This booklet addresses issues related to access to federal and state lands within Montana. Much of the information contained in this booklet has been summarized due to space limitations. Individuals seeking legal information involving specific access situations are encouraged to consult land management agencies and appropriate sections of the Montana Code Annotated or federal statutes and regulations.

Montana has millions of acres of federal and state lands. Some of these lands have legal public access and some do not. You are welcome to enjoy Montana's public lands where legal access is available.

Federal and state lands are managed by different agencies under different laws and regulations. It is important to know which lands you are using and what laws and regulations apply.

You can help promote continued public access by picking up litter, avoiding travel that could damage roads or land, preventing noxious weed spread, observing signs and posted areas, leaving all gates as they are found, and obtaining permission before entering private lands.

Your cooperation is greatly appreciated.

For information on the cost and distribution of this public document, contact FWP Access program at (406) 444-2612.

Revised September, 2018

MONTANA ACCESS GUIDE

To Federal and State Lands

Prepared by Montana State and Federal Land Management Agencies. A publication of the Montana Interagency Access Council.

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Bureau of Reclamation

www.usbr.gov

Montana Area Office
2900 4th Avenue North
P.O. Box 30137
Billings MT 59107-0137
(406) 247-7300

Hungry Horse Field Office
P. O. Box 190130
Hungry Horse, MT
59919-0130
(406) 387-5241

Other land management agencies in Montana not covered in this guide:

Corps Of Engineers

Fort Peck Lake Office
P.O. Box 208
Fort Peck, MT 59223
(406) 526-3411
http://www.nwo.usace.army.mil/Missions/Dam-and-Lake-Projects/Missouri-River-Dams/Fort-Peck

National Park Service

www.nps.gov
Superintendent
Glacier National Park
PO Box 128
West Glacier, MT 59936
(406) 888-7800

Superintendent
Yellowstone National Park
P.O. Box 168
Yellowstone National Park, WY 82190-0168
(307) 344-7381

Montana Association of Counties

2715 Skyway Drive
Helena, MT 59602-1213
(406) 449-4360
www.mt.gov/maco/MACoHOME.htm

Montana Office of Outdoor Recreation

PO Box 200801
Helena, MT 59620
406-594-1803
https://business.mt.gov/Office-of-Outdoor-Recreation

Montana Tribal Reservations

Blackfeet Nation
All Chiefs Square
P.O. Box 850
Browning, MT 59417
(406) 338-7521 Phone
(406) 338-7530 Fax
www.blackfeetnation.com

Chippewa Cree Tribe
31 Agency Square
PO Box 544
Box Elder MT 59521
(406) 395-5705 Phone
(406) 395-5702 Fax
www.chippewacree.org

Crow Nation
P.O. Box 159
Baacheeitche Avenue
Crow Agency MT 59022
(406) 638-3708 Phone
(406) 638-3773 Fax
www.crow-nsn.gov

Confederated Salish & Kootenai Tribes
42487 Complex Blvd
PO Box 278
Pablo MT 59855
(406) 675-2700 Phone
(406) 675-2806 Fax
www.cskt.org

Fort Belknap Assiniboine & Gros Ventre Tribes
656 Agency Main Street
Harlem, MT 59526
(406) 353-2205 Phone
(406) 353-4541 Fax
www.ftbelknap.org

Fort Peck Assiniboine & Sioux Tribes
501 Medicine Bear Road
PO Box 1027
Poplar MT 59255
(406) 768-2300 Phone
(406) 768-5478 Fax
www.fortpecktribes.org

Little Shell Chippewa Tribe
625 Central Avenue West
Great Falls MT 59401
(406) 315-2400 Phone
(406) 315-2401 Fax
www.littleshelltribe.us

Northern Cheyenne Tribe
600 Cheyenne Avenue
PO Box 128
Lame Deer MT 59043
(406) 477-6284 Phone
(406) 477-6210 Fax
www.cheyennenation.com

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INTRODUCTION

The **MONTANA ACCESS GUIDE** provides helpful information to people who access and use federal and state lands for recreation, and to private landowners who may be affected by recreational users.

Recreational users must be knowledgeable about and respect the rights of private landowners. It is unlawful to enter posted private lands in Montana without the permission of the landowner or the landowner's agent. It is always a good practice to ask first to recreate on private lands. Landowner permission is required for all hunting on private land.

Information in this guide is consistent with laws and regulations as of August 2018. Since laws and regulations change, recreationists are encouraged to check with the appropriate land management agency before using Montana's public lands.

* * * * * * *

The two state and four federal agencies cited in this brochure administer and manage over 31 million acres, about 35 percent of Montana's total land area.

Be Sure Of The Land Ownership. Management is different for lands administered by each of the six agencies. Activities that are permitted by one agency may not be allowed by another.

Are you on private land, or on lands managed by the Bureau of Land Management, Forest Service, Bureau of Reclamation, U.S. Fish and Wildlife Service, Montana Department of Natural Resources and Conservation, or Montana Fish, Wildlife and Parks?

Plan your travels with a current, accurate map. Areas and roads may be open at certain times and restricted at others.

