Trust Concepts Applied to the Federal Public Lands:
A New Approach for Sustaining Human Communities and Biological Diversity

by
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ABSTRACT

Our nation's oldest, most durable resource management model is the trust concept applied to managing lands. Because the trust concept is based on the principles of *clarity, accountability, enforceability, perpetuity*, and *prudence* trust land management is capable of attaining sustainable resource management on the public lands. Although the trust model is used by 22 states to manage 135 million acres of land, several additional considerations are necessary for adapting trust concepts to managing public lands administered by either the U.S. Forest Service or the Bureau of Land Management. Several provisions of federal laws that do not apply to states must be addressed. The trust model can be adapted to provide for diverse communities of plants, animals and fish with dedicated monies in a "Biodiversity Trust Fund." Designers of a federal public lands trust face difficult decisions in defining the purpose of the trust, designating not only the appropriate trustees responsible for management of trust land assets but also the beneficiaries of the trust, and designing funding mechanisms to promote businesslike management of the lands and resources that represent revenue-producing assets of the trust that reflect ecological knowledge as well as the full range of socially desired outcomes.

1. Introduction

This paper provides the essential concepts necessary to understand how the concept of a trust might be applied to managing public lands, which are generally defined to be the multiple-use mission lands managed by the Forest Service or the Bureau of Land Management (Floyd et al. 1999). These lands represent approximately one-fifth of the land in the country, and three-fifths of the land in Idaho. The national forests managed by the Forest Service are widely described as being in decision gridlock (US-GAO 1997, O'Laughlin et al. 1998). This leads to the question whether the national forests are being managed in the "thoroughly businesslike management" thought possible by President Theodore Roosevelt and his friend Gifford Pinchot, the first Chief of the Forest Service (see Pinchot 1947, p.190). One new idea is to establish trust funds for public values like biological diversity, cultural values, and wilderness (see O'Toole 1996b). Another is to adapt the trust concept as a land management system, similar to what some private organizations and 22 western states have done (see Fairfax 1999).

This paper consists of 9 parts, which serve to summarize two reports on federal lands in Idaho and add additional ideas and references to them. One is the *New Approaches* ... report of the Idaho Federal Lands Task Force (1998), the other is a University of Idaho report (O'Laughlin et al. 1998). Part 2, following this introduction, explains what a trust is, and how the trust concept has been adapted for managing lands. Part 3 summarizes the various arguments for and against adapting the trust model for managing federal lands. In part 4, a diagram illustrates the key parts of the trust model as it might be applied to managing a national forest, and indicates how the management system, assets, and revenues might be fitted together. Part 5 provides an example of the mission statement, or intent of the trust. Part 6 describes how public involvement in decisions might be improved by including a local advisory group. In part 7, the beneficiaries of the trust are identified. This includes an important concept overlooked in both major source documents: a "biodiversity trust fund" created solely and exclusively for the purpose of conserving biological diversity and managing

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endangered species. Some of the questions critics of the trust model might pose are addressed in part 8. Part 9 presents conclusions about the potential of the trust model to attain sustainable resource management on the public lands.

2. Trust Concepts and the Trust Land Management Model

A *trust* is a legal entity involving a fiduciary relationship in which the *trustee* holds and manages property for the benefit of a specific *beneficiary*. The major fiduciary obligation of the trustee is to act with undivided loyalty to the beneficiary, with strict honesty and candor (Souder and Fairfax 1996).

Three elements must be present in any trust. First, there must be an expression of intent. No trust is created unless the trust *settlor* (i.e., the person[s] establishing the trust) expresses an intention to impose duties upon the trustees that are enforceable in the courts. Second, there must be a beneficiary. If the beneficiary cannot be ascertained, no trust is created. Finally, there must be a property interest that exists or is ascertainable and is to be held for the benefit of the beneficiary (Souder and Fairfax 1996, p.3).

The legalese pertaining to the elements of a trust may be translated into four general principles that serve as general guides for managing land under the trust concept: *clarity*, *accountability*, *enforceability*, *perpetuity*, and *prudence* (Fairfax 1999).

Approximately 135 million acres of state lands granted by the federal government to the states are managed under this concept, from which $4.5 billion are distributed annually to the beneficiaries (Souder and Fairfax 1996). By comparison, the National Forest System consists of 192 million acres, and in 1993 produced revenues of $1.5 billion while expending $3.2 billion from the federal treasury; since then, revenues fell to $1 billion in 1996, while expenditures rose to $3.8 billion. But of course, the National Forest System also produced nonfinancial benefits of inestimable value.

