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ARIZONA STATE LAND DEPARTMENT  
OFF-HIGHWAY VEHICLE RECREATION  
FUND AND TRAVEL MANAGEMENT  
PROGRAM  
ANNUAL REPORTS  
FISCAL YEARS 2009 – 2011

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Governor

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“Serving Arizona’s Schools and Public Institutions Since 1915”

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**Janice K. Brewer**  
**Governor**  
**State of Arizona**

**Please visit our website at [www.land.state.az.us](http://www.land.state.az.us)**

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# I. Introduction

## A. Historical Overview

In the second regular session of the forty-eight Legislature in 2008, the State Senate passed Senate Bill 1167 relating to Off-Highway Vehicles (OHV) which became effective December 31, 2008. The bill had support from a wide range of groups which also ran advertisements in support of the legislation in such publications as the Tucson Citizen. The following organizations, in addition to the Arizona State Land Department, were shown in support of the OHV legislation:

Responsible Trails America, Arizona Chapter	Arizona State Parks
Arizona Off-Highway Vehicle Coalition	Wildlife Conservation Council
Arizona Power Sports Industry Association	The Nature Conservancy
Sierra Club, Grand Canyon Chapter	Arizona Motor Sports Association
Arizona Council of Trout Unlimited	Arizona Sportsmen for Wildlife
Arizona Wildlife Federation	Arizona Game and Fish Commission

This bill established an off-highway vehicle recreation fund (Fund) which consists of monies appropriated by the legislature, monies deposited pursuant to the off-highway vehicle user fee and federal grants, the Highway User's Recreation Fund (HURF), and private gifts.

The bill further provided 5% of the monies in the Fund to the Arizona State Land Department (Department) to develop a program which will allow occupants of off-highway vehicles with the appropriate user indicia to cross State Trust land on existing roads, trails and designated routes. The Department will also use those monies for costs associated to mitigate damage to the land, for necessary environmental, historical and cultural clearance or compliance activities on State Trust lands within its jurisdiction.

This report is broken down into three sections which will cover the activities for the 2009, 2010 and 2011 fiscal years and will address the items required under Section 28-1176 I. For purposes of this report, the HURF funds and the Decal Funds are not separated for itemization.

## B. Trust Land Mission

The Arizona State Land Department manages approximately 9.3 million acres of State owned Trust lands within Arizona. These lands were granted

to the State of Arizona under the provisions of the federal Enabling Act that provided for Arizona's statehood in 1912. These lands are held in Trust and managed to earn revenues for the State's public schools (K-12) and 13 other public institutions including the School for the Deaf and Blind, the State Hospitals, the State's Universities, Penal Institutions and others. As Trustee of 9.3 million acres of State Trust land, the Land Department has a fiduciary responsibility to manage State Trust lands and resources to enhance value and optimize economic return for the Trust beneficiaries.

## C. Current Activities

The Environmental Resources & Trespass Section (ER&T) has a total of 8 individuals to address and manage the programs on 9.3 million acres of State Trust land. That staff consists of a Section Manager, an administrative assistant, one trespass investigator, one archeologist and 2 part-time support staff, 1 environmental specialist and 1 recreation and homesite administrator.

The ER&T is responsible for signage coordination, OHV trail designation, closures, trespass investigations, archeological and environmental review of pending applications, processing and administering natural resource related homesites and nearly all public uses of State Trust land. This section is also responsible for responding to Air Quality Dust Violations caused by unpermitted activities.

The ER&T entered into a contract in FY 2012 with an outside consultant to implement the requirements of Senate Bill 1167 and the business plan as further defined in the following sections of this report.

## D. Outlook / Future Activities

The ER&T will use the OHV fund in accord with all applicable statutes, procurement code provisions and Constitutional provisions to protect the assets of the Trust while accommodating responsible Travel Management and OHV activities. The Travel Management Planning Team which includes representatives from the Right-of Way, Planning, Range and ER&T Sections of the Department has established goals that include:

To establish a methodology that will transform the existing pattern of trespass, lack of enforcement and illegal trails on Trust land, to one consistent with the mission of the Trust.

To generate revenue from trails for the beneficiaries of the Trust.

To enhance the value of State Trust lands where illegal trails are located, by instituting a process of legalization consistent with the mission of the Trust.

To enhance the value of these trails to the Trust by providing for maintenance and enforcement.

To reduce the potential of future liability to the Arizona State Land Department and the State by legalizing the uses through leases, rights-of-way or other appropriate instruments.

