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Recreational Incidents Liability Insurance and Judicial Interpretation for Fee Access Activities on Nonindustrial Private Forest Lands in Mississippi

Sangita Pokharel

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RECREATIONAL INCIDENTS LIABILITY INSURANCE AND JUDICIAL
INTERPRETATION FOR FEE ACCESS ACTIVITIES
ON NONINDUSTRIAL PRIVATE FOREST
LANDS IN MISSISSIPPI

By

Sangita Pokharel

A Thesis
Submitted to the Faculty
of Mississippi State University
in Partial Fulfillment of the Requirements
for the Degree of Master of Science
in Forestry
in the Department of Forestry

Mississippi State, Mississippi

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Private landowners refrain to open their land for recreational users in the fear of potential liability. This study covered the extent of liability, actual bodily injuries and property damages sustained by hunters and anglers in Mississippi. In order to aid for comparison, the study was divided in two sections. First it examined the risk and liability in fee access recreation through the review of court cases from 1904 to 2005. Second study explored the extent of actual bodily injuries and property damages sustained by hunters and anglers in Mississippi during 2002/03 to 2004/05 using telephone survey. It was found that landowners won 68% of the legal cases even though they charged fees for recreational access. The study revealed that 1% respondents of the total sample had accidents and only 16.8% respondents had the liability insurance coverage.

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CHAPTER I

INTRODUCTION

Outdoor recreation activities have become popular and diverse and, include hunting, fishing, camping and swimming. Although recreation produces multitude of benefits, accidents in the outdoors have been inevitable. Due to the litigious nature of American society, recreational users have a tendency to sue landowners. For the fear of liability, private landowners are reluctant to open their lands to the public. This is problematic in having little land available and putting pressure on public lands. This will also reduce the revenue of federal and state wildlife agencies that rely on funds generated from license sales (Teisl et al. 1999).

Common-law tort usually governs landowner duties and obligations to recreational users. Recreational users can be categorized as invitees, licensees, or trespassers. Among the three categories, landowners owe the greatest duty to invitees, then licensees and trespassers. As a result of liability concern, many landowners have been reluctant to open their land to recreational users for fear of liability resulting from accidents sustained by users (Wright et al. 2002). Most of the states have enacted Recreational Use Statutes (RUS), which provides wide coverage to private rural

landowners (Lee 1995). The RUS was intended to encourage landowners to make their land available for public recreational use. However, the lack of knowledge on the part of landowners has been one reason to deny access to their land.

In recent decades, private forest industrial firms located in the southern United States have quickly responded to the growing demand for outdoor recreation. In 1999, 38 of 60 forest industrial firms in the South participated in a hunt lease survey and it was found that they owned 14.8 million acres (Morrison et al. 2002). On the other side, nonindustrial private forest (NIPF) landowners have been much slower to respond to the growing demand of outdoor recreation, even though most of land in the United States is private and they hold most of the wildlife habitat (Zhang et al. 2006). However, there is still a question whether the radical change of private forestlands ownership in forest products will influence the forest management practices, non-market values and in turn the recreational access (YFF 2002). The lack of fee access recreation by NIPF landowners may be explained by several factors. One widely cited reason is the possible injuries of recreational users and damages on properties, and therefore, possible liability for landowners (Benson 2001; Jones et al. 2001). The other problem with the access is the changing land ownership recently. Only Weyerhaeuser and Temple Inland still have land on their ownership.

Denial of access to the private lands is not beneficial to the public or the landowner. Landowners can cover the management expenses and pay taxes from income they derive from leasing their land or charging the user directly. Liability insurance is the

best way to reduce landowner liability. Although, insurance cannot completely prevent a landowner from being sued, it helps by paying damages to the third party for injuries and defends the landowner against all action on any allegation of facts and circumstances up to the amount covered by policy (Noble 1991).

This study is divided into two sections (1) A review of court cases related to outdoor recreation injury and death in the U.S. summarizing the characteristics of cases and (2) A survey that will summarize the view of recreational users about injuries and accidents, and the rate liability insurance purchased in Mississippi. Both studies were compared to predict the actual liability and factors affecting it in Mississippi. A comparison will reveal the injuries and liabilities faced by landowners and the characteristics of legal cases against them. This study is focused on three objectives. (1) To identify historical legal cases and landowner liability in regard to associated factors in fee access recreation in U.S. (2) Examining the actual injury and damage patterns in Mississippi during past three years 2002/3 to 2004/5. (3) Study patterns in purchasing liability insurance by recreational users in Mississippi.

CHAPTER II

LEGAL CASES RELATED TO OUTDOOR RECREATION

Introduction

In recent decades, there has been a growing public desire to engage in outdoor recreational activities. Besides hunting, fishing, camping, and swimming, many of today's urban residents desire to go outdoors for pleasure walking, sightseeing, day hiking, wildlife observation, horseback riding, and photography (Cordell et al. 1999). Some of the more daring recreational enthusiasts have taken up such outdoor pursuits as hang gliding, snowmobiling, or driving off-road vehicles.

Regardless of the recreational activity of choice, there is no question that the public demand for outdoor recreational activities has increased (Teasley et al. 1999). The projection made by Outdoor Recreation Resources Review Commission (1962) that demand would triple by 2000 was surpassed in 1983. In 2001, a USDA survey revealed that 82 million U.S. residents 16 years old and above participated in wildlife-related recreation. Participants spent \$108 billion, which amounted to 1.1% of the United States' Gross Domestic Product (USDI and USDC 2002).

Unfortunately, for outdoor enthusiasts, federal, state, and local efforts to acquire more recreational lands have not kept pace with public demand. In addition, much public land is concentrated in the western U.S. and not easily accessible to many Americans.

There are approximately 746 million acres of public land in the U.S., of which 691 million acres are owned by the federal government. But only 8% of the public land is in the eastern U.S. (Copeland 1998).

One solution to the lack of public land for recreational use is for outdoor enthusiasts to find private landowners willing to grant recreational user access to private properties. In 1987, the National Private Landownership Study (NPLOS) provided the first national assessment of the access problem (Teasley et al. 1999). It was found that only 25% of the Nation's private landowners granted access to those to whom they were not personally acquainted. Among the findings, landowners in North allowed greater recreational access (31%) than did owners in the South (13%). When the study was repeated in 1997, the number of landowners granting access to people with whom they had no personal connections decreased dramatically. Nationally, only 12% of landowners allowed recreational access, a decrease of 50% from 10 years earlier. Again, landowners in the North had a higher propensity (16%) to open their land than (6.5%) those in the South (Teasley et al. 1999).

This finding has significant implications for fish and wildlife agencies, because many fish and wildlife management agencies rely, at least in part, on revenues derived from fishing and hunting license sales. Changes in the number of licenses sold can have a substantial impact on revenue, and consequently, on an agency's ability to manage fish and wildlife resources (Teisl et al. 1999). Federal statistics indicated that the number of licensed hunters in the U.S. decreased by 10% between 1982 and 1988

(USDI and USDC 1998). One of the reported reasons for this drop in license sales is the lack of access to public and private areas (McMullin et al. 2000).

The contributing factor to a lack of access that has been widely cited is the possible injuries of recreational users and damages on properties, and therefore, possible liability for landowners (Jones et al. 2001; Wright et al. 2002). State law has been enacted to address these concerns. But still landowners are reluctant to open their land to the public. This study examined landowner liability risks through an analysis of court cases dealing with outdoor recreation injuries, focusing primarily on private landowners and organizations. Previous cases related to the liability of landowners will be summarized and analyzed based on various factors associated with lawsuits.

Literature review

Liability and Recreation Use Statute

Concern related to recreation incidents and liability of providing outdoor recreation has been an active research topic in law. Several studies have closely examined court interpretation in relation to social efficiency and equity (Barrett 1977; Becker 1991; Lee 1995). For both privately and publicly owned land, landowner immunity from liability would be more efficient than landowner liability when the land was undeveloped, but not true when the land was developed (Miceli et al. 2001). It is socially efficient to provide coverage for rural landowners for free access and restrict the

coverage for fee being charged. RUS were intended to encourage landowners to make their land available for public recreational use. Most statutes were enacted after the Council of State Governments' model act in 1965. Although the statutes vary in detail, many of them are similar in limiting landowner tort liability protection when a landowner charges an access or use fee. Even though, 31 states provide landowner protection only for free access, there has been a trend to relax the fee restriction during the last several decades. RUS immunizes property owners from liability when those entering their land are injured, killed, or have their property damaged or destroyed. A justification for this law is that public willing to recreate in outdoors is unable to afford it, if fees are charged, and that governments with their limited budgets are unable to provide the needed area for recreation. Liability depends upon the type of recreational activity, type of land and its ownership, granting permission to use land, and charges to the user. It also depends upon user characteristics and duty of care. In attractive nuisance cases, landowners must be careful about children entering their land. Characteristics of land, that attracts children such as pool, ditch are called attractive nuisance. The landowners are liable for the willful and malicious failure to guard against dangerous conditions on their land (Lee 1995).

The model legislation RUS provides a broad definition of "land" – "land, roads, water, watercourses, private ways and building, structures, and machinery or equipment when attached to the realty." Since recreational use statutes are designed to encourage

private land being available for recreation, not all uses of land are protected by the law. According to the statutes: “Recreational purpose” includes, but is not limited to, the following, or any combination of these activities: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites (Lee 1995).

Fee access recreation

The promotion of fee access outdoor recreation is beneficial to landowners in many ways. First, it voluntarily conserves and restores ecologically sensitive lands through the revenue generated from access. Landowners have an incentive to cover taxes and managerial costs. Damage to the property and trespassing can also be controlled. Incentive based federal programs, such as the U.S. Department of Agriculture’s Conservation Reserve and Wetland Reserve Programs, have protected numerous acres of marginal lands within various states. However, enrollment in these programs is limited by the available funding, which is subject to the uncertainty of the federal budgeting process (Jones et al. 2001).

Benson (2001) conducted a survey on state wildlife agency administrators to document access, leasing, and management programs that assist wildlife and recreation management on private lands. Over the past 15 years access opportunities for hunting had decreased and leasing of lands for hunting had increased. Absentee owners were more likely to allow access to the public than resident owners (Cordell et al. 1998). Fee

based recreation provides various incentives to owners, but if fee is charged, liability waiver provided by RUS has different implications. Still it depends upon the court's interpretation as to whether the landowner is liable or not. Previous research has not looked at the effect of a fee charged on the liability of landowners.

Landownership and type of recreational activities

Nearly 60% of all land in the U.S. is privately owned (Teasley et al. 1999). That is why these lands have the potential to be important for outdoor recreation. Only a small portion of private land is open to recreation without any restriction (Wright et al. 2002). Other, large portions are available through leasing or by asking permission from owners. However, liability issues are persistent and of increasing concern to rural landowners, and few take actions to limit their liability.

In the South, hunt-lease programs are important to forest industry; these industries dedicate 83.7% of their total land base to some form of leasing (Morrison et al. 2002). Many firms currently implement intensive wildlife management techniques on leased lands. In addition to revenue, hunt-leases provide protection and public relation values important to landowners. These values increased during the five year period from 1994 to 1999, and are expected to increase in the future. In New York, nearly 70% of all industrial forest lands are currently leased for recreation (Germain 1999). On the other hand, NIPF landowners are very reluctant to adopt recreational leases.

Recreational activities with the greatest potential for future demand on private land include hunting and fishing, wildlife observation, and hiking. According to NPLOS, hunting was the number one activity pursued on private land. Even though the National Survey on Recreation and Environment (NSRE) showed reduced participation in hunting, it was also expected that the demand for will increase for high-quality lease hunting on private land. Trends also suggested growing opportunities to lease private land for non - consumptive recreational activities. For example, NPLOS showed that hiking was a major use of private lands in the Pacific Coast. This result explains the possibility of leasing land to private hiking club. Also, NSRE showed very high participation in wildlife observation (Teasley et al. 1999). This result suggests opportunities for leasing private land for wildlife observation and ecotourism.

Comparison of recreational activities in different regions

USDA Forest Service classified four regions in the U.S. for the 10 year Forest and Rangeland Renewable Resources Assessment (Smith et al. 2003). Four assessment regions across which recreation participation is compared include the Pacific Coast states, Rocky Mountain/Great Plains states, the southern and northern states. The comparison was shown for 13 general types of recreation activities. Across the four regions, and relative to national percentages, few differences exist for trail, street, and road activities, individual sports, team sports, spectator sports, boating, swimming, and social activities. Regardless of differences in climate, landscapes, nature of opportunities, and population

size and culture, participation percentages were similar across regions (Cordell et al. 1999).

The activity types which had evident differences included viewing and learning activities, snow and ice activities, camping, hunting, fishing, and outdoor adventure activities (i.e., hiking, paragliding, downhill skiing). For snow and ice activities, the highest participation percentage in activities such as downhill skiing is in the North; the second highest is in the Rocky Mountain/Great Plains region. In the South snow and ice activities are mostly restricted to the Southern Appalachian Mountains in northern Georgia, western North Carolina, southwestern Virginia, and eastern Tennessee.

Camping participation differs between the eastern and western regions. The North and South have 24 and 23% of their respective populations 16 years or older participating. While the Rocky Mountain, Great Plains, and Pacific Coast regions have 38 and 34%, respectively. Regional differences in participation in outdoor adventure activities were very similar to those for camping, with the two western regions having 48 and 45% of the population participating, while the eastern regions have 35 and 33% participating. Regional differences in participation can be attributed, at least in part, to differences in availability of natural resource opportunities for these activities between the West and East. Smaller regional differences were found for viewing, hunting, and fishing. For viewing activities, the region with the smallest percentage of people 16 years or older participating is the South at 74%; the highest is the Rocky Mountain/Great Plains region with 80%. Hunting participation differences are most pronounced between the

Rocky Mountain/Great Plains region at 13%, and the Pacific Coast region at 6%. For fishing, the region with the highest percentage is the South at 32%, and the region with the lowest is the Pacific Coast at 24% (Cordell et al. 1999).

Economic cost involved with litigation

Delay in litigation is of concern for several reasons. It is costly to both to individuals involved and society. Evidence deteriorates due to delay and that injured parties do not receive compensation when they most need it, and that new individuals are stopped from bringing new cases. Because of this, resource use by the legal system may fail to achieve prime objectives: reducing future offences and accurate decisions in individual cases (Fenn and Rickman 1999). Despite potential inefficiencies due to observed delay, little research has been performed on the causes of delay in settlement or reaching court. Factors like legal coverage, severity of injury, fee charge involved, type of ownership determines the length of a legal case. In addition, attorney behavior and type of defendants also determine the length. Whatever may be the reason for the length of a legal case, the longer the case, higher will be the associated costs. That is why it is important to find the factor associated with the length of lawsuits. Previous studies were done regarding different aspects of outdoor recreation and liability of private landowners. Wright et al. (2002) had analyzed legal cases based on characteristics of ownership i.e., public or private, recreation activity pursued at the time of injury, and actual landowner liability exposure, but it did not cover the duration of legal cases and associated factors.

Methods

To determine the nature of litigation related to outdoor recreation injuries, the Lexis Nexis legal database was used. This database provided summaries of cases that made it to state and federal courts. These summaries described the circumstances surrounding each case as well as decisions rendered in the case. Since the focus of the study was on state-level cases that dealt with outdoor recreation issues, the search terms “landowner, recreation, hunting, fishing, boating, swimming, camping, liability” were used. Individual cases were also searched using the RUS codes of each state to make sure the cases that dealt with RUS were exclusively covered. A list of lawsuits was generated for each of the 50 states using the keywords. While this approach had its limitations, it had been successfully used before to investigate legal cases (Gabbidon et al. 2006). Limitations include (1) Coverage of a particular database and (2) the inability to access unrecorded court claims. The potential volume of cases in the database limited the analysis to lawsuits that were decided between 1904 and 2005. By doing so, cases before were excluded but the research was still able to capture any long-term trends in the nature of outdoor recreational lawsuits. In this study, 754 cases were read, taking note of different case characteristics, and any other relevant information. Once all cases were read, descriptive analysis was conducted to meet the objectives of this research.