Approximately 17 million acres of private lands are managed under the concept, with the Nature Conservancy the best known of the entities involved (see Yandle 1999). The trust land management model is not only our nation's most ancient and durable resource policy, but through the principles of *clarity*, *accountability*, *enforceability*, *perpetuity*, and *prudence* trusts can promote sustainable resource management better than any existing alternative model (Souder and Fairfax 1996).

The application of the trust model to federal public land management is not to be interpreted as applying the state model to federal lands, which too easily translates into the misconception that this idea is little more than "state management of federal lands." The state trust land management model has several shortcomings that need to be addressed, including public involvement requirements of the National Environmental Policy Act that apply to federal land management actions, interagency consultation procedures that federal agencies are required to do under the Endangered Species Act, and the need to provide for a diversity of plant and animal communities in the national forests, as required by the National Forest Management Act.

A precedent was established in 1996 when the Presidio, a former military post overlooking San Francisco Bay, was added to the National Park System. It is managed as a trust with a goal of preserving and enhancing the Presidio as a national park and achieving financial self-sufficiency by the year 2013 (Anderson and Fretwell 1999). In 1998 the trust model was proposed in a congressional bill as a way of managing the Baca Ranch in New Mexico, but the proposal to acquire this private ranch and make it federal property was not enacted. Resource economists with the Political Economy Research Center have proposed that the Grand Staircase-Escalante National Monument in Utah be managed under the trust concept (see Anderson and Fretwell 1999).

3. Arguments For and Against the Trust Land Management Model for Public Lands

The trust land management alternative for managing federal public lands should be viewed not from the standpoint that federal lands should be managed like state lands; rather, the trust model used to manage state lands has some features that could be applied to federal public lands to create the sustainable resource management that everyone seems to want, but no one seems to be able to do under the current institutional arrangements.

There are many reasons for seriously considering the trust land management model as a viable alternative for managing public lands. There are probably an equal number of reasons why the model may not be appropriate. The arguments for and against management of federal land under the trust concept are summarized in Table 1.

Table 1. Arguments for and against trust land management (from O'Laughlin et al. 1998, Table 5-9, p.91; table is almost identical to Table 10, p.52, in Idaho Federal Lands Task Force 1998).

Arguments For	Arguments Against
Model is in widespread use: 135 million acres of state land in 22 states; fifteen million acres of private land.	Legislation required to establish the trust.
Clarity of mission statement.	Perception that the only purpose of trust is revenue generation.
Perpetuity principle enhances sustainable resource management to conserve the principle assets of the fund.	Lack of research data to show that trust land management results in better biophysical resource conditions.
Enforceable through fiduciary responsibility of trustees and managers to beneficiaries.	Selection of inclusive groups of trustees to represent various resource interests, and national as well as local perspectives.
Managers accountable to report financial transactions.	Trust concept is somewhat complex.
Public involvement opportunities are the same as under the current situation.	Perception that there may be fewer opportunities for public involvement.
Stable source of funding for resource management and local communities.	Start-up funds and safety net funds may be required.
Fewer lawsuits and broad appeal processes that hinder on-the-ground projects.	Limits of parties that can sue to the beneficiaries except for third party actions under NEPA, CWA, and ESA.

4. Applying the Trust Land Management Model to a National Forest

The trust is a system to produce revenues for the beneficiaries consisting of three parts: management, the trust properties or assets (sometimes called the "corpus"), and the revenues produced by managing the trust corpus. The trust corpus includes the trust land base and permanent funds (Souder and Fairfax 1996, p.37). The relationship of these parts of the trust management or production system is depicted in Figure 1.

One way to understand the body of trust law is as a method for removing, or otherwise minimizing, the manager as the beneficiary of management (Souder and Fairfax 1996, p.299). On-the-ground land and resource management decisions are made by the trust manager. The trust manager reports to the trustees.

Trustees are responsible for ensuring that the trust mandate is achieved by the trust manager, thus are responsible for broader policy decisions within which the trust manager operates. The trustees also serve as the final decision-making authority for public appeals of decisions made by the trust manager. Trustees are accountable to the beneficiaries of the trust, and must demonstrate that they acted with *prudence*, taking into consideration the associated risks and returns of asset management decisions.