## 2009

### II. Administrative Expenditures Incurred for Fiscal Year 2009

#### A. Law Enforcement

##### i. Full time off-highway vehicle law enforcement employees

The Department has no law enforcement authority and therefore has no employees engaged in that effort. Instead, it contracts with other agencies and sources for that service.

##### ii. Off-highway vehicle law enforcement activities

The Department's 2009 efforts in Law Enforcement were focused on the education and involvement of Phoenix and Peoria police, and county sheriff departments. In this fiscal year a three way agreement, begun in 2008, with the Flood Control District of Maricopa County (FCDMC) and the city of Phoenix focused on protecting flood control structures from OHV damage. The Department contributed financially to the agreement and trained police and park rangers. The Department contracted with the city of Peoria (June of 2009) for enforcement because of severe dust concerns in the Carefree Highway corridor.

#### B. Employee Services

##### i. FY 2009 Staff

The Arizona State Land Department did not utilize monies from the Fund for employee services in this fiscal year.

##### ii. FY 2009 Consultant Staff

The Arizona State Land Department did not hire a consultant in in this fiscal year.

#### C. Information and Education

##### i. Coordination with other agencies

The Arizona State Land Department coordinated with the following agencies in 2009:

The Arizona Game and Fish Department

National Forests in Arizona

The Arizona State Parks Board  
District Offices of the BLM in Arizona  
Counties within Arizona  
Municipalities with trails programs in the state  
Private Trail Hiking Groups and Organizations

## ii. Informational materials provided

Additional information has been provided on the Department website. This information includes a notice about the new OHV regulations which went into effect on January 1, 2009. On November 19, 2008, a notice was posted on the Department website under the latest news section of the Recreational Permit page which introduced the upcoming OHV and designated trails program. This notice included an introduction, why the program was needed, and a very detailed and thorough explanation of the registration requirements for OHV users including four pages of frequently asked questions and answers. This same notice also identified the Desert Wells Multiuse Area as having trails designated and available for OHV use.

In the Arizona State Land Department Annual Report 2008-2009, page 13 introduces the Off-Highway Vehicles Program. It gives a background on SB 1167 and states that the Department has entered into agreements with local law enforcement jurisdictions, purchased signs and fencing supplies, and initiated mitigation projects as authorized by Arizona Revised Statute Section 9-500.04. It also states that standards for issuance of recreational permits for activities ranging from OHV events and BMX bicycle tracks to casual family outings were developed as well as new web pages about OHV which were among the most visited on the Department website.

## III. Law Enforcement Activities Incurred for Fiscal Year 2009

See Exhibit "A" on page 9 for specific activities.

## IV. Travel Management Route Designation Activities Completed for 2009

An "Implementation Team" was appointed to explore how best to implement the provisions of SB 1167 consistent with the statute, rules, policies, relevant case law and the statutory and constitutional mandates of the Department. This team met from July through November 2008 and accomplished the mission by outlining an appropriate methodology. From January to June 2009 the Travel Management Team and the ER&T Section led in developing Trails on Trust Land Flyers (see Exhibit "B"), law enforcement training, municipal meetings with Cottonwood, Peoria, New River, Yuma and others. Power Point presentations were developed and information was posted to the web. Inter-agency meetings focused on dust control, jurisdictional coordination and cooperation. Access issues began to be addressed with BLM, Arizona Department of Environmental Quality (ADEQ) and the Arizona Game and Fish Department (AGFD).

Processes were developed to permit the designation of trails on State Trust lands however, implementation of these required amending Department Rules.

## V. Trail Management Expenditures Incurred for Fiscal Year 2009

Law Enforcement:	\$20,000
Route Designation:	546
Mitigation of Damage:	0
Damage Prevention:	31,392
Education:	0
Signage:	22,756
Total:	\$74,694

Significant efforts in Education have also been made by the Department as part of its own budgetary commitment without reimbursement from the Fund. In FY 2009 these included Damage Prevention, Route Designation,

flyer production, participation in Trail events and the AGFD EXPO events, web site development and updates, as well as large group power point presentations.