Results and discussion

Recreation Use Statutes were meant for the benefit of private landowners involved with outdoor recreation activities. The total number of lawsuits was 754 with 338 litigating private landowners and 416 public landowners (Table 2.1). There were a slightly higher number of lawsuits associated with public landowners was than those for private landowners. A person must file a lawsuit to establish liability, and not all lawsuits result in liability. Results from the review of cases suggested that the landowner

Table 2.1 Number of recreational lawsuits sued against private and public lands and by regions covering each of the states of United States as classified by USDA Forest Service in 2003

States	North		Total	Coast		Total	Mountain		Total	South		Total	Total
	<i>Pr</i>	<i>Pu</i>		<i>Pr</i>	<i>Pu</i>		<i>Pr</i>	<i>Pu</i>		<i>Pr</i>	<i>Pu</i>		
Alabama										13	12	25	25
Alaska					1	1							1
Arizona							3	10	13				13
Arkansas										1	4	5	5
California				26	28	54							54
Colorado							2	2	4				4
Connecticut	4	7	11										11
Delaware	1		1										1
Florida										3	9	12	12
Georgia										22	12	34	34
Hawaii				1	7	8							8
Idaho							5	6	11				11
Illinois	12	8	20										20
Indiana	7	5	12										12
Iowa	3	1	4										4
Kansas								4	4				4
Kentucky										4	4	8	8
Louisiana										28	32	60	60
Maine	10	3	13										13
Massachusetts		7	7										7
Michigan	28	22	50										50
Minnesota	2	2	4										4
Mississippi											1	1	1

Table 2.1 (Continued)

States	North		Total	Coast		Total	Mountain		Total	South		Total	Total
	<i>Pr</i>	<i>Pu</i>		<i>Pr</i>	<i>Pu</i>		<i>Pr</i>	<i>Pu</i>		<i>Pr</i>	<i>Pu</i>		
Montana							3	1	4				4
Nebraska							6	5	11				11
Nevada							2	4	6				6
New Hampshire	3	1	4										4
New Jersey	5	4	9										9
New Mexico							2	1	3				3
New York	60	48	108										108
North Dakota							1	3	4				4
Ohio	16	45	61										61
Oklahoma											2	2	2
Oregon				1	5	6							6
Pennsylvania	28	29	57										57
South Carolina											2	2	2
South Dakota								2	2				2
Tennessee										2	3	5	5
Texas										3	11	14	14
Utah							6	4	10				10
Virginia											2	2	2
Washington				7	24	31							31
West Virginia		1	1										1
Wisconsin	16	30	46										46
Wyoming							2	2	4				4
Total	195	213	408	35	65	100	32	44	76	76	94	170	754

was liable in only 143 cases. Landowners won 476 cases and users 143. Rest of the cases (n=135) could not be decided and remanded to the lower court for further revision. Thus, landowners were less likely to lose a case even though they were sued. There were 598 cases related to injury and 156 cases to the death. The severity of injury was not studied. Table 2.2 showed the litigation trends from 1904 to 2005. The number of cases involved in the study peaked at 41.8% during the 1980 and declined to 39.7%

Table 2.2 Number of legal cases and their average length which were won by private and public landowners and users in the United States from 1904 to 2005

	Number of cases		Duration (Months)		Average length
	Owner	User	Owner	User	
1904-1965*	2	11	51	43	47
1966-1970**	7	3	42	45	43
1971-1975	11	2	61	39	50
1976-1980	37	13	61	52	56
1981-1985	70	25	38	57	47
1986-1990	142	47	30	47	38
1991-1995	109	24	36	55	45
1996-2000	71	13	41	54	47
2000-2005	27	5	38	66	52
Total Average length	476	143	44	50	47

* Data from 1904 is found when the 'all' data option was chosen in Lexis Nexis.

** Fewer cases may be due to the limited coverage of the database.

during the 1990. Recreation participation patterns have increased by 2.1% from 1980 to the 1990 but the percentage of legal cases has decreased. Overall, the litigation trend was increasing from 1904-2005. This was attributed to the increasing number of people involved in outdoor recreational activities. The number of lawsuits was also increasing, along with the general population and those involved in recreational activities. The number of cases would have been still higher after 1965 if the RUS had not been instituted.

Litigation patterns by states and regions

Litigation patterns varied by different state and region (Table 2.1). Maryland, Missouri, North Carolina, Rhode Island, and Vermont did not have any cases involving the application of the RUS to a user injury. The northern region involved the highest

number of lawsuits (n=408) followed by the South (n=170). Pacific Coast states involved 100 lawsuits and Rocky Mountain states involved the least number of lawsuits (n=76). The highest number of litigated cases on private lands was in the northern region (n=195) which was followed by the South (n=76). The Pacific Coast had 35 cases from private lands and Rocky Mountains 32. Again, highest number of public cases litigated was also from the North (n=213) followed by South (n=94). Pacific Coast states had 65 and Rocky Mountains 44 cases related with injury/death on public lands. The number of litigated cases patterned the general population in different regions.

Table 2.3 Comparison of percentage of recreational activities and legal cases from 1904 to 2005 associated with particular activity with total number of legal cases in the United States

Type of recreational activity	No. of cases	% of activity	% of cases
Boating	29	29	3.8
Camping	10	26.3	1.3
Fishing	32	28.9	4.2
Hunting	22	9.3	2.9
Other**	46	36.8	6.1
Snow and ice activities	78	18.1	10.3
Social activities	13	67.8	1.7
Spectator activities	100	58.7	13.2
Sports*	103	46.4	13.6
Swimming	174	54.2	23.1
Trail/street/road activities	148	68.3	19.6

*Individual and group sports combined to "sports."

**Spectator and outdoor adventure activities combined to "other" activities.

Risks associated with recreational activities

Swimming, the fourth most popular recreational activity in the U.S., involved the highest number of accidents 23.1% trial/street/road activities followed swimming at 19.6% (Table 2.3). Individual and group sports covered 13.6% of the legal cases. Spectator activities, which include walking and viewing nature, involved 13.2% of legal cases. Snow and ice activity included 10.3%, fishing (4.2%) and boating (3%) were the other activities involved with death and injury lawsuits. Hunting, a challenging consumptive activity, was associated with 2.9% of the legal cases. This suggests that South eastern landowners can implement lease hunting without fear of liability. Table 2.4 shows that the northern region involved the highest litigation associated with snow and ice activity which mimicked the participation rate for these activities in this region. New York involved the highest cases related to snow activity (n=27). The Rocky Mountain region followed the northern region in snow activity with 7 cases. Cases related to camping did not pattern the participation rate with the highest cases from the North. Hunting cases were not found in the Rocky Mountains/Great Plains (participation at 13%) and the Pacific Coast region (participation at 6%). Combining North and South, 22 hunting cases were found. In the northern region, 18 fishing cases were litigated and 13 in the southern region, though fishing participation was highest in the South. The Rocky Mountains region did not have any litigated cases related to fishing. Texas had only 14 litigated cases out of which only 3 were cases related to private landowners. None of the cases were related to hunting or fishing. In Texas, hunting lease income

Table 2.4 (Continued)

States	Activities*											Total
	A	B	C	D	E	F	G	H	I	J	K	
Oklahoma	1	1										2
South Carolina					1				1			2
Tennessee	1			1	1				1	1		5
Texas	2			2			1		5	4		14
Virginia									2			2
Total	55	10	2	13	13	11	2	2	27	23	12	170
<i>Rocky Mountains</i>												
Arizona	1	1		3			1		1	1	5	13
Colorado	1		1				1				1	4
Idaho	1			2			1		1	2	4	11
Kansas	3									1		4
Montana	1									2	1	4
Nebraska	1		1	1					2	5	1	11
Nevada	2	1							1		2	6
New Mexico											3	3
North Dakota	1						2				1	4
South Dakota							1			1		2
Utah	2			2			1			1	4	10
Wyoming									2		2	4
Total	13	2	2	8			7		7	13	24	76
<i>Pacific Coast</i>												
Alaska							1					1
California	14	1		5			2	1	4	4	23	54
Hawaii	6			1			1					8
Oregon	1									3	2	6
Washington	3	4		3	1		1	1	3	7	8	31
Total	24	5		9	1		5	2	7	14	33	100
Total	174	29	10	47	32	22	76	13	100	103	148	754
Activities*												
A. Swimming	E. Fishing			I. Spectator activity								
B. Boating	F. Hunting			J. Sports/team and individual								
C. Camping	G. Snow activity			K. Trail/Street/Road activity								
D. Other	H. Social activity											

(Baen 1997). The reduced number of cases in Texas was attributed to the positive influence of private hunt lease programs. Developed recreational leases in the state of Texas are evidence supporting the success of private outdoor recreation. Over the last two decades, the hunting lease system has spread rapidly through the Southeast and Western states as well (Sasser 1995). The total number of legal cases in the U.S. related to hunting was 22, of which 11 were from Louisiana, one from Indiana, two from Maine, one from Michigan, four from New York, one from Pennsylvania and two from Wisconsin.

Fee charged and risk of liability

It was found that, leaving other factors unchanged, landowner won 30 cases even though a fee was charged and lost 14 cases in which a fee was charged. This clearly showed that the risk of liability for landowners is very low even though a fee is charged. Legal cases related to fee charges were 60. Most cases (n=694) related to outdoor recreation did not involve fees being charged to recreational access. Land owned by corporations and companies, who the users suppose to have deep pockets were sued in most cases. Corporations and companies which were sued twice or more are listed in Table 2.5. Owners looking to develop a rural enterprise like lease hunting and fishing

Table 2.5 Number of lawsuits associated with companies and corporations litigated twice or more from 1904 to 2005 in different states for recreational injury and death on their land in the United States

States	Companies and corporations	No. of cases
Alabama	Alabama Power Co.	5
California	Southern California Edison Co.	2
Connecticut	Connecticut Light And Power Co.	2
Georgia	Georgia Power Co.	2
Illinois	Commonwealth Edison Co.	2
Michigan	Consumers Power Co.	2
New York	Kawasaki Motors	2
	Delaware & Hudson Railway Co.	2
	Niagara Mohawk Power Corp.	6
Pennsylvania	PA Power & Light Co.	2
	PA Railroad Co.	2
Utah	Salt Lake City Corp.	2
	Ashley Central Irrigation Co.	2
	Kennecott Copper Mining Corp.	2

were less likely to get sued. Only few hunting and fishing cases taken to formal adversarial process indicated this. These results were comparable with the Jones et al. (2001) study on fee hunting which found that owners involved in fee hunting have a very low liability risk.

Duration of legal cases

For the owner winning a case, the average case length was 44 months while it was 50 months for users. On average, the duration for the cases decided in favor of the user was longer than those decided in favor of the owner. If the user wins the case, then it costs the owner in two ways, first by losing the case and second by the longer case

length. It was found that, the court takes time to remain clear about facts taking care of the entire waiver offered to owners before it decides in favor of the user. That is why landowners are safe unless they have not taken care of any hazardous condition on land.. Time taken for disposition of private cases was 36 months and for public cases it was 38 months in average. The reason for these extensive lengths was not clear.

Overview of the type of accidents involved in litigated cases

Types of accidents varied from very small injury to the death of a recreational user. Navigable waterways are not protected by RUS because it is a commercial entity. There were cases related to injury and death in navigable waterways. There were lots of cases related to accidents in the highway drive even though regular driving in the roadway is not a recreational activity.

It is safe for landowners to remain aware of ditches, culverts, and small ravines on their land. Either they can post “No Trespassing” signs, for the hazardous land conditions or they simply can tell users that it is dangerous. A very good way to avoid dangers would be to include unusual conditions on the lease. Accidents in swimming pools were the highest among the other activities sued so lifeguards should always attend the commercial swimming pools. Submerged objects in a water body have injured many users so they need to be removed. Enclosed beaches by the private land owners was another source which attracted many users, and at the same time accidents. Snow accidents are the second highest, so special care needs to be taken on snow recreational

areas. The land condition related to the cases were eroded land, gully, chemical pond, hot water pools, deer stands, cliffs, fallen trees, nature trails, hand railings, oil well, stakes on ground, fire, waste dumps, staircases, stone quarries, mining pits, overgrown weeds and electric cables.

Conclusions

Even though, most previous research examined the landowner liability through the litigated cases related to outdoor injuries. This study examined wider issues, such as fee access recreation, trend of cases and, length of cases. In regard to the risk of landowner liability, this study arrived at similar conclusions that earlier studies had reached. The risk of liability of landowners for allowing recreational access to their land is very low. Trends for injury litigation patterned the trends of recreational activities in different decades. Recreational activity has increased from 1904 to 2005. Along with this increase number of lawsuits related to recreation has also increased.

Overall, legal reforms and other time varying factors have not affected the trend of litigation though it has some local effects. The number of legal cases involving various recreational activities also patterned the number of recreational activities being carried out in difference regions except with few exceptions. Also, the trend of litigation patterned with land ownership type in different regions. It was also concluded that landowners involved on fee access recreation have few lawsuits, as an example Texas with developed fee access involved very few lawsuits.

This study had some limitations; first it was known that Lexis Nexis covered all the published cases. Second only recorded cases in the courts could be found. There was no way of knowing unpublished cases that were disputed in the court. Third it was not known how many complaints settled outside the court through alternate dispute resolution.

Research should be focused on factors affecting the litigation since litigation can close more lands to recreation. Once the factors are recognized lawsuits can either be decreased or can be made shorter by solving the matter in a short duration in the court. With a low risk of being sued, landowners will be willing to provide their land for recreation. There are two ways to increase the availability of outdoor recreation. One, by outreaching to landowners about the safety offered to them in opening their lands for recreation. Second by landowners getting insured or protecting them through lease provisions or by landownership type. Further research is suggested on the quantitative analysis involving various factors associated with outdoor recreation lawsuit.

CHAPTER III
SURVEY OF RECREATIONAL USERS IN MISSISSIPPI

Introduction

Demand for, and participation in, outdoor recreational activities in the United States have been growing steadily over the past decades (Cordell et al. 1998). Outdoor recreation activities are diverse and typical examples include hunting, fishing, hiking, boating, wildlife-watching, skiing, swimming, camping, rock climbing, and sightseeing (Thomas and Schumann 1993). In 2001, a national survey of hunting and fishing revealed that 82 million U.S. residents 16 years and older participated in wildlife-related recreation. Their spending totaled \$108 billion, or 1.1% of the U.S. gross domestic product (USDI and USDC 2002).

Supply of outdoor recreation relies on the availability of land and related resources, most of which are related to forest lands and some agricultural lands. Nationwide, about one-third of the U.S. land area, or 747 million acres, is in forest land. These lands are owned by the federal government (33%), state governments (8.1%), counties and municipalities (1.3%), forest industrial firms (9.1%), and NIPF landowners (48.5%). Thus, most of the Nation's forest lands are privately owned. The share of private ownership is as high as 90% in many southern states (Smith et al. 2001).

Furthermore, NIPF lands are becoming more fragmented over time. The number of NIPF landowners has been increasing while the average size of parcels has been decreasing (Mehmood and Zhang 2001). There are over 10 million NIPF landowners, most of them owning less than 100 acres. Public forests have been the traditional and major supplier of outdoor recreation, either with user charges (e.g., park entry fees) or without any direct charge (e.g., dispersed recreation). With the growing demand for outdoor recreation, public forests have become increasingly congested (Teasley et al. 1999). Therefore, it has long been recognized that access to privately owned forest lands must play a strategic role in meeting the rising demand for outdoor recreation (Baen 1997; Cordell and Tarrant 2002; Porter et al. 2002).

In recent decades, private forest industrial firms have quickly responded to the growing demand for outdoor recreation. In 1999, Morrison et al. (2002) conducted the fourth survey of hunting lease programs by southern forest industrial firms, following previous surveys in 1984, 1989, and 1994. As a result, 38 out of 60 forest industrial firms in the South participated in the survey and they owned 14.8 million acres. Respondents collected nearly \$45 million in revenues from their leasing programs with an average lease fee of \$3.92/ac. As a group, these firms leased 76.6% of their land to hunt clubs and individuals, and additionally 7.1% to state wildlife management areas. In 1999, 95.1% of the industrial land in Mississippi was leased. In contrast, NIPF landowners have been much slower in responding to the growing demand of outdoor recreation even though most lands in the United States are private and they hold most of

the wildlife habitat (Zhang et al. 2006). For example, Jones et al. (2001) reported results from two surveys of Mississippi nonindustrial private landowners who provide fee hunting opportunities. The percentage of respondents that charged for hunting privileges ranged from 8% to 14%, depending on the year and region surveyed. In Alabama, Zhang et al. (2006) found that nonindustrial private forest landowners had similarly low participation rates in providing fee access recreation. In addition, nationwide recreation statistics for hunters and anglers on private lands also implied the same conclusion (Teasley et al. 1999). In 2001, 38 million U.S. residents 16 years and older went fishing and/or hunting. Their expenditures totaled \$70 billion, and 28% of them were for trip-related items (e.g., food, lodging, and transportation) 59% for equipments and only 13% for items like land leasing and licenses (USDI and USDC 2002).

The low supply of fee access recreation by nonindustrial private forest landowners may be explained by several factors. One that has been widely cited is the possible injuries of recreational users and damage to property, and therefore, possible liability on landowners (Benson 2001; Jones et al. 2001). Common-law tort usually governs landowner duties and obligations to recreational users. Recreational users can be categorized as invitees, licensees, or trespassers. Among the three categories, landowners owe the greatest duty to invitees, then licensees and trespassers. As a result of the liability concern, many landowners have been reluctant to open their land to recreational users for fear of liability resulting from accidents sustained by those users (Wright et al.

2002). At present, some critical questions related to outdoor recreation and liability still have not been fully addressed. This study was intended to examine the extent of recreational incidents and, liability insurance coverage of hunters and anglers in Mississippi. Specifically, the objectives were to: (1) identify the actual bodily injury and property damage patterns in Mississippi in the past three seasons from 2002/03 to 2004/05; and (2) examine patterns of liability insurance coverage on recreational users in Mississippi in 2004/05. The results have implications for improving the insurance coverage and promoting outdoor recreation on private lands.