For federal lands, existing managers could be designated as trust managers. For the Forest Service, the national forest supervisor and district rangers; for the BLM, district and area managers. Whether or not state-wide supervision is necessary is an open question that would be answered when trustees are designated.

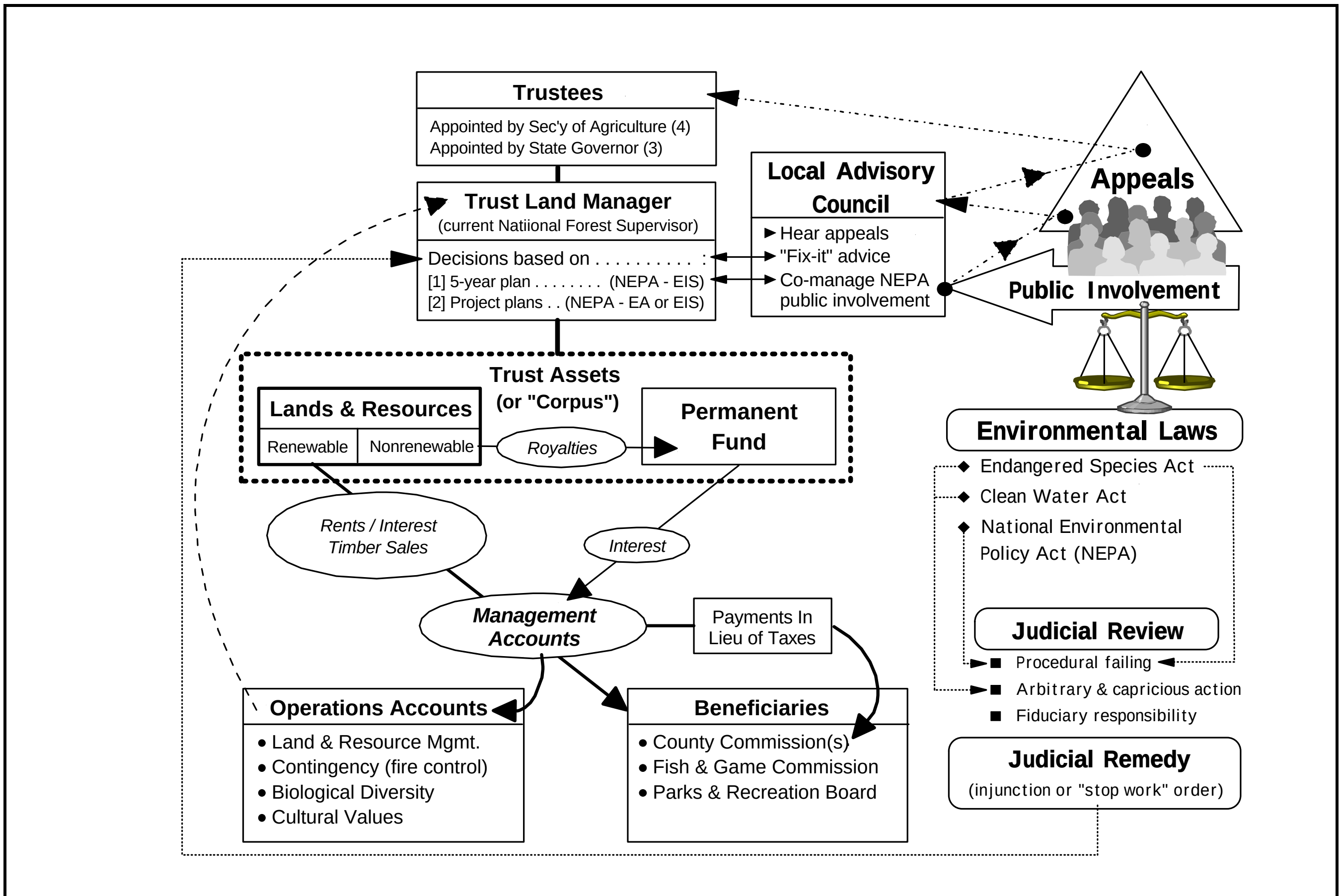

Figure 1. Trust land management alternative design for a national forest (from O'Laughlin et al. 1998, Figure 5-5, p.85).

Trustees could be appointed for each unit, or one board of trustees could oversee management operations at the state level. Some of the trustees could be selected by the appropriate federal Secretary to ensure that national interests are represented. It might be desirable to allow the governor of the state to appoint some of the trustees and to have an advise and consent role regarding all trustees (see Figure 1).

