowment Lands." State of Idaho. Last accessed October 13, 2017: <https://www.idl.idaho.gov/recreation/index.html>

[156] Montana Department of Natural Resources and Conservation. "Recreational Use of State Land." State of Montana. Last accessed October 13, 2017: <http://dnrc.mt.gov/index/divisions/trust/recreational-use-of-state-land>

[157] New Mexico State Lands Office. "Recreational Access." State of New Mexico. Last accessed October 13,

2017: [http://www.nmstatelands.org/Recreational\\_Access.aspx](http://www.nmstatelands.org/Recreational_Access.aspx)

[158] Nevada Division of State Lands. Personal communication. May 17, 2017.

[159] State of Utah School and Institutional Trust Lands Administration. "Recreation on Trust Lands." State of Utah. Last accessed October 13, 2017: <https://trust-lands.utah.gov/business-groups/surface/recreational-use-of-trust-lands/>

[160] Wyoming Office of State Lands and Investments. "Public Access Rules." State of Wyoming. Last accessed October 13, 2017: <https://sites.google.com/a/wyo.gov/osli/resources/recreation>

[161] New Mexico also has an O&G Emergency School Tax (3.15% of oil/other liquid hydrocarbons/carbon dioxide and 4% of natural gas); a Natural Gas Processor's Tax (0.0220/mmBtu on volume); and an O&G Ad Valorem Production Tax (based on property tax in the district of production).

[162] Arizona State Land Department. "Energy Minerals Management Program." Last accessed October 13, 2017: <https://land.az.gov/divisions/natural-resources/energy-management>

[163] United States Government Accountability Office. (June 2017). "Oil, Gas and Coal Royalties: Raising Federal Rates Could Decrease Production on Federal Lands but Increase Federal Revenue." Report to Congressional Committees. Last accessed October 13, 2017: <http://www.gao.gov/assets/690/685335.pdf>

[164] Administrative Rules of Idaho. 20.03.16. "Rules Governing Oil and Gas Leasing on Idaho State Lands." Last accessed October 13, 2017: <https://adminrules.idaho.gov/rules/2008/20/0316.pdf>

[165] United States Government Accountability Office. (June 2017). "Oil, Gas and Coal Royalties: Raising Federal Rates Could Decrease Production on Federal Lands but Increase Federal Revenue." Report to Congressional Committees. Last accessed October 13, 2017: <http://www.gao.gov/assets/690/685335.pdf>

[166] Ibid.

[167] Ibid.

[168] Ibid.

[169] Pless, J. (February 2012). "Oil and Gas Severance Taxes: States Work to Alleviate Fiscal Pressures Amid the Natural Gas Boom." National conference of State Legislatures. Last accessed October 13, 2017: <http://www.ncsl.org/research/energy/oil-and-gas-severance-taxes.aspx>

[170] Ibid.

# CONSERVATION SCORECARD

## State One-Pagers



# ARIZONA STATE POLICIES



The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

ARIZONA	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	NEEDS IMPROVEMENT	AVERAGE	NEEDS IMPROVEMENT

## NEEDS IMPROVEMENT — LANDS AND ACCESS

Arizona ranks “needs improvement” when it comes to lands and access. Arizona state trust lands are open to any resident who buys a **recreational permit** or a hunting and fishing license. Camping is limited to no more than 14 days per year. In Arizona, stream access is very restricted. The **Arizona Navigable Stream Adjudication Commission** has the power to decide which of Arizona’s waterways are navigable, allowing boaters to float through private property. To date, only the Colorado River has received such distinction. Arizona has funding for conservation, but it is variable and impermanent. The **Arizona Heritage Fund**, established in 1990, has directed proceeds from the state lottery towards a range of conservation programs, including wildlife conservation and improvements at state parks. In 2010, legislation **eliminated funding** for the State Parks Heritage Fund in an attempt to balance the budget, but left funding for wildlife conservation intact. The state has also invested in the **Arizona Water Protection Fund**, which supports measures that “enhance and restore rivers, streams and riparian habitat, including projects that benefit fish and wildlife, that are dependent on these important resources.”

## AVERAGE — OUTDOOR RECREATION

With some state-level funding for outdoor recreation infrastructure in Arizona—and some funding for outdoor education—Arizona ranks “average” in the category of outdoor recreation. Arizona has no office of outdoor recreation, but it does have a **Council for Enhancing Recreation and Tourism**, which produces an interactive **online map** of recreational opportunities. To recognize and support non-motorized trails of special significance in the state, the **Arizona State Committee on Trails** and Arizona State Parks have partnered on the **Arizona Premier Trail System**. The 2018 grant cycle objectives of the **Arizona Heritage Fund** include environmental education, outdoor education, and schoolyard habitat. Arizona has no statewide standards for outdoor or environmental education.