Literature review

Liability concern of landowners and incidents

The promotion of outdoor recreation on private lands, especially fee-based recreation, has several benefits (Jones et al. 2001). First, it can meet the increasing demand for outdoor recreation by the public. Second, private landowners can derive additional income from hunting, fishing, and non-consumptive activities such as bird watching and nature tours. These revenues may cover certain expenditures on management and ownership, such as annual property taxes. Third, income from fee-based recreation provides landowner incentives to manage their lands in a more environmental friendly way. Landowners can improve wildlife habitat quality to increase game concentrations and the recreational value of their land. It thus has the effect of

protecting ecologically diverse forests and wetlands with limited intervention of environmental regulations. It also may encourage voluntary conversion, conservation, and restoration of ecologically sensitive marginal lands (Jones et al. 2001). In a word, the net effects of landowner involvement in outdoor recreation are enhanced opportunities for outdoor recreational users, additional income sources for landowners, improved habitat quality, stewardship value of leasing, and more conserved and restored lands without the use of traditional regulatory measures. Improved habitat quality produces quality game which, in turn, will increase lease fees. Nonetheless, given these broad benefits, a landowner's choice in providing outdoor recreation may still vary widely, from prohibitive, open to friends only, fee-based recreation, and totally free to the public. The choice can be influenced by various factors: (1) resource attributes (e.g., acreage, wildlife habitat availability and quality); (2) landowner characteristics (e.g., ownership objectives and demographics); and (3) recreational user behavior (e.g., property damage, bodily injury, litter, fire risk) (Wright and Fesenmaier 1988).

Among these factors, it was widely recognized that liability has acted as one of the major disincentives for landowners to open their lands to the public. According to Jones et al. (2001), among Mississippi landowners involved in fee hunting, liability expenditures were one of the largest, second to managerial expenses only. Poaching and trespassing was the highest rated problem, followed by accident liability. Landowners not engaged in fee hunting also expressed that they were not involved because of loss of land control and privacy, accident liability, damage to properties, and poaching and

trespassing. Despite the wide concern for liability issues, there have been limited studies in documenting actual bodily injuries and property damages resulting from recreational activities. This lack of knowledge further increases the concern of landowner liability. Given this need, Wright et al. (2002) conducted a comprehensive case review for historical litigation involving recreational injuries in the U.S. From 1965 to 2000, there were 637 court cases being heard and they involved both private and public lands, and various recreational activities (e.g., hunting, fishing, swimming). These cases were analyzed based on characteristics of the landowner (i.e., private or public), recreation activities pursued at the time of injury, and actual liability exposure. Liability on landowners was found in only about one-third of these cases. The analysis concluded that the myth and perception of landowner liability appeared to be greater than the actual liability risk. Supplemental to the incident evidence revealed from legal cases, another way to examine the reality of recreational incidents is to make inquiries of recreational users such as hunters and anglers and collect the relevant information directly. It was reasonable to expect that given the large scale of outdoor recreation activities, many incidents may in fact have happened.

Liability insurance as a way to reduce liability

No matter how cautiously recreational users behave, outdoor recreational activities will inevitably produce bodily injuries or property damages. Various ways exist to reduce the negative impact from liability. First of all, concern related to incidents

and liability of providing outdoor recreation has been an active research topic in law. Several studies approached the issue from the perspective of social efficiency and equity, and some also closely examined the court's interpretation of relevant laws (Barrett 1977; Becker 1991; Lee 1995). In particular, Miceli et al. (2001) examined theoretically whether landowner immunity would promote efficient provision by landowners and efficient entry by recreational users. The analysis concluded that for both privately and publicly owned land, landowner immunity from liability would be more efficient in terms of access than landowner liability when land was undeveloped versus developed.

Currently, each state in the United States has passed the Recreational Use Statutes (RUS) (Lee 1995; Wright et al. 2002). The RUS has been intended to encourage landowners to make their lands available for public recreational use. Most of these statutes were enacted after the Council of State Governments' model act in 1965. Although statutes vary in detail, many of them are similar in limiting landowner tort liability and in altering the common-law duty of care. Most of these statutes do not provide liability protection when a landowner charges an access or use fee. Thirty-one states provide landowner protection only for free access. Nonetheless, during the last several decades, there has been a trend to relax the fee restriction. At present, 19 states allow landowners to impose limited fees and charges for recreational use and still retain the protection from the RUS. Overall, the RUS has provided limited protection concerning landowner liability involving outdoor recreation.

Liability insurance is another way to reduce landowner liability. Although insurance can not completely prevent a landowner from being sued, it does provide a landowner with two major benefits: (1) payment of damages to a third party for injuries covered by the insurance policy, up to the amount under the policy; and 2) an entity (i.e., the insurer) with a duty to defend the landowner against all actions on any allegation of facts and circumstances potentially covered by the insurance policy, including groundless or fraudulent claims (Noble 1991). Of course, these benefits increase the cost of insurance premiums.

It should be noted that many commonly held insurance policies are not adequate for the purpose of reducing liability involving outdoor recreation. For example, a standard automobile insurance policy is designed to cover liability arising from injuries from the ownership, care, maintenance, operation, or use of the vehicle. If there is any independent, intervening cause of the accident, there is no coverage under the policy.

Given these limitations on liability coverage, the standard automobile insurance policy is inadequate to cover all potential liability arising from recreational access. The same conclusion generally also applies to homeowner's insurance policies and others related to farming and business purposes (Noble 1991). Therefore, specialized insurance policies are needed to deal with the unique risk associated with outdoor recreation.

There are various specialized liability insurance policies for outdoor recreation on the market. For example, the Mississippi Forestry Association, teaming up with an agency, currently offers affordable and complete liability insurance for hunting clubs and

timberland owners who lease land for hunting. The claim limit is \$1million per occurrence. The policy premium is about \$0.19/ac/yr for hunting clubs or \$0.38/ac/yr for landowners (Mississippi Forestry Association 2006).

In practice, liability insurance for outdoor recreation can be carried by either landowners or recreational users. State law may require recreational enterprises to carry a specific amount of liability insurance (Noble 1991). As an alternative to insurance carried by the landowner, a landowner may require recreational users to carry insurance for the risks of recreational use. This is a common arrangement between landowners and groups, such as hunting clubs, which lease land for recreational use. As a term of the lease, the landowner requires the lessee to carry liability insurance on both the lessee and landowner.

Currently, the degree of liability insurance coverage on recreational users has attracted limited attention. A variety of questions are still unanswered. For example, what percentage of hunters and anglers has liability insurance coverage? Who pays for the insurance, landowners or users? Furthermore, the relationship between insurance coverage and demographics of recreational users also merits further examinations. Given the relationship between hunting participation and demographics of hunters has been well analyzed (Stedman and Heberlein 2001; Floyd and Lee 2002), the determinants of liability insurance coverage may be similarly inspected.

Methodology

Data and telephone survey

The data set for this study came from a telephone survey conducted by the Survey Research Unit of the Social Science Research Center at Mississippi State University. The survey was completed in December 2005, following Dillman's method for telephone surveys (Dillman 1978). In constructing the sample for the survey, a random sample was first drawn from the database of Mississippi hunting and fishing license sales, maintained by the Mississippi Department of Wildlife, Fisheries, and Parks. The database contained basic information about hunters and anglers (i.e., name, address, birth date). Persons included in the sample were at least 18 years of age and have purchased a Mississippi hunting or fishing license for the 2004/05 season. For those selected, their names and addresses were then used to find their phone numbers. The success rate of match between names and phone records was 64%. The sampling error for the total data set was no larger than $\pm 2.4\%$ (95% confidence level). Sampling error is the error in selecting the sample from the population. It depends upon the proportion of the sample to the population and the proportion of respondents that could be involved in the survey to the sample selected (Dillman 1978).

The survey questionnaire was designed to achieve the study objectives and had three groups of questions. The first part was to collect information about bodily injuries and property damages associated with recreational activities in Mississippi during the three hunting and fishing seasons (2002/03 to 2004/05). Questions were first asked if a

hunter or angler had experienced any bodily injuries or property damages. If yes, these respondents were further queried to provide details about the incident which included the date, the activities and equipment involved the ownership of recreation land, fee charged, and costs and payments of these incidents.

The second part of the survey asked if a hunter or angler had any liability insurance in 2004/05 season to cover their recreational activities. If the respondent had liability insurance, then questions were asked to collect information about who provided the insurance coverage and, furthermore, how much the insurance premium was. Detailed questions and responses were listed in Table 3.2. The last part of the survey collected information on respondent experiences, hunting and fishing, license type, and demographic characteristics. Respondents were asked about how many years they have been hunting and fishing, and what kinds of licenses they purchased in 2004/05 season. Furthermore, a set of demographic questions were asked about gender, age, race, marital status, education, income, and the population size of their household.

A logit model for liability insurance coverage

While descriptive statistics can answer most of the questions related to the two objectives in this study, a logit regression will provide a more in-depth analysis for the second objective with regard to insurance coverage patterns. Various factors may influence the dichotomous status of liability insurance coverage. A logit regression allows a detailed analysis of the impacts of these factors on the status.

Let Y_i represent the status of liability insurance coverage for a hunter or angler.

Let $Y_i = 1$ if there is an insurance coverage and $Y_i = 0$ if not. A binary logit model can be estimated as follows:

$$(1) \quad \Pr(Y_i = 1) = P_i = \frac{e^{X_i\beta}}{1 + e^{X_i\beta}}$$

$$(2) \quad \Pr(Y_i = 0) = 1 - P_i$$

$$(3) \quad X_i\beta = \beta_0 + C_i\beta_1 + S_i\beta_2 + T_i\beta_3 + \varepsilon_i$$

Where P_i is the probability of an insurance coverage for person i ; β is the set of parameters to be estimated; X is the vector of independent variables; and ε_i is the error term (Greene 2003). Independent variables in X_i measure several groups of information of interest: the recreational experience of a person (i.e., $C_i = Injury, HuntYrs$), license type (i.e., $S_i = Nonres, Lspman, Lnong$), and demographic characteristics (i.e., $T_i = Gender, Age, Race, Marital, Edu, Inc, TownPop$)¹. First, *Injury* is the frequency of bodily injuries or property damages experienced by a person during the past three seasons. *HuntYrs* is the years that a person has been hunting. Both *Injury* and *HuntYrs* were supposed to have a positive impact on the decision of liability insurance coverage. Second, there are about 20 types of hunting and fishing licenses in Mississippi (Grado et al. 2005). They can be divided into licenses for residents or non-residents. The most popular resident licenses are the Resident Sportsman (\$32 per season in 2004), the

¹ A variable was constructed for years of fishing but finally dropped because of its correlation with the variable of years of hunting. Other variables (i.e., dummy variable for the Resident All Game Hunting and Fishing license) were also tried but failed to produce significant results.

Resident All Game Hunting and Fishing (\$17), and Resident Freshwater Fishing (\$8). In 2004, the license of the Resident Sportsman comprised of 22% of the total quantity of license sales and 24% of total revenues. Among nonresident licenses, the most popular ones were the Nonresident All Game Hunting (\$300 per season in 2004), the Nonresident 7-day All Game Hunting (\$125), and the Nonresident Freshwater Fishing (\$30). In 2004, the sale of the Nonresident All Game Hunting license contributed 3% of the total quantity and 29% of total revenues. Given this information, three dummy variables were employed in this study to characterize license information. *Nonres* equals to 1 if a person is a nonresident, and 0 if a resident. *Lspman* equals to 1 if the license is a Resident Sportsman; and 0 otherwise. *Lnong* equals to 1 if the license is a Nonresident All Game Hunting; and 0 otherwise. All three variables were expected to be positively related to the liability insurance coverage of a recreational user.

Finally, seven demographic variables were included in the model. *Gender* equals to 1 if male, and 0 if female. *Age* represented the respondent's age till 2005. *Race* equals to 1 if the respondent is Caucasian and 0 otherwise. *Marital* is equal to 1 if the respondent is married, and 0 otherwise. *Edu* is years of education for the respondent, starting from primary school. *Inc* is the household income in 2005 for the respondent. Finally, *TownPop* is the population size in the town or city where the respondent lives.

Empirical findings

During the telephone survey, 4,033 numbers were actually called. Among them, 2,380 calls did not generate qualified records and included 1,116 invalid phone numbers, 638 calls with no answers, 316 incomplete interviews, 174 persons who had purchased a no hunting or fishing license during the time frame of the study, 81 refusals, and 55 persons unable to participate because of communication or health problems. In the end, 1,653 persons completed the phone interview successfully, resulting in a completion rate of 57% (i.e., $1,653/2,917$).

Pattern of injuries and damages

Among the 1,653 respondents, 15 persons reported 17 incidents of bodily injury or property damage related to recreation activities over the period from 2002/03 to 2004/05. While most had only one incident, two persons did report two incidents over the time period. Overall, the incident rate was 1% for respondents in this sample. In Table 3.1, the frequency distributions of nine questions were reported. Among the 17 incidents, three occurred in 2002, six in 2004, and eight in 2005. It should be noted that the larger number in recent years may reflect a higher recall on part of respondents. Respondents involved in these incidents were then asked to describe their recreational activities and equipment involved. Reported incidents include being accidentally stabbed with an arrow, running into a tree, impaled by a fishing hook, and gored by a deer antler.

Table 3.1 Recreational bodily injury and property damages sustained by Mississippi license holders during three hunting seasons from 2002 to 2005

Questions	Frequency
1. What year did the incident occur?	
2002	3
2004	6
2005	8
2. What recreational activities led to the injury or damage?	
Hunting	10
Fishing	5
Boating	1
Swimming/hiking	0
3. What equipment was directly involved in the incident?	
Boat	3
Fishing hook	2
Archery	1
4. Did the incident result in a lawsuit?	
Yes	0
No	17
5. Did the incident occur on public or private land?	
Public land	8
Private land	9
6. Was there a fee charge on the recreation activity related to the incident?	
Yes	4
No	13
7. Who had the bodily injuries?	
Myself	10
Companions	2
Persons not in my group	1
8. Whose properties were damaged?	
Myself	5
Companions	2
Landowners	0
9. What were the total costs for injuries or damages? (\$)	
<100	7
(100, 2,000)	3
(2,000, 5,000)	2
(5,000, 50,000)	0
>50,000	2
10. Who paid the costs for the injuries or damages?	
Myself	8
Insurance company	7
Companions or landowner	0

Note: a) The total number of incidents from the survey was 17. b) For some questions, the total frequencies may be less than 17 because only major categories were reported here or the answers were "Do not know."

Ten incidents were related to hunting activities, five to fishing, and one to boating. None were related to swimming or hiking. Various equipment was involved, including a boat, fishing hook, 4- wheeler, truck, and trailer.

With regard to the question of whether the incident resulted in lawsuit, none of them did. This seems consistent with the review results by Wright et al. (2002). In their case review from 1965 to 2000, 637 cases related to recreational injuries were identified nationwide and only one was in Mississippi. Concerning the ownership of recreation land, the distribution was almost split among public and private land with eight on public and nine on private. Furthermore, the majority (i.e., 13 of 17) did not pay for the recreation access while four did. Finally, the survey asked who had bodily injuries and whose property was damaged. As a result, the respondent had bodily injury in 10 incidents, companions in two, and individuals outside the group in one. In five cases, the respondent had property damages while companions had in two cases. No property damages were identified on landholding by this survey. Additionally, the survey tried to determine what the total costs for injuries or damages were and who paid for them. It turned out that most injuries or damages were small: seven respondents reported costs of less than \$100, and three between \$100 and \$2,000. However, some incidents were indeed more expensive: two cases with costs between \$2,000 and \$5,000, and two

cases over \$50,000. Eight respondents paid the costs themselves and seven by insurance companies. An examination of individual records revealed that those with large losses were in fact compensated by insurance companies.

Pattern of liability insurance coverage

Among the 1,653 respondents, 277 or 16.8% of them had liability insurance coverage during the 2004/05 hunting and fishing season (Table 3.2). For those with liability insurance, further questions were asked with regard to who provided the coverage. As a result, sports clubs provided coverage for the majority (i.e., 122 or 44% of 277 respondents). Following that, 79 or 28.5% purchased the insurance themselves, 32 or 11.6% received coverage from landowners who leased the land, and the remainder did not remember. Respondents also were asked to release information about their insurance premiums for the 2004/05 season. Only 31 could remember or were willing to do so. Four of 31 paid less than \$100 for liability insurance, 21 paid between \$100 and \$500 and six paid more than \$500. Overall, the cost of insurance was \$484/year (n=31) on average, with lowest at \$25/year and the highest at \$3,700/year.

