

LAND OWNERSHIP OF UTAH

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Utah has a unique land ownership structure that yields administration by various federal, state, tribal, and private entities (Figure 2.1; Tables 1, 2, and 3 in Appendix A). The federal government, through executive departments, administers lands owned by the Bureau of Land Management, the United States Forest Service, the National Park Service, the Department of Defense, and the United States Fish and Wildlife Service. Utah government agencies, including the State of Utah School and Institutional Trust Lands Administration, the Utah Division of Forestry, Fire, and State Lands, the Utah Division of Wildlife Resources, and the Utah Division of State Parks and Recreation, correspondingly manage state trust lands, state sovereign lands, state wildlife reserves, and state parks. Private lands are owned and managed by corporate or individual titleholders. Tribal trust lands are cooperatively administered by the Bureau of Indian Affairs and the Native American Indian tribes that own the land. Based on the Utah land ownership data released in May 2009 by the State of Utah School and Institutional Trust Lands Administration and the Utah Automated Geographic Reference Center, federal lands comprise 64.3 percent of Utah; state lands comprise 10 percent of Utah; private lands comprise 21.1 percent of Utah; and tribal lands comprise 4.5 percent of Utah.

FEDERAL LANDS

Bureau of Land Management – Prior to the creation of the Bureau of Land Management (BLM), the General Land Office and the Grazing Service managed public domain lands. In 1812, Congress established the General Land Office as an independent agency of the United States government to administer public domain lands, with the primary purpose of transferring lands into private ownership under land disposal laws, such as the Preemption Act of 1841 and the Homestead Act of 1862. The General Land Office was placed into the Department of the Interior when it was formed in 1849. Public land sales in western territories and states during the nineteenth century were impressive. The first Utah land office was opened in Salt Lake City during January 1869 (Graham, 1994; Anderson, 1989).

During the late nineteenth century, concerns about land conservation arose. Beginning in 1900, the General Land Office began to focus their management on natural resource conservation. Lands, such as forested watersheds,

were withdrawn from settlement and deemed valuable by Congress for resource values. The General Land Office shifted from the primary function of administering land sales to issuing leases and collecting fees from minerals off lands withdrawn from disposal. The Mineral Leasing Act of 1920 allowed leasing, exploration, and production of selected commodities, such as coal, oil, and gas (BLM, 2007a).

In 1934, with the passage of the Taylor Grazing Act, the Grazing Service was established to provide for the orderly use, improvement, and development of public domain lands pending final disposal. The remaining public domain lands were those not appropriated under the various land disposal acts, not granted to the state for support of public institutions, or not reserved for public uses (Graham, 1994; Anderson, 1989). In 1946, the General Land Office and the Grazing Service were merged to form the Bureau of Land Management. Following this union, it was realized that there were more than 2,000 unrelated and often conflicting laws for managing public lands. Consequently, the Bureau of Land Management did not have a unified legislative mandate. The discrepancies within the agency were not resolved until Congress enacted the Federal Land Policy and Management Act of 1976. This legislation established a coherent set of laws for managing public lands, and it declared the remaining public lands were to be retained by the federal government and administered by the Bureau of Land Management under a concept of multiple-use management (Anderson, 1989; Graham, 1994).

The Bureau of Land Management is the primary land administrator in the state. The agency oversees more than 22.8 million acres of land. This equates to approximately 42 percent of the land area in the state. The Bureau of Land Management in Utah is structured into four regional district offices, including the West Desert District, the Green River District, the Canyon Country District, and the Color Country District. Within each district, there are field offices and corresponding resource management areas. The West Desert District includes the Salt Lake and Fillmore field offices; the Green River District includes the Vernal and Price field offices; the Canyon Country District includes the Moab and Monticello field offices; and the Color Country District includes the Richfield, Cedar City, Kanab, and St. George field offices. Additionally, the Bureau of Land Management in Utah manages the Grand Staircase-Escalante National Monument (GSENM), the

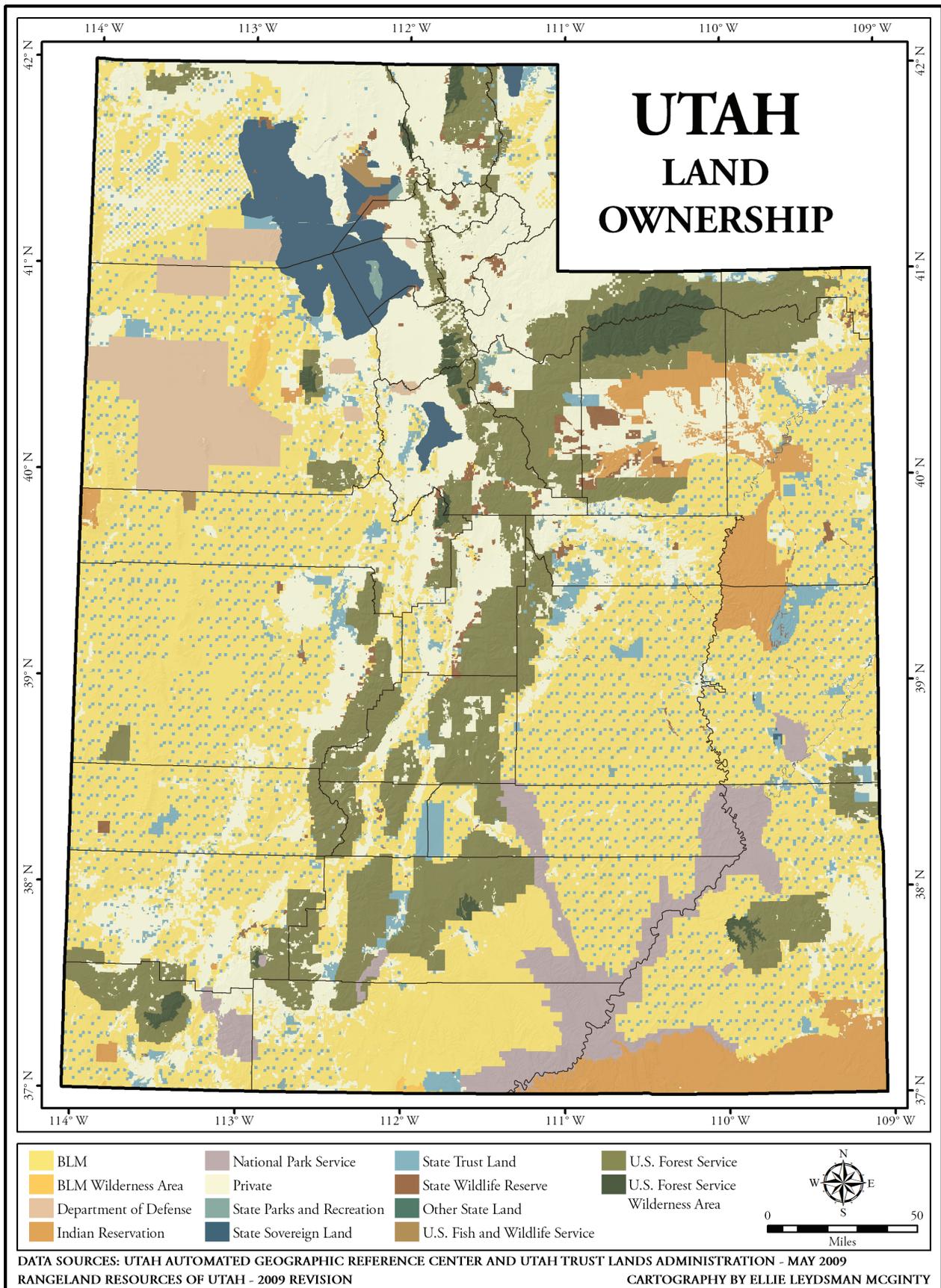


Figure 2.1. Land ownership of Utah.

first national monument to be administered by the BLM (Figure 2.2, Table 4 in Appendix A).