## NEEDS IMPROVEMENT — RESPONSIBLE ENERGY DEVELOPMENT

Compared to most Western states, Arizona has few policies related to responsible energy development. The state requires oil and gas development setbacks varying from **150-1,000 feet**. When it comes to spill reporting and transparency, Arizona requires reporting of spills within 24 hours, but does not provide readily available spills data to the public. The state continues to allow blanket bonding to address oil and gas well reclamation. The state has no fracking chemical disclosure rules and reporting through **FracFocus** is voluntary. Arizona matches the federal oil and gas royalty rate of 12.5 percent. The state of Arizona also charges a severance tax on production, but no conservation tax. Arizona does not require water testing before and after drilling, and the state does not have methane capture rules.

# COLORADO STATE POLICIES

The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

COLORADO	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	AVERAGE	BEST	BEST

## AVERAGE — LANDS AND ACCESS

Despite the state's outstanding support for public lands and conservation, access to Colorado's **state trust lands** and streams is some of the worst across the West. State trust lands in Colorado are off limits without a permit for a specific hunting season. Wading and anchoring in streams on private land is considered **trespassing**. On the bright side, Colorado was the first Western state to enact a **public lands day**, the first of which took place on May 20th, 2017. Colorado is also considered the best for conservation funding. The **Great Outdoors Colorado** (GOCO) is sustained by proceeds from the state lottery and provides funding to preserve and enhance the state's parks, wildlife, and open spaces. In FY2016, GOCO awarded \$64.3 million across 11 grant programs. Colorado also directs funds from a **Habitat Stamp** (a required \$10 fee tagged on to the cost of a hunting or fishing license) to fund the **Colorado Wildlife Habitat Protection Program**, which works to increase access and protect critical wildlife habitat. The state offers **Wetlands Project Funding** for restoration of riparian areas and the **Conservation Trust Fund**, which is administered to local governments for conservation and recreation projects.

## BEST — OUTDOOR RECREATION

In 2015, Colorado Governor John Hickenlooper opened the state's **Outdoor Recreation Industry Office** (OREC), becoming the second Mountain West state to have an office of outdoor recreation. Thanks in part to OREC, Colorado is **home to** 7,800 outdoor recreation firms, employing 177,700 people, with a \$6 billion annual payroll. OREC Director, **Luis Benitez**, helped play a prominent role in bringing the Outdoor Retailer trade show to Denver. Colorado also facilitates an **Outdoor Recreation Advisory Group**, comprised of over 30 individuals from across the outdoor recreation community. Colorado administers permanent grants for outdoor education through its GOCO **Inspire Initiative** grants, and the state's **School Yard Initiative**, which funds school-based projects that inspire play and outdoor learning. Colorado has no standalone statewide standards for environmental education, but they do incorporate standards in their science and social studies curriculums.

## BEST — RESPONSIBLE ENERGY DEVELOPMENT

Colorado has a wide range of state-level energy policies. Oil and gas development setbacks are in place, with a **1,000 foot** setback for multi-occupancy buildings and **500 foot** setback from residences. The state allows blanket bonding for oil and gas well reclamation and does allow self-bonding for coal operations, putting taxpayers at risk. When it comes to spill prevention and mitigation, Colorado's **Rule 906** requires oil and gas producers to report spills within the first 24 hours of discovery. The state provides a publicly-accessible **database** of spill information online. Colorado requires that companies share fracking chemicals through FracFocus. Like many Western states, royalty rates on energy extracted on public lands exceed the federal rate of **12.5 percent**. Colorado also charges a severance tax and conservation tax on production. Colorado has baseline water testing, requiring pre-drill testing and two rounds of post-drill testing at four locations within a half-mile of the well. Where the state truly shines is with its **methane capture rules**, which no other Western state has.

# IDAHO STATE POLICIES



The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

IDAHO	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	AVERAGE	NEEDS IMPROVEMENT	NEEDS IMPROVEMENT

## AVERAGE — LANDS AND ACCESS

Idaho has stellar stream and state trust lands access. In Idaho, **boaters are permitted** to wade and float on rivers, scout within high water marks, and portage around obstructions as needed. Recreational use of Idaho's "endowment lands" is allowed unless it interferes with other management activities. The Idaho Department of Lands recently **released** new **maps** highlighting recreation access on state trust lands, which show that 96 percent of Idaho's remaining trust lands are accessible by foot or boat. Idaho's **AccessYes!** program is a useful guide for crossing private property to get to public lands. Unfortunately, Idaho has no public lands day and little, if any, dedicated funding for conservation.