Montana Fish, Wildlife & Parks Offices

Montana Fish, Wildlife & Parks
1420 East 6th Avenue
P.O. Box 200701
Helena, MT 59620-0701
(406) 444-2535
Telephone device for the deaf:
1-800-253-4091
www.fwp.mt.gov

REGION 1 - Kalispell
490 North Meridian
Kalispell, MT 59901
(406) 752-5501

REGION 2 - Missoula
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500

REGION 3 - Bozeman
1400 South 19th
Bozeman, MT 59718-5496
(406) 994-4042

HELENA AREA RESOURCE OFFICE
930 Custer Ave W
Helena, MT 59620
(406) 495-3260

BUTTE AREA RESOURCE OFFICE
1820 Meadowlark Lane
Butte, MT 59701
(406) 494-1953

REGION 4 - Great Falls
4600 Giant Springs Rd
Great Falls, MT 59405
(406) 454-5840

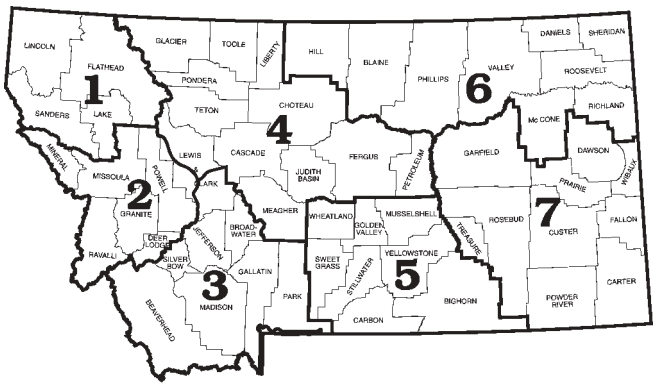
LEWISTOWN AREA RESOURCE OFFICE
333 Airport Rd.
Lewistown, MT 59457
(406) 538-4658

REGION 5 - Billings
2300 Lake Elmo Drive
Billings, MT 59105
(406) 247-2940

REGION 6 - Glasgow
54078 US Hwy 2 W.
Glasgow, MT 59230
(406) 228-3700

HAVRE AREA RESOURCE OFFICE
2165 Hwy 2 East
Havre, MT 59501
(406) 265-6177

REGION 7 - Miles City
352 I-94 Business Loop
P.O. Box 1630
Miles City, MT 59301
(406) 234-0900



Montana Department of Natural Resources & Conservation

Montana Department of Natural Resources and Conservation
1539 11th Avenue
Helena, MT 59601
(406) 444-2074
www.dnrc.mt.gov

Central Land Office
8001 North Montana
Ave. Helena, MT 59602
(406) 458-3500

Eastern Land Office
321 Main Street
Miles City, MT 59301
(406) 232 2034

Northeastern Land Office
USDA Building
613 North East Main
Lewistown, MT 59457
(406) 538-7789

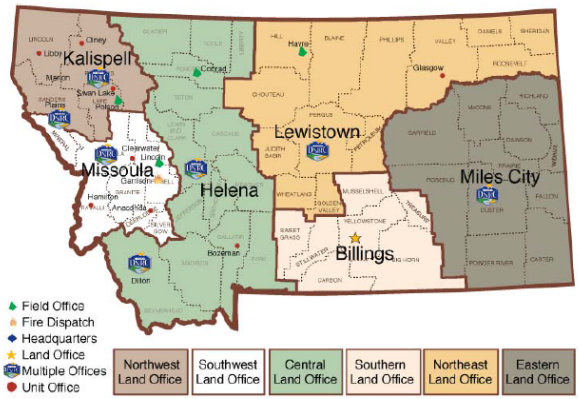
Northwest Land Office
655 Timberwolf Partway
Ste 1
Kalispell, MT 59901-1215
(406) 751-2240

Southern Land Office
1371 Rimtop Drive
Airport Industrial Park
Billings, MT 59105-1978
(406) 247-4400

Southwestern Land Office
1401 27th Avenue
Missoula, MT 59804
(406) 542-4200

Unit Offices

	Area Code (406)
Anaconda	563-6078
Bozeman	586-5243
Clearwater	244-5857
Conrad	278-7869
Dillon	683-6305
Glasgow	228-2430
Hamilton	363-1585
Havre	265-5236
Helena	458-3500
Kalispell	751-2240
Lewistown	538-7789
Libby	293-2711
Lincoln	362-4999
Missoula	542-4201
Plains	826-3851
Olney Stillwater State Forest	881-2371
Swan River	754-2301



Most Bureau of Land Management and National Forest System lands described in this guide are managed according to multiple use principles. “Multiple use” does not mean that every use occurs on every acre, but rather the management of varying uses at the landscape-level to provide for an array of goods and services to the public – recreation, minerals, timber, grazing, wildlife, water, and wilderness values where they occur.

Most federal lands described in this guide and certain state lands are available for a variety of recreational uses, such as hunting, wildlife viewing, fishing, hiking, mountain climbing, camping, snowmobiling, and skiing. Some uses are restricted on certain lands, in accordance with regulations prescribed by the managing agency.

A good first step prior to accessing public land is to contact the nearest agency office to confirm any recreational use rules that may apply. Maps that show land ownership are available at Bureau of Land Management and Forest Service offices and on the Montana State Library Cadastral Web Service: http://svc.mt.gov/msl/mtcadastral/. Addresses, telephone numbers and websites for some state and federal agencies are listed on pages 29-36 of this guide.

Prevent Noxious Weed Spread. Noxious weeds are your problem. Whether you are traveling a short distance from home or traveling between states: *don't take weeds with you and don't bring them back*. Noxious weeds invade wildlife habitat and reduce forage for wildlife. Just one seed transported on the undercarriage of your truck or ATV could mean thousands of dollars spent on trying to control that weed a few years from now. What seems insignificant now could affect your favorite parking spot or the habitat in your favorite recreation area in just a few years. Don't help them out!