## **VI. 2009 Summary**

The focus for the initial year under SB 1167 was the organizational effort to plan for the Department to develop uses and processes that would be most effective in the use of the money generated as well as systems that will be consistent with the mission of the Trust. The work of the Travel Management Planning Team and other Department staff on the development of the draft Business Plan were important. The Business Plan was designed as a comprehensive approach to pull together the many diverse efforts on a wide spectrum of issues. Most agencies, including state, local and federal may not be aware of the mission and limitations placed upon the Department by statute, the Arizona Constitution and the Enabling Act. Therefore, education is a very large part of every effort with any agency and the Business Plan approach includes that as a basis for agency relations. Further, the Business Plan covers the necessity of addressing issues of environmental impact, inter-agency cooperation and conflict, impact of OHV use, law enforcement and many other issues.

## **2010**

### **VII. Administrative Expenditures Incurred for Fiscal Year 2010**

#### **A. Law Enforcement**

##### **i. Full time off-highway vehicle law enforcement employees**

The Department has no law enforcement authority and therefore has no employees engaged in that effort. Instead, it contracts with other agencies and sources for that service.

##### **ii. Off-highway vehicle law enforcement activities**

The following off-highway vehicle law enforcement activities were recorded for 2010:

The agency agreement with the Flood Control District of Maricopa County ended when that agency hired a full time Maricopa County Sheriff Department (MCSD) deputy to protect the threatened Maricopa County flood control structures. An agreement with Peoria was extended in 2010 through 2013 and additional funds were committed. The Department provided training and field books. The Department began a 5 year agreement with the MCSD and committed financial assistance and training for enforcement of off-highway vehicle laws. Although the startup of the program was slow, the Department has confidence in the future of this program.

#### **B. Employee Services**

##### **i. FY 2010 Staff**

The Arizona State Land Department did not utilize monies from the Fund for employee services in this fiscal year.

##### **ii. Consultant Staff**

The Arizona State Land Department did not hire a consultant in this fiscal year.

## C. Information and Education

### i. Coordination with other agencies

The Arizona State Land Department coordinated with the following agencies in 2010:

- The Arizona Game and Fish Department
- The Arizona State Parks Board
- National Forests in Arizona
- District Offices of the Bureau of Land Management
- Maricopa County Parks Department
- Flood Control District of Maricopa County

### ii. Informational materials provided

On September 1, 2010, the Department provided a map on its website under the Recreational Permit page section identifying recreational routes within "Area A" that have been approved for motorized travel. This page also states that additional routes may be identified by the Special Land Use Permit Process and provides a contact e-mail address for additional information.

## VIII. Law Enforcement Activities Incurred for Fiscal Year 2010

See Exhibit "A" on page 9 for specific activities.

## IX. Travel Management Route Designation Activities Completed for 2010

This Fiscal year began with finalizing the Business Plan to address the many issues posed by the use of OHV's on State Trust lands. Education is a primary element of the Business Plan as well as addressing issues of environmental impact, inter-agency cooperation and conflict, impact of OHV use, law enforcement and other related issues.

The Department began reaching out to municipalities as diverse as Safford and Flagstaff. The Department addressed issues of access, mitigation of damage, route designation, education and law enforcement. Specific subjects such as the Log Cabin Tank access near Walnut Canyon in Coconino County that required damage mitigation and trail delineation exemplifies the nature of this effort. Also, the education of agencies such as AGFD, National Forests and BLM to the fiduciary responsibilities of the State Land Department took priority. Further, the education and training of law enforcement personnel presented a challenge as the lack of understanding of the Department's mission and unique limitations required additional Departmental efforts.

## X. Trail Management Expenditures Incurred for 2010

Law Enforcement:	\$23,941
Route Designation:	230
Mitigation of Damage:	0
Damage Prevention:	18,162
Education:	0
Signage:	11,378
Total:	\$53,711

Significant efforts in education were continued by the Department as part of its own budgetary commitment without seeking reimbursement from the Fund. FY 2010 involved Damage Prevention, Route Designation, further community preparation and participation, law enforcement training, OHV Ambassador training, AGFD's Outdoor EXPO participation and involvement in National Forest Travel Management Plan public meetings.

## **XI. 2010 Summary**

This year saw a significant increase in law enforcement activities and educational efforts. The cooperative support from law enforcement agencies and municipal authorities that have this ability is a key element of successful enforcement. The education of officers and contract security personnel required the Department to develop materials and classroom presentations for these audiences. Also, the placement of informational materials on the web provides a method of communication to the public the necessary requirements of the Department for the recreational use of State Trust lands. The increase in educational contacts by law enforcement professionals is an important point of reference.