## NEEDS IMPROVEMENT — OUTDOOR RECREATION

Idaho does poorly in this category with no office of outdoor recreation, no dedicated funding for outdoor education, and no funding for outdoor infrastructure—with the exception of the **Idaho Off-Road Motor Vehicle Fund**, which is funded annually through a portion of the state gas tax. Idaho has an **Every Kid in the Park** initiative that grants fourth graders free access to Idaho State Parks.

## NEEDS IMPROVEMENT — RESPONSIBLE ENERGY DEVELOPMENT

Idaho has limited state-level responsible energy development policies. In 2016, Idaho **decided** to keep the oil and gas setback requirement at 300 feet instead of raising it to 500 feet. The state allows blanket bonding for oil and gas well reclamation. When it comes to spill reporting and transparency, Idaho has a spill reporting hotline, but does not provide easily accessible, publicly available spills data online. The state requires companies to share fracking chemicals through **FracFocus**. The state of Idaho matches the federal oil and gas royalty rate of 12.5 percent, charges a severance tax on oil and gas production, but does not have a conservation tax. Idaho does not require water testing before or after drilling, and does not have methane capture rules.



# MONTANA STATE POLICIES



The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

<b>MONTANA</b>	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	<b>BEST</b>	<b>AVERAGE</b>	<b>NEEDS IMPROVEMENT</b>

## **BEST — LANDS AND ACCESS**

Montana excels when it comes to land and water access. Showing a strong commitment to access, Governor Bullock recently appointed a **State Access Specialist** dedicated to the issue. Montana's stream access is generally considered the best, and the state constitution affirms public stream access. The public is allowed to float through private lands and walk instream all the way to the **high water mark**, which ensures walkable perimeters most times of year. Recreation is also allowed on all of Montana's **legally accessible** state trust lands, with some minor stipulations and a **permit**. Montana state lands are legally accessible if they can be accessed from adjacent public lands, public roads, or public waterways.

Montana does have dedicated funding for wildlife conservation. The **Habitat Montana** program, originally established by the Montana legislature in 1987, directs portions of hunting license fees towards protecting wildlife habitat. The program currently generates about \$5.3 million annually, primarily from nonresident hunting licenses. In 2015, the state legislature jeopardized the program, restricting some of its most important uses; however, conservationists and sportsmen led a successful effort in 2017 to **restore the program**. Montana also conducts the **Future Fisheries Improvement Program**, which aims to restore essential habitats for wild fish populations in lakes, rivers, and streams. In 2017 the Montana legislature passed **legislation** creating an "MT-PLAN" fund, which will accept private donations, including optional donations from conservation license purchases, to increase access to public lands. Like many Western states, Montana has yet to enact a public lands day.

## **AVERAGE — OUTDOOR RECREATION**

As a part of his public lands and public access **agenda**, Montana Governor Steve Bullock **opened** the Montana Office of Outdoor Recreation in 2017, with **Rachel VandeVoort** at the helm. There is no explicit funding for outdoor infrastructure or outdoor education in Montana, but the state's Fish, Wildlife and Parks Department provides transportation grants to connect students to the outdoors, and the state offers free state parks access to all residents.

## **NEEDS IMPROVEMENT — RESPONSIBLE ENERGY DEVELOPMENT**

Montana lacks many state-level regulations related to responsible energy development. The state does not have setback rules. When it comes to spill reporting and transparency, Montana requires immediate reporting of spills, but does not provide publicly available spills data online. However, Montana is the only Western state that **explicitly prohibits** coal operations from "self-bonding," protecting taxpayers. Fracking chemicals must be reported to state agencies, but not disclosed to the public. Like most Western states, royalty rates on energy extracted on state lands exceed the federal rate of 12.5 percent. Montana also charges a conservation tax on production, but no severance tax. There is no baseline water testing in Montana, and the state does not have methane capture rules.

