

TRUST MANAGEMENT

Trusts could be established to manage landscapes and natural resources for the benefit of the public

by Holly Fretwell



Grand Staircase-Escalante National Monument, Utah

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On September 18, 1996, onlookers roared with applause as President Bill Clinton stood on the rim of the Grand Canyon in Arizona and designated the 1.9 million-acre Grand Staircase-Escalante National Monument in southern Utah. But not everyone was pleased with the president's action. Seventy miles to the north, locals in Kanab, Utah, gathered in the high school gym to protest the president's action. Kanab had long anticipated coal development on the nearby Kaiparowits Plateau—a project that was predicted to provide locals with hundreds of jobs—but that hope ended with the stroke of President Clinton's pen.²⁵

Utah's congressional delegation opposed the designation because the monument's boundaries would encompass far more than the specific historic and cultural sites that the Antiquities Act was created to protect. Moreover, prior to the designation, there were also multiple oil and gas leases, miles of roads used for recreation, and several federal grazing allotments within its boundaries.²⁶

By designating the monument, President Clinton prioritized landscape preservation but left proponents of other land uses feeling marginalized. A better way to balance competing interests would be to manage national monuments through the creation of a trust. At its simplest, a trust is a legal assignment of certain powers to an individual or a group, known as trustees, who are obligated to manage assets for the benefit of another. The trustees have a legal obligation to manage the assets according to the requirements outlined by a trust agreement.

In the context of national monuments, a trust could be established with the explicit responsibility of maintaining the unique recreational, archaeological, and environmental values of the area. The trust would specifically define the monument's environmental, recreational, and archaeological assets and establish criteria for judging management and measuring trustee performance. Such a trust could manage for conservation while also allowing the continuation of traditional uses of the land, including grazing and energy production. It would also give monument managers incentives to choose the most appropriate use for each land segment while taking into account the overall objectives established for the monument.

As a parallel, consider how a museum board of trustees sets a goal to preserve, display, and interpret a certain form of art. The trustees must have a shared appreciation of the art form they want to present. They weigh and balance the museum's resources, both financial and physical, which are used to present the art to the public. To choose one painting over another requires an understanding of the desired outcome and the relative value of each option. Similarly, on public lands there are multiple competing interests for resource use, and because resources are finite, trade-offs must be made.

A challenge of monument designations is that the managing agency is faced with the near-impossible task of overseeing areas while taking into consideration countless outside opinions of citizens who use public lands. At Grand Staircase-Escalante, the BLM created a planning team and an advisory committee in an attempt to institute a collaborative management plan that would protect the monument in its "primitive, frontier state" while also providing "opportunities for the study of scientific and historic resources."²⁷ Differing perceptions of how the land should be managed, however, have made implementing the plan controversial.²⁸ The result is that a multitude of interest groups now vie to influence management toward their preferred outcomes without considering the value of other uses of the land and resources contained on it.

To be successful, a federal land trust would need to have a clear goal that it is accountable to meet but also have the flexibility to balance potential resource uses. A monument's goal would be set at the time of its proclamation, along with parameters for resource use. A trust would also need to be accountable to a financial target. This financial accountability could mean a variety of things, from complete self-sustainability to supplemental federal funding determined by a formula based on meeting goals and outcomes. Furthermore, allowing land managers to keep net revenues for use on site would encourage them to take into account the values of competing resource uses. Revenues earned from mineral extraction, for example, could be invested in habitat restoration or enhanced conservation. This differs from the status quo, where revenues earned are typically returned to the federal Treasury.

When it comes to a particular national monument, a board of trustees could be created that represents diverse interests.²⁹ The current monument advisory committee for Grand Staircase provides a potential starting point. The group of 17 includes educators, local politicians, tribal members, and eight scientists—including an archaeologist, paleontologist, geologist, botanist, wildlife biologist, historian, systems ecologist, and social scientist. Given custodial authority and financial accountability, along with a specific and clear management goal and parameters under which to manage the land, this sort of group could manage the monument as a trust.

The key factors in setting up a trust for success would be giving it autonomy from bureaucratic decisions, accountability to federal standards for the monument, and flexibility in management. Federal oversight would ensure a trust meets the stated goals—such as meeting the financial target and protecting historic artifacts—while managing the land within the defined parameters, likely a combination of landscape preservation and various public uses. Autonomy and financial accountability motivate a trust to consider the relative values of using the land for different purposes.³⁰

National monument management will continue to be contentious as long as the perceived goal is as diverse as the population affected and the distribution of rights to resources remains a political decision. Revenue maximization is unlikely to meet the conservation goals many citizens desire for the federal estate. Providing a trust mechanism to manage certain landscapes for specific uses and making them financially accountable, however, could help alleviate conflicts over land-use decisions and encourage cooperation, improving upon current national monument management approaches.

Recommendations:

- Create a land management trust with a clear goal and broad parameters for resource use set by the federal government.
- Give trustees autonomy to make decisions about how to use resources and hold them accountable to meet the federally determined goals for the trust.
- Require a degree of financial accountability so that the managing trust internalizes the trade-offs of competing resource use.

Further Reading:

- [“A Trust for the Grand Staircase-Escalante,”](#) by Terry L. Anderson and Holly L. Fretwell. *PERC Policy Series* No. 16 (September 1999).
- [“Charter Forests: A New Management Approach for National Forests,”](#) by Robert H. Nelson. *PERC Policy Series* No. 53 (June 2015).
- [“Divided Lands: State vs. Federal Management in the West,”](#) by Holly Fretwell and Shawn Regan. *PERC Public Lands Report* (March 2015).