Results of logit regression of liability insurance coverage

Descriptive statistics of variables used in the logit regression were reported in Table 3.3. The average hunting experiences of the sample respondents was 27.4 years. Out of 1,653 observations, there were 149 respondents holding nonresident licenses

Table 3.2 Pattern of liability insurance coverage by hunters and anglers in the 2004/05 hunting and fishing season in Mississippi

Telephone survey questions	Frequency	Percentage
1. Did you have liability insurance?		
Yes	277	16.8
No	1,376	83.2
Total	1,653	100.0
2. Who provided your insurance coverage?		
Sports club	122	44.0
Myself	79	28.5
Landowner who leased the land	32	11.6
Others (e.g., Do not remember)	44	15.9
Total	277	100.0
3. How much was the insurance premium (\$/yr)?		
<100	4	12.9
(100, 500)	21	67.7
(500, 4,000)	6	19.4
Total	31	100.0

Table 3.3 Definitions and means of variables in the logit regression of liability insurance coverage in the 2004/05 hunting and fishing season in Mississippi

Variable	Definition	Mean
<i>Y05</i>	Binary dependent variable = 1 if had liability insurance in 2005; 0 otherwise	0.17
<i>Injury</i>	Times of bodily injuries or property damages in the past three years	0.01
<i>HuntYrs</i>	Years of hunting	27.40
<i>Nonres</i>	Dummy = 1 if nonresidents; 0 if Mississippi residents	0.09
<i>Lspman</i>	Dummy = 1 if purchased the license of resident sportsman; 0 otherwise	0.54
<i>Lnong</i>	Dummy = 1 if purchased the license of nonresident all game; 0 otherwise	0.07
<i>Race</i>	Dummy = 1 if Caucasian; 0 otherwise	0.92
<i>Marital</i>	Dummy = 1 if married; 0 otherwise	0.84
<i>Edu</i>	Years of education	13.28
<i>TownPop</i>	Population size of the residence town (1,000)	15.80
<i>Inc</i>	Household income in 2004 (1,000)	66.85
<i>Gender</i>	Dummy = 1 if male; 0 otherwise	0.95
<i>Age</i>	Age of the hunter or angler	44.94

including 114 Nonresident All Game Hunting and 885 the Resident Sportsman. With regard to demographic characteristics of the sample, 92% were Caucasian, 84% married, and 95% male. In addition, on average, the sample respondents had 13.28 years of education, \$66,850 of household income in 2004, and they lived in a town with an average population of 15,800.

The estimated results of the logit regression were presented in Table 3.4. The Chi-squared value of the regression was 56.64 with 12 degrees of freedom. The overall correct prediction rate was 83.3%. Among the 12 independent variables, five were significant at the 10% level or better. Specifically, *Injury* and *HuntYrs* represented a respondent's experience in hunting and fishing. *Injury* showed a positive but insignificant sign, probably because of the small number of observations (i.e., 15 out of 1653). *HuntYrs* did show a positive and significant sign. It indicated that the longer a person's recreational experience, the higher probability for the person to have liability insurance. Among the three dummy variables for license information (i.e., *Nonres*, *Lspman*, *Lnong*), only *Nonres* had a significant and positive sign.. Therefore, nonresident license holders had a higher likelihood to have liability insurance coverage. Considering that nonresident license holders paid much higher license fees and related recreational costs, it was reasonable to expect that these persons were more committed to hunting and fishing activities and had more liability insurance coverage.

Among the seven demographic variables, *Age*, *Race*, and *Inc* had positive and significant signs while *Gender*, *Marital*, *Edu*, and *TownPop* did not. Thus, the elderly

Table 3.4 Results of logit regression analysis of insurance coverage against 12 independent variables from the 2004/05 hunting and fishing survey in Mississippi

Variable	Coefficient	t-ratio	M. Effect	t-ratio
<i>Constant</i>	-3.986	-5.513***	-0.519	-5.866***
<i>Injury</i>	0.245	0.466	0.032	0.466
<i>HuntYrs</i>	0.014	2.402**	0.002	2.412**
<i>Nonres</i>	0.761	1.910*	0.121	1.613*
<i>Lspman</i>	0.057	0.367	0.007	0.368
<i>Lnong</i>	-0.341	-0.785	-0.040	-0.875
<i>Gender</i>	-0.252	-0.782	-0.036	-0.727
<i>Age</i>	0.011	1.701*	0.002	1.704*
<i>Race</i>	1.646	3.527***	0.133	6.750***
<i>Marital</i>	-0.203	-1.043	-0.028	-0.997
<i>Edu</i>	-0.010	-0.328	-0.001	-0.328
<i>Inc</i>	0.004	1.867*	0.001	1.873*
<i>TownPop</i>	0.002	1.029	0.000	1.030
<i>Observations</i>	1653			
<i>Log-likelihood</i>	-718.87			
<i>Chi-squared</i>	56.64			
<i>Prediction</i>	83.30%			

Note: *** Significant at the 1% level; ** Significant at the 5% level; * Significant at the 10% level.

were more likely to own insurance than younger individuals. Caucasians had higher coverage of liability insurance than the black and those of other ethnic backgrounds. Furthermore, a person's income was positively correlated to the decision of acquiring liability insurance coverage. Since a logit regression is nonlinear in nature, the marginal effect of an independent variable depends not only on the magnitude of the coefficient but also on the level of the variable.

In Table 3.4, the marginal effect was also reported for a one-unit change at the mean of each variable. Among the significant marginal effects, *Race* had the largest magnitude at 0.133. For *Age*, the marginal effect was 0.002, so a year increase in age would increase the probability of liability insurance coverage by 0.2%. Similarly, an increase of \$1,000 in household income would raise the probability by 0.1%.

One more year of hunting experience would be associated with a larger probability of 0.2%. In contrast to the marginal effect at the variable mean as reported in Table 3.4, a more comprehensive observation of the quantitative marginal effects can be demonstrated by showing the probability of having liability insurance (i.e., vertical axis) over the whole range of an explanatory variable (i.e., horizontal axis). This was displayed in Figure 1 for three continuous variables (i.e., *HuntYrs*, *Age*, *Inc*). For each variable, there was one curve for all observations ($n = 1,653$), and two stratified curves for nonresident license holders ($n = 149$) and resident license holders ($n = 1,504$).

Several observations can be drawn from the graphs. First, the slope of the curve was the marginal effect of the variable on the horizontal axis. The upward trend of the curves indicated a positive relation between the explanatory variable and the probability of having liability insurance. Take the hunting experience (i.e., *HuntYrs*) as an example. For all respondents, the sample mean was 27.4 years and the corresponding slope of the middle curve (i.e., marginal effect) was 0.002. So these marginal effects in Table 3.4 were the point estimates in Figure 3.1. Second, the marginal effect of the *Nonres* dummy variable was defined as the vertical difference between the two curves for the parties at

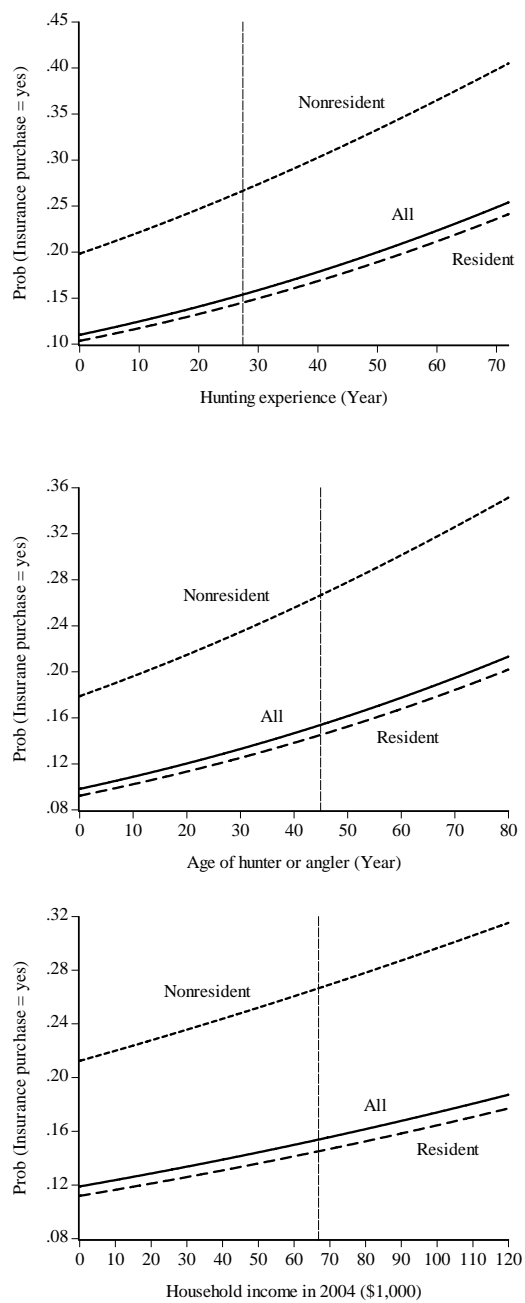


Figure 3.1 Probability response curves showing the effect of age, hunting experience, and income of Mississippi recreationists on the insurance purchase with the stratification of residence status in 2004/2005

Note: The position of dash lines was the means of the explanatory variables on the horizontal axis.

the sample mean. At the sample mean of 44.94 years for *Age*, the vertical difference of the probability between the curves was 0.121, as reported in Table 3.4. Finally, the curve for residents was very close to the curve for all respondents and at a much lower position than the curve for nonresidents. This was consistent with the fact that nonresident license holders had a higher coverage of liability insurance.

Conclusion

In this study, the extent of recreational incidents and liability insurances coverage of hunters and anglers in Mississippi were examined. A survey on hunters and anglers holding Mississippi hunting and fishing licenses was conducted in 2005. A logit regression was used to analyze the determinants of liability insurance coverage.

The survey revealed that 1% hunters and anglers holding Mississippi licenses experienced bodily injury or property damage related to recreation activities during three seasons from 2002/03 to 2004/05 seasons. Among the 17 incidents reported, respondents had bodily injuries in 10 incidents with property damages in five. None resulted in a lawsuit. The distribution of these incidents on public and private lands was balanced. Respondents were not charged for access to hunting and fishing activities in majority of these incidents. In addition, most injuries or damages were inexpensive while several incidents were indeed very expensive costing over \$50,000. Eight respondents paid the costs themselves and seven were paid by insurance companies. An examination of

individual records revealed that those with large losses were reimbursed by insurance companies.

Overall, the extent of recreational incidents was small from the perspective of landowners. No property damages on landowners were identified in this survey. This may reflect that the actual damage on properties were indeed small. Alternatively, hunters and anglers might be reluctant to admit these actually occurred when asked in the survey. Nevertheless, the low incident rate of 1% from this survey may be interpreted in another way. Even though the relative amount was small, the absolute loss from these incidents may still be quite considerable, given the sample was randomly drawn and the large scale of hunting and fishing activities in Mississippi. In addition, hunting and fishing activities may result in severe injuries and damages and considerable financial loss. So recreational incidents are still worthy of more attention and effective solutions are still needed to mitigate the concern of a liability burden.

With regard to liability insurance, 17% of respondents had coverage during the 2004/05 hunting and fishing season. Sports clubs provided coverage for 44%, followed by users themselves (28.5%), and landowners who leased the land (11.6%). Therefore, promotion of fee hunting and liability insurance through sports club could be very effective. The logit regression revealed that the longer a person's recreational experience, the higher the probability a person has liability insurance.

Nonresident license holders had a higher likelihood to own liability insurance. The elderly had a higher probability to own insurance than those in younger age.

Caucasians had higher coverage of liability insurance than the African Americans and other ethnic backgrounds. Furthermore, a person's income was positively related to liability insurance coverage.

Low liability insurance purchase rate suggested that more educational programs should be provided to recreationists about the unique risk and liability issue related to outdoor recreation. For future studies, more analyses are needed to improve our understanding of liability insurance for outdoor recreation. Information from companies or organizations that have provided liability insurance may give us another view of the market. There is also a need to analyze existing insurance policies in the market (i.e., type, coverage, claim limit, premium) and examine how to improve these policies to meet the demand from landowners and recreational users.

CHAPTER IV

SUMMARY

The first part of this study examined cases related to risk of liability of private landowners in outdoor recreation in U.S. The second study supplemented this through a survey of recreationists in Mississippi. The results of these two studies were comparable. Cases from the entire U.S. revealed that even though they were sued the probability of winning is very high for landowners. That is why landowners have a low probability of being liable on leasing land for outdoor recreation. The second study revealed that only 1% hunters and anglers holding Mississippi licenses experienced bodily injuries or property damages related to recreation activities during 2002/03 to 2004/05. None of these involved a lawsuit. It was found from the second study that Mississippi had only one case which involved an accident related to swimming and it occurred on public land. Thus, few accidents were found and they were never litigated. Even if they face an accident liability can be decreased by liability insurance purchase.

The survey also examined liability insurance coverage for Mississippi. It was found that 16.8% of respondents had coverage during 2004/05 hunting and fishing season. During the interview, some hunters and anglers did not know that specialized liability insurance was even available for outdoor recreation. This suggested that more

educational programs should be provided to recreationists about the unique risk and liability issues related to outdoor recreation. Determinants of insurance coverage were also identified. Injury, year of hunting, and non-resident license type was positively related to the insurance purchase. Among the demographic variables tested, age, race, and income were positively associated with the purchase of insurance.

In the United States, the actual liability faced by the landowners is far lower than what is perceived. Landowners have higher possibility of winning a legal case (65%) than users. Even though a fee was charged, risk of liability for landowners was not increased. The research also focused on litigation patterns. Litigation trends patterned the number of recreational activities carried out in different decades and regional classes. There was no factor affecting the trend of litigation in a particular decade from 1904 to 2005.

Low liability insurance purchase rate suggested that more educational programs should be provided to recreationists about the unique risk and liability issue related to outdoor recreation. For future research, analysis is needed to improve our understanding of liability insurance for outdoor recreation. There is also a need to analyze availability of existing insurance policies on the market and examine how to improve these policies to meet the demand from landowners and recreational users. This information will be useful for landowners interested in allowing fee access recreation.

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APPENDIX A

Summary of Legal Cases Retrieved from Lexis Nexis

Details of abbreviations used in the table

STATE: Name of the states from which legal cases were found.

CASE NO.: Citation used by different reporters.

WIN: Winner of the legal case.

Ow: Landowner

Re: Remanded cases that could not be deposited to the court at the time of this study

Us: User

MNT: Length of a case from the date of happening to deposition in court in months.

ACTIVITIES: Type of recreational activity carried out.

APP: Reason of appeal in the court, whether the accident is related to injury or death.

In: Injury

De: Death

OWN: Type of ownership: private/public

Pr: Private

Pu: Public

FEE: Whether fee was charged or not when recreational activity was pursued.

List of legal cases with their numbers from 1904 to 2005 found in 45 States of United States and the characteristics of these cases retrieved through Lexis Nexis database