# NEVADA STATE POLICIES



The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

NEVADA	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	AVERAGE	AVERAGE	AVERAGE

## AVERAGE — LANDS AND ACCESS

Nevada is one of only two states to embrace a statewide **public lands day**—passed with an overwhelming bipartisan majority and signed into law by Governor Brian Sandoval in June of 2017. Even though Nevada's **remaining 3,000 acres of state trust lands** are technically open to the public for some forms of recreation and camping, many prime parcels for recreation were sold long ago. Stream access is a contentious issue in Nevada, whose details remain ambiguous and undefined by Nevada law. Neither the court nor the legislature has determined whether the public trust doctrine applies to non-navigable streams or whether boaters may float or wade through private property.

Nevada voters have approved measures providing significant conservation funding; however, these measures do not automatically renew. In 2002, voters approved "**Question 1**," approving the issuance of \$200 million in bonds with proceeds going towards improvements to trails, parks, and habitat conservation. Voters also approved a bond measure in 1990, known as "Question 5," **which provided** \$47.2 million for conservation projects, the bulk of which was spent by 1994.

## AVERAGE — OUTDOOR RECREATION

With many desirable outdoor destinations, the state has the opportunity to champion outdoor recreation in the future. Currently, the state does not have a dedicated office of outdoor recreation. The state has made efforts to get kids outside. In 2017, Nevada passed a **Kids in Parks** bill, providing every 5th grader in Nevada with a free pass to their state parks. Additionally, a portion of **Question 1** funding has provided grants to state agencies, local governments, and nonprofits for trail and infrastructure work.

## AVERAGE — RESPONSIBLE ENERGY DEVELOPMENT

Nevada has a range of energy-related policies. The state has a **300 foot** setback rule for fracking, but none for conventional wells. Nevada allows blanket bonding for oil and gas well reclamation. When it comes to spill reporting and transparency, Nevada has a spills reporting hotline, and the state Department of Environmental Quality posts limited, but not comprehensive, spills data online. The state requires companies to share fracking chemicals through **FracFocus**. Nevada is the lone Western state with no royalty rate for oil and gas produced on state lands. The state charges a conservation tax on production, but no severance tax. Nevada requires pre-drill testing and two rounds of post-drill testing at four locations within a half-mile of the well. The state does not have methane capture rules.

# NEW MEXICO STATE POLICIES

The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

NEW MEXICO	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	AVERAGE	AVERAGE	AVERAGE

## AVERAGE — LANDS AND ACCESS

New Mexico state trust lands are **available for recreation**, with stipulations. Hunting and fishing is allowed with a license, written permission, and only if the state trust lands are accessible by public road. Other recreation is allowed with a permit, which costs \$35 a year. Camping is restricted to no more than 14 days per year. Stream access has fluctuated in recent years. In 2015, the New Mexico legislature amended their Stream Access Law of 1978, **cutting walk-and-wade access** wherever a stream crosses private property, and ultimately creating significant implications for floating.

New Mexico has little dedicated funding for conservation. New Mexico's **Natural Heritage Conservation Act** put forth \$5 million in conservation funds to attract federal matching funds in 2010, but funds have since dried up. In 2016, New Mexico passed a Senate **commemoration** recognizing and honoring the state's public lands legacy, saying it "is vital to the state and national economies and to the health and well-being of the residents of New Mexico."

## AVERAGE — OUTDOOR RECREATION

While the state does not have a dedicated office of outdoor recreation, the state legislature recently passed a **resolution** requesting state agencies study the impact of creating a state office of outdoor recreation and recruiting outdoor industries to the state. The state does not have dedicated funding for outdoor infrastructure, but New Mexico State Parks' **Kids n' Parks** transportation grants provide funds for buses to connect students to the outdoors.

## AVERAGE — RESPONSIBLE ENERGY DEVELOPMENT

New Mexico has a range of energy-related policies. New Mexico lets counties determine **setbacks** from oil and gas wells. The state allows blanket bonding for oil and gas well reclamation, and allows self-bonding for coal operations. When it comes to spill reporting and transparency, New Mexico requires oil and gas producers to report spills and provides the public access to spill reports through an **online database**. The state requires companies to share fracking chemicals with state agencies. Like most Western states, royalty rates on energy extracted on public lands exceed the federal rate of 12.5 percent. New Mexico also charges a conservation tax and a severance tax on production. Though some industry groups have urged companies to **conduct baseline water testing**, that testing remains voluntary. Though energy production in the state results in significant methane emissions, New Mexico does not have methane capture rules.