Prevent Soil Erosion and Habitat Damage. On nearly all public land in Montana, it is illegal to travel off designated routes with wheeled vehicles (the exception being over-snow vehicles during designated times of the year). Ruts and trails from improper off- highway vehicle use can quickly turn a pristine mountainside into an eroded gully and aid noxious weed spread. Please use our public lands responsibly. Familiarize yourself with your intended route and any applicable travel restrictions before you arrive.

PUBLIC LAND MANAGEMENT AGENCIES

Q What is federal land?

For purposes of this guide, federal land is defined as any land surface under the jurisdiction of one of the following federal agencies:

U.S. Department of Agriculture
Forest Service

U.S. Department of the Interior
Bureau of Land Management

U.S. Department of the Interior
Fish and Wildlife Service

U.S. Department of the Interior
Bureau of Reclamation

There are also other federal lands in Montana. See page 29 and 36 of this guide for addresses of federal agencies.

U.S. Department of Agriculture Forest Service

Seven national forests cover approximately 17 million acres in Montana. Within these national forests, other ownerships account for approximately 2.4 million additional acres.

Where legal public access exists, national forest lands are available for a variety of recreational uses. Be sure to familiarize yourself with what is/isn't allowed before you arrive.

NATIONAL WILDLIFE REFUGE OFFICES

Website for Montana National Wildlife Refuge System:
http://mountain-prairie.fws.gov/refuges/mt/index.htm

CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE

P.O. Box 110
Lewistown, MT 59457
(406) 538-8706
http://cmr.fws.gov
email: cmr@fws.gov

(Includes Hailstone, Halfbreed, Lake Mason, Wild Horse and War Horse National Wildlife Refuges)

BENTON LAKE NATIONAL WILDLIFE REFUGE

922 Bootlegger Trail
Great Falls, MT 59404
(406) 727-7400
http://bentonlake.fws.gov

BOWDOIN NATIONAL WILDLIFE REFUGE

194 Bowdoin Auto Tour Road
Malta, MT 59538
(406) 654-2863
http://bowdoin.fws.gov

LEE METCALF NATIONAL WILDLIFE REFUGE

4567 Wildfowl Lane
Stevensville, MT 59870
(406) 777-5552
http://leemetcalf.fws.gov

LOST TRAIL NATIONAL WILDLIFE REFUGE

6295 Pleasant Valley Rd.
Marion, MT 59925
(406)858-2216
www.fws.gov/refuge/Lost_Trail/

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

223 North Shore Road
Medicine Lake, MT 59247
(406) 789-2305
www.fws.gov/refuge/medicinelake/

NATIONAL BISON RANGE

58355 Bison Range Road
Moiese, MT 59824
(406) 644-2211
www.fws.gov/bisonrange
(Includes Nine-Pipe, Pablo and Swan River National Wildlife Refuges)

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

27650B South Valley Rd.
Lima, MT 59739
(406) 276-3536
www.fws.gov/refuge/red_rock_lakes/

HELENA-LEWIS & CLARK NATIONAL FOREST

Helena Supervisor's Office
2880 Skyway Drive
Helena, MT 59602
(406) 449-5201
https://www.fs.usda.gov/hlcnf/

Great Falls Supervisor's Office
1220 38th Street North
Great Falls, MT 59405

AUGUSTA Information Station (406) 562-3247
BELT CREEK Ranger District – Neihart (406) 236-5100
JUDITH Ranger District – Stanford (406) 566-2292
LINCOLN Ranger District (406) 362-7000
MUSSELSHELL Ranger District – Harlowton (406) 632-4391
ROCKY MOUNTAIN Ranger District – Choteau (406) 466-5341
TOWNSEND Ranger District (406) 266-3425
HELENA Ranger District (406) 449-5201
WHITE SULPHUR SPRINGS Ranger District (406) 547-3361

KOOTENAI NATIONAL FOREST

31374 US Hwy 2
Libby, MT 59923
Office Hours 7:00 - 4:30
(406) 293-6211
https://www.fs.usda.gov/kootenai

REXFORD Ranger District - Eureka (406) 296-2536
FORTINE Ranger District – Eureka (406)
THREE RIVERS Ranger District – Troy (406) 295-4693
LIBBY Ranger District (406) 293-7773
CABINET Ranger Station – Trout Creek (406) 827-3533

LOLO NATIONAL FOREST

Building 24 Fort Missoula
Missoula, MT 59803
Office Hours 7:30 - 4:30
(406) 329-3750
https://www.fs.usda.gov/lolo

MISSOULA Ranger District (406) 329-3814
NINEMILE Ranger District - Huson (406) 626-5201
PLAINS/THOMPSON FALLS Ranger District (406)826-3821
SEELEY LAKE Ranger District (406) 677-2233
SUPERIOR Ranger District (406) 822-4233

CLEARWATER NATIONAL FOREST / NORTH FORK RANGER DISTRICT

12730 Hwy 13
Orofino, ID 83544
Office Hours 8:00-4:30
(208) 476-8329

POWELL Ranger Station (Lolo) (208) 942-3311

Visitors enjoy hunting, camping, boating, swimming, fishing, mountain climbing, snowmobiling, skiing, hiking, observing wildlife, viewing scenery, horseback riding, and traveling through the forests.

Montana's national forests are also managed for minerals, timber, grazing, wildlife, water, and wilderness values.