## **2011**

## **XII. Administrative Expenditures Incurred for Fiscal Year 2011**

### **A. Law Enforcement**

#### **i. Full time off-highway vehicle law enforcement employees**

The Department has no law enforcement authority and therefore has no employees engaged in that effort. Instead it contracts with other agencies and sources for that service.

#### **ii. Off-highway vehicle law enforcement activities**

The Department invited security firms to bid on enforcement efforts for State Trust land and a contract was issued to Superior Police Services, Inc. for services in the Phoenix area. This contract was extended to allow continued and broader enforcement activities. The cooperative effort with the Maricopa County Sheriff's office is continuing. Efforts to collaborate with the Pinal County Sheriff's department were successful with a 5 year agreement and Department led training. Actual patrols will begin in September 2011.

### **B. Employee Services**

#### **i. Current Staff**

The Arizona State Land Department did not utilize monies from the Fund for employee services in this fiscal year.

#### **ii. Consultant Staff**

The Arizona State Land Department did not hire a consultant in this fiscal year.

### **C. Information and Education**

#### **i. Coordination with other agencies**

The Arizona State Land Department coordinated with the following agencies in 2011

The Arizona Game and Fish Department

The Arizona State Parks Board

National Forests in Arizona

District Offices of the Bureau of Land Management  
Maricopa County Parks Department  
Flood Control District of Maricopa County

## ii. Informational materials provided 2011

While continuing the extensive materials and web site information from previous years, the Department produced a flyer that communicates the history of the Department and the management of State Trust lands as well as informing the public about the recreation permitting program and use of trails.

## XIII. Law Enforcement Activities Incurred for Fiscal Year 2011

See Exhibit “A” on page 9 for specific activities.

## XIV. Travel Management Route Designation Activities Completed for 2011

Continuing the efforts begun in previous years became a focus for the Department. Continuity in providing education and training to agencies and law enforcement is critical to the effectiveness of the Business Plan. Coordinating the Travel Management planning with National Forests to include Coconino, Apache-Sitgreaves and Coronado forests helps coordinate where access points match and land ownership blends. A meeting facilitated by Christine Dawes, the State Liaison for the National Forests in Arizona, helped establish open lines of communication.

Two mitigation projects were initiated in Fiscal year 2011: Log Cabin Tank in Coconino County and Peralta Road in Pinal County. The Department prioritized mitigation efforts along routes that have established rights-of-ways which cross State Trust lands to connect with public lands. The projects help delineate the approved travel corridors and eliminate un-authorized routes. Focus on these projects (see Exhibit “C” for photographs) absorbed much Department Staff time. The commitment of the Department to a Travel Management Coordination Consultant bodes well for the ability to focus

on specific issues such as trail designation as well as the overriding general issues of education and law enforcement training.

A specific example of successful collaboration between agencies to resolve issues and provide legal trails consistent with the Department’s mission is the North Lake Pleasant Partnership. The Bureau of Reclamation, BLM Hassayampa District, Maricopa County Parks and the Department are moving forward with a complete plan for the designation, maintenance, signage and enforcement of the trails within the designated study area. This shows what can be accomplished by cooperating agencies.

## XV. Trail Management Expenditures Incurred for 2011

Law Enforcement:	\$36,557
Route Designation:	1,232
Mitigation of Damage:	18,393
Damage Prevention:	1,457
Education:	650
Signage:	0__
Total:	\$58,309

Significant efforts in education were continued by the Department as part of its own budgetary commitment without seeking reimbursement from the fund. FY 2011 involved Damage Prevention, further community preparation and participation, law enforcement training, OHV Ambassador training, AGFD’s Outdoor EXPO participation that included the presence of the Land Commissioner, and involvement in National Forest Travel Management Plan public meetings.

## XVI. 2011 Summary

The effectiveness of the Department in reaching out to, and working with, cooperating agencies became evident in this year with the projects in North

Lake Pleasant and Wickenburg. Agencies involved were the Bureau of Land Management, Bureau of Reclamation, Maricopa County Parks and the city of Wickenburg. The necessity of legalizing trails became clear to these agencies and the efforts of the Department to make this a priority and to accommodate this effort has begun to yield positive results. A continuation of the educational success through presentations and web information is an important and positive activity. Law enforcement, educational efforts and related activities accounted for over 1800 contacts. Web page contacts were in the range of 30,000 hits which clearly demonstrates the communication of important educational information to a broad audience. The commitment to hiring a consultant to provide Travel Management Coordination further demonstrates the Department's forward movement in this area.

