



MONTANA FISH, WILDLIFE & PARKS

Unlocking Public Lands Program

Note: This 2-part packet contains detailed program information and the application. Enrollment will be based on eligibility.

Objective: To allow private landowners to enter into contractual agreements with Montana Fish, Wildlife, & Parks (FWP) to provide public recreational access to state (DNRC) or federal (Bureau of Land Management or United States Forest Service) land where no legal public access currently exists, and receive an annual income tax credit in the amount of \$750 per agreement (up to a maximum of \$3,000 tax credit per year) for allowing such access.

DEADLINE: FWP will accept applications from eligible landowners until March 15, 2024. Contracts will be awarded no later than May 15, 2024.

Program Eligibility Criteria:

- **Public land** parcels are eligible for enrollment if they cannot be accessed by:
 - (a) public road, right-of-way, or easement;
 - (b) public waters;
 - (c) adjacent federal, state, county, or municipal land that is open to public use; or
 - (d) adjacent private land because that landowner has not granted permission to cross.
- **Public land** parcels are **not** eligible for enrollment if they are restricted or closed to general recreational use by the land management agency that owns or has legal control of the public land parcel.
- **Private land** parcels are **not** eligible for enrollment if they are actively enrolled in any FWP program that already provides public access to the public land parcel, such as Block Management, Habitat Montana, Open Fields for Game Bird Hunters, or Upland Game Bird Enhancement Program.
- **Private land** proposed for the public access corridor is **not** eligible for enrollment if the landowner allows hunting on that land and manages it through outfitting or commercial hunting.
- If **state** land parcel has a DNRC lease, **only the lessee** is eligible to enter into an Unlocking Public Lands Program contract to provide access to that **state** land parcel.
- Contracts may be established with landowners who own land adjacent to the point where the corners of two parcels of public land meet- at least one of the parcels of public land must be accessible by public road, waterway, or access granted by a landowner.
- **NOTE: Application must be accompanied by a map which depicts:**
 - a) the public land parcel being accessed;
 - b) adjacent private land through which public access will be provided;
 - c) access point where public access onto private land begins; and
 - d) travel route proposed for public access through private land to public land parcel.



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Program Details

- FWP and successful applicants shall enter into cooperative annual agreements (contracts) that will outline the terms of access.
- Upon completion of the contract terms, a certification number will be assign to the contract that will verify that the landowner is eligible for the tax credit.
- Violation of the contract terms may result in FWP not certifying the landowner as eligible for the tax benefit offered under this program.
- A landowner may enter into separate annual agreements to provide access for up to four (4) non-contiguous public land parcels.
- Access to the public land must be made available for a majority of the year (*at least 6 months and 1 day, beginning no later than June 30 and extending continuously through December 31*) for all general recreational use, including hunting, fishing, trapping, hiking, bird-watching, and other uses compatible with the use of public lands.
- Enrollment in the Unlocking Public Lands Program does not convey to the public any right to hunt or otherwise recreate on the **private land** through which they are allowed to pass to reach public land.
- The location of the project will be published in a map located on the FWP website, and made available to the public for the length of the contract term;
- Temporary closures of access routes may be imposed by the landowner due to conditions such as high fire danger or impassible roads, and require:
 - a) Notification of the appropriate FWP Regional headquarters at least 24 hours prior to the closure;
 - b) Public notice posted by the landowner on-site;
 - c) Approval from FWP if closure is in effect more than 7 days;
 - d) Closure must be removed within 24 hours after the natural environmental conditions that triggered the closure no longer exist;
- Project areas will be signed by FWP to identify enrollment in program. Signs must remain in place for the entire length of the contract term.

Tax Credit for Participation:

- A landowner (taxpayer) is allowed an annual credit against the taxes imposed by Title 15, chapter 30 or 31, MCA, in the amount of \$750 for each qualified access to public land that is provided. The maximum credit that a landowner may claim in a tax year is \$3,000.
- If the amount of the credit exceeds the landowner's tax liability, the amount of the excess must be refunded to the landowner. The credit may be claimed even if the claimant has no taxable income.
- If the property through which access is provided is owned by multiple taxpayers, each taxpayer may claim a proportionate share of the \$750 credit based on their respective ownership interests in that property assuming each entity has the lease on the state land.

Questions: Contact your local FWP Regional Access Manager, warden, biologist or the FWP Parks and Outdoor Recreation Office in Helena (406) 444-3750. Questions can also be emailed to: Lndsportrelations@mt.gov

FWP APPLICATION DEADLINE: March 15, 2024

See details on bottom of page 4 on how you may submit your application.



V. METHOD OF PUBLIC ACCESS – Means by which public will be allowed to cross private land identified in Section III to reach public land parcel identified in Section II.

A landowner may determine the method of travel by which the public is allowed to cross the landowner’s private land to gain access to the public land. Please check the method(s) below which identifies how you will permit the public to travel through your private land.

Method of travel allowed:

- Motorized, restricted to highway-capable truck or sedan (*must be capable of accommodating typical road use vehicles*).
- Motorized, to include truck, sedan, all-terrain vehicles, and off-road motorcycles.
- Non-motorized, limited to foot travel only (*cannot exceed one linear mile from beginning to end*).
- Non-motorized, including foot travel and mountain bike.
- Non-motorized, including foot travel and horseback.
- Non-motorized, including foot travel, mountain bike, and horseback.
- Other (please explain): _____

I, the undersigned, am aware of the following obligations and requirements concerning enrollment in this program:

1. If a **state** DNRC land parcel has a lease, only the lessee is eligible to enter into an FWP Unlocking Public Lands Program contract to provide access to that **state** land parcel. **Are you a lessee of this DNRC parcel (if applicable)?** Yes _____ No _____ N/A (Federal Land) _____
2. Access to the public land must be made available for a majority of the year (*at least 6 months and 1 day, beginning no later than June 30 and extending continuously through December 31*) for all general recreational use, including hunting, fishing, trapping, hiking, bird-watching, and other uses compatible with the use of public lands;
3. If hunting is allowed on the private land through which the public is allowed to pass to reach the public land parcel, that hunting cannot be managed through outfitting or commercial hunting. **NOTE: Enrollment in the Unlocking Public Lands Program does not convey to the public any right to hunt or otherwise recreate on the private land through which they are allowed to pass to reach public land.**
4. If I find that there is a need to impose a temporary closure on the private land enrolled in this program, I understand that I must:
 - e) Notify FWP Regional headquarters at least 24 hours prior to the closure;
 - f) Post notice to the public on-site;
 - g) Obtain approval from FWP if closure is in effect more than 7 days;
 - h) Ensure closure is removed within 24 hours after natural environmental conditions that may have triggered the closure no longer exist;
5. The project area will be signed by FWP to identify enrollment in program. Signs must remain in place for the entire length of the contract term.
6. The location of the project will be published in a map located on the FWP website, and made available to the public for the length of the contract term;
7. Violation of the terms of any contract entered into as a result of this application may result in FWP not certifying the landowner as eligible for the tax benefit offered under this program.
8. This application must be accompanied by a **map** which depicts:
 - a) the public land parcel being accessed;
 - b) adjacent private land through which public access will be provided;
 - c) access point where public access onto private land begins; and
 - d) travel route proposed for public access through private land to public land parcel.

Applicant signature: _____ **Date:** _____

How did you hear about this program? _____