The Forest Service has designated certain areas within the national forests for special management. Among these areas are the Madison River Canyon Earthquake Area, Giant Cedars Area, Jewel Basin Hiking Area, ice caves, research natural areas, and experimental forests.

Montana's national forests contain approximately 3.4 million acres of wilderness in 15 separate locations. These areas are part of the National Wilderness Preservation System, established by the Wilderness Act of 1964, which provides guidelines for their management. Wilderness areas have extensive trail systems. Hikers, backpackers and horseback riders are welcome.

Travel off system routes with motorized wheeled vehicles is prohibited on all national forest system lands. Please stay on existing travel routes and familiarize yourself with local road and trail restrictions. The purpose of these restrictions is to protect riparian areas, wetlands, wildlife habitat, threatened or endangered species, soils and vegetation, aquatic resources, and to reduce user conflicts.

U.S Department of the Interior
Bureau of Land Management (BLM)

The Bureau of Land Management (BLM) administers approximately 8.1 million acres of federal lands in Montana. This includes land (pink color on BLM maps) referred to as Bankhead-Jones or LU lands that were conveyed out of federal ownership and then later returned to federal ownership. Some lands, such as National Monuments, wild and scenic rivers, historic trails, wilderness, wilderness study areas, and areas of critical environmental concern, are managed under special conditions.

Seven field offices and three field stations administer lands managed by the BLM in Montana. Management is based upon the principles of multiple use and sustained yield, a combination of uses that takes into account the long term needs of future generations for renewable and nonrenewable resources. These diverse values include recreation, range, timber, minerals, watershed, fish and wildlife, and wilderness. Other values include natural, scenic, scientific and cultural resources.

Where legal public access to public lands exists, the lands are open to public use. Some restrictions may keep lands and roads from use during critical times of the year to protect wildlife, soils, and fragile vegetation.

If you drive a car, truck, all-terrain vehicle, four-wheeler, or motorcycle on Bureau of Land Management public lands in Montana, you must stay on roads and trails. With few exceptions, “cross-country” OHV use is prohibited in order to minimize user conflicts and protect fragile soils, riparian areas, vegetation and wildlife. In addition, individual BLM offices may close or open particular routes. Obey signs, carry a map, and check with your local BLM office to obtain current travel information.

Forest Service Offices

USDA Forest Service Northern Region Federal Building
26 Fort Missoula Road
Missoula, MT 59804
406-329-3511
http://www.fs.fed.us/r1/

BEAVERHEAD/DEERLODGE NATIONAL FOREST

420 Barrett Street Dillon, MT 59725-3572
Office Hours 7:30-4:30
(406) 683-3900
https://www.fs.usda.gov/bdnf
DILLON Ranger District (406) 683-3900
WISE RIVER Ranger District (406) 832-3178 (no visitor services Nov-May)
WISDOM Ranger District (406) 689-3243
MADISON Ranger District (406) 682-4253
PINTLER Ranger District (406) 859-3211
BUTTE Ranger District (406) 494-2147

BITTERROOT NATIONAL FOREST

1801 North 1st Street Hamilton, MT 59840
Office Hours 8:00 - 4:30
(406) 363-7100
https://www.fs.usda.gov/bitterroot
STEVENSVILLE Ranger District (406) 777-5461
DARBY Ranger District (406) 821-3913
SULA Ranger District (406) 821-3913
WEST FORK Ranger District (406) 821-3269

CUSTER- GALLATIN NATIONAL FOREST

10 E. Babcock Ave., P.O. Box 130
Bozeman, MT 59771
(406) 587-6701 / (406) 522-2520
https://www.fs.usda.gov/custergallatin

Billings Office
5001 Southgate Dr., Suite 2, Billings, MT 59101
(406) 255-1400
BEARTOOTH Ranger District – Red Lodge (406) 446-2103
ASHLAND Ranger District (406) 784-2344
BOZEMAN Ranger District (406) 522-2520
GARDINER Ranger District (406) 848-7375
HEBGEN LAKE Ranger District (406) 823-6961
SIOUX Ranger District (605) 797-4432

FLATHEAD NATIONAL FOREST

650 Wolfpack Way Kalispell, MT 59901
Office Hours 8:00-4:45
(406) 758-5208
https://www.fs.usda.gov/flathead
SWAN LAKE Ranger District (406) 837-7500
SPOTTED BEAR Ranger District (406) 758-5376 (Summer); (406) 387-3800 (Winter)
GLACIER VIEW AND HUNGRY HORSE Ranger District (406) 387-3800
TALLY LAKE Ranger District (406) 758-5204

AGENCY DIRECTORY

Bureau of Land Management Offices

Bureau of Land Management
Montana State Office
5001 Southgate Dr.
Billings, MT 59101
(406) 896-5000
Website - www.blm.gov/mt
Email -
BLM_MT_SO_Information@blm.gov

Billings Field Office
5001 Southgate Dr.
Billings, MT 59101
(406) 896-5013
BLM_MT_Billings_FO@blm.gov

Butte Field Office
106 N. Parkmont
Butte, MT 59701
(406) 533-7600
BLM_MT_Butte_FO@blm.gov

Dillon Field Office
1005 Selway Dr.
Dillon, MT 59725
(406) 683-8000
BLM_MT_Dillon_FO@blm.gov

Glasgow Field Office
5 Lasar Dr.
Glasgow, MT 59230
(406) 228-3750
BLM_MT_Glasgow_FO@blm.gov