The corpus or trust land base forms the assets of the trust. Marketable goods and services from these lands generate revenues that fund the operation of the trust and provide returns to the trust beneficiaries from timber, grazing permits, camping fees, recreational access, and other revenue sources, generally at market rates. A permanent fund is established into which the revenue produced from mineral royalties and sales of land is deposited (Figure 1). Beneficiaries receive interest and/or dividends from the financial returns to this fund corpus.

Revenues from management consist of rents, royalties, and interest or dividends (Figure 1). Rents include payments received under grazing permits, recreation fees, and timber sales, including interest from the sale of rights to harvest timber in the future. Royalties include payments from mineral leases and sales of land. Interest and dividends represent returns from investment of the permanent fund (see Souder and Fairfax 1996, pp.39, 55-61).

The revenues from the management of the trust lands could be placed into management accounts for operations and for dispersal to beneficiaries (Figure 1). Beneficiaries could represent local government, recreation, and fish and wildlife interests (see further discussion in part 7 below). The operations accounts could provide for land and resource management activities and a contingency fund for fire control. It would also be possible to establish accounts for funding other public values such as cultural values and biological diversity (Figure 1). It should be emphasized that the trustees are responsible for the operation of the trust.

5. Expression of Intent: Purpose of the Trust

The clarity of the trust goal is a key characteristic of trust principles. Professor Sally Fairfax (1996) noted that, “Without belaboring the obvious, this [trust] mandate is significantly different from the rather mushy commands and Byzantine procedural requirements that afflict federal land management agencies.”

A mission or goal statement for the trust can be devised to answer the questions who, what, where, why, when, and how. This can be done in one sentence. For example, “The trustees will provide to the beneficiaries net revenues from the trust lands to meet the beneficiaries needs each year, produced in a manner that considers long term resource management” (O’Laughlin et al. 1998).

The Idaho Federal Lands Task Force suggested the following expression of intent be codified in a pilot project:

> **The trustees shall manage these public lands to provide revenue, net of operating costs, for the beneficiaries each year, generated in a manner that recognizes public values and is sustainable over the long term.** (Idaho Federal Lands Task Force 1998, p.18)

The above mission or goal statement binds the trust manager and the trustee through the onus of the trust principles of. The *clarity* of this goal statement is evident. It establishes who is responsible, what they are to do, to whom they are accountable, and the period of responsibility. Thus the statement of intent establishes a firm foundation for decision making on the part of the trustees and the trust managers. It also makes trustees and managers accountable to the beneficiaries (Idaho Federal Lands Task Force 1998).

Accountability is the requisite reporting of financial transactions by the manager and trustees to the beneficiaries. As in all trusts, *enforceability* is ultimately attained through judicial proceedings; when challenged by beneficiaries, or those with standing to represent the beneficiaries, under trust law managers and trustees must offer evidence that they have acted prudently to meet the mandate expressed in this statement of intention (O’Laughlin et al. 1998). Souder and Fairfax (1996) argue that the daunting task of providing financial benefits from natural resources in *perpetuity*, which requires the maintenance of ecological capital to produce the economic capital, negates the argument that a trust mandate ignores nonfinancial values.

6. Public Involvement

The trust land management concept is flexible enough that public involvement and appeals processes can be custom made. For example, a streamlined two-level appeals process is possible under the trust model (Figure 1). The *accountability* of the trustees under the trust model on the one hand reduces opportunities for appeals to higher level government officials, but on the other hand brings finality to the decision process. Some people will view this as an improvement, but those who are currently taking their concerns to high levels in the executive branch or to the legislative branch for political approaches that successfully further their objectives can be expected to argue strongly against modifying the current situation.

Trust law guides who can legally challenge the decisions of the trustees and trust manager for the manner in which they meet their *fiduciary relationship* with the beneficiary. Generally, this means that only the beneficiary or a party whom the court agrees is suitably representative of the beneficiary’s interest can bring suit against the trustees or managers regarding the management of the trust assets. As Fairfax (1999) notes, the principle of *prudence* does not require the beneficiary, as plaintiff, to demonstrate that the trustee acted in an arbitrary and capricious manner; rather, the trustees must demonstrate that decisions were made after considering the returns and risks from their decisions.

