

For many decades sportspersons have depended heavily on private lands for recreation. Because of the variety of habitat on private lands, including cropped land, fallow fields, brush, and woodlots, game has typically been more abundant on private than public lands, and most hunting has occurred on private lands (Decker and Brown 1979).

Private land access has also been important historically for fishing, and most states in the Northeast have had programs for several decades in which easements have been purchased from private owners to allow access to rivers, streams, and lakes for fishing.

More recently, access to private lands has become increasingly important in the Northern Forest states (Maine, New Hampshire, Vermont, and New York) for trails for hiking, snowmobiling, cross-country skiing, and use of all-terrain vehicles. For these activities, trails of many miles are often needed, and such trails in most cases can be developed only if parts of them pass through private lands. In other situations, access to private land is needed for portaging canoes and kayaks and for a variety of other types of outdoor recreation.

The need for private lands for recreation is important not only to recreationists themselves. The supply of lands available for recreation also has economic importance to local communities; it affects businesses that serve both local residents and tourists who visit areas of the Northern Forests to participate in outdoor activities.

Gaining access to private lands for recreation has been a problem for multiple reasons. Landowners want some control over who uses their property and when it is used. Many owners either have direct experience, or know another owner who has experienced damage to their property from hunters or other recreationists (Siemer and Brown 1993).

Beyond these concerns, a major obstacle to gaining access to private lands for recreation has been the liability (both perceived and real) that landowners potentially face for recreationists who are injured on their property. State legislatures have realized that landowners who allow recreationists on their property are providing a public service, and they began in the 1950s and 1960s to pass legislation limiting the liability of landowners who allow recreationists on their property free of charge or other considerations. All states now have such statutes, and the statutes in many states have been amended over the years to cover additional types of recreation and other non-commercial uses.

Brown, Tommy L. "[Analysis of Limited Liability Recreation Use Statutes in the Northern Forest States.](#)" *HDRU Series No. 06-12* Cornell University Human Dimensions Research Unit, October, 2006.