## **XVII. Conclusion**

Since the enactment of SB 1167 and its effective date, the Department has actively and responsibly pursued the requirements of the statute consistent with the mission of the Trust. The commitment of significant staff time and budget allocations that are not reimbursed from the Fund demonstrate the effort made. The use of the funds generated has been consistent with, and in furtherance of, the responsible and legal use of the State Trust lands. To the extent possible, emphasis has been placed on Route Designation, Law Enforcement, Mitigation of Damage, Prevention of Damage, Education and Signage. Collaboration by the Department with federal and state agencies as well as local municipal authorities has been a successful direction to further the goals and needs required by the statute. The Department has committed to contract with a Travel Management Coordinator beginning in Fiscal Year 2012 to further the effort. The Department appreciates the continued support of the Legislature in achieving the mission of the Trust placed upon it by statute, the Arizona Constitution and the Enabling Act.

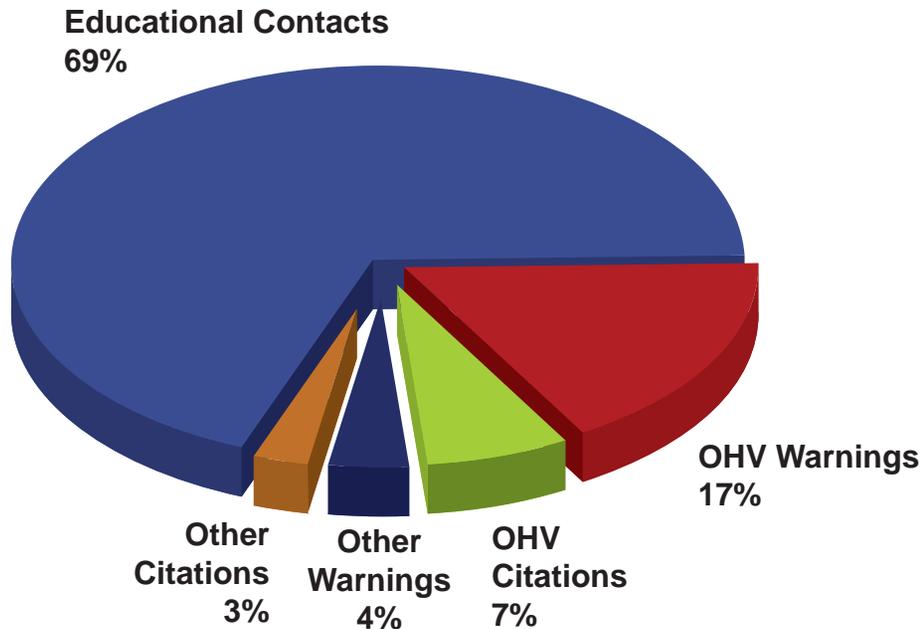
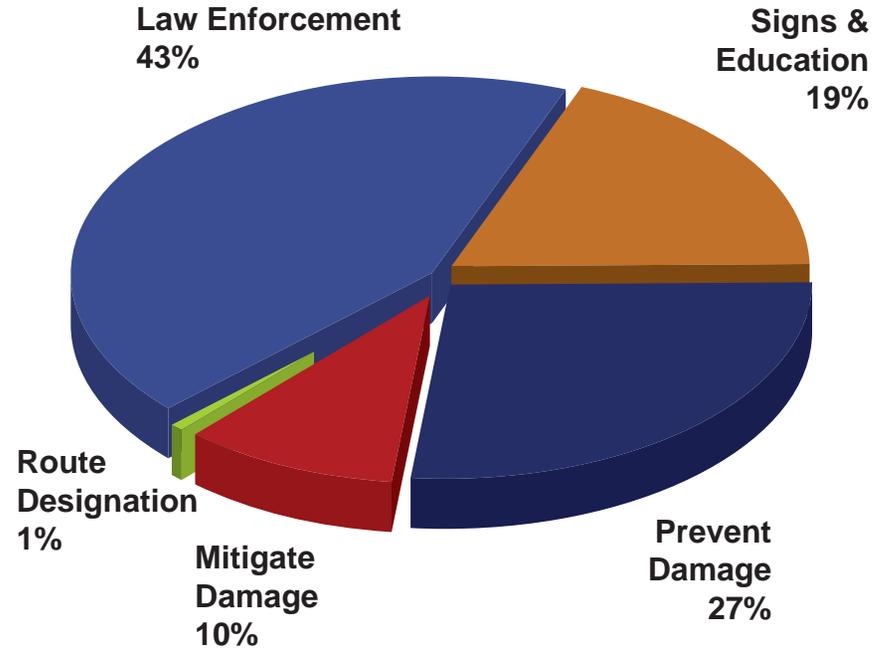
## Exhibit “A” – Law Enforcement Activities for FY09, FY10 and FY11

### Law Enforcement

The chart that follows documents from a statistical point of view the law enforcement efforts. For the three year period over 3500 contacts were generated to educate users as well as to take further actions. The focus was in the Greater Phoenix area for this period, but the Department is actively pursuing broader enforcement activities in the future.