State	Case No.	Win	Mnt	Activities	App	Own	Fee
AL	406 So. 2d 394	Ow	15	Swim	In	Pr	No
AL	583 So. 2d 1340	Ow	0	Other	In	Pu	No
AL	549 So. 2d 35	Ow	0	Boating	In	Pr	No
AL	374 So. 2d 265	Ow	0	Boating	In	Pr	No
AL	447 So. 2d 704	Ow	0	Other	In	Pu	No
AL	758 So. 2d 1102	Ow	0	Playing	In	Pr	No
AL	564 So. 2d 940	Ow	0	Other	In	Pu	No
AL	417 So. 2d 175	Ow	49	Swim	De	Pu	No
AL	627 So. 2d 878	Re	57	Playing	In	Pr	No
AL	575 So. 2d 1075	Ow	33	Other	In	Pu	No
AL	584 So. 2d 796	Ow	34	Other	In	Pu	No
AL	554 So. 2d 994	Ow	38	Playing	De	Pr	No
AL	275 So. 2d 159	Ow	0	Swim	In	Pr	No
AL	346 So. 2d 950	Ow	0	Swim	In	Pr	No
AL	569 So. 2d 707	Re	50	Swim	De	Pr	yes
AL	621 F.2d 189	Us	74	Swim	De	Pr	Yes
AL	673 So. 2d 441	Ow	0	Walking	In	Pr	No
AL	355 So. 2d 322	Ow	30	Swim	In	Pr	No
AL	564 F. Supp. 1043	Ow	33	Sliding	In	Pu	Yes
AL	606 F. Supp. 130	Ow	1	Fishing	In	Pu	Yes
AL	670 F. Supp. 318	Ow	27	Swim	De	Pu	No
AL	516 So. 2d 572	Ow	0	Playing	In	Pr	No
AL	541 So. 2d 510	Ow	33	Swim	De	Pu	No
AL	735 F. Supp. 1524	Re	45	Swim	In	Pu	Yes
AL	707 So. 2d 626	Re	75	Playing	In	Pu	Yes
AK	835 P.2d 1225	Us	44	Snow	De	Pu	No
AZ	823 P.2d 1264	Us	32	Biking	In	Pu	No
AZ	197 Ariz. 422	Ow	52	Snow	In	Pu	No
AZ	778 P.2d 1261	Us	40	Horseshoe	In	Pr	No
AZ	945 F.2d 1464	Us	83	Auto	In	Pu	No
AZ	844 P.2d 623	Re	81	Off road	In	Pr	No
AZ	185 Ariz. 43	Re	27	Playing	In	Pu	No
AZ	780 P.2d 442	Ow	47	Other	In	Pr	No
AZ	870 P.2d 1166	Re	25	Other	De	Pu	No
AZ	179 Ariz. 283	Re	0	Swim	In	Pu	No
AZ	786 P.2d 1057	Us	0	Biking	In	Pu	No
AZ	890 P.2d 1144	Re	82	Boating	In	Pu	No
AZ	790 F. Supp. 210	Ow	38	Walking	De	Pu	No
AZ	56 F.3d 1039	Ow	69	Auto	In	Pu	No
AR	93 F.3d 505	Ow	82	Walking	De	Pu	No
AR	140 F.3d 1161	Ow	31	Swim	In	Pu	No
AR	841 S.W.2d 609	Re	0	Other	In	Pr	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
AR	793 F.2d 964	Ow	94	Swim	In	Pu	No
AR	850 F. Supp. 786	Ow	40	Picnic	De	Pu	No
CA	53 Cal. App. 4th 854	Ow	0	Other	In	Pr	No
CA	108 Cal. App. 3d 971	Ow	75	Playing	In	Pu	No
CA	81 Cal. App. 4th 108	Ow	0	Snow	In	Pr	No
CA	191 Cal. App. 3d 101	Ow	68	Swim	In	Pr	No
CA	156 Cal. App. 3d 1017	Ow	52	Other	In	Pr	No
CA	194 Cal. App. 3d 1306	Ow	56	Other	In	Pr	No
CA	2004 Cal. App. Unpub. LEXIS 670	Ow	43	Snow	De	Pr	No
CA	94 Cal. App. 3d 895	Re	0	Swim	In	Pr	No
CA	197 Cal. App. 3d 1060	Re	34	Biking	In	Pr	No
CA	653 F.2d 414	Re	120	Swim	In	Pu	No
CA	66 Cal. App. 3d 725	Ow	0	Auto	In	Pu	No
CA	33 Cal. 3d 699	Us	46	Swim	De	Pu	No
CA	188 Cal. App. 3d 700	Us	61	Auto	In	Pr	No
CA	95 Cal. App. 3d 1022	Us	56	Walking	In	Pu	No
CA	692 F.2d 71	Re	0	Swim	In	Pu	Yes
CA	159 Cal. App. 3d 1233	Ow	51	Biking	In	Pu	No
CA	11 Cal. App. 4th 1071	Ow	73	Biking	In	Pu	No
CA	208 Cal. App. 3d 691	Us	56	Auto	In	Pr	No
CA	211 Cal. App. 3d 653	Us	45	Auto	In	Pr	No
CA	21 Cal. App. 4th 310	Ow	0	Picnic	In	Pr	Yes
CA	128 Cal. App. 3d 882	Re	0	Swim	In	Pu	No
CA	969 F.2d 818	Ow	55	Auto	In	Pu	No
CA	101 Cal. App. 3d 66	Ow	0	Playing	In	Pu	No
CA	224 Cal. App. 3d 752	Ow	66	Auto	In	Pu	No
CA	229 Cal. Rptr. 209	Re	40	Auto	In	Pr	No
CA	113 Cal. App. 3d 87	Re	48	Auto	In	Pu	No
CA	97 Cal. App. 3d 903	Re	0	Auto	In	Pr	No
CA	145 Cal. App. 3d 253	Us	62	Boating	In	Pr	No
CA	171 Cal. App. 3d 681	Us	97	Auto	In	Pr	No
CA	204 Cal. App. 3d 1003	Us	70	Auto	De	Pr	No
CA	73 Cal. App. 3d 737	Re	64	Swim	In	Pr	No
CA	803 F.2d 448	Us	74	Auto	In	Pu	No
CA	805 F.2d 832	Ow	61	Other	In	Pu	No
CA	134 Cal. App. 3d 860	Us	40	Playing	In	Pr	No
CA	82 Cal. App. 3d 785	Ow	0	Auto	De	Pr	No
CA	590 F.2d 297	Ow	87	Hiking	In	Pu	No
CA	123 Cal. App. 2d 103	Re	21	Walking	In	Pu	Yes
CA	142 Cal. App. 3d 727	Us	70	Walking	In	Pr	No
CA	213 Cal. App. 3d 842	Ow	61	Swim	In	Pu	No
CA	77 Cal. App. 4th 1424	Ow	0	Off road	In	Pr	No
CA	652 F.2d 831	Re	92	Swim	In	Pu	No
CA	96 Cal. App. 3d 525	Us	42	Auto	In	Pr	No
CA	963 F.2d 1264	Re	71	Auto	In	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
CA	592 F.2d 1104	Ow	77	Auto	In	Pu	No
CA	218 Cal. App. 3d 362	Ow	0	Other	In	Pr	no
CA	129 Cal. App. 3d 559	Us	69	Swim	In	Pu	No
CA	94 Cal. App. 3d 895	Re	0	Swim	In	Pr	No
CA	94 Cal. App. 3d 895	Ow	0	Auto	In	Pu	No
CA	646 F. Supp. 189	Ow	99	Swim	In	Pu	No
CA	650 F. Supp. 1503	Ow	69	Swim	In	Pu	No
CA	714 F. Supp. 426	Ow	43	Auto	In	Pu	No
CA	748 F. Supp. 727	Us	0	Swim	In	Pu	No
CA	847 P.2d 560	Re	50	Playing	In	Pr	No
CA	911 F. Supp. 437	Ow	53	Walking	In	Pu	No
CO	930 F. Supp. 1443	Ow	33	Camping	In	Pu	No
CO	622 F.2d 516	Ow	0	Auto	De	Pu	No
CO	597 P.2d 1025	Us	36	Swim	In	Pr	NO
CO	742 P.2d 347	Us	0	Snow	In	Pr	No
CT	521 A.2d 605	Ow	0	Swim	In	Pr	No
CT	692 A.2d 1303	Us	0	Playing	In	Pu	No
CT	488 A.2d 465	Ow	31	Auto	In	Pu	No
CT	508 A.2d 58	Ow	0	Swim	In	Pr	No
CT	590 A.2d 980	Ow	57	Playing	In	Pu	No
CT	627 A.2d 1329	Ow	85	Playing	In	Pu	No
CT	479 A.2d 231	Re	59	Auto	De	Pr	No
CT	597 F. Supp. 110	Ow	125	Swim	De	Pu	No
CT	638 F. Supp. 952	Re	31	Viewing	In	Pu	No
CT	68 F.3d 591	Ow	48	Fishing	In	Pr	No
CT	680 A.2d 259	Re	8	Playing	In	Pu	Yes
DE	492 A.2d 241	Us	58	Swim	In	Pr	No
FL	374 So. 2d 1379	Re	0	Boating	In	Pr	No
FL	426 So. 2d 1136	Re	0	Boating	In	Pr	No
FL	423 So. 2d 578	Us	29	Swim	De	Pu	No
FL	543 So. 2d 297	Re	88	Swim	In	Pu	No
FL	581 So. 2d 1345	Ow	64	Walking	In	Pu	No
FL	362 So. 2d 74	Ow	0	Swim	De	Pu	No
FL	392 So. 2d 911	Ow	0	Boating	In	Pu	No
FL	448 So. 2d 39	Us	0	Picnic	In	Pu	No
FL	824 So. 2d 216	Us	127	Off road	In	Pu	No
FL	698 F. Supp. 1577	Ow	29	Walking	In	Pu	No
FL	411 So. 2d 218	Re	0	Walking	In	Pr	No
FL	761 F.2d 1492	Ow	58	Swim	In	Pu	No
GA	207 Ga. Ap. 796	Ow	0	Swim	De	Pr	no
GA	174 Ga. Ap.13	Ow	45	Biking	In	Pr	no
GA	166 S.E.2d 89	Ow	0	Swim	De	Pr	No
GA	299 S.E.2d 176	Ow	0	Biking	In	Pu	No
GA	301 S.E.2d 265	Us	43	Walking	In	Pu	Yes
GA	423 S.E.2d 413	Ow	0	Playing	In	Pr	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
GA	231 S.E.2d 443	Ow	0	Playing	De	Pr	No
GA	154 Ga. Ap 508	Us	0	Swim	In	Pr	no
GA	230 Ga. App. 478	Ow	33	Swim	De	Pr	no
GA	165 S.E.2d 198	Ow	0	Swim	In	Pr	NO
GA	358 S.E.2d 852	Ow	0	Walking	In	Pu	No
GA	210 Ga. App. 590	Ow	41	Swim	De	Pr	no
GA	182 Ga.ap 375	Ow	0	Playing	De	Pr	no
GA	433 S.E.2d 304	Ow	0	Walking	In	Pu	No
GA	445 S.E.2d 321	Ow	50	Playing	In	Pr	No
GA	242 Ga. App 669	Ow	0	Auto	De	Pr	No
GA	160 Ga.Ap.116	Us	16	Swim	In	Pr	no
GA	677 F. Supp. 1220	Ow	37	Swim	In	Pr	No
GA	147 Ga. App. 790	Ow	42	Walking	De	Pu	No
GA	165 Ga. Ap. 847	Ow	0	Swim	De	Pr	no
GA	171 S.E.2d 521	Ow	0	Walking	In	Pu	No
GA	179 S.E.2d 550	Us	0	Playing	In	Pr	No
GA	194 S.E.2d 440	Ow	0	Swim	De	Pr	No
GA	360 S.E.2d 286	Ow	0	Swim	In	Pu	No
GA	469 S.E.2d 276	Ow	0	Other	In	Pr	No
GA	511 S.E.2d 517	Ow	53	Walking	In	Pu	No
GA	420 S.E.2d 36	Ow	0	Walking	In	Pu	No
GA	254 Ga.App.31	Ow	0	Walking	De	Pr	No
GA	437 S.E.2d 623	Ow	41	Walking	In	Pu	No
GA	256 Ga.App 179	Ow	48	Biking	De	Pu	No
GA	175 S.E.2d 111	Ow	0	Playing	In	Pr	No
GA	404 S.E.2d 450	Ow	0	Playing	In	Pu	No
GA	221 Ga. App. 33	Ow	0	Swim	De	Pr	no
GA	173 S.E.2d 716	Ow	54	Swim	De	Pr	No
HI	691 F. Supp. 256	Us	44	Swim	De	Pu	No
HI	902 F. Supp. 1207	Ow	37	Swim	De	Pu	No
HI	573 P.2d 107	Ow	80	Snow	De	Pu	No
HI	557 F.2d 1308	Ow	88	Swim	In	Pr	No
HI	742 F. Supp. 1068	Ow	24	Swim	In	Pu	No
HI	723 F.2d 705	Ow	0	Swim	In	Pu	No
HI	634 F. Supp. 226	Ow	66	Swim	In	Pu	No
HI	696 F. Supp. 538	Ow	0	Other	In	Pu	No
ID	887 P.2d 1088	Ow	0	Other	In	Pr	No
ID	778 P.2d 336	Re	0	Walking	In	Pr	No
ID	639 F. Supp. 1208	Ow	20	Auto	In	Pr	No
ID	703 P.2d 685	Ow	42	Snow	In	Pu	No
ID	766 P.2d 736	Us	41	Swim	De	Pu	No
ID	684 P.2d 268	Ow	49	Biking	De	Pr	No
ID	729 P.2d 396	Ow	51	Playing	In	Pu	No
ID	911 P.2d 1111	Ow	43	Playing	In	Pu	No
ID	739 P.2d 368	Ow	90	Auto	De	Pr	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
ID	832 F.2d 120	Us	0	Auto	In	Pu	No
ID	901 P.2d 501	Us	53	Other	In	Pu	No
IL	605 N.E.2d 1373	Us	114	auto	In	Pr	Yes
IL	682 N.E.2d 429	Ow	83	boating	In	Pu	No
IL	711 N.E.2d 773	Re	58	Playing	In	Pr	No
IL	560 N.E.2d 412	Us	49	Walking	In	Pu	No
IL	716 F.2d 418	Us	59	Swim	In	Pu	No
IL	703 N.E.2d 573	Ow	42	Biking	In	Pr	No
IL	647 F. Supp. 53	Ow	53	Camping	In	Pu	No
IL	646 N.E.2d 651	Ow	43	Swim	In	Pr	No
IL	687 N.E.2d 549	Ow	57	Snow	De	Pr	yes
IL	388 N.E.2d 932	Re	79	Swim	De	Pr	No
IL	562 N.E.2d 1194	Ow	48	Walking	In	Pr	No
IL	379 N.E.2d 1376	Ow	83	Swim	De	Pr	yes
IL	597 F.2d 614	Us	84	Swim	In	Pu	No
IL	544 N.E.2d 1261	Ow	36	Walking	In	Pr	No
IL	475 N.E.2d 984	Re	79	Fishing	In	Pr	No
IL	606 N.E.2d 447	Us	75	Horserside	In	Pr	No
IL	446 N.E.2d 882	Re	55	Biking	In	Pr	No
IL	472 F. Supp. 998	Us	48	Swim	In	Pu	No
IL	644 N.E.2d 467	Ow	41	Swim	De	Pu	No
IL	630 N.E.2d 1318	Ow	42	Swim	De	Pu	No
IN	400 N.E.2d 1142	Us	55	Swim	In	Pr	NO
IN	601 F. Supp. 835	Ow	2	Swim	De	Pu	No
IN	712 N.E.2d 1002	Ow	44	Other	In	Pr	NO
IN	649 N.E.2d 1027	Re	65	Picnic	In	Pr	No
IN	622 N.E.2d 1044	Ow	38	Snow	In	Pr	No
IN	673 N.E.2d 829	Ow	78	Boating	De	Pu	Yes
IN	700 F. Supp. 414	Ow	53	Boating	In	Pu	No
IN	517 N.E.2d 408	Us	67	Playing	In	Pu	No
IN	705 N.E.2d 524	Re	37	Snow	In	Pr	No
IN	736 N.E.2d 295	Ow	14	Swim	De	Pu	No
IN	604 F. Supp. 1253	Ow	56	Swim	In	Pr	No
IN	448 N.E.2d 38	Ow	43	hunting	In	Pr	No
IA	498 N.W.2d 408	Ow	0	Auto	In	Pr	No
IA	817 F.2d 1328	Ow	84	Playing	In	Pu	No
IA	486 N.W.2d 40	Us	0	Other	In	Pr	No
IA	460 N.W.2d 469	Ow	39	Swim	In	Pr	No
KS	1 F.3d 976	Ow	84	Swim	De	Pu	No
KS	799 P.2d 491	Ow	51	Swim	De	Pu	Yes
KS	825 F.2d 1440	Ow	108	Swim	In	Pu	No
KS	785 P.2d 986	Ow	53	Playing	In	Pu	No
KY	736 S.W.2d 348	Ow	70	Swim	In	Pu	No
KY	911 S.W.2d 608	Ow	49	Swim	De	Pr	No
KY	895 F. Supp. 159	Us	27	Walking	De	Pr	yes