The Bureau of Land Management has a mission of sustaining the health, diversity, and productivity of public lands that encompasses multiple responsibilities. The BLM is accountable for managing natural resources, livestock grazing, fire, recreation, energy resources, and cultural resources. As part of their accountability, the BLM is obligated to manage special management areas, such as wilderness areas, wilderness study areas, areas of critical environmental concern, research natural areas, and outstanding natural areas (Figure 2.3; Tables 5, 6, and 7 in Appendix A). Additionally, with the approval of the Omnibus Land Bill, the Bureau of Land Management in Utah will be responsible for managing national conservation areas, additional wilderness areas, and several miles of wild and scenic rivers (BLM, 2009).

United States Forest Service – The history of the United States Forest Service dates back to 1876 when Congress approved an appropriations bill to fund a position to study and report on forest supplies and conditions. Franklin B. Hough received the appointment as a special forestry agent and he became the first federal expert on forestry with the responsibility of investigating forests and the lumber industry in the United States. Hough's *Report on Forestry* provided the foundation for the establishment of the United States Division of Forestry in 1881 (Steen, 1991; USFS, 2009).

Continued scientific investigations about forested watersheds and persistence by the American Forestry Association to acquire protection of federal forests eventually prompted Congress to pass the Creative Act of 1891. The Creative Act of 1891, also referred to as the Forest Reserve Act of 1891, was approved under the administration of Benjamin Harrison. The act included a provision that permitted the President of the United States to set aside forest reserves from the land in the public domain. President Harrison designated 15 forest reserves on over 13 million acres of forested land in seven western states and Alaska. None of these first forest reserves were located in Utah; however, it was not long before Utah citizens began to petition the General Land Office to protect several Utah watersheds that had been over-utilized from excessive sheep grazing and timber harvesting (Prevedel and Johnson, 2005; Nelson, 1997).

On February 22, 1897, President Grover Cleveland unexpectedly added 13 new forest reserves encompassing more

than 21 million acres of land. The Uinta Forest Reserve was one of the new additions. This unforeseen addition to the forest reserve system generated protest that denounced the entire reservation system. Consequently, the forest reserves created by Cleveland were suspended for one year, and Congress, under the new administration of President William McKinley, authorized legislation for the practical administration of forest reserves. The Organic Act of 1897 was passed and it designated the purpose of the reserves to be for watershed protection and timber production. The Organic Act, considered to be one of the most important pieces of federal forest legislation, provided the main statutory basis for the management and protection of forest reserves in the United States (Steen, 1991; Prevedel and Johnson, 2005).

The Department of the Interior was responsible for federally administering the forest reserves; however, the Division of Forestry resided within the Department of Agriculture. Consequently, mismanagement and poor leadership prevailed. Attempts to transform the administration of forest reserves began in 1898 with the appointment of Gifford Pinchot as the fourth chief of the Division of Forestry. Pinchot campaigned to transfer the forest reserves to the Department of Agriculture (Prevedel and Johnson, 2005). In 1901, the Division of Forestry was renamed the Bureau of Forestry. Concurrently, the Secretaries of Interior and Agriculture worked out a formal agreement on the reserves. The Department of the Interior became responsible for patrolling the reserves and enforcing laws, while the foresters in the Department of Agriculture became responsible for making technical decisions and examining the reserves. Misadministration continued and further suggestions to transfer the reserves to the Bureau of Forestry within the Department of Agriculture were made (Prevedel and Johnson, 2005).

On February 1, 1905, the jurisdiction of the existing forest reserves was finally transferred from the General Land Office within the Department of the Interior to the Bureau of Forestry within the Department of Agriculture. The agency was shortly thereafter renamed the Forest Service, and Gifford Pinchot became the first chief of the United States Forest Service. During the formative years of the Forest Service (1901-1904), Albert Potter, an Arizona stockman and westerner, was appointed as a grazing expert of the forest reserves. In 1902, Potter traveled to Utah to conduct a survey of potential forest reserves. His evaluations of forested land in Utah were integral in the establishment of the forest reserves that are presently known as the Uinta-Wasatch-Cache, Manti-La Sal,

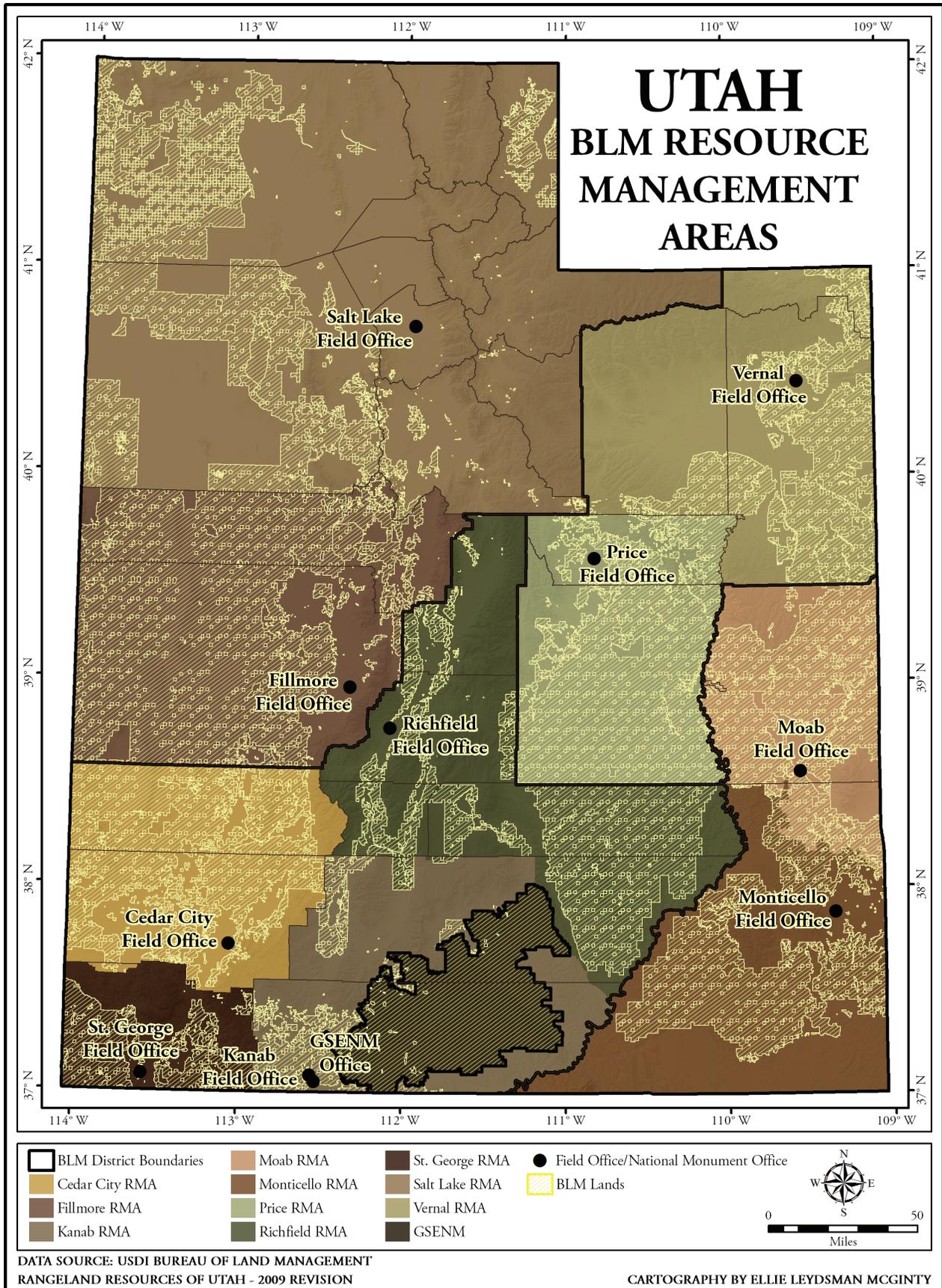


Figure 2.2. Bureau of Land Management resource management areas (RMAs) and field offices in Utah (reference Table 4 in Appendix A).