Havre Field Office
3990 Highway 2 West
Havre, MT 59501
(406) 265-5891
BLM_MT_Havre_FO@blm.gov

Lewistown Field Office
920 NE Main Street
Lewistown, MT 59457
(406) 538-1900
BLM_MT_Central_DO@blm.gov

Malta Field Office
Temporary Address:
47285 Hwy US 2
Malta, MT 59538
(406) 654-5100
BLM_MT_Malta_FO@blm.gov

Miles City Field Office
111 Garryowen Rd.
Miles City, MT 59301
(406) 233-2800
BLM_MT_Miles_City_FO @blm.gov

Missoula Field Office
3225 Ft. Missoula Rd.
Missoula, MT 59804
(406) 329-3914
BLM_MT_Missoula_FO @ blm.gov

U.S. Department of the Interior Fish and Wildlife Service (FWS)

The Fish and Wildlife Service (FWS) manages approximately 1.1 million acres of National Wildlife Refuges and waterfowl production areas in Montana. These lands are managed for the benefit of wildlife and compatible public use. There may be restrictions on public use for the protection of wildlife and plant species.

A variety of recreational opportunities exist on refuges and waterfowl production areas. Visitors can enjoy wildlife viewing, sightseeing, hiking, fishing, and hunting. Other recreational opportunities may also be available. Each refuge, listed on page 32, has different opportunities and restrictions. Visitors should contact the refuge office for more information before going afield.

U.S. Department of the Interior National Park Service (NPS)

The National Park Service has numerous sites in the state of Montana, each with their own rules and regulations. These sites accommodated nearly six million visits last year and contributed $555 million in economic benefits to the state. Find out more at www.nps.gov/montana.

U.S. Department of the Interior Bureau of Reclamation (BOR)

The Bureau of Reclamation (Reclamation) administers approximately 200,000 acres of land and 100,000 acres of water surface in Montana including 15 major water projects providing many outdoor recreation opportunities such as fishing, boating, camping and hunting. A number of these areas are managed through agreements by other federal and state entities and irrigation districts.

Where legal public access exists, Reclamation lands are generally available for a wide variety of outdoor activities including but not limited to hunting, fishing, trapping, hiking, and horseback riding. Most of the lands available for these purposes are located adjacent to Reclamation reservoirs.

Structures such as canals, laterals, drains and operations and maintenance roads within or adjacent to irrigation districts are generally situated on easement lands under rights granted to Reclamation by the underlying fee owner. The fee owner retains the right to control access to the parcel as established under state law.

Vehicular traffic, including all-terrain vehicle traffic and motorcycles, is restricted to established roads or authorized trails at all times. Various tracts of Reclamation land may be closed to public access during certain periods for the protection of natural resources, protection of heritage resources, extreme fire conditions, or other special circumstances. Check with the Area Offices for current status and conditions.

Q What is State Land?

For purposes of this guide, state land is defined as any land surface under the jurisdiction of one of the following State of Montana agencies:

Montana Fish, Wildlife & Parks OR

Department of Natural Resources and Conservation

There are some very important differences in the management of these lands. Most importantly, all recreational activities on State School Trust Lands managed by the Department of Natural Resources and Conservation (DNRC) require a State Land Recreational Use License, permit, or other type of authorization for access from DNRC. State School Trust Lands typically appear in blue on most, but not all, public land ownership maps. Lands administered by the Montana Fish Wildlife and Parks (FWP) do not require a special use permit for access, but certain restrictions apply and entrance fees are charged at some areas.

While there are other state-owned lands administered by a variety of other state agencies (Department of Transportation, Department of Environmental Quality etc.) the recreational use rules differ widely depending upon the managing agency. Check with the appropriate agency office for additional information.

GAME VIOLATIONS AND LAW ENFORCEMENT

Q What should be done if a game violation is observed?

First, without endangering yourself, get as much information as possible—license plate numbers, description of vehicles, people, etc. A good rule of thumb is to determine who, what, where, why, when and how. The more information you can supply, the greater the probability that game wardens can investigate the case and cite the individuals involved. It is best not to try and confront the violator. If it is safe to photograph or video, do so. Do not try to obtain evidence of the violation. Contact the nearest FWP office or your local game warden. On weekends or holidays, contact the county sheriff's office or use the toll free TIPMONT number (1-800-847-6668) and provide the information.

Rewards are offered through the TIPMONT Program for information on cases involving violations of Montana's fish and game laws. Callers need not reveal their names or testify in court. A citizen's board administers the reward program. Rewards are paid for information that leads to an arrest or a citation.

Q What should be done if illegal activities are observed or suspected on public or private lands?

If you suspect that an illegal activity such as theft, destruction of public resources, or the cultivation of marijuana is taking place on public land, leave the investigation to law enforcement officers. Contact your nearest federal, state or local law enforcement agency or office of the Forest Service or BLM.

Q Can I access Montana's rivers and streams from public roads at bridge crossings?

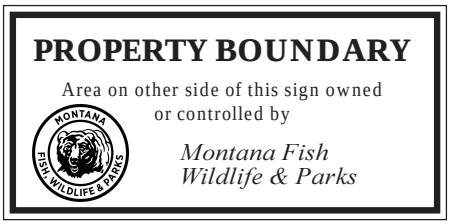
Recreationists may gain access to streams and rivers from a public road right-of-way at bridge crossings. However, recreationists should be aware that access at a bridge crossing could be restricted by a county commission for public safety, and access at some bridges may be restricted where the establishment of the county road right-of-way did not allow access to the stream or river.