State	Case No.	Win	Mnt	Activities	App	Own	Fee
KY	843 S.W.2d 901	Re	54	Playing	In	Pr	No
KY	977 S.W.2d 254	Ow	51	Walking	In	Pu	Yes
KY	722 S.W.2d 60	Ow	0	Walking	In	Pu	No
KY	688 S.W.2d 328	Ow	32	Walking	In	Pu	No
KY	790 S.W.2d 229	Ow	113	Swim	In	Pr	No
LA	525 So.2d 1211	Us	35	Playing	In	Pu	yes
LA	525 So.2d 55	Ow	66	Swim	In	Pu	yes
LA	616 So. 2d 799	Ow	46	Boating	De	Pu	No
LA	488 So. 2d 465	Us	33	Swim	De	Pu	No
LA	539 So.2d 824	Ow	47	Fishing	In	Pu	No
LA	544 So. 2d 670	Ow	42	hunting	De	Pr	No
LA	529 So. 2d 149	Ow	50	Swim	In	Pr	no
LA	491 So.2d 693	Re	29	Camping	In	Pu	Yes
LA	786 So.2d 240	Ow	43	hunting	In	Pr	no
LA	709 So.2d 229	Ow	40	hunting	In	Pr	no
LA	670 So.2d 775	Ow	28	hunting	In	Pr	no
LA	692 So.2d 1127	Ow	126	Swim	In	Pu	No
LA	784 So.2d 844	Ow	46	Off road	De	Pr	No
LA	691 So.2d 228	Re	57	Off road	In	Pr	No
LA	728 So. 2d 487	Re	80	Off road	In	Pr	no
LA	422 So.2d 461	Ow	30	Boating	In	Pr	no
LA	531 So. 2d 506	Us	68	hunting	In	Pr	yes
LA	509 So. 2d 840	Us	49	Fishing	In	Pr	no
LA	666 F. Supp. 91	Ow	31	hunting	In	Pu	No
LA	635 F. Supp. 718	Ow	35	Swim	In	Pr	No
LA	501 So. 2d 901	Ow	32	Playing	In	Pu	No
LA	589 So. 2d 10	Re	0	Swim	In	Pr	No
LA	653 So. 2d 226	Ow	43	hunting	In	Pr	Yes
LA	787 So.2d 326	Ow	41	Swim	In	Pu	yes
LA	454 So. 2d 147	Ow	0	Swim	De	Pu	No
LA	407 So. 2d 1346	Ow	0	Playing	In	Pr	No
LA	477 So.2d 1246	Ow	75	Swim	In	Pu	No
LA	466 So. 2d 758	Ow	35	Fishing	In	Pu	No
LA	654 So. 2d 883	Ow	23	Swim	In	Pr	no
LA	870 So. 2d 1171	Re	27	Fishing	In	Pr	no
LA	592 F. Supp. 1	Ow	0	Swim	In	Pu	Yes
LA	773 So.2d 831	Us	74	Fishing	In	Pu	No
LA	567 So. 2d 1097	Us	62	Boating	In	Pu	No
LA	411 So.2d 744	Ow	33	Fishing	In	Pu	yes
LA	463 So. 2d 1267	Ow	0	Other	In	Pr	No
LA	467 So. 2d 70	Us	0	Auto	In	Pr	No
LA	471 So. 2d 761	Us	33	Playing	In	Pr	No
LA	533 So.2d 1226	Ow	88	Other	In	Pu	No
LA	552 So. 2d 20	Ow	75	Camping	In	Pu	No
LA	572 So. 2d 197	Us	68	Auto	In	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
LA	579 So. 2d 931	Ow	91	Swim	In	Pu	No
LA	598 So.2d 397	Us	13	Fishing	In	Pr	no
LA	664 So.2d 1273	Us	45	Fishing	In	Pu	No
LA	536 So. 2d 639	Us	73	hunting	In	Pu	yes
LA	408 So. 2d 336	Ow	0	Swim	De	Pu	yes
LA	491 So. 2d 436	Ow	36	Fishing	In	Pu	No
LA	741 So. 2d 1285	Re	59	hunting	In	Pr	no
LA	449 So.2d 1042	Ow	0	Playing	In	Pr	yes
LA	381 So.2d 1250	Ow	58	hunting	De	Pu	No
LA	554 So.2d 846	Ow	43	Off road	In	Pr	no
LA	607 So.2d 804	Ow	77	Off road	In	Pr	no
LA	504 So.2d 934	Ow	55	Swim	In	Pu	yes
LA	619 So.2d 595	Us	58	Swim	In	Pu	No
LA	581 So. 2d 1045	Ow	46	Swim	In	Pu	No
LA	489 So.2d 1346	Ow	48	Boating	In	Pu	yes
LA	693 So.2d 162	Ow	65	Fishing	In	Pr	no
LA	484 So.2d 762	Re	0	Snow	In	Pu	No
LA	671 So. 2d 1229	Ow	29	hunting	In	Pr	no
LA	796 So.2d 51	Re	110	Swim	De	Pr	no
LA	463 So. 2d 1287	Re	67	Swim	De	Pu	No
ME	1988 Me. Super. LEXIS 7	Ow	30	Off road	In	Pu	No
ME	1993 Me. Super. LEXIS 254	Us	17	Swim	De	Pr	No
ME	687 A.2d 967	Ow	87	Auto	In	Pr	Yes
ME	504 A.2d 618	Ow	28	hunting	In	Pr	No
ME	1996 Me. Super. LEXIS 87	Us	43	Playing	In	Pr	No
ME	628 A.2d 1062	Ow	206	Other	In	Pr	No
ME	555 A.2d 1054	Us	80	Walking	In	Pu	No
ME	856 A.2d 1196	Ow	71	Biking	In	Pr	No
ME	557 A.2d 614	Ow	70	Auto	De	Pr	Yes
ME	1995 Me. Super. LEXIS 195	Ow	31	hunting	In	Pr	No
ME	760 F.2d 366	Ow	45	Other	In	Pu	No
ME	1986 Me. Super. LEXIS 176	Ow	24	Off road	In	Pr	Yes
ME	541 A.2d 951	Ow	30	Snow	In	Pr	No
MA	617 N.E.2d 656	Ow	63	Other	In	Pu	No
MA	549 N.E.2d 1127	Ow	0	Playing	In	Pu	No
MA	836 F.2d 718	Re	0	Walking	In	Pu	Yes
MA	625 N.E.2d 1370	Re	54	Playing	In	Pu	No
MA	575 N.E.2d 82	Us	0	Snow	De	Pu	No
MA	643 N.E.2d 1043	Re	0	Snow	In	Pu	No
MA	644 N.E.2d 641	Ow	87	Biking	In	Pu	No
MI	237 N.W.2d 528	Ow	89	Swim	In	Pr	No
MI	549 N.W.2d 885	Ow	58	Swim	De	Pu	No
MI	447 N.W.2d 811	Ow	45	Snow	In	Pu	No
MI	419 N.W.2d 27	Re	0	Swim	In	Pu	No
MI	326 N.W.2d 810	Re	0	Swim	De	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
MI	310 N.W.2d 343	Re	74	Walking	De	Pr	No
MI	433 N.W.2d 413	Us	64	Off road	De	Pr	No
MI	323 N.W.2d 376	Us	81	Walking	In	Pr	No
MI	376 N.W.2d 181	Ow	51	Fishing	In	Pu	No
MI	498 N.W.2d 5	Ow	80	hunting	De	Pr	No
MI	405 N.W.2d 178	Re	104	Swim	De	Pu	No
MI	436 N.W.2d 437	Us	65	Swim	In	Pr	No
MI	393 N.W.2d 599	Re	0	Swim	De	Pu	No
MI	1998 Mich. App. Lexis 1654	Ow	25	Off road	In	Pr	No
MI	435 N.W.2d 480	Re	124	Swim	In	Pr	No
MI	337 N.W.2d 73	Ow	0	Swim	De	Pu	No
MI	428 N.W.2d 759	Re	61	Swim	In	Pr	No
MI	134 N.W.2d 637	Re	77	Playing	De	Pr	No
MI	411 N.W.2d 757	Ow	57	Swim	De	Pr	No
MI	427 N.W.2d 920	Ow	82	Playing	De	Pr	No
MI	406 N.W.2d 302	Ow	0	Walking	De	Pu	No
MI	890 F. Supp. 681	Ow	27	Snow	In	Pr	No
MI	750 F. Supp. 322	Ow	49	Camping	In	Pu	No
MI	457 F.2d 1009	Ow	0	Hiking	De	Pr	No
MI	312 N.W.2d 86	Ow	46	Auto	De	Pu	No
MI	274 F. Supp. 246	Us	47	Fishing	De	Pr	No
MI	367 N.W.2d 440	Ow	0	Swim	De	Pu	No
MI	364 N.W.2d 768	Ow	0	Off road	In	Pu	No
MI	649 F. Supp. 444	Ow	75	Playing	In	Pu	No
MI	172 Mich. App. 718	Ow	59	Snow	In	Pu	No
MI	419 N.W.2d 451	Ow	146	Playing	In	Pr	No
MI	2002 Mich. App. LEXIS 1305	Re	0	Off road	In	Pr	No
MI	1998 Mich.App.Lexis 1033	Ow	0	Swim	In	Pr	No
MI	2001 Mich. App. LEXIS 1505	Ow	64	Snow	In	Pu	No
MI	328 N.W.2d 622	Ow	0	Swim	De	Pr	No
MI	407 N.W.2d 74	Us	94	Swim	De	Pu	No
MI	395 N.W.2d 75	Ow	25	Boating	In	Pu	No
MI	326 N.W.2d 507	Ow	103	Snow	In	Pu	No
MI	198 N.W.2d 843	Ow	79	Swim	In	Pr	No
MI	228 N.W.2d 786	Ow	49	Snow	De	Pr	No
MI	401 N.W.2d 911	Ow	75	Playing	De	Pr	No
MI	269 N.W.2d 665	Ow	0	Auto	In	Pr	No
MI	373 N.W.2d 193	Re	49	Off road	De	Pu	Yes
MI	809 F. Supp. 527	Ow	66	Swim	In	Pu	No
MI	384 N.W.2d 792	Ow	34	Snow	De	Pu	No
MI	433 N.W.2d 851	Re	0	Swim	De	Pr	No
MI	383 N.W.2d 119	Ow	0	Playing	In	Pr	No
MI	404 N.W.2d 217	Ow	30	Swim	In	Pr	No
MI	375 N.W.2d 384	Re	48	Other	De	Pr	No
MI	378 N.W.2d 772	Ow	60	Swim	In	Pr	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
MN	1995 Minn. App. LEXIS 1397	Ow	39	Walking	In	Pu	No
MN	325 N.W.2d 813	Us	0	Swim	In	Pu	No
MN	614 N.W.2d 738	Ow	36	Swim	In	Pr	No
MN	354 N.W.2d 848	Ow	0	Auto	In	Pr	No
MS	642 F. Supp. 131	Us	46	Swim	In	Pu	No
MO	534 F. Supp. 514	Ow	0	Playing	De	Pu	No
MO	706 P.2d 491	Re	50	Swim	De	Pr	No
MO	833 P.2d 158	Us	35	Playing	In	Pr	No
MO	468 P.2d 773	Ow	32	Auto	In	Pr	No
NE	567 N.W.2d 124	Re	68	Playing	In	Pr	No
NE	495 N.W.2d 269	Ow	55	Off road	In	Pr	No
NE	544 N.W.2d 502	Re	81	Playing	In	Pr	No
NE	446 N.W.2d 704	Re	0	Swim	De	Pr	No
NE	567 N.W.2d 314	Ow	98	Playing	In	Pr	Yes
NE	578 N.W.2d 25	Re	67	Walking	In	Pr	Yes
NE	312 N.W.2d 256	Ow	41	Other	In	Pu	No
NE	359 N.W.2d 766	Ow	54	Playing	In	Pu	No
NE	345 N.W.2d 309	Re	43	Camping	In	Pu	Yes
NE	405 N.W.2d 571	Ow	52	Playing	In	Pu	No
NE	408 N.W.2d 306	Ow	0	Walking	In	Pu	No
NV	433 F. Supp. 217	Ow	0	Swim	De	Pu	No
NV	894 P.2d 988	Ow	0	Off road	In	Pr	No
NV	713 F.2d 504	Re	0	Boating	De	Pu	No
NV	594 F.2d 1230	Ow	0	Auto	In	Pu	No
NV	771 F. Supp. 1068	Ow	0	Swim	In	Pr	No
NV	918 F.2d 834	Us	0	Walking	In	Pu	No
NH	17 F.3d 1	Ow	54	Swim	In	Pr	No
NH	398 A.2d 841	Ow	0	Off road	In	Pr	No
NH	701 F. Supp. 943	Ow	0	Swim	De	Pr	No
NH	592 A.2d 1151	Ow	46	Swim	In	Pu	No
NJ	634 A.2d 108	Re	0	Snow	In	Pr	No
NJ	392 A.2d 665	Us	0	Swim	In	Pu	No
NJ	403 A.2d 910	Re	0	Other	De	Pr	No
NJ	358 A.2d 844	Us	0	Auto	In	Pr	No
NJ	429 A.2d 1074	Re	0	Auto	In	Pu	No
NJ	730 A.2d 911	Us	0	Walking	In	Pr	No
NJ	712 A.2d 1262	Re	0	Playing	In	Pr	No
NJ	383 A.2d 1146	Ow	0	Swim	De	Pu	No
NJ	991 F. Supp. 694	Ow	0	Playing	In	Pu	No
NM	825 P.2d 224	Ow	0	Auto	In	Pu	No
NM	646 P.2d 1254	Re	0	Auto	In	Pr	No
NM	949 P.2d 287	Re	0	Off road	In	Pr	No
NY	635 N.Y.S.2d 331	Ow	0	Biking	In	Pu	No
NY	639 N.Y.S.2d 613	Us	0	Auto	In	Pr	No
NY	557 N.Y.S.2d 956	Ow	56	Biking	In	Pr	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
NY	597 N.Y.S.2d 78	Us	0	Fishing	In	Pr	No
NY	769 N.Y.S.2d 807	Ow	65	Off road	De	Pu	No
NY	566 N.Y.S.2d 783	Ow	0	hunting	In	Pr	No
NY	718 N.Y.S.2d 415	Ow	83	Snow	De	Pu	No
NY	746 N.Y.S.2d 209	Ow	0	Walking	In	Pr	No
NY	557 N.Y.S.2d 562	Ow	0	Biking	In	Pr	No
NY	506 N.Y.S.2d 554	Ow	186	Snow	In	Pr	No
NY	577 N.Y.S.2d 946	Ow	0	Playing	De	Pu	No
NY	660 N.Y.S.2d 511	Ow	40	Off road	In	Pr	No
NY	651 N.Y.S.2d 799	Ow	47	Snow	In	Pu	No
NY	607 N.Y.S.2d 384	Ow	48	Snow	In	Pr	yes
NY	711 N.Y.S.2d 77	Ow	188	Other	In	Pr	No
NY	433 N.Y.S.2d 514	Us	78	Snow	In	Pr	No
NY	619 N.Y.S.2d 817	Re	58	Playing	De	Pu	No
NY	652 N.Y.S.2d 873	Ow	57	Other	In	Pr	No
NY	638 N.Y.S.2d 290	Re	83	Snow	In	Pu	No
NY	556 N.Y.S.2d 965	Us	42	Walking	In	Pu	No
NY	2005 N.Y. App. Div. LEXIS 6225	Ow	51	Snow	In	Pu	No
NY	500 N.Y.S.2d 946	Ow	0	Boating	In	Pr	No
NY	927 F.2d 730	Us	104	Hiking	In	Pu	No
NY	499 N.Y.S.2d 159	Ow	68	Biking	In	Pu	No
NY	511 N.Y.S.2d 746	Ow	0	Off road	In	Pu	No
NY	539 N.Y.S.2d 107	Ow	0	Walking	In	Pr	No
NY	660 N.Y.S.2d 779	Ow	10	Auto	In	Pr	No
NY	768 N.Y.S.2d 535	Us	0	Snow	In	Pr	No
NY	581 N.Y.S.2d 366	Ow	0	Biking	In	Pr	No
NY	560 N.Y.S.2d 459	Ow	0	Auto	In	Pr	No
NY	609 N.Y.S.2d 683	Us	0	Fishing	In	Pr	No
NY	696 N.Y.S.2d 211	Ow	38	hunting	In	Pr	No
NY	565 N.Y.S.2d 655	Ow	0	Fishing	In	Pr	No
NY	421 N.Y.S.2d 949	Ow	0	Auto	In	Pu	No
NY	918 F.2d 1046	Ow	0	Snow	In	Pr	No
NY	749 N.Y.S.2d 336	Ow	56	Snow	In	Pr	No
NY	626 N.Y.S.2d 321	Ow	46	Snow	In	Pr	No
NY	771 N.Y.S.2d 136	Ow	0	Fishing	In	Pr	No
NY	458 N.Y.S.2d 726	Us	0	Off road	In	Pr	No
NY	577 N.Y.S.2d 942	Ow	26	Snow	In	Pu	No
NY	562 N.Y.S.2d 190	Ow	89	Playing	In	Pu	No
NY	593 N.Y.S.2d 609	Ow	22	Playing	In	Pu	No
NY	557 N.Y.S.2d 146	Ow	0	Snow	In	Pr	No
NY	758 N.Y.S.2d 89	Ow	0	Snow	In	Pu	No
NY	313 N.E.2d 773	Ow	70	Boating	In	Pu	No
NY	499 N.Y.S.2d 111	Ow	39	Walking	In	Pr	No
NY	507 N.Y.S.2d 221	Ow	53	Other	In	Pr	No
NY	514 N.Y.S.2d 450	Ow	57	Snow	De	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
NY	535 N.Y.S.2d 854	Re	63	Snow	De	Pu	No
NY	481 N.Y.S.2d 920	Us	0	Auto	In	Pu	No
NY	565 N.Y.S.2d 327	Re	126	Fishing	In	Pu	No
NY	494 N.Y.S.2d 445	Ow	66	Off road	In	Pr	No
NY	689 N.Y.S.2d 833	Ow	15	Viewing	In	Pr	No
NY	594 N.Y.S.2d 501	Ow	39	hunting	De	Pr	No
NY	241 N.Y.S.2d 737	Ow	0	Swim	In	Pr	No
NY	332 N.Y.S.2d 743	Us	0	Swim	In	Pu	No
NY	449 N.Y.S.2d 1013	Us	111	Swim	In	Pr	No
NY	456 N.Y.S.2d 539	Us	79	Off road	In	Pu	No
NY	470 N.Y.S.2d 712	Ow	0	Swim	De	Pr	No
NY	498 N.Y.S.2d 563	Us	44	Biking	In	Pu	No
NY	499 N.Y.S.2d 548	Us	0	Auto	In	Pr	No
NY	502 N.E.2d 972	Us	0	Biking	In	Pu	No
NY	503 N.Y.S.2d 207	Ow	0	Walking	In	Pr	No
NY	504 N.Y.S.2d 279	Ow	62	Swim	In	Pu	No
NY	511 N.Y.S.2d 119	Us	0	Biking	In	Pu	yes
NY	519 N.E.2d 302	Us	0	Walking	De	Pu	No
NY	528 N.Y.S.2d 177	Ow	68	Auto	In	Pr	No
NY	530 N.Y.S.2d 911	Us	0	Auto	De	Pu	No
NY	534 N.Y.S.2d 819	Ow	58	Off road	In	Pr	No
NY	543 N.Y.S.2d 560	Ow	40	Off road	In	Pr	No
NY	559 N.Y.S.2d 205	Us	0	Walking	In	Pu	No
NY	566 N.Y.S.2d 104	Ow	0	Snow	In	Pr	No
NY	566 N.Y.S.2d 227	Ow	102	Auto	In	Pr	No
NY	572 N.Y.S.2d 805	Ow	0	Auto	In	Pr	No
NY	582 N.Y.S.2d 881	Ow	103	Off road	In	Pr	No
NY	330 N.Y.S.2d 263	Us	102	Snow	In	Pu	No
NY	586 N.Y.S.2d 656	Ow	0	Snow	In	Pu	No
NY	589 N.Y.S.2d 591	Ow	0	Biking	In	Pr	No
NY	592 N.Y.S.2d 496	Ow	89	Off road	In	Pr	No
NY	604 N.Y.S.2d 649	Ow	0	Other	In	Pr	No
NY	611 N.Y.S.2d 296	Us	0	Walking	De	Pr	No
NY	612 N.Y.S.2d 489	Ow	72	Auto	In	Pr	No
NY	627 N.Y.S.2d 191	Ow	0	Snow	In	Pu	No
NY	650 N.Y.S.2d 752	Ow	0	Boating	In	Pu	No
NY	699 N.Y.S.2d 783	Ow	58	Snow	De	Pu	No
NY	551 N.Y.S.2d 706	Ow	0	Off road	In	Pr	No
NY	669 N.Y.S.2d 640	Ow	0	Snow	In	Pu	No
NY	593 N.Y.S.2d 959	Re	27	Off road	In	Pr	No
NY	752 F. Supp. 71	Ow	46	Walking	In	Pu	No
NY	527 N.Y.S.2d 122	Ow	0	Snow	In	Pu	No
NY	362 N.Y.S.2d 258	Ow	72	Snow	De	Pr	No
NY	796 N.Y.S.2d 130	Ow	27	Biking	In	Pu	No
NY	500 N.Y.S.2d 673	Ow	109	Fishing	De	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
NY	659 N.Y.S.2d 658	Us	0	hunting	In	Pr	No
NY	510 N.Y.S.2d 455	Ow	40	Off road	De	Pr	NO
NY	500 N.Y.S.2d 562	Ow	67	Walking	In	Pr	Yes
NY	663 N.Y.S.2d 912	Ow	45	Snow	In	Pr	No
NY	456 N.E.2d 1174	Ow	87	Camping	In	Pu	No
NY	492 N.Y.S.2d 146	Ow	95	Auto	In	Pr	No
NY	331 N.Y.S.2d 799	Re	0	Swim	In	Pr	No
NY	508 N.Y.S.2d 277	Re	52	Boating	In	Pu	No
NY	665 N.Y.S.2d 471	Ow	47	Snow	In	Pu	No
NY	595 N.Y.S.2d 653	Us	0	Auto	In	Pr	No
NY	724 N.Y.S.2d 97	Ow	0	Fishing	In	Pu	No
NY	689 N.Y.S.2d 588	Ow	0	Playing	In	Pr	No
NY	403 N.Y.S.2d 450	Ow	62	Snow	In	Pu	No
NY	568 N.Y.S.2d 236	Ow	0	Auto	In	Pu	No
NY	669 F. Supp. 563	Us	0	Biking	In	Pu	No
ND	415 N.W.2d 505	Re	40	Swim	In	Pu	No
ND	563 N.W.2d 384	Us	53	Snow	In	Pu	No
ND	373 N.W.2d 911	Re	45	Snow	De	Pr	No
ND	806 F.2d 812	Re	68	Auto	In	Pu	No
OH	2001 Ohio App.Lexis 391	Ow	42	Swim	De	Pu	No
OH	1989 Ohio App.Lexis 4942	Ow	48	Biking	In	Pr	No
OH	611 N.E.2d 380	Re	66	Playing	In	Pu	No
OH	1987 Ohio App. LEXIS 10194	Re	0	Walking	In	Pu	No
OH	658 N.E.2d 5	Ow	47	Playing	De	Pu	No
OH	1987 Ohio App. LEXIS 8639	Ow	0	Swim	In	Pr	No
OH	384 N.E.2d 1294	Ow	43	Walking	In	Pr	No
OH	1987 Ohio App. LEXIS 10234	Ow	32	Biking	In	Pu	No
OH	454 N.E.2d 564	Ow	22	Walking	In	Pu	No
OH	495 N.E.2d 585	Ow	59	Swim	In	Pr	No
OH	610 N.E.2d 629	Ow	36	Other	De	Pu	No
OH	1990 Ohio App. Lexis 2432	Re	56	Playing	De	Pu	No
OH	2000 Ohio App.Lexis 2786	Ow	80	Fishing	In	Pu	No
OH	1990 Ohio App. LEXIS 664	Ow	74	Playing	In	Pr	No
OH	1999 Ohio App. Lexis 951	Ow	55	Biking	In	Pu	No
OH	2003 Ohio App. LEXIS 3460	Ow	37	Fishing	In	Pu	No
OH	505 N.E.2d 982	Ow	0	Picnic	In	Pr	No
OH	1994 Ohio App.Lexis 565	Ow	26	Snow	De	Pu	No
OH	522 N.E.2d 58	Ow	21	Auto	In	Pu	No
OH	572 N.E.2d 869	Ow	20	Walking	In	Pu	No
OH	1989 Ohio App.Lexis 1364	Re	47	Swim	In	Pr	No
OH	759 N.E.2d 892	Ow	0	Walking	In	Pu	No
OH	1995 Ohio App.Lexis 5437	Ow	29	Picnic	In	Pu	No
OH	413 N.E.2d 1201	Us	53	Camping	De	Pu	Yes
OH	568 N.E.2d 727	Re	0	Swim	In	Pr	No
OH	582 N.E.2d 1098	Us	0	Swim	In	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
OH	1987 Ohio App. LEXIS 6105	Ow	0	Snow	In	Pu	No
OH	1989 Ohio App.Lexis 4413	Ow	47	Snow	In	Pu	No
OH	583 N.E.2d 1015	Re	0	Snow	In	Pr	No
OH	548 N.E.2d 966	Ow	57	Walking	In	Pu	No
OH	1987 Ohio App. LEXIS 7948	Re	46	Swim	In	Pr	No
OH	459 N.E.2d 873	Ow	61	Walking	In	Pu	No
OH	375 N.E.2d 50	Ow	21	Swim	De	Pu	No
OH	404 N.E.2d 742	Ow	0	Walking	In	Pu	No
OH	2001 Ohio 7060	Ow	0	Swim	De	Pu	Yes
OH	640 N.E.2d 897	Ow	22	Walking	In	Pu	No
OH	375 N.E.2d 50	Ow	34	Swim	De	Pu	No
OH	497 N.E.2d 1118	Re	41	Playing	In	Pr	No
OH	502 N.E.2d 611	Ow	51	Playing	In	Pr	No
OH	533 N.E.2d 738	Us	65	Swim	In	Pr	No
OH	537 N.E.2d 1294	Ow	0	Playing	In	Pu	No
OH	537 N.E.2d 1298	Ow	58	Walking	In	Pu	No
OH	1995 Ohio App.Lexis 4468	Ow	38	Fishing	In	Pu	No
OH	498 N.E.2d 230	Ow	29	Hiking	In	Pu	No
OH	1986 Ohio App. LEXIS 8803	Re	0	Walking	In	Pu	No
OH	603 N.E.2d 1151	Ow	108	Walking	In	Pu	No
OH	644 N.E.2d 1094	Ow	49	Walking	In	Pu	No
OH	1982 Ohio App. LEXIS 15070	Ow	0	Walking	In	Pu	No
OH	1987 Ohio App. LEXIS 5548	Ow	41	Swim	De	Pu	No
OH	1982 Ohio App. LEXIS 15081	Ow	0	Other	In	Pu	No
OH	2001 Ohio 3429	Ow	65	Biking	In	Pr	No
OH	1987 Ohio App. LEXIS 9136	Re	45	Snow	In	Pu	No
OH	1990 Ohio App.Lexis 949	Ow	32	Playing	In	Pu	No
OH	1978 Ohio App. LEXIS 8598	Ow	26	Swim	In	Pu	No
OH	683 N.E.2d 26	Ow	32	Snow	In	Pr	No
OH	1996 Ohio App.Lexis 5374	Ow	50	Walking	In	Pu	No
OH	673 F. Supp. 1432	Ow	50	Swim	In	Pr	No
OH	1994 Ohio App. Lexis 2920	Ow	71	Picnic	In	Pu	No
OH	755 N.E.2d 922	Re	45	Biking	In	Pu	No
OH	1988 Ohio App. LEXIS 3702	Ow	37	Swim	In	Pu	No
OH	1997 Ohio App.Lexis 1577	Ow	42	Playing	In	Pu	Yes
OK	830 P.2d 577	Us	124	Swim	De	Pu	No
OK	897 P.2d 1138	Ow	0	Boating	De	Pu	No
OR	693 P.2d 1285	Us	80	Playing	In	Pu	No
OR	610 P.2d 1248	Re	0	Swim	In	Pu	No
OR	445 F. Supp. 770	Ow	0	Auto	De	Pu	No
OR	814 F.2d 1285	Ow	0	Auto	In	Pu	No
OR	539 P.2d 634	Us	39	Playing	In	Pr	No
OR	940 F. Supp. 286	Ow	51	Playing	In	Pu	No
PA	631 F. Supp. 731	Ow	39	Swim	In	Pr	No
PA	2 Pa. D. & C.4th 384	Ow	37	Playing	In	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
PA	694 A.2d 388	Re	32	Picnic	In	Pu	No
PA	18 Pa. D. & C.3d 282	Us	25	Playing	In	Pu	No
PA	392 Pa. 452	Us	87	Snow	De	Pu	No
PA	583 F. Supp. 1170	Us	53	Boating	In	Pu	No
PA	481 A.2d 365	Us	88	Auto	In	Pu	No
PA	569 A.2d 1045	Ow	70	Playing	In	Pu	No
PA	441 Pa. 421	Ow	56	Other	In	Pr	No
PA	46 Pa. D. & C.3d 136	Us	39	Snow	In	Pr	Yes
PA	524 Pa. 270	Ow	75	hunting	In	Pr	No
PA	366 Pa. 450	Ow	51	Playing	In	Pr	No
PA	493 F. Supp. 57	Ow	0	Fishing	In	Pu	No
PA	2 Pa. D. & C.4th 222	Ow	21	Walking	In	Pu	No
PA	585 A.2d 564	Re	42	Swim	In	Pu	No
PA	394 A.2d 546	Ow	100	Walking	In	Pr	yes
PA	535 A.2d 308	Ow	0	Picnic	In	Pu	No
PA	609 F. Supp. 643	Ow	71	Swim	In	Pr	Yes
PA	507 A.2d 1270	Re	47	Walking	In	Pr	No
PA	576 A.2d 1193	Ow	0	Playing	In	Pu	No
PA	2005 PA Super 189	Re	0	Snow	In	Pr	No
PA	44 Pa. D. & C.3d 667	Us	26	Snow	In	Pu	No
PA	2003 PA Super 71	Re	103	Auto	In	Pr	No
PA	208 Pa. 403	Us	34	Playing	In	Pr	No
PA	22 A.2d 65	Us	47	Walking	De	Pr	No
PA	325 Pa. 49	Us	59	Playing	De	Pr	No
PA	335 Pa. Super. 311	Re	0	Snow	In	Pr	No
PA	349 Pa. 272	Us	27	Playing	De	Pr	No
PA	349 Pa. 278	Us	37	Swim	De	Pr	No
PA	360 Pa. 259	Us	44	Playing	In	Pr	No
PA	387 Pa. 25	Ow	0	Playing	In	Pr	No
PA	477 A.2d 36	Us	34	Playing	In	Pu	No
PA	507 A.2d 1	Re	111	Swim	De	Pu	No
PA	511 A.2d 815	Ow	53	Snow	In	Pu	No
PA	511 Pa. 73	Ow	53	Snow	In	Pu	No
PA	544 Pa. 38	Ow	160	Swim	De	Pu	No
PA	564 A.2d 1329	Ow	96	Biking	In	Pu	No
PA	633 A.2d 1115	Re	0	Walking	In	Pu	No
PA	64 A.2d 846	Us	31	Playing	In	Pr	No
PA	95 A.2d 519	Us	0	Playing	In	Pu	No
PA	550 A.2d 852	Ow	42	Hiking	In	Pu	No
PA	419 Pa. Super. 487	Ow	0	Walking	In	Pr	No
PA	613 F. Supp. 469	Us	44	Swim	De	Pu	No
PA	29 Pa. D. & C.3d 93	Us	0	Walking	In	Pu	No
PA	29 Pa. D. & C.3d 660	Ow	45	Swim	In	Pr	No
PA	343 Pa. 585	Us	22	Playing	In	Pr	No
PA	22 Pa. D. & C.4th 560	Ow	0	Snow	In	Pr	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
PA	526 Pa. 227	Re	96	Playing	In	Pu	No
PA	18 Pa. D. & C.3d 276	Us	27	Biking	In	Pu	No
PA	308 Pa. Super. 218	Ow	91	Walking	In	Pr	No
PA	677 A.2d 876	Ow	36	Walking	In	Pu	No
PA	584 A.2d 403	Re	0	Playing	In	Pu	No
PA	363 Pa. Super. 308	Re	110	Snow	In	Pr	No
PA	1999 PA Super 338	Ow	115	Walking	In	Pr	No
PA	36 Pa. D. & C.3d 477	Ow	34	Snow	In	Pu	No
PA	715 A.2d 1164	Ow	50	Boating	De	Pr	No
PA	391 Pa. Super. 471	Ow	43	Snow	In	Pr	No
SC	489 S.E.2d 647	Ow	49	Walking	In	Pu	No
SC	620 F. Supp. 285	Ow	27	Fishing	De	Pu	No
SD	514 N.W.2d 693	Re	56	Playing	In	Pu	yes
SD	560 N.W.2d 236	Ow	35	Snow	In	Pu	No
TN	937 F.2d 1073	Ow	62	Playing	In	Pu	No
TN	807 S.W.2d 242	Re	42	Horseride	De	Pr	Yes
TN	565 F. Supp. 12	Ow	15	Fishing	In	Pu	No
TN	794 F. Supp. 1358	Re	36	Walking	In	Pu	No
TN	845 S.W.2d 744	Re	69	Swim	De	Pr	No
TX	866 S.W.2d 787	Ow	0	Walking	In	Pu	No
TX	50 S.W.3d 645	Ow	51	Playing	In	Pu	No
TX	2002 Tex. App. LEXIS 5556	Ow	45	Playing	In	Pu	No
TX	122 S.W.3d 407	Ow	0	Swim	In	Pr	yes
TX	869 S.W.2d 433	Re	0	Playing	In	Pu	No
TX	902 S.W.2d 598	Re	0	Swim	In	Pr	No
TX	808 S.W.2d 257	Ow	24	Playing	In	Pu	No
TX	910 S.W.2d 616	Re	0	Walking	In	Pr	No
TX	1993 Tex. App. LEXIS 2989	Re	107	Other	In	Pu	No
TX	129 S.W.3d 804	Us	24	Walking	In	Pu	Yes
TX	982 S.W.2d 126	Us	28	Other	In	Pu	No
TX	819 S.W.2d 612	Ow	0	Snow	In	Pu	No
TX	40 S.W.3d 662	Re	56	Walking	In	Pu	No
TX	51 S.W.3d 814	Re	68	Walking	In	Pu	No
UT	913 P.2d 743	Re	0	Playing	In	Pu	No
UT	780 P.2d 1248	Re	59	Other	De	Pr	No
UT	579 F. Supp. 1291	Ow	0	Auto	In	Pu	No
UT	793 P.2d 897	Re	46	Swim	De	Pr	No
UT	902 P.2d 142	Ow	0	Swim	De	Pr	No
UT	822 P.2d 770	Re	52	Auto	In	Pu	No
UT	849 P.2d 624	Ow	59	Off road	In	Pu	No
UT	911 P.2d 1290	Re	41	Horseride	In	Pr	No
UT	876 P.2d 376	Us	0	Biking	In	Pr	No
UT	797 F. Supp. 923	Us	19	Snow	In	Pr	No
VA	371 F. Supp. 230	Ow	42	Walking	In	Pu	No
VA	467 S.E.2d 471	Ow	39	Walking	In	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
WA	767 P.2d 958	Ow	79	Swim	De	Pu	No
WA	901 P.2d 344	Ow	55	Other	De	Pu	No
WA	1996 Wash. App. LEXIS 485	Re	47	Biking	De	Pr	No
WA	977 P.2d 15	Ow	52	Other	In	Pu	No
WA	766 P.2d 1141	Ow	63	Auto	In	Pu	No
WA	6 P.3d 1191	Ow	32	Playing	In	Pu	No
WA	827 P.2d 329	Ow	43	Playing	In	Pu	No
WA	846 P.2d 522	Ow	53	Biking	In	Pu	No
WA	882 P.2d 1185	Ow	46	Auto	In	Pu	No
WA	774 P.2d 1255	Re	59	Playing	In	Pu	No
WA	965 P.2d 1112	Ow	68	Snow	In	Pu	No
WA	693 F.2d 1299	Us	0	Playing	De	Pu	No
WA	600 P.2d 683	Us	44	Picnic	In	Pr	No
WA	824 P.2d 541	Ow	72	Playing	In	Pu	No
WA	600 P.2d 683	Ow	0	Swim	De	Pu	No
WA	709 F.2d 580	Ow	0	Other	In	Pu	No
WA	88 P.3d 996	Us	0	Walking	De	Pu	No
WA	27 P.3d 1242	Us	80	Walking	In	Pr	Yes
WA	655 F.2d 1380	Re	75	Walking	De	Pr	No
WA	741 P.2d 1039	Ow	92	Swim	In	Pu	No
WA	1997 Wash. App. LEXIS 1401	Re	73	Biking	In	Pu	No
WA	14 P.3d 871	Us	66	Boating	In	Pu	Yes
WA	741 P.2d 71	Us	90	Playing	In	Pu	No
WA	942 P.2d 991	Ow	86	Boating	In	Pu	No
WA	736 P.2d 275	Ow	92	Biking	In	Pu	No
WA	2001 Wash. App. LEXIS 982	Us	34	Playing	In	Pu	No
WA	1998 Wash. App. LEXIS 901	Re	51	Boating	In	Pu	No
WA	870 P.2d 1014	Re	35	Fishing	In	Pu	No
WA	872 P.2d 524	Ow	32	Off road	In	Pr	No
WA	2001 Wash. App. LEXIS 2744	Ow	178	Boating	In	Pr	No
WA	912 P.2d 1095	Ow	53	Auto	In	Pr	No
WV	216 S.E.2d 880	Re	84	Swim	De	Pu	No
WI	455 N.W.2d 678	Ow	0	Playing	In	Pu	No
WI	452 N.W.2d 586	Ow	30	Boating	De	Pu	No
WI	612 N.W.2d 332	Ow	68	Boating	In	Pu	No
WI	430 N.W.2d 611	Us	0	Biking	In	Pu	No
WI	508 N.W.2d 15	Ow	25	Walking	In	Pu	No
WI	1997 Wisc. App. LEXIS 1	Ow	62	Walking	In	Pr	No
WI	453 N.W.2d 500	Re	0	Swim	In	Pr	No
WI	464 N.W.2d 654	Ow	42	Swim	De	Pu	No
WI	297 F. Supp. 891	Ow	40	hunting	In	Pu	No
WI	213 N.W.2d 16	Ow	68	Walking	In	Pu	No
WI	431 N.W.2d 696	Ow	0	Picnic	In	Pu	No
WI	522 N.W.2d 36	Ow	60	Picnic	In	Pu	No
WI	484 N.W.2d 132	Ow	53	Walking	In	Pu	No