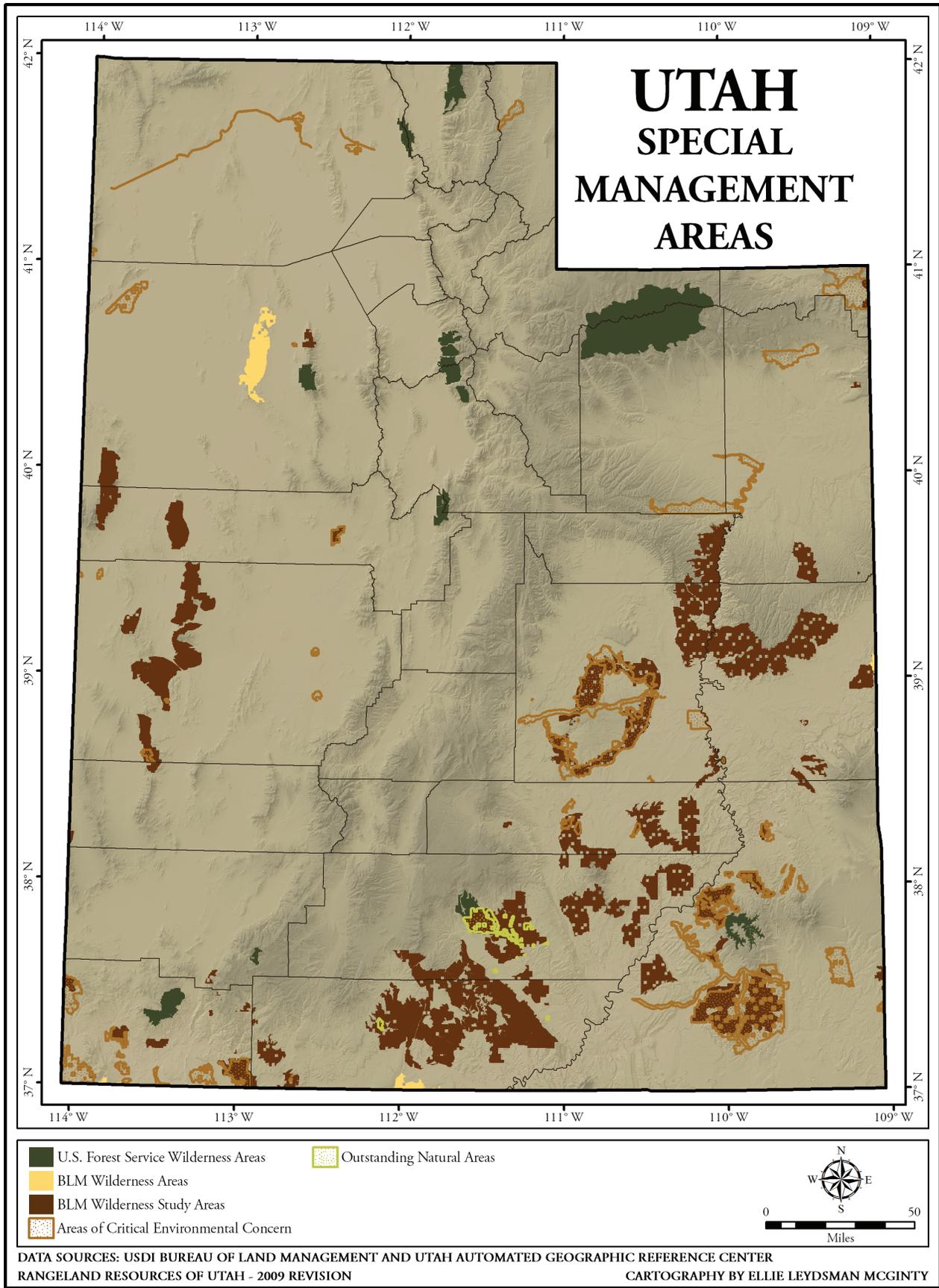


Figure 2.3. Bureau of Land Management and United States Forest Service special management areas in Utah.

Fishlake, and Dixie National Forests. Albert Potter also became the chief architect of the practical and effective Forest Service grazing policies and governing regulations (Prevedel and Johnson, 2005).

The United States Forest Service is the third largest land administrator in the state, managing approximately 15 percent of the land area. The agency oversees nearly 8.2 million acres of land. Of the 8.2 million acres, more than 767,000 acres are designated as wilderness areas (Figure 2.3; reference Table 8.5.3 in Recreation in Utah section), and nearly 92,000 acres are designated as a National Recreation Area (Flaming Gorge). In the state of Utah, there are seven national forests. Five of the national forests are entirely or primarily contained within the state. They include the Ashley National Forest, the Dixie National Forest, the Fishlake National Forest, the Manti-La Sal National Forest, and the Uinta-Wasatch-Cache National Forest. The other two National Forests extend into Utah from Idaho. They are the Caribou-Targhee National Forest and the Sawtooth National Forest (Figure 2.4). The current boundaries, land area, and names of the National Forests are the result of various reorganizations and consolidations that have occurred since the establishment of Utah's first forest reserve, the Uinta Forest Reserve, in 1897.

The United States Forest Service is hierarchically organized into four levels – the national level, the regional level, the national forest level, and the ranger district level. At the national level, the Chief of the Forest Service provides broad policy and direction for the agency. At the regional level, the regional forester coordinates activities between national forests and provides guidance for forest plans. The national forests in Utah are managed under the Intermountain Region (Region 4) with headquarters in Ogden, Utah. At the national forest level, supervisors provide oversight and support to the ranger districts within the forests. Ranger districts are the units that directly manage the national forests because management can widely vary between districts and national forests. Within Utah, there are 29 ranger districts (Figure 2.4; reference Table 8 in Appendix A).

National Park Service – The concept of national parks, or large-scale natural areas preserved for public enjoyment, originated in 1832 when artist George Catlin noted the potential effects of westward expansion on wilderness and wildlife. Catlin's vision, as well as a growing appreciation for nature by the public, encouraged state and federal governments to set aside expanses of spectacular landscapes.

The national park idea came to partial fruition when Congress donated Yosemite Valley to California for preservation as a state park (Mackintosh, 1999). Eight years later, in 1872, President Ulysses Grant signed the Yellowstone Bill into law. The Yellowstone Act withdrew more than 2 million acres of the public domain from settlement and designated the Yellowstone country in the Wyoming and Montana territories as a “public park or pleasuring-ground for the benefit and enjoyment of the people.” Nearly two decades later, in 1891, Congress established Sequoia and Yosemite National Parks (NPS, 2005).