An informational brochure, ***Stream Access in Montana*,** is available from FWP offices. This brochure explains the law regarding stream access and the responsibilities of both the recreationist and the landowner. It also provides an overview of the classifications of various streams and rivers under the stream access law. If you plan recreational activities on or near Montana streams and rivers, contact your local FWP office for a free copy of this brochure.

Q What about public hunting and fishing access on Indian reservations?

Most tribal governments have made provisions for limited public access. Check with the governing tribal office to determine the requirements for fishing, hunting, and other recreational activities on tribal land. A special permit may be required. A listing of tribal offices is provided on page 35.

Montana Fish, Wildlife & Parks (FWP)



Lands administered by FWP include fishing access sites, wildlife management areas, and state parks. These lands are generally available to the public for a variety of uses. Entrance and camping fees are charged at some areas.

With certain exceptions, the 298,645 acres of FWP lands are open to public recreation, including hunting and fishing. Recreational use on FWP lands does not require possession of a Recreational Use License from DNRC that is necessary for access to school trust lands. Overnight camping is allowed on some but not all lands managed by FWP. Check with the regional or area FWP office for site specific use restrictions.

Restrictions may apply to the use of these sites at various times of the year. Most wildlife management areas that include big game winter ranges are closed from December through mid-May to provide security for wildlife. Many wildlife management areas have restrictions on the use of motor vehicles.

For information about closures or restrictions, please contact the appropriate regional office of FWP listed on page 34 of this guide.

FWP provides access to state and federal lands through land acquisitions, leases and easements. Access to private lands may also be available to the public as part of the Block Management Program and through cooperative management agreements with private landowners (see section on Block Management, page 19). In addition, FWP holds conservation easements on approximately 370,451 acres of private lands to preserve wildlife habitat. Most of these lands offer limited opportunities for public hunting. Contact your nearest FWP regional office for more information about hunting opportunities on these lands.

Montana Department of Natural Resources and Conservation (DNRC)

State School Trust Lands administered by DNRC are not “public lands” in the same sense as BLM and National Forest System lands. Almost all of the 5.2 million acres administered by DNRC are school trust lands granted to Montana when it was admitted to the Union. These lands are managed to produce income to support public schools and institutions. Legally accessible school trust lands are open for most recreational activities unless closed or restricted by rule or by DNRC. Maps showing school trust lands are available from BLM, Forest Service, and some FWP offices – see listings on Pages 29-36.

A $2 fee included in the cost of a conservation license, provides hunters, anglers and trappers access to legally accessible State School Trust Lands. Trappers still need to secure a “Special State Lands Recreational Use License” from DNRC, usually at no additional charge. Other recreational activities such as hiking and bird watching require the purchase of a $10 license. Cutting or gathering wood, collecting valuable rocks/minerals, mining activities, or collecting or disturbing historical, archaeological or paleontological sites or specimens also require separate licenses or authorization from DNRC.

Overnight use (camping) is also allowed. However, such use in other than designated campgrounds on leased or licensed land must be conducted within 200 feet of a customary access point and is limited to two consecutive days. Overnight use in designated campgrounds is limited to 14 consecutive days. Overnight use on unleased or unlicensed land is restricted to 14 days in a calendar year.

People who hunt or fish on school trust land are also required to have the appropriate hunting or fishing license issued by FWP.

Maps showing national forest trails and roads can be purchased at Forest Service offices. These maps, published for each national forest, provide current, updated information about travel restrictions, road closures and other access issues.

Q What is a prescriptive right?

The right to use a road or trail because of a history or tradition of use is referred to as a prescriptive right. Conditions for prescriptive rights are contained in rules, statutes, and case law. Prescriptive rights cannot be established through recreational access and can only be confirmed through court action. Unless the user has knowledge of a court decision for the road in question, prescriptive rights should not be assumed.

Q What about public access to rivers and streams in Montana?

Montana law states, in general, that all surface waters capable of recreational use may be used by the public for recreation without regard to the ownership of the land underlying the waters. The statutes concerning public use of streams and rivers (known as the Montana Stream Access Law) are complex. The legislation classifies certain streams for types of use. It does not address recreational use of lakes, but does address the use of rivers and streams. Generally speaking, all flowing, natural streams are available to the public for recreational use between the ordinary high water marks without landowner permission. Stream corridors through private land are closed to big game hunting and OHV use without landowner permission. Overnight camping on non-navigable streams also requires landowner permission.

Q What are the management policies for travel on federal and state lands?

State Lands

On state-owned lands, the use of roads is generally restricted, or roads may be closed entirely. Travel is restricted to public roads or other established roads designated open for recreational use. Off-road vehicle use is prohibited. No new roads or extensions of existing roads may be created without specific authorization. On school trust lands, restrictions and closures may or may not be posted. Information about road closures and restrictions is available from DNRC and FWP offices.

Federal Lands

The BLM, Forest Service, FWS, and BOR regulate the use of roads, trails and lands under their jurisdictions to accomplish specific land management objectives, protect resources, and provide for public safety. This may include restricting vehicle travel to certain roads and trails, or restricting areas to specific modes of travel or specific types of vehicles. Maps that identify these restrictions are available at the local agency offices listed at the back of this brochure.

The use of mechanized equipment including motor bikes, snowmobiles, ATVs and mountain bikes is prohibited in wilderness areas.