Elimination of third party lawsuits challenging arbitrary and capricious behavior or procedural failing by the trustees and trust manager does not necessarily mean that environmental protection will be diminished. As Figure 1 indicates, citizen suits under the provisions of the Endangered Species Act (ESA), Clean Water Act, and National Environmental Policy Act (NEPA) remain firmly in place. The trust model adds additional safeguards that may result in enhanced environmental protection because the fish and wildlife beneficiary presumably will look after activities of the operation of the trust as they relate to fish and wildlife habitat.

Figure 1 also illustrates the appeals process that could be used with the trust model. Final disposition of any appeal would rest with the trustees. Lawsuits brought against management decisions could be brought on behalf of their fiduciary responsibilities to the beneficiaries, unless the provisions for citizen suits under the ESA, Clean Water Act, or NEPA are involved.

Taking the trust model one step further, it is possible to add a local advisory council that through collaborative processes could serve as a local appeals board and “fix-it” council facilitating communication between local interests and federal agency resource managers (Figure 1). This feature provides an additional point of communication between the trust land manager and the public.

Public involvement is one criticism of the trust land management arrangements for state lands in Idaho (Souder and Fairfax 1996). A local advisory council might overcome some of these criticisms. Appellants could still take their appeal to the local manager, working through the council. If satisfaction is not attained and the council’s “fix-it” advice is unsatisfactory to the appellants, they could take their plea to the trustees, the last and final step in the appeals process.

7. Trust Beneficiaries

Identifying the appropriate beneficiaries for a federal land management trust is a key decision. State trust lands generally identify public schools as the beneficiary. Some innovation is needed for federal lands. Local governments are one possible beneficiary, because current policies entitle them to revenues from federal lands in lieu of property taxes. This gives them an obvious interest in economic returns. To balance that, some other beneficiaries could be named, such as recreation interests and fish and wildlife interests. The benefits from land management would provide revenues to meet their perceived needs for recreation facilities or habitat improvement projects.

The legal concept of a trust requires the designation of beneficiaries who will be the recipients of revenues from managing the trust assets. When applied to land management, these beneficiaries can be quite diverse, limited only by the imagination of the trust settlors. In this case, the U.S. Congress would be the trust settlor because Congress has the ultimate authority for deciding the purpose and management of federal lands.

Five possible categories of beneficiaries are suggested as a starting point for discussion. Three obvious interests—illustrated in Figure 1 and discussed in more detail below—are local government, state-level fish & game interests, and state-level recreation interests. A fourth category might be the national interest in the conservation of biological diversity. As such, these groups of beneficiaries have interests in the local economic considerations of trust land management, the ecological features of the trust landscape such as water quality and wildlife habitat, access to and use of the trust lands for public recreation, and national interests in protecting habitat for and populations of various plants, animals and fish that together represent “biological diversity.” In recognition that it is not feasible to represent all values from federal lands by a specifically designated beneficiary, a fifth category of “other public values” could also included.

Each set of beneficiaries would also have an interest in assuring monetary returns because these are the funds that will help support local government, on-the-ground fish and wildlife habitat improvements, maintenance and improvement of recreation resources, and funding for protecting biodiversity, including Endangered Species Act implementation of protection and recovery activities, including protection of critical habitat. At first the interests of a diverse group of beneficiaries would seem to be in conflict. However, all beneficiaries share the common need for a source of funding. Perhaps the trust could be designed so the different interests would represent a creative tension, instead of the current public lands gridlock situation.

7.1. Local Government. The state of Idaho currently receives, and disburses to the counties for local road maintenance and public schools, either a per-acre payment in lieu of property taxes, or a 25% share of revenues from federal lands, whichever is greatest. This gives county commissions an economic interest in how federal lands are managed. For the purposes of a pilot project under the trust concept, these beneficiaries would be the county commissions for the counties in which the trust pilot project lands are located.

7.2. Fish & Wildlife. For the purposes of a pilot project, the beneficiary would be the Idaho Fish and Game Commission. It is also possible to “set aside” lands critical to the management of a particular species or unique environmental value by allowing the fish & wildlife beneficiary to repay the trust for the foregone values from such lands had they been managed for a purpose that provides a monetary return (see Souder and Fairfax 1996, p.275). A source of funding would be the Biodiversity Trust Fund (see section 7.4 below).

7.3. Recreation. For the purposes of a pilot project, the beneficiary would be the Idaho Parks and Recreation Commission.