While the early national parks were being established, separate legislation was being drafted to protect prehistoric features and archeological sites. In 1906, President Theodore Roosevelt passed the Antiquities Act. The Antiquities Act, considered one of the most important and controversial pieces of preservation legislation, allowed presidents of the United States to set aside historic and prehistoric structures, and other objects of historic and scientific interest on public lands as national monuments. The Antiquities Act, with its vaguely defined scope, indicated that national monuments should be confined to the smallest area compatible with the care and management of the objects to be protected. Initially, it was thought that the act would be used to protect small tracts of land surrounding archeological sites; however, much larger areas were designated as national monuments, such as Natural Bridges in San Juan County, because preservation was still largely compatible with congressional expectations (NPS, 2005; Rotham, 1999).

The Interior Department was responsible for managing several national parks and national monuments, but there was no clear standard for managing the system of reserves. The parks and monuments became vulnerable to competing interests. Some utilitarian conservationists favored regulated use, such as the construction of dams for water supply, power, and irrigation, rather than strict preservation of the natural resources. In 1913, Congress permitted the construction of a dam in the Hetch Hetchy Valley in Yosemite. This event underlined some of the institutional problems of the park movement. Consequently, park advocates, including Stephen Mather, complained to the Secretary of the Interior. Mather, a wealthy Chicago businessman and avid outdoorsman, was appointed as an assistant to the Interior Secretary for park matters. Mather and his assistant, Horace Albright, extensively lobbied and campaigned for national parks and emphasized the economic potential of parks as tourist meccas. Congress responded on August 25, 1916, when President

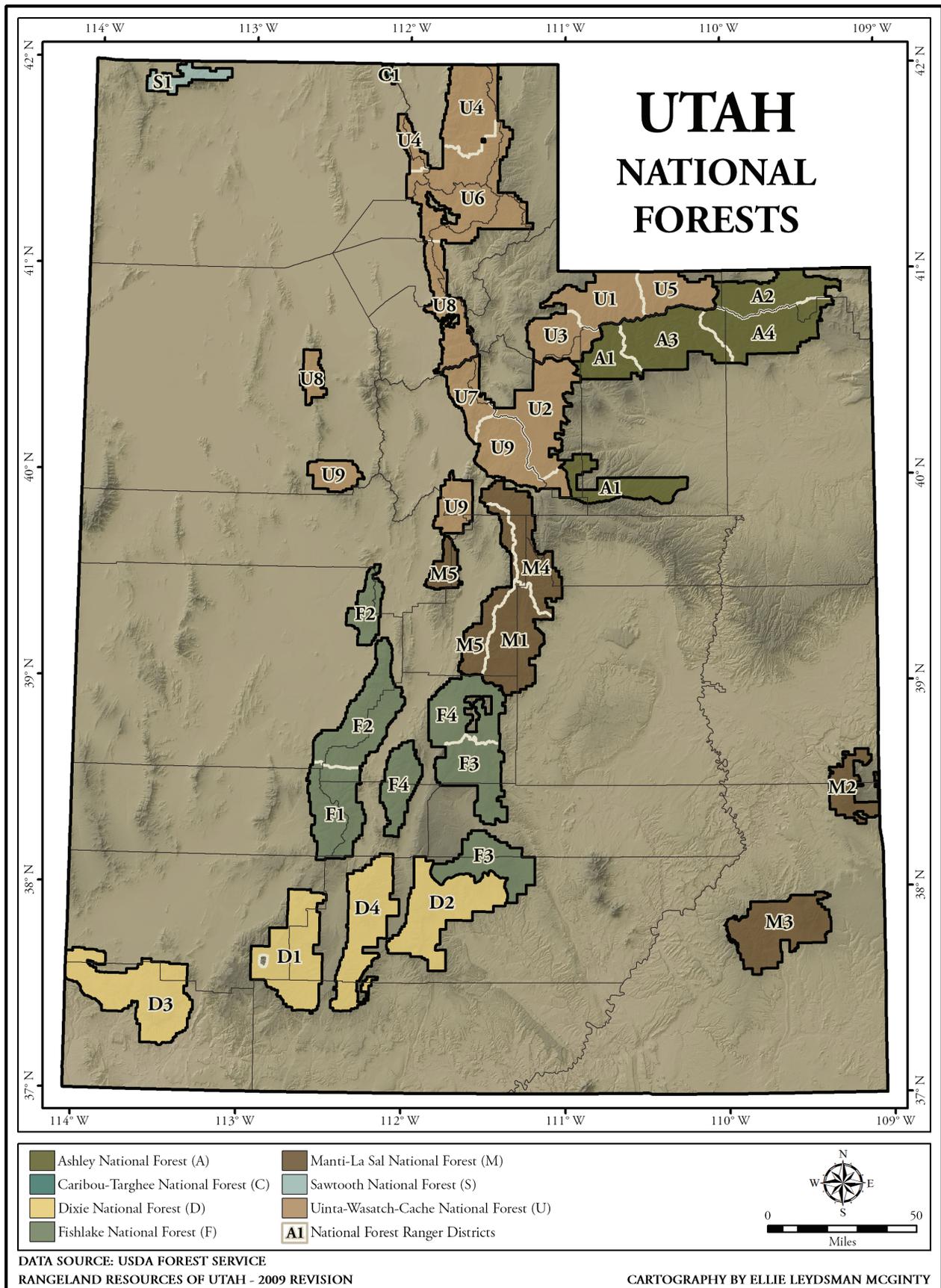


Figure 2.4. National forests and ranger districts in Utah (reference Table 8 in Appendix A).

Woodrow Wilson approved legislation that created the National Park Service within the Department of the Interior (Mackintosh, 1999; NPS, 2005).

The National Park Service has the responsibility of managing over 2 million acres of land in Utah, equating to 3.9 percent of the land area. The agency administers five national parks, six national monuments, one national recreation area, one national historic site (reference Table 8.5.2 in Recreation in Utah section), and portions of four historic trails. The five national parks are Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capitol Reef National Park, and Zion National Park. Arches National Park was established as a national monument in 1929 to protect the arches, spires, balanced rocks, and sandstone formations. In 1971, Arches National Monument became Arches National Park (NPS, 1999). Bryce Canyon National Park was initially established as a national monument in 1924 after the governor of Utah and the Utah Legislature lobbied for national protection of the area. Attempts to change the status of the national monument to a national park began in 1924; however, it was not until 1928 that Bryce Canyon National Park was established (Scrattish, 1985; NPS, 2005).

Canyonlands National Park, with the support of Arches National Monument Superintendent Bates Wilson, was established in 1964 by President Lyndon Johnson. The park was expanded to its current size in 1971 (NPS, 2006a). Capitol Reef National Park, an especially rugged and spectacular part of the Waterpocket Fold near the Fremont River, was established as a national monument in 1937. With the expansion of the reserve in 1968, considerations to make it a national park were made. After several senate bills were introduced and dropped, Capitol Reef National Monument became Capitol Reef National Park in 1971 (NPS, 2007). Zion National Park, Utah's oldest and most visited national park, was initially established in 1909 as Mukuntuweap National Monument to protect the scenic qualities of the expansive canyon. In 1918, the acting director of the National Park Service changed the name to Zion National Monument. One year later, the reserve was declared a national park. The Kolob section of the park was proclaimed as a separate Zion National Monument in 1937, but it was incorporated into the park in 1956 (NPS, 2006b).

There are seven national monuments in Utah. Six are managed by the National Park Service and one, the Grand Staircase-Escalante National Monument, is managed by the Bureau of Land Management. The six national monu-

ments managed by the National Park Service are Cedar Breaks National Monument, established in 1933; Dinosaur National Monument, established in 1915; Hovenweep National Monument, established in 1923; Natural Bridges National Monument, established in 1908; Rainbow Bridge National Monument, established in 1910; and Timpanogos Cave National Monument, established in 1922.