When a road open to the public is restricted, or closed, the closure or restriction is announced in local newspapers and posted along the road. Check with your local Forest Service or BLM office for current information about access provisions and fire danger restrictions.

A Special Recreational Use License is required for all commercial recreational activities, such as outfitting, and for non-commercial recreational activities by organizations or groups. This license may also be required for overnight use, horseback use, or other recreational activities if the activities are conducted outside the restrictions governing general recreational use. The special license is available only from DNRC offices.

School trust land is legally accessible if it can be accessed by (1) dedicated public road, right-of-way, or easement; (2) public waters; (3) adjacent federal, state, county, or municipal land if the land is open to public use; or (4) adjacent contiguous private land if permission to cross the land has been secured from the landowner. The granting of permission by a private landowner to cross private property in a particular instance does not subject the state land that is accessed to general recreational use by members of the public, other than those granted permission.

Some school trust lands are categorically closed to recreational use while others may be closed or restricted by DNRC on a site-specific basis. “Categorically” closed lands include lands leased or licensed for cabin sites, lands under cultivation for crop production between planting and harvest time, lands supporting active commercial or military uses, or lands which DNRC has declared to be under extreme threat of wildfire. “Site-specific” closures or restrictions may be imposed by DNRC on a temporary, seasonal or permanent basis for reasons such as personal or property protection, livestock concentration, weed control, etc. School trust lands that are closed or restricted are to be posted at customary access points with DNRC signs advising the public of the closure or restriction. A lessee may also require prior notification of intended recreational use by properly posting the school trust land.

Recreational use restrictions on school trust land may involve vehicle parking, location and duration for camping, open fires, discharge of firearms within 1/4 mile of an inhabited dwelling, interference with lessee or recreational activities, wildlife management, or block management rules. Use of motorized vehicles on school trust land in conjunction with recreational activities is restricted to public roads or other roads DNRC may designate for such use. Use of non-public or non-designated roads, and off-road use, is prohibited. Informational brochures and maps showing road designations are available from offices of the DNRC, FWP, and the BLM. Offices are listed on pages 29-34 of this guide.

Other DNRC School Trust Land Rules

A recreationist may keep horses on state school trust land overnight if: the horses do not remain in a stream riparian zone for more than 1 hour; only feed certified as noxious weed seed free is present on state lands. A horse kept overnight on state lands where there is a lease or license will be limited to two consecutive days and must be restrained.

Open fires on leased or licensed land are restricted to designated campgrounds.

Prior notification to the lessee for certain recreational use may be required. If notification is required, the state school trust land will be posted as such at customary access points. The method of notification required depends on the type of activity being conducted.

Fireworks are prohibited.

Pets must be kept under the control of the recreationist and may not harass livestock or wildlife.

Contact DNRC for additional information. See office listing on page 33 of this guide.

What is the State of Montana doing to preserve and improve access?

Montana Fish, Wildlife & Parks

More than 300 fishing access sites, 55 state parks, and 84 wildlife management areas provide recreational opportunities and access to other state and federal lands. Land is secured through leasing, easement, or fee title. Public input is a significant component in the process of acquiring interest in any lands.

Wildlife Management Areas (WMAs) are generally open to use by the public, but may have seasonal or site specific restrictions for the benefit of wildlife. FWP areas are marked with signs that provide information about use. Public recreational use of WMAs does not require a special license or permission from lessees or permittees.

Fish Wildlife and Parks administers various programs developed specifically to protect and improve public access to isolated state and federal public lands. Examples include improving boundary marking on public land and securing agreements for access corridors through private land.

FWP also manages the Recreational Trails Program which focuses on expanding recreational access and opportunities throughout the state by providing funding for the development, renovation, maintenance, and acquisition of land for recreational trails. The snowmobile program promotes safety and ethics and provides nearly 4,000 miles of groomed trails. Additionally, the Off Highway Vehicle program works to maintain and keep motorized summer trails open on public lands.

Montana Department of Natural Resources and Conservation

The DNRC cooperates with public, private and other state, local and federal entities to acquire, develop and manage access to state and federal lands. The DNRC administers the Montana Public Lands Access Network grant program (MT-PLAN) to provide additional public access opportunities to state and federal lands. The grant program is a voluntary contribution account and grant program to acquire public access easements from private landowners to provide public access across private land to public land for recreational purposes. For information about recreational use on school trust lands, see pages 9-11.

PRESERVING AND IMPROVING ACCESS

Q What are federal agencies doing to preserve and improve access?

The BLM and the Forest Service recognize that access to the lands they manage is an important issue. Both agencies are working to improve access to their lands.

Bureau of Land Management

Surface ownership patterns in Montana are highly fragmented. As a result of a long history of laws that provided for the transfer of public land into private ownership, access to many acres of land managed by the BLM is difficult or impossible. The BLM is increasing legal access into large areas of land that have high values for public use. In areas where small tracts of BLM lands are intermingled with private lands, it is neither practical nor feasible for the government to secure easements to ensure public access. The BLM is striving to consolidate its land patterns through exchanges, and is seeking better access by acquiring easements and improving signing.

Forest Service

The Forest Service policy is to acquire needed road and trail rights of way to provide reasonable public access to the national forests.

Many private landowners have willingly provided access to national forest lands. In the absence of a recorded right of way, some private landowners now deny access on these routes. The Forest Service is acquiring rights of way for these roads and trails on a priority basis.

PRIVATE AND PUBLIC LANDS: Rights and Responsibilities

Q What are Montana's trespass laws?