***7.4. Biological Diversity Conservation*.** There have been a variety of proposals offered by various interests to create a National Biodiversity Trust Fund for financing the implementation of the Endangered Species Act, including the acquisition of critical habitat. (References are identified at the end of this section.) However, such a fund does not currently exist, with one exception–a trust fund to help conserve whooping cranes (see Guenzler 1996). If such a national fund existed, trustees could perhaps be made responsible for protecting biodiversity under a pilot project for managing federal lands. It may therefore be desirable to create a pilot biodiversity trust fund as an adjunct to a land management pilot project applying the trust concept.

For the purposes of such a pilot project, a portion of the revenues from management of the land trust could be placed into a Biodiversity Trust Fund. This fund would be managed by the Idaho Fish and Game Commission (or whatever state institution is responsible for endangered species conservation in the state). The fund could be overseen by trustees appointed by the Secretary of the Department of the Interior. The trustees could include university-based scientists, U.S. Fish and Wildlife Service and/or National Marine Fisheries Service officials, and representatives of national citizen conservation groups with biological diversity conservation as a primary interest, such as the National Wildlife Federation and the Defenders of Wildlife. The funds could be channeled by trustees to projects in the state. The funds could be used for species protection and recovery activities in Idaho, and could include the acquisition of critical habitat as well as incentive programs for private landowners.

The pilot project could also be designed to serve as a feasibility test that could be expanded to the level of a National Biodiversity Trust Fund, with trustees and additional funding sources, including congressional appropriations, as suggested in the literature. Some discussion in the literature on Endangered Species Act reauthorization has focused on a national trust fund for species conservation activities, including acquiring habitat for conserving biological diversity.

Among the references promoting the idea of a national trust fund for biodiversity conservation are publications by wildlife interest groups, including the Defenders of Wildlife (1993) and the National Wildlife Federation (1995, p.32); and at least two national task forces representing diverse interests, including a consensus group assembled by The Keystone Center (1995, pp.38-41), and the Forest Options Group (1999). Also active in recommending this approach are various "new resource economists" including John Baden (1992, see also Baden and O'Brien 1993, Baden 1996) of the Foundation on Resource Economics and the Environment (FREE), Bozeman, MT; Randall O'Toole (1993, 1994, 1995 1996a,b) of the Thoreau Institute, Oak Grove, OR; and Mark Plummer of the Discovery Institute, Seattle, WA (Mann and Plummer 1995, pp.227-233). Some of these resource economists identify themselves as "free market environmentalists."

7.5. Other Public Values. One issue that needs clarification is how nonmarketable public goods would be protected. Biodiversity is one such issue, discussed in the section above. Cultural and wilderness values are others.

Cultural values, including archaeological or historic sites, have a public value, but no market. Their protection isn't the responsibility of any of the beneficiaries identified above. One approach to this problem suggested by the Forest Options Group (1999) is to create a "public goods monitor," an entity other than a beneficiary, but with standing to sue. A portion of the revenues from the management of the trust could be earmarked for a Public Goods Account controlled by the "public goods monitor." Operation of the account would be comparable to a typical trust management account used by states under the current model.

Wilderness values were featured in some of the earliest papers recommending federal land trusts as a resource management model (see Baden and Stroup 1981, Stroup and Baden 1982, Baden 1996).

8. Frequently Asked Questions

This section addresses some of the questions people are likely to raise about the trust land management model applied to federal lands. The findings from Souder and Fairfax' (1996) long-term research project on state trust land management provide partial answers.

8.1. Why would anyone want to use the state model to manage federal lands, when it has produced poor results? This is the first question many people familiar with the widespread perception of state land management will ask (see, for example, Bell 1997, Hall 1998). Souder and Fairfax (1996) provide a reply:

> Although the state land commissions' traditional emphasis on revenues has not endeared the school land traditions to environmentalists, we believe other components of the trust—its emphasis on perpetuity and on preservation of the corpus of the trust—lead to management that is certainly more conservative than some have feared, and plausibly more conservative than [federal] public resource management, which is not so constrained nor so straightforwardly directed (Souder and Fairfax 1996, p.281).