There are three national recreation areas in Utah. One is managed by the National Park Service, one is managed by the United States Forest Service, and one is managed by the Bureau of Land Management. Glen Canyon National Recreation Area in Utah and Arizona was established in 1972 when Lake Powell and the surrounding area were incorporated as a national site. Flaming Gorge National Recreation Area, managed by the United States Forest Service, was established as part of the Ashley National Forest in 1968 by President Lyndon Johnson (USFS, 2008). Little Sahara National Recreation Area, located in the northeastern part of the Sevier Desert (Juab County), is a managed off-highway vehicle area administered by the Bureau of Land Management (BLM, 2007b).

Golden Spike National Historic Site, the one national historic site in Utah, commemorates the completion of the first transcontinental railroad in the nation. On May 10, 1869, two railroad companies, Union and Central Pacific, joined 1,776 miles of rail at Promontory Summit (NPS, 2009a). In 1957, Golden Spike was authorized by Congress as a National Historic Site under non-federal ownership. In 1965, Congress enlarged the site to encompass over 2,000 acres and it was authorized for federal administration by the National Park Service (Blake, 1994).

The four national historic trails managed by the National Park Service are the California National Historic Trail, Mormon Pioneer National Historic Trail, Old Spanish National Historic Trail, and Pony Express National Historic Trail. The California Trail, bisecting ten midwestern and western states, carried over 250,000 gold-seekers and farmers to California during the 1840s and 1850s. The Mormon Pioneer National Historic Trail, bisecting five midwestern and western states, represents the 70,000 Mormons who traveled from Nauvoo, Illinois, to Salt Lake City, Utah, from 1846 to 1869. The Old Spanish Trail, bisecting six western and southwestern states, represents a network of trading trails linking the markets of Mexico and the United States. The first commercial caravan from Abiquiú, New Mexico, to Los Angeles, California, occurred in 1829. The Pony Express National His-

toric Trail bisects eight states from Missouri to California. The Pony Express Trail was used to transport the nation's mail in the unprecedented time of 10 days, and it became the most direct means of communication prior to the telegraph (NPS, 2009b).

Department of Defense – Although the Department of Defense was not established until 1949, the preceding military agencies date back to pre-Revolutionary times (US DOD, 2009). During the American Revolution (1775-1783), military affairs were supervised by the Continental Congress, and under the Articles of Confederation, a secretary of war directed defense matters. Formal organization of the United States military occurred in 1789 when the United States Department of War was created. The department became responsible for the operation and maintenance of the Army; however, it was also responsible for naval affairs until the establishment of the United States Department of the Navy in 1798, and for land-based air forces until the creation of the Department of the Air Force in 1947 (Columbia Encyclopedia, 2008).

In 1903, after the Spanish-American War of 1898, the United States Department of War was reorganized and assigned several new functions, including supervision over the newly created National Guard. The National Security Act of 1947, signed by President Harry Truman, reorganized the United States Armed Forces and foreign policy after World War II. The legislation unified military departments by merging the Department of War and the Department of the Navy into the National Military Establishment, headed by the Secretary of Defense. The National Security Act of 1947 also renamed the United States Department of War as the United States Department of the Army and provided for the creation of a separate Department of the Air Force from the existing Army Air Forces (US DOS, 2009). Two years later, on August 10, 1949, the National Security Act was amended to assure that the Departments of Army, Navy, and Air Force were subordinate to the Secretary of Defense. Concurrently, the National Military Establishment was renamed as the United States Department of Defense (Columbia Encyclopedia, 2008). Presently, the Department of Defense includes the Army, Navy, Air Force, Marine Corps, as well as non-combat agencies, such as the National Security Agency and the Defense Intelligence Agency. Additionally, during times of war, the Department of Defense has authority over the Coast Guard (US DOD, 2009). The Department of Defense administers more than 1.8 million acres of land in Utah, equating to 3.3 percent of

the land area. The primary Department of Defense lands in Utah include Camp Williams Military Reservation, Dugway Proving Grounds, Hill Air Force Base, Hill Air Force Range, Tooele Army Depot, and the Utah Test and Training Range. The majority of these military lands were founded during the World War II era (1939-1945); however, Camp Williams and Hill Air Force Base have the longest histories.

Camp Williams, named in honor of Brigadier General W. G. Williams, was established in 1928 as a National Guard training site. During World War II, Camp Williams became a sub-post and training site for Fort Douglas (Alexander and Fish, 1994). Hill Air Force Base dates back to 1934 with an association to the Army Air Mail experiment. In 1935, the Army Air Corps established Ogden, Utah, as a favorable site for its permanent western terminus. In 1939, Congress appropriated funds for the establishment and construction of the Ogden Air Depot. The Ogden Air Depot was named Hill Field in honor of Major Ployer Peter Hill. During World War II, Hill Field served as a central maintenance and supply base, with operations focusing on supporting the war effort. Beginning in 1944, Hill Field began serving as the long-term storage facility for surplus aircraft and support equipment. After the Army Air Corps became the United States Air Force in 1947, Hill Field was designated as Hill Air Force Base (USAF, 2009a).

In terms of military significance, the Utah Test and Training Range prevails. The Utah Test and Training Range is the largest, and one of the few live-fire training ranges in the United States. The testing range, located in northwestern Utah and eastern Nevada, encompasses over 19,000 square miles of restricted airspace with 2,675 square miles of ground space. Missions on the Utah Test and Training Range are coordinated through Hill Air Force Base, and they include open-air training and testing services that support large force training exercises and large footprint weapons testing (USAF, 2009b).

United States Fish and Wildlife Service – The origins of the United States Fish and Wildlife Service date back to 1871 when Congress established the United States Commission on Fish and Fisheries to study the decrease of food fishes within the nation (USFWS, 2008a). Increasing awareness of the importance of fish and wildlife prompted Congress to establish the Division of Economic Ornithology and Mammalogy within the Department of Agriculture. Studies performed by these two agencies revealed that fish and wildlife resources were declining and

in need of conservation. As fish and wildlife issues became salient at the turn of the twentieth century, public support increased for more vigorous actions on the part of the government. Advocacy by the American Ornithologists Union, the National Association of Audubon Societies, and the general public encouraged the conservation-oriented President Theodore Roosevelt to establish the first federal bird reservation, Pelican Island in Florida, in 1903 (USFWS, 2009a).

The establishment of Pelican Island initiated a trend of conserving parcels of land in Florida and Louisiana for the protection of various species of nesting birds. As bird reservations increased, the need for sound management was realized. Consequently, the Bureau of Biological Survey was established in the Department of Agriculture, replacing the Division of Economic Ornithology and Mammalogy, with the responsibility of administering the reservations. After the Bureau of Biological Survey was established in 1905, several areas in Washington and California were set aside as federal refuges as a consequence of Pacific sea bird population declines. By 1909, Theodore Roosevelt had issued 51 Executive Orders that established wildlife reservations in 17 states and three territories (USFWS, 2009a).

During the next few decades, the Bureau of Biological Survey experienced several major legislative events. In 1918, the Migratory Bird Treaty Act, which provided for the regulation of migratory bird hunting, was passed. In 1929, the Migratory Bird Conservation Act established a Migratory Bird Conservation Commission to approve areas of land or water for acquisition as reservations for migratory birds. In 1934, funding for the refuge system surfaced when the Migratory Bird Hunting and Conservation Stamp Act was enacted. The act required each waterfowl hunter to possess a valid federal hunting stamp. The receipts from the sale of the stamp provided a continuing source of revenue for the acquisition of migratory bird habitat. Of equal importance, the Fish and Wildlife Coordination Act of 1934 was enacted, which authorized the Secretaries of Agriculture and Commerce to provide assistance to and cooperate with federal and state agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals. A 1958 amendment to the Fish and Wildlife Coordination Act added provisions to recognize the vital contribution of wildlife resources (USFWS, 2009a; USFWS, 2009b).