State	Case No.	Win	Mnt	Activities	App	Own	Fee
WI	477 N.W.2d 69	Re	0	Walking	In	Pu	Yes
WI	352 N.W.2d 677	Ow	0	Walking	In	Pu	Yes
WI	466 N.W.2d 233	Ow	0	Swim	De	Pr	No
WI	688 N.W.2d 771	Ow	37	Other	In	Pu	No
WI	462 N.W.2d 542	Ow	0	Walking	In	Pu	No
WI	458 N.W.2d 832	Ow	0	Playing	In	Pu	No
WI	473 N.W.2d 581	Us	29	Fishing	In	Pr	Yes
WI	617 N.W.2d 678	Ow	25	Playing	In	Pu	No
WI	695 N.W.2d 889	Ow	36	Snow	De	Pr	No
WI	516 N.W.2d 427	Ow	55	Walking	De	Pu	No
WI	555 N.W.2d 410	Ow	30	Snow	In	Pu	No
WI	458 N.W.2d 836	Ow	49	Fishing	De	Pr	No
WI	469 N.W.2d 214	Ow	34	Camping	In	Pu	No
WI	174 N.W.2d 745	Us	44	Swim	In	Pr	No
WI	476 N.W.2d 287	Us	68	Snow	In	Pr	Yes
WI	617 N.W.2d 876	Ow	34	hunting	In	Pr	No
WI	541 N.W.2d 838	Ow	57	Walking	In	Pu	Yes
WI	448 N.W.2d 256	Ow	0	Fishing	De	Pu	No
WI	600 N.W.2d 243	Ow	59	Picnic	In	Pu	No
WI	429 N.W.2d 525	Us	48	Swim	In	Pr	No
WI	528 N.W.2d 413	Us	79	Walking	In	Pr	No
WI	458 N.W.2d 379	Re	71	Walking	In	Pu	No
WI	468 N.W.2d 775	Ow	44	Swim	De	Pu	No
WI	370 N.W.2d 285	Ow	58	Swim	In	Pr	No
WI	500 N.W.2d 391	Us	0	Camping	In	Pr	Yes
WI	433 N.W.2d 293	Ow	0	Playing	In	Pu	No
WI	450 N.W.2d 255	Us	67	Snow	In	Pr	No
WI	531 N.W.2d 341	Ow	31	Auto	In	Pr	No
WI	541 N.W.2d 837	Ow	69	Other	In	Pu	No
WI	369 N.W.2d 755	Ow	36	Walking	In	Pr	No
WI	508 N.W.2d 67	Ow	0	Playing	In	Pu	No
WI	460 N.W.2d 830	Ow	41	Hiking	In	Pu	No
WI	287 N.W.2d 140	Ow	45	Biking	In	Pu	No
WY	858 P.2d 293	Re	20	Walking	In	Pr	No
WY	919 P.2d 141	Ow	36	Auto	In	Pu	No
WY	546 F.2d 872	Ow	76	Walking	In	Pu	No
WY	629 P.2d 465	Ow	17	Auto	In	Pr	No