8.2. What about nontimber outputs, such as wildlife and recreation? Souder and Fairfax (1996) do not address wildlife habitat issues, but do look briefly at hunting access to state trust lands in Montana and Colorado. Montana uses a system of permits to private individuals designed to maximize revenue, while Colorado leases trust lands to the state Division of Wildlife in a system designed to maximize public use. They said,

> This small comparison [of Montana and Colorado] suggests that, within the trust principles and the trustees' diverse interpretations of their mandate, there is room for considerable flexibility in pursuing a broad range of strategies regarding hunting and other recreation access programs (Souder and Fairfax 1996, p.273).

8.3. What about protection of aesthetic and other non-monetary values in the trust model? Souder and Fairfax (1996, p.273) write: "It is unclear how far the issue of non-monetary benefits and less-than-maximum benefits can be pushed in the trust context." They describe two recent court cases that produced different results. In Colorado, the courts ruled that a state reclamation statute took precedence over the trust's mandate and halted a planned mine on state trust land for aesthetic reasons. However, in a Utah case involving scenic, archaeological, and paleontological resources, the court suggested that the state's fiduciary responsibility took precedence and the way to protect these resources was for the state to exchange or sell the lands (Souder and Fairfax 1996). The trust model's ability to protect aesthetic and other non-monetary values appears to depend on court rulings about the relationship between the state trust mandate and other state statutes.

8.4. What about water quality, riparian areas, and soil conditions? Again, the experts don't know:

> We are not aware of any inquiries into whether riparian areas, the productive capacity of the soil, or range trends and conditions are better on state trust lands than on comparable parcels managed under other regimes. Hence we cannot evaluate the effectiveness of trustees' efforts to protect the productive capacity of the trust, nor can we compare it to federal or private regimes (Souder and Fairfax 1996, p.297).

The replies to these questions indicate that the trust concept is flexible and may be able to incorporate all of these concerns as part of the trust instrument used by the settlor, which would have to be the U.S. Congress, to establish a federal land management trust.

9. Conclusion

"Trust" has a dual meaning in the context of federal land management that should not be overlooked. Governing institutions today face unprecedented challenges as there are many more people with a stake in public problems who are demanding a say in the political decision-making process. Situations are complex and systemic, and are not amenable to expert or top-down approaches. Few people agree about the nature of the problems, so there is little agreement about solutions, and no shared values upon which to build a framework for improving the situation. Distrust and mistrust are pervasive (Chrislip 1997).

In this region several scholars have commented on the erosion of trust that the public has in the U.S. Forest Service to manage public land (see Hirt 1994, Langston 1995, Moore 1996, O'Laughlin et al. 1993, Geddes 1997). The Clinton administration's efforts to modify federal land management through regulatory approaches are unlikely to restore missing trust. This includes changing the Forest Service mission from providing multiple goods and services to protecting ecological integrity (see Floyd et al. 1999) and removing 40-60 million acres of national forest roadless areas from potential development (see O'Laughlin and Freemuth 2000), a presidential directive to centralize control that has been met with disfavor by a broad spectrum of Westerners (Marston 1999).

Sustainable resource management on the public lands cannot be attained without public support that the current "multiple-use sustained-yield" model seems to lack. The proposed "ecosystem sustainability" management model of the Forest Service is unlikely to improve this situation. The concept of sustaining ecosystems rather than goods and services people expect from public lands may not be widely accepted, as it replaces the nebulous and flexible concept of "multiple use" with the nebulous and inflexible concept of "ecological integrity." Controlling public lands from Washington, D.C. will not restore trust in federal land managers in western communities. Adaptation of the trust concept could provide sustainable resource management and help restore eroded trust by moving federal land management decisions closer to the resource.

Dr. Marion Clawson, a resource economist who once was Director of the BLM, offered encouraging, if not inspirational, words:

> I reject any idea that we today are less imaginative and resourceful than men and women who pressed for the establishment of the national forests, national parks, and grazing districts. We too can innovate; let us try (Clawson 1984, p.232).

What should we try? Arguments can be made on behalf of the trust model (see Table 1). Whatever objections there may be could be addressed in a carefully designed pilot project experiment. Any research-based conclusion on the trust model would be heavily influenced by the conclusion expressed by Souder and Fairfax (1996) in the closing paragraph of their book:

> With all resource management agencies— federal, state, and local—searching for ways to operate more efficiently, downsizing, and looking for opportunities to gain returns from resource management programs, the time is right for a resurgence of attention to these long ignored [state trust] lands [and] the lens they provide for exploring our nation's public resource management experiences and traditions. Trust land management is our nation's most ancient and durable resource policy (Souder and Fairfax 1996, p.300).

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