In 1939, the Bureau of Biological Survey in the Department of Agriculture and the Bureau of Fisheries (formerly the United States Commission of Fish and Fisheries un-

til 1903) in the Department of Commerce were both transferred to the Department of the Interior through a reorganization of the Executive Branch. A subsequent reorganization plan in the Department of the Interior in 1940 consolidated the Bureau of Fisheries and the Bureau of Biological Survey into one agency that was named the United States Fish and Wildlife Service. Years after the United States Fish and Wildlife Service was established, the Fish and Wildlife Act of 1956 was enacted. The act provided a comprehensive national fish and wildlife policy that broadened the authority for the acquisition and development of refuges. Subsequent legislation, including the Refuge Recreation Act of 1962, the National Wildlife Refuge System Administration Act of 1966, and the Endangered Species Act of 1973, provided supplementary funding and accelerated preservation efforts (USFWS, 2009a).

The United States Fish and Wildlife Service administers slightly more than 109 million acres of land in Utah. Although this represents less than 1 percent of the land area in Utah, the preserved land provides habitat for fish and wildlife resources on three national refuges. The three national wildlife refuges are the Bear River Migratory Bird Refuge, Fish Springs National Wildlife Refuge, and Ouray National Wildlife Refuge. Additionally, the United States Fish and Wildlife Service oversees two national fish hatcheries, the Ouray National Fish Hatchery and Jones Hole National Fish Hatchery. They also administer the Vernal Colorado River Fishery Project and the Utah Fish and Wildlife Management Assistance Office (USFWS, 2001).

The Bear River Migratory Bird Refuge, located in Box Elder County, was established in 1928 in response to the substantial reductions in wetland and marsh habitat caused by diversions of water from upstream settlements and farms (USFWS, 2001; USFWS, 2009c). The refuge presently serves a vital role in the Bear River delta ecosystem by protecting, creating, and managing more than 41,000 acres of wetlands. The wetland and marsh habitats of the Bear River delta provide habitat to more than 200 bird species (USFWS, 2009c). Fish Springs National Wildlife Refuge, located at the southern end of the Great Salt Lake Desert in Juab County, was established in 1959 to protect vital habitat for migratory and wintering birds. The nearly 18,000 acre refuge is supplied by five primary springs and several small springs and seeps (USFWS, 2001; USFWS, 2007). Ouray National Wildlife Refuge, located in central Uintah County, was established in 1960 on lands purchased by the United States Fish and Wild-

life Service with revenue from the sale of Migratory Bird Hunting and Conservation Stamps. The refuge covers nearly 12,000 acres of habitat as well as 12 miles of the Green River for migrating and breeding waterfowl (USFWS, 2001; USFWS, 2008b).

STATE LANDS

Utah School and Institutional Trust Lands

Administration – The Utah School and Institutional Trust Lands Administration was established by the Utah Legislature in 1994 as an independent agency of the state government to manage lands granted to the state of Utah by the United States following statehood (SITLA, 2008a). Following statehood in 1896, state lands were managed by the State Board of Land Commissioners, a board of elected officials, including the Governor, the Secretary of State, the Attorney General, and two resident commissioners appointed by the Governor. In 1931, management of state lands included three gubernatorial-appointed citizen land commissioners (SITLA, 2008b). In 1969, the Utah legislature established the Division of State Lands with an advisory policy board, consisting of seven members, one of which had to be trained in forestry and fire prevention (UDARS, 2009a).

By 1988, state lands and forestry functions were merged and renamed the Division of State Lands and Forestry. The Division of State Lands and Forestry administered trust lands, sovereign lands, and the state forestry program, and the board consisted of 11 members, including one beneficiary representative. In the early 1990s, it was realized that decades of unimpressive administration had resulted in low total trust assets, and a new organization was essential to improving the trend of trust land revenues. Accordingly, an independent agency, the Utah School and Institutional Trust Lands Administration, was established in 1994 with a seven-member board appointed by the Governor (SITLA, 2008b).

The federal government granted sections 2, 16, 32, and 36 of each township to the state to be managed in trust to provide financial support for education and other beneficiary institutions. Each section is approximately 640 acres, and 36 sections constitute one township. Prior to 1896, the federal government granted other western states two sections, sections 16 and 36, for the support of common schools. However, Arizona, New Mexico, and Utah were granted an additional two sections, sections 2 and 32. In the case that either of these sections was already occupied, the states were given the opportunity to select other lands. This system of land transfer resulted in a scattered check-

erboard pattern of state trust land (SITLA, 2008b).

At statehood, trust lands totaled over 7.4 million acres. Since 1896, more than one-half of the original trust lands have been sold. The majority was sold during the first 35 years following statehood; however, land sales and investments continue today to provide revenue for Utah schools and 11 other beneficiaries. Presently, the Utah School and Institutional Trust Lands Administration manages over 3.4 million acres of land, or 6.3 percent of the land area. Additionally, the agency administers another million acres of subsurface or mineral lands (SITLA, 2008b).

Since the Utah School and Institutional Trust Lands Administration is legally obligated to optimize financial return for schools and beneficiaries, they engage in land sales, land leases, and investments. Mineral land leases and developed land sales have recently yielded the highest returns. In 2008, 50.6 percent of the annual revenue came from oil and gas, 16.6 percent from development sales, and 12.3 percent from coal and other minerals (SITLA, 2008a). Other profits may result from grazing and forestry leases, as nearly 3 million acres of trust land are permitted for grazing purposes and 250,000 acres are managed as forests (SITLA, 2008b).

In addition to engaging in land sales, land leases, and investments, the Utah School and Institutional Trust Lands Administration organizes land exchanges and conservation sales. Historically, block trades were made as military reservations, national monuments, and national parks were established. Currently, land exchanges and conservation sales are created to preserve scenic and environmentally sensitive trust lands from future transactions. Recently, the Trust Lands Administration and the Bureau of Land Management coordinated an exchange in Iron County that transferred 1,000 acres of trust land inside the Three Peaks Recreation Area west of Cedar City into public ownership. In return, the Trust Lands Administration received 330 acres of federal land suitable for future development outside the recreation area (SITLA, 2008a).

Utah Division of Forestry, Fire, and State Lands – The Utah Division of Forestry, Fire, and State Lands is an agency within the Utah Department of Natural Resources that is responsible for managing state sovereign lands, as well as directing programs that maintain healthy forests and provide wildfire assistance (UDNR, 2009a). The Division of Forestry, Fire, and State Lands traces its origins back to statehood when the State Board of Land Commissioners was created in 1896 to manage state lands. For nearly a century, state sovereign lands were managed in

conjunction with state trust lands (UDARS, 2009b). Both sovereign and trust lands were managed by the State Board of Land Commissioners (1896-1969), the Division of State Lands (1969-1988), and the Division of State Lands and Forestry (1988-1993). In 1994, the state legislature separated the Division of State Lands and Forestry into two organizations. The Utah School and Institutional Trust Lands Administration was established as an independent agency to manage trust lands, while the renamed Division of Sovereign Lands and Forestry remained in the Department of Natural Resources to manage state sovereign lands and forestry programs. In 1995, the agency was once again renamed to the Utah Division of Forestry, Fire, and State Lands (UDARS, 2009b).