APPENDIX B
Survey Questions

Please tell us about your recreational activities and experiences with regard to insurance, injuries, and damages. The information you provide will remain *strictly confidential* and you will not be identified with your responses.

Part I: Injuries, Damages, and Trip Information

1. Have your recreational activities resulted in **bodily injuries** or **property damages** to **yourself or someone else** during past **three years**?

Yes. Go to **Question 2**.

No. Go to **Part III**.

2. Describe the **bodily injuries** or **property damages** you experienced during **past three years**.

We provide space for **six incidences**. If you have more than six, provide the details on the last page of this survey or separately. Number your responses in the sequences of the items listed in the following table.

2a. Incidence information related to **Case 1 2, and 3**

Items	Case 1	Case 2	Case 3
(1) Date of incidence (month/year)			
(2) Location (county, state)			
(3) Fee charge	<input type="checkbox"/> Public land with fees <input type="checkbox"/> Public land without fees <input type="checkbox"/> Private land with fees <input type="checkbox"/> Private land without fees	<input type="checkbox"/> Public land with fees <input type="checkbox"/> Public land without fees <input type="checkbox"/> Private land with fees <input type="checkbox"/> Private land without fees	<input type="checkbox"/> Public land with fees <input type="checkbox"/> Public land without fees <input type="checkbox"/> Private land with fees <input type="checkbox"/> Private land without fees
(4) Who was injured?	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No injury in this case	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No injury in this case	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No injury in this case
(5) Whose properties were damaged?	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Landowners <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No damage in this case	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Landowners <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No damage in this case	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Landowners <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No damage in this case
(6) Equipments directly involved in the incidence	<input type="checkbox"/> Gun <input type="checkbox"/> Archery weapon <input type="checkbox"/> Boat <input type="checkbox"/> Motor cycle <input type="checkbox"/> Other _____	<input type="checkbox"/> Gun <input type="checkbox"/> Archery weapon <input type="checkbox"/> Boat <input type="checkbox"/> Motor cycle <input type="checkbox"/> Other _____	<input type="checkbox"/> Gun <input type="checkbox"/> Archery weapon <input type="checkbox"/> Boat <input type="checkbox"/> Motor cycle <input type="checkbox"/> Other _____
(7) Total medical cost for injuries			

(8) Total repair cost for damages (\$)			
(9) Who paid the cost?	<input type="checkbox"/> Myself _____% <input type="checkbox"/> My companions _____% <input type="checkbox"/> Landowners _____% <input type="checkbox"/> Insurance _____% <input type="checkbox"/> Other _____%	<input type="checkbox"/> Myself _____% <input type="checkbox"/> My companions _____% <input type="checkbox"/> Landowners _____% <input type="checkbox"/> Insurance _____% <input type="checkbox"/> Other _____%	<input type="checkbox"/> Myself _____% <input type="checkbox"/> My companions _____% <input type="checkbox"/> Landowners _____% <input type="checkbox"/> Insurance _____% <input type="checkbox"/> Other _____%
(10) Did it result in a lawsuit?	<input type="checkbox"/> No <input type="checkbox"/> Yes, _____ won	<input type="checkbox"/> No <input type="checkbox"/> Yes, _____ won	<input type="checkbox"/> No <input type="checkbox"/> Yes, _____ won
(11) Briefly describe the incidence			

2b. Trip information related to Case 1, 2, and 3

Items	Case 1	Case 2	Case 3
(12) Total expenses for the whole trip (\$)			
(13) Total days for the whole trip			
(14) Total miles for the whole trip			
(15) Number of companions			
(16) Recreational activity types (check all apply)	<input type="checkbox"/> Hunting <input type="checkbox"/> Fishing <input type="checkbox"/> Swimming <input type="checkbox"/> Boating <input type="checkbox"/> Hiking <input type="checkbox"/> Accidental shooting <input type="checkbox"/> Maintenance work <input type="checkbox"/> Processing game <input type="checkbox"/> Socializing <input type="checkbox"/> Tree stand <input type="checkbox"/> ATV/4WD <input type="checkbox"/> Building/construction <input type="checkbox"/> Other _____	<input type="checkbox"/> Hunting <input type="checkbox"/> Fishing <input type="checkbox"/> Swimming <input type="checkbox"/> Boating <input type="checkbox"/> Hiking <input type="checkbox"/> Accidental shooting <input type="checkbox"/> Maintenance work <input type="checkbox"/> Processing game <input type="checkbox"/> Socializing <input type="checkbox"/> Tree stand <input type="checkbox"/> ATV/4WD <input type="checkbox"/> Building/construction <input type="checkbox"/> Other _____	<input type="checkbox"/> Hunting <input type="checkbox"/> Fishing <input type="checkbox"/> Swimming <input type="checkbox"/> Boating <input type="checkbox"/> Hiking <input type="checkbox"/> Accidental shooting <input type="checkbox"/> Maintenance work <input type="checkbox"/> Processing game <input type="checkbox"/> Socializing <input type="checkbox"/> Tree stand <input type="checkbox"/> ATV/4WD <input type="checkbox"/> Building/construction <input type="checkbox"/> Other _____

2c. Incidence information related to Case 1, 2, and 3			
Items	Case 1	Case 2	Case 3
(1) Date of incidence (month/year)			
(2) Location (county, state)			
(3) Fee charge	<input type="checkbox"/> Public land with fees <input type="checkbox"/> Public land without fees <input type="checkbox"/> Private land with fees <input type="checkbox"/> Private land without fees	<input type="checkbox"/> Public land with fees <input type="checkbox"/> Public land without fees <input type="checkbox"/> Private land with fees <input type="checkbox"/> Private land without fees	<input type="checkbox"/> Public land with fees <input type="checkbox"/> Public land without fees <input type="checkbox"/> Private land with fees <input type="checkbox"/> Private land without fees
(4) Who was injured?	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No injury in this case	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No injury in this case	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No injury in this case
(5) Whose properties were damaged?	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Landowners <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No damage in this case	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Landowners <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No damage in this case	<input type="checkbox"/> Myself <input type="checkbox"/> My companions <input type="checkbox"/> Landowners <input type="checkbox"/> Persons not in my group <input type="checkbox"/> No damage in this case
(6) Equipments directly involved in the incidence	<input type="checkbox"/> Gun <input type="checkbox"/> Archery weapon <input type="checkbox"/> Boat <input type="checkbox"/> Motor cycle <input type="checkbox"/> Other _____	<input type="checkbox"/> Gun <input type="checkbox"/> Archery weapon <input type="checkbox"/> Boat <input type="checkbox"/> Motor cycle <input type="checkbox"/> Other _____	<input type="checkbox"/> Gun <input type="checkbox"/> Archery weapon <input type="checkbox"/> Boat <input type="checkbox"/> Motor cycle <input type="checkbox"/> Other _____
(7) Total medical cost for injuries (\$)			
(8) Total repair cost for damages (\$)			
(9) Who paid the cost?	<input type="checkbox"/> Myself _____% <input type="checkbox"/> My companions _____% <input type="checkbox"/> Landowners _____% <input type="checkbox"/> Insurance _____% <input type="checkbox"/> Other _____%	<input type="checkbox"/> Myself _____% <input type="checkbox"/> My companions _____% <input type="checkbox"/> Landowners _____% <input type="checkbox"/> Insurance _____% <input type="checkbox"/> Other _____%	<input type="checkbox"/> Myself _____% <input type="checkbox"/> My companions _____% <input type="checkbox"/> Landowners _____% <input type="checkbox"/> Insurance _____% <input type="checkbox"/> Other _____%

(10) Did it result in a lawsuit?	<input type="checkbox"/> No <input type="checkbox"/> Yes, _____ won	<input type="checkbox"/> No <input type="checkbox"/> Yes, _____ won	<input type="checkbox"/> No <input type="checkbox"/> Yes, _____ won
(11) Briefly describe the incidence			

2d. Trip information related to Case 4, 5, and 6

Items	Case 4	Case 5	Case 6
(12) Total expenses for the whole trip (\$)			
(13) Total days for the whole trip			
(14) Total miles for the whole trip			
(15) Number of companions			
(16) Recreational activity types (check all apply)	<input type="checkbox"/> Hunting <input type="checkbox"/> Fishing <input type="checkbox"/> Swimming <input type="checkbox"/> Boating <input type="checkbox"/> Hiking <input type="checkbox"/> Accidental shooting <input type="checkbox"/> Maintenance work <input type="checkbox"/> Processing game <input type="checkbox"/> Socializing <input type="checkbox"/> Tree stand <input type="checkbox"/> ATV/4WD <input type="checkbox"/> Building/construction <input type="checkbox"/> Other _____	<input type="checkbox"/> Hunting <input type="checkbox"/> Fishing <input type="checkbox"/> Swimming <input type="checkbox"/> Boating <input type="checkbox"/> Hiking <input type="checkbox"/> Accidental shooting <input type="checkbox"/> Maintenance work <input type="checkbox"/> Processing game <input type="checkbox"/> Socializing <input type="checkbox"/> Tree stand <input type="checkbox"/> ATV/4WD <input type="checkbox"/> Building/construction <input type="checkbox"/> Other _____	<input type="checkbox"/> Hunting <input type="checkbox"/> Fishing <input type="checkbox"/> Swimming <input type="checkbox"/> Boating <input type="checkbox"/> Hiking <input type="checkbox"/> Accidental shooting <input type="checkbox"/> Maintenance work <input type="checkbox"/> Processing game <input type="checkbox"/> Socializing <input type="checkbox"/> Tree stand <input type="checkbox"/> ATV/4WD <input type="checkbox"/> Building/construction <input type="checkbox"/> Other _____

Part II: Liability Insurance

3. Have your recreational activities been covered by **liability insurance** during **past three years**?

Yes. Go to **Question 4.**

No. Go to **Part III.**

4. If you had liability insurance to cover your recreational activities, fill in this table.

Items	2002-2003 Season	2003-2004 Season	2004-2005 Season
(1) Insurance provider	<input type="checkbox"/> Sports club participated <input type="checkbox"/> Landowner leased the land to me <input type="checkbox"/> Purchased by myself from (name of insurance vendor) _____ — <input type="checkbox"/> Other _____	<input type="checkbox"/> Sports club participated <input type="checkbox"/> Landowner leased the land to me <input type="checkbox"/> Purchased by myself from (name of insurance vendor) _____ — <input type="checkbox"/> Other _____	<input type="checkbox"/> Sports club participated <input type="checkbox"/> Landowner leased the land to me <input type="checkbox"/> Purchased by myself from (name of insurance vendor) _____ — <input type="checkbox"/> Other _____
(2) Insurance premium per year (\$)	<input type="checkbox"/> Part of club fee \$ _____ <input type="checkbox"/> Part of leasing fee \$ _____ <input type="checkbox"/> Directly by myself \$ _____ <input type="checkbox"/> Do not know	<input type="checkbox"/> Part of club fee \$ _____ <input type="checkbox"/> Part of leasing fee \$ _____ <input type="checkbox"/> Directly by myself \$ _____ <input type="checkbox"/> Do not know	<input type="checkbox"/> Part of club fee \$ _____ <input type="checkbox"/> Part of leasing fee \$ _____ <input type="checkbox"/> Directly by myself \$ _____ <input type="checkbox"/> Do not know
(3) Recreational activities not covered			
(4) Claim limit per incidence (\$)			

Part III: Recreationists Information

The following questions will help us know more about you. The information you provide will remain *strictly confidential* and you will not be identified with your responses.

5. Types of licenses purchased

2002-2003 season: _____

2003-2004 season: _____

2004-2005 season: _____

6. Years of experience participating in major recreational activities

_____ years in hunting

_____ years in fishing

_____ years in swimming

_____ years in _____

_____ years in _____

7. Educational level completed

High School or lower Bachelor's Degree Advanced Degree

8. Annual household income

Less than \$20,000 \$20,001-\$60,000 \$60,001-\$100,000 >
\$100,000

9. Age _____ years

10. Race Caucasian African American Hispanic
 Native American Asian Other

11. Gender Male Female

12. Marital status Married Single

Is there anything else you would like to share with us about hunting, fishing, and other recreational activities in Mississippi with regard to **liability insurance, injuries, and damages**?

Your contribution to this study is greatly appreciated. Please return your completed questionnaire in the postage paid business envelope **before *******, 2005. **Thank you.**