# UTAH STATE POLICIES

The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

UTAH	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	NEEDS IMPROVEMENT	AVERAGE	AVERAGE

## NEEDS IMPROVEMENT — LANDS AND ACCESS

With a mixed bag of land and water access, and limited funding for conservation, Utah has room for improvement in state policies. In Utah, floating is permitted through private land, but wading is not, unless permission is granted by a landowner. A 2008 Utah Supreme Court decision expanded public access to private streambeds, but was effectively reversed two years later, when the Utah Legislature passed a law requiring landowner permission for setting foot on streambeds. Access to **state trust lands** in Utah is relatively high, with camping permitted for up to 15 days and hunting available to licensed sportsmen and women.

In Utah, the LeRay McAllister Critical Land Conservation Fund incentivizes local landowners to work together and protect critical open and agricultural lands with matching grants, but is **continually underfunded**. Since 1995, Utah's **Wildlife Habitat Account** has been administered by the Utah Division of Wildlife Resources, providing roughly **\$2 million annually** for projects.

## AVERAGE — OUTDOOR RECREATION

Though Utah politicians have continually passed anti-public lands bills, finally compelling the Outdoor Retailer trade show to leave the state, Utah was the first state to open an **Office of Outdoor Recreation**—established by Governor Gary Herbert in 2013. The state does generate matching funds up to \$50,000 for outdoor infrastructure projects and funds outdoor education programs through the Utah Office of Outdoor Recreation's **Outdoor Recreation Grant**. Utah has no state-level standards or benchmarks for environmental or outdoor education, but a few years ago, the Utah Office of Education put out a large funding package designed to bring non-formal education programs into schools in support of science curricula.

## AVERAGE — RESPONSIBLE ENERGY DEVELOPMENT

Utah has a range of state-level energy policies. Utah lets counties determine **setbacks** for oil and gas wells, allows blanket bonding for oil and gas well reclamation, and allows coal operators to self-bond. When it comes to spill reporting and transparency, operators are required to report spills within 24 hours and Utah does provide access to some data online. The state requires companies to report chemicals used in fracking through **FracFocus**. Like most Western states, royalty rates for energy extracted on public lands exceed the federal rate of 12.5 percent. Utah also charges a conservation tax and a severance tax on production. The Utah Geological Survey conducted baseline water quality in the productive **Uinta Basin**, but does not require operator testing. Utah does not have methane capture rules in place.

# WYOMING STATE POLICIES

The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

WYOMING	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	AVERAGE	AVERAGE	AVERAGE

## AVERAGE — LANDS AND ACCESS

In Wyoming, state trust lands are open to hiking, hunting, and fishing, but not camping. Many of the state's trust lands are trapped by private property, but the **AccessYes!** program and an easy-to-navigate online **map** help guide recreationists. In Wyoming, floating is permitted through private land, but wading is not. Both the streambank and streambed are **considered private property**, and wading and anchoring are only allowed with permission from the landowner. In 2005, the Wyoming legislature established the **Wildlife and Natural Resource Trust**, dedicating interest earned on a permanent account towards conserving wildlife habitat. The trust provides roughly \$8 million annually in grants. Wyoming also requires a **conservation stamp** be purchased with a hunting license.

## AVERAGE — OUTDOOR RECREATION

Though Wyoming has taken steps to boost outdoor recreation, the state has room to enact and strengthen policies. In late 2016 Wyoming Governor Matt Mead formed a 26-person Wyoming **Outdoor Recreation Task Force**. The diverse group of stakeholders shared their **recommendations** in the summer of 2017. Wyoming does not have specific funding for outdoor infrastructure or environmental education, but does offer free access to state parks for fourth graders through their **Every Kid in a Park** program.

## AVERAGE — RESPONSIBLE ENERGY DEVELOPMENT

Energy development is widespread in Wyoming, and the state has a range of energy-related policies. Wyoming requires an oil and gas development setback of **500 feet**, allows blanket bonding for oil and gas well reclamation, and allows coal operators to "self-bond," putting taxpayers at risk. When it comes to spill reporting and transparency, Wyoming requires industry reporting within 24 hours. Though Wyoming collects spills data, the Wyoming Oil and Gas Conservation Commission does not publish the data online. The Wyoming Department of Environmental Quality does post **some data** on certain spills in the state; however, this list is not comprehensive. Wyoming was the first state to require disclosure of fracking chemicals. Today, the state requires companies report through **FracFocus**. Like most Western states, royalty rates on energy extracted on public lands exceed the federal rate of 12.5 percent. Wyoming charges a severance tax but no conservation tax on production. Wyoming **requires** pre-drill testing and two rounds of post-drill testing at four locations within a half-mile of the well. There are no statewide methane capture rules.