The Utah Division of Forestry, Fire, and State Lands has a multi-objective mission that includes the management of state sovereign lands (UDFFSL, 2009). State sovereign lands in Utah are classified as the lands that lie below the ordinary high-water mark of navigable bodies of water. These include Utah Lake, Great Salt Lake, Bear Lake, the Jordan River, and portions of the Green River, Colorado River, and Bear River. They encompass over 1.45 million acres of land and cover 2.7 percent of the land area in Utah. The framework for sovereign land management is found in the Utah Constitution, state statute, and administrative rule. The Utah Constitution accepts sovereign lands to be held in trust for the people, under the public trust doctrine, and managed for the purposes for which the lands were acquired. Presently, the Division of Forestry, Fire, and State Lands manages state sovereign land using multiple-use and sustained-yield principles (ULC, 2009).

Utah Division of Wildlife Resources – The Utah Division of Wildlife Resources is an agency within the Department of Natural Resources that is responsible for sustaining wildlife populations, improving wildlife habitat, and conserving sensitive species (UDNR, 2009b). Although formal agencies were not established to address wildlife issues until statehood in 1896, provisions for wildlife protection were established by the Utah territorial legislature. In 1853, the legislative assembly passed an act to prevent the needless destruction of fish. In 1874, An Act for the Protection of Fowl and Fish further defined fish provisions and provided for the protection of game and song birds. In 1882, \$200 were allocated to Joseph Barfoot to serve as the territorial fish commissioner, and by 1887, \$500 were apportioned to Milton Musser to function as a territorial fish and game commissioner (Rawley and Rawley, 1967).

At the time of statehood in 1896, the first legislature of Utah founded a Committee of Fish and Game and revised the territorial legislation pertaining to fish and game. The revisions provided for a State Fish and Game Warden, who was appointed by the Governor with the approval of the Senate. The first warden, John Sharp, was given jurisdiction over all state lands that concerned fish and wildlife. In 1899, the state legislature changed the name of the warden to the State Fish and Game Commissioner. During the next few decades, hunting and fishing licenses were instituted. In 1909, resident licenses were \$1.25 and nonresident fees were \$5.00 (Rawley and Rawley, 1967).

In 1919, under the administration of Governor Simon Bamberger, the state legislature made provisions for the establishment of five game preserves, and by 1921, the state had eight fish hatcheries. The State Fish and Game Commissioner supervised several full-time wardens and employees to act as law enforcement and to support wildlife propagation. Fish and Game personnel steadily increased as new committees were established and research was initiated. During the 1930s, the State Fish and Game Commissioner coordinated with New Deal agencies, such as the Civilian Conservation Corps and the Works Progress Administration, to support and expand fish and game resources in Utah (Rawley and Rawley, 1967).

In 1941, the state legislature reorganized the fish and game agency and replaced the State Fish and Game Commissioner with a three-man commission, subsequently establishing the Department of Fish and Game. The following year, the Fish and Game Commission within the Department consisted of five men. Nearly two decades later, in 1962, the department had divided the state into five regions for administrative purposes. Regional offices were established in Ogden (Northern Region), Provo (Central Region), Cedar City (Southern Region), Price (Southeastern Region), and Vernal (Northeastern Region). The regional offices progressively became more valuable as population and demands increased (Rawley and Rawley, 1967).

With the passage of the Utah Natural Resources Act of 1967, the Department of Natural Resources was founded with the goals of establishing lines of administrative responsibility and increasing administrative efficiency. Under this act, seven newly created divisions were established, including the Division of Fish and Game. Under this reorganization, the name of the commission was changed to the Board of Fish and Game, and a coordinating council of seven members was appointed to coordinate coopera-

tion among the boards and divisions (Rawley and Rawley, 1967). A subsequent reorganization in 1971 resulted in the renaming of the Division of Fish and Game to the Utah Division of Wildlife Resources (UDARS, 2009c).

The Utah Division of Wildlife Resources serves the people of Utah as a trustee of wildlife resources in Utah by managing wildlife habitat programs, administering hunting and fishing licenses, implementing species recovery programs, enhancing wildlife habitat, coordinating restoration projects, and developing community fisheries (UDWR, 2009). The Utah Division of Wildlife Resources currently administers over 470,000 acres of state wildlife reserves. The agency has also been instrumental in coordinating efforts with private landowners to establish cooperative wildlife management units. The Cooperative Wildlife Management Program, comprising more than 2 million acres of land in Utah, provides landowners with an economic incentive to maintain range and forest lands as wildlife habitat (UDWR, 2009).

Utah State Parks and Recreation – The Utah Division of State Parks and Recreation is an agency within the Department of Natural Resources that is responsible for managing state parks and museums throughout Utah. Utah State Parks and Recreation is one of the younger state agencies. In fact, Utah was the last state to establish a parks and recreation program. In 1957, the Utah State Parks and Recreation Commission was created through the passage of a senate bill. Once established, the commission quickly inventoried potential state parks, reporting and recommending 118 state park areas to the state legislature in 1959 (Powell, 1996).

Wasatch Mountain State Park was given priority for funding. The proposed park was to encompass 25,800 acres. More than 1,200 acres was already owned by the state, but 560 acres needed to be acquired from the Bureau of Land Management, and the remaining 23,960 acres needed to be purchased from private land owners (Powell, 1996). The state legislature also designated the old Utah State Prison site in Sugar House, This is the Place Monument, Camp Floyd, and the Territorial Statehouse as state parks. The old Utah State Prison site was later excluded when it became Sugar House Park (UDARS, 2009d).

In 1966, Governor Calvin Rampton grouped the Utah State Department of Fish and Game with the State Park and Recreation Commission and appointed F. C. Koziol as the director. This reorganization lasted for one year until the passage of the Utah Natural Resources Act in 1967.

With the establishment of the Department of Natural Resources, the Utah Division of Parks and Recreation was founded. Since that time, the state park system has expanded into an array of scenic and natural areas, cultural and historic sites, and water recreation locales (UDARS, 2009d). Presently, the Utah Division of State Parks and Recreation manages 43 state parks and museums on more than 119,000 acres of land (reference Table 8.5.1 in Recreation in Utah section). Utah State Parks and Recreation was named among the top three state park systems in the nation for excellence in public and private partnerships, long-range planning, resource management, preservation, and technological integration (UDNR, 2009c).

PRIVATE LANDS

Utah was the last area in the continental United States where the public domain was opened to private ownership. The early citizens of Utah were not permitted the benefits of land disposal laws largely because disagreements between Mormon Church doctrine, laws of the United States, and the territorial legislature generated unsettled church-state conflict. The Preemption Act of 1830, which allowed settlers to buy up to 160 acres of land for \$1.25 per acre, and the Homestead Act of 1862, which granted 160 acres to those willing to settle the American Frontier, did not become applicable in the Utah Territory until January 1869 when the first Utah land office was opened. Although many settlers previously had squatter claims on land under the authority of the territorial legislature, land was not recognized under national law as privately owned until the land office confirmed titles. During the first 6 months of administration, the land office validated titles to 148,803 acres of land granted under the Preemption Act and the Homestead Act (Anderson, 1989).