Period	Educational Contacts	OHV Warnings	OHV Citations	Other Warnings	Other Citations	Total
FY09	54	0	58	0	2	114
FY10	1131	344	56	45	35	1611
FY11	1265	248	124	113	72	1822
GRAND TOTAL	2450	592	238	158	109	3547

### OHV Fund Expenditures



Period	Law Enforcement	Route Designation	Mitigate Damage	Prevent Damage	Signs & Education	Total
FY09	\$20,000	\$546		\$31,392	\$22,756	\$74,694
FY10	\$23,941	\$230		\$18,162	\$11,378	\$53,711
FY11	\$36,557	\$1,232	\$18,393	\$1,457	\$650	\$58,289
GRAND TOTAL	\$80,498	\$2,008	\$18,393	\$51,011	\$34,784	\$186,694

# TRAILS ON TRUST LAND

*Serving Arizona's Schools and Public Institutions Since 1915*

## WHAT IS STATE TRUST LAND?

Trust Land is not Public Land. Trust Land is different from public land such as parks or National Forests, in that Trust Lands are managed by the Land Department to generate revenue for 13 specific beneficiaries. Today the Trust manages 9.3 million acres of land, and approximately 90% of the revenue generated from sales or leases supports the K-12 Education.

## SUPPORT EDUCATION - RESPECT THE TRUST

The largest beneficiaries include the Common Schools (K-12) and Universities.

**"Thanks to the State Land Department, and the Trust it supports, the common schools were able to provide a long term source of funds to pay for teachers, classrooms and prevent drop-outs."**

*- Tom Horne, Arizona State Superintendent of Public Instruction*

## IT'S A REC PERMIT, NOT A WRECK PERMIT!

A recreation permit is required for: hiking; horseback riding; bicycling; picnicking; photography; bird watching; sightseeing; camping or traveling on existing Trails over Trust Land. There are three (3) different permits one can obtain.



An **Individual/Family REC Permit** is needed for casual recreation, and travel on existing roads & trails



A **Group REC Permit** is needed for casual recreation events with fewer than 20 participants, for fewer than 5 days



A **Special Land Use Permit (SLUP)** is needed for all competitive or commercial events as well as casual recreation events larger than 19 participants

## PROTECT TRUST LAND - DON'T TRASH THE TRUST



## SOME TRAILS ON TRUST LAND -

Such as the Arizona Trail and Maricopa Trail were purchased from the Trust as perpetual Rights of Way, making them available to the public. Recreational permits are not required on these Trails themselves, but are required if you leave the width of the trail or may be required to access a trailhead.



An OHV decal allows crossing Trust Land while riding a vehicle that weighs less than 1800 pounds. A Land Department Recreation **Permit is required** for any other recreational activities on **Trust Land**.

## PAY TO PLAY

All State Trust Land transactions must be in accordance with the State's mandate to generate revenue for the beneficiaries. Trails on Trust Land can be accommodated in a variety of ways.

Trails may be allowed through a Right of Way, or if the use of the trail is intended to be temporary, then a Special Land Use Permit (SLUP) may be appropriate.



## TALK BEFORE YOU WALK

A Pre-application meeting is **mandatory** before an application can be filed. Planning a trail on Trust Land requires you to contact the State Land Department to discuss the concept of the Trail. Please contact the Department early in the trail planning process, due to the length of application processing times.



FOR MORE INFORMATION, CONTACT THE STATE LAND DEPARTMENT AT [WWW.LAND.STATE.AZ.US](http://WWW.LAND.STATE.AZ.US)

# Exhibit "C" – Log Cabin Tank and Peralta Road Site Photographs



Peralta Road Site



Log Cabin Tank



1616 West Adams • Phoenix, Arizona 85007

[www.land.state.az.us](http://www.land.state.az.us)