With the completion of the transcontinental railroad in 1869, distant markets became more accessible in Utah. Consequently, many Utah settlers ventured into novel business enterprises, such as the industry of livestock production. The expansion of livestock businesses in Utah necessitated additional land transfers to private entities. Many transfers were honored under the Preemption and Homestead Acts; however, additional legislation stimulated land transfers from the public domain to private landowners. The Timber Culture Act of 1873 granted 160 acres to settlers free of charge with the stipulation that part of the land be planted with trees. The Desert Land Act of 1877 allowed settlers to purchase up to 640 acres of land for \$1.25 per acre, provided that some irrigation structures were developed. The Stock Raising Homestead Act of 1916 permitted the acquisition of 640 acres of pub-

lic lands that were deemed unsuitable for all uses other than livestock grazing (Anderson, 1989).

Private titleholders are collectively the second largest landowner in the state of Utah. Private lands comprise over 11.4 million acres of land. This equates to 21.1 percent of the land area. The majority of private lands in Utah are located in northern and central Utah in the fertile valleys and upland benches. Although early federal legislation played an integral role in defining the patterns and distribution of private land in the state, the transfer of state trust land has also contributed to private ownership patterns. In fact, approximately 30 percent of all private lands in Utah were originally state trust lands (SITLA, 2008a).

TRIBAL LANDS

Five major Native American Indian tribes continue to inhabit Utah despite the considerable conflicts they had with Euro-American settlers in the mid-nineteenth century. Through treaties, court decision, and federal statutes, the Ute, Navajo (Dine), Paiute, Goshute, and Shoshoni tribes, in partnership with Bureau of Indian Affairs, administer more than 2.45 million acres of tribal trust lands throughout Utah. This equates to 4.5 percent of the land area. Ute tribal trust lands include the Uintah and Ouray Reservation and White Mesa Ute Reservation. Navajo trust lands include the Navajo Nation Reservation. Paiute trust lands include the Shivwits Band, Indian Peaks Band, Kanosh Band, Koosharem Band, and Cedar Band reservations. Goshute trust lands include the Skull Valley Band Reservation and the Confederated Tribes of the Goshute Reservation. Shoshoni trust lands include the Northwestern Band of the Shoshoni Nation Reservation.

The Uintah and Ouray Reservation, located in Duchesne, Uintah, and Grand counties, was established in 1861 when President Abraham Lincoln set aside the Uintah Valley Reservation under the Treaty of Spanish Fork. The Treaty of Spanish Fork was established in response to several armed conflicts and competition for resources between Mormon settlers and the Ute tribes. Resistance to leave Utah Valley and to relocate to the reservation in the Uintah Basin led to a series of attacks and subsistence raids known as the Black Hawk War (1863-1868). By 1869, the Utes were starving and suffering from retaliation. Consequently, they turned to civil leader Tabby-to-kwana, who directed them to the reservation. In 1881, another reservation, the Uncompahgre Reservation, was established adjacent to the Uintah Reservation and two other bands, the Yamparka and Parianuc (White River)

Utes, were removed from Colorado and taken to the Uintah Basin. In 1886, the Uintah and Ouray agencies and reservations were consolidated into the Uintah-Ouray Reservation (Lewis, 1994b).

The White Mesa Ute Reservation, located near Blanding in San Juan County, is a sub-agency reservation of the Ute Mountain Ute Tribe in Towaoc, Colorado. The White Mesa Ute Reservation was established after the Utah Utes, Southern Utes, and Ute Mountain Utes received monetary recompense during the 1950s. The Southern Utes living in Blanding requested better lands for farming and livestock production, and eventually, land located 11 miles south of Blanding, now known as White Mesa, was granted to the Utes for settlement. The location was close enough to Blanding for employment resources, yet distant enough to foster a sense of individual identity (McPherson and Yazzie, 2009). In 1978, the White Mesa Ute Council was established with the responsibility of managing educational and self-sufficiency programs (UDIA, 2009a).

The Navajo Nation Reservation, located in San Juan County, was established with the Treaty of 1868. The treaty was incited after decades of conflict and suffering. Residents of Mormon colonies in southwestern Utah and settlers in New Mexico and Arizona reacted against the Navajo by sending military expeditions to halt and control them. In 1862, the military directed Christopher Houston "Kit" Carson to proceed to the Navajo territory to persuade the Navajos to surrender. In 1864, over 8,000 Navajos were forced to take the Long Walk to Bosque Redondo (Fort Sumner) in New Mexico. For four years, the Navajo were confined to a concentration camp. With the Treaty of 1868, the Navajo were permitted to return to Utah and Arizona; albeit, the reservation was one-fourth the size of the original territory they had used (McPherson, 1994). Presently, the Utah Navajo (Dine) are served by the Navajo Nation, headquartered in Window Rock, Arizona, and the Navajo-Utah Commission Office in Montezuma Creek, Utah (UDIA, 2009b).

The Paiute Indians in southern Utah consist of five bands, including the Shivwits, Indian Peaks, Kanosh, Koosharem, and Cedar. Although significant conflict did not occur between settlers and the Paiutes, sustained contact with Euro-Americans during the mid-nineteenth century resulted in outbreaks of disease, and introduced agricultural practices made it difficult for Paiutes to continue their traditional lifestyle. Although the Paiutes and the federal government signed a treaty in 1865, the first reservation, the Shivwits near St. George, was not established

until 1891. Other small reservations were established by executive orders, including Indian Peaks in 1915; Koosharem in 1928; and Kanosh in 1929 (Holt, 1994; UDIA, 2009b).

In 1927, a Paiute agency was established in Cedar City by the Bureau of Indian Affairs, and in 1935, the Shivwits and Kanosh Paiutes accepted the Wheeler-Howard Act, also known as the Indian Reorganization Act. This legislation encouraged self-governance and the protection of land rights. During the 1950s, the Utah Paiutes became victims of the termination policy of Congress, which eliminated federal tax protection, health education benefits, and agricultural assistance to Native American Indian tribes. As a result, Paiutes became stricken with poverty. In 1980, through efforts of Utah Senator Orrin Hatch, President Jimmy Carter signed legislation that restored federal recognition of the Paiutes. In 1984, the Paiutes received nearly 5,000 acres of BLM land scattered throughout southwestern Utah (Holt, 1994; UDIA, 2009b).

There are two bands of the Goshute Nation in Utah, including the Skull Valley Band of Goshute and the Confederated Tribes of the Goshute. A treaty between the Goshutes and the federal government was signed in 1863 after disputes led to the death of many Goshutes. The treaty was not one of land cession or financial support, but it declared the end to all hostile actions. By 1869, the majority of the Goshutes had abandoned many of their traditional ways and had settled on farms at Deep Creek and Skull Valley. During the first decade of the twentieth century, the federal government established two reservations for the Goshutes. The larger of the two is located on the Utah-Nevada border (White Pine County, Nevada, and Juab County, Utah) at the base of the Deep Creek Mountains, while the smaller reservation is located in Skull Valley in Tooele County (Defa, 1994; UDIA, 2009b).

The Northwestern Band of the Shoshoni signed a treaty with the government in 1863 after the Bear River Massacre. The Bear River Massacre, a violent conflict between a military unit directed by Colonel Patrick Edward Connor and the Shoshoni Indians, resulted in the death of Chief Bear Hunter and approximately 250 members of his tribe. The remaining tribal members under Chief Sagwitch and the chiefs of nine other bands signed the Treaty of Box Elder in Brigham City. After the Treaty of Box Elder was signed, government officials encouraged all of the Northwestern Shoshoni to move to the Fort Hall Indian Reservation in Idaho. Eventually, the Northwestern Shoshoni left the mouth of the Bear River near Corinne,

Utah, and relocated to Fort Hall (Madsen, 1994b). In 1980, the Northwestern Band of the Shoshoni became recognized by the federal government, and offices were established in Brigham City, Utah, and Blackfoot, Idaho (UDIA, 2009b).