Privilege to enter or remain upon private land is extended either by the explicit permission of the landowner or other authorized person, or by failure of the landowner or other authorized person to post notice denying entry onto the land (Montana Code Annotated 45-6-201). However, as a matter of courtesy it is always good policy to ask first before entering any private lands.

Anyone hunting for any species of animal must obtain landowner permission before hunting on private land (Montana Code Annotated 87-6-415). All trappers must have permission, and non-resident trappers must have permission in writing. In most instances, trapping on school trust land requires a license from the DNRC.

If permission is granted, the landowner may revoke the permission at any time by personal communication. Because the posting of a notice closing land may, in some cases, revoke privileges previously extended, recreationists should contact the landowner whenever posting is observed and always before hunting on private land. It is the responsibility of the recreationist to obtain permission from the landowner or the owner's representative before using private lands.

School trust land may be posted against trespass; however, general recreational use (including hunting and fishing) on legally accessible lands with a school trust land Recreational Use License does not constitute trespass unless DNRC provides specific notice that the land is closed or otherwise restricted to recreational use.

Montana game wardens and county sheriffs have the authority to enforce criminal mischief, criminal trespass, and litter laws on all lands—private, state and federal—being used for recreation. For specific information regarding Montana's trespass laws and regulations contact any regional FWP office and talk with the enforcement staff.

Q What are the rights and privileges of lessees and permittees on federal lands?

Federal grazing lease or permit privileges exist only for the purpose of grazing. The lessee or permittee has no authority to control access or use of federal lands, nor can he or she restrict travel over a public road or a road with an easement that allows public travel. Lessees or permittees are not allowed to charge the public for the privilege of using federal lands. However, federal grazing lease or permit holders have the right to exclude the public from entering any structure the lessee or permit holder may have been authorized to build on federal lands.

Leases or permits for other types of activities, such as mining, logging or gravel extraction, could cause areas to be temporarily closed because of operational needs or safety concerns.

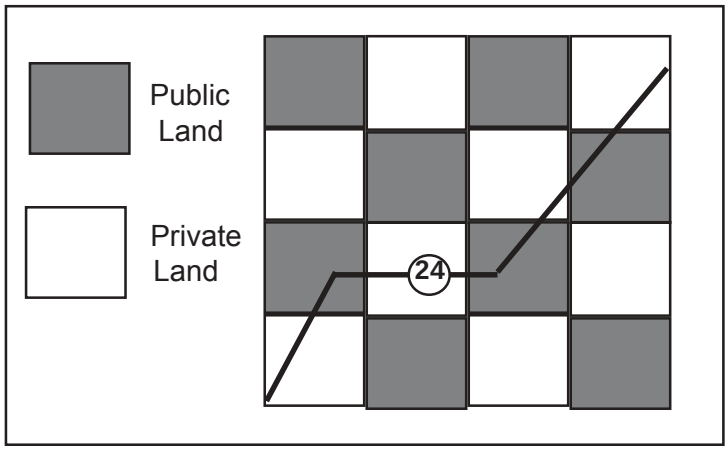
Q What are the rights and privileges of lessees and licensees on state lands?

Lessees and licensees on school trust lands managed by DNRC have specific rights and privileges under their leasehold or license interest. Leases are issued for the classified use of the land (grazing, agriculture, timber, cabin-site and other special uses), while licenses are generally issued for secondary uses of the land. For information regarding recreational use of these lands, see page 9.

Lessees on FWP lands typically lease for grazing, grain,

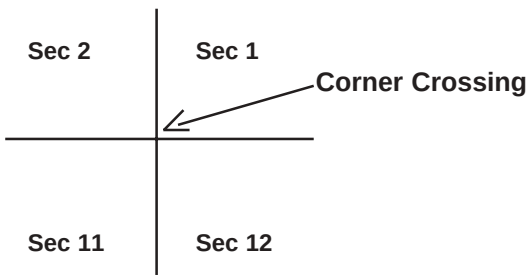
What is the access situation when public and private lands are intermingled (checkerboard)?

Public access to federal and state lands is often confusing in checkerboard and other intermingled land ownership areas. A public road, agency road, or stream which traverses the checkerboard or intermingled ownership may provide legal public access to state or federal lands adjacent to the travel route.



What does the law say with regard to corner crossing?

Corner crossing (such as at section corners) in checkerboard land patterns is not recommended. Recreationists are advised to obtain permission from the adjacent landowner to reduce conflict and ensure compliance with applicable access laws and rules.

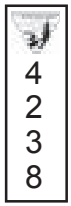


How can agency roads be identified and located?

State roads and some county roads are shown on the official Montana State Highway Map. These roads are identified by numbering and signing. Roads under the jurisdiction of land management agencies are not as easy to identify. Some are identified by signs. Many agency maps, as well as topographic maps published by the U.S. Geological Survey, show all roads without distinguishing different ownership. To avoid inadvertently trespassing on a private road, inquire at the local office of the managing agency.

County Road

State Road



BLM Road

Forest Service Route Markers

M1-7

Primary route marker. Passable by passenger cars during season of use. Used for primary routes through the Forest.

FM1-7H

Horizontal route markers used on routes passable by cars during season of use.

FM1-7V

Markers used on trails not maintained for travel by standard passenger cars. Used by high clearance vehicles.

or hay crops. FWP lands leased for agricultural use are open to public access except in cases of closures for the protection of unharvested crops and resource security. Public access does not include buildings or dwellings on FWP properties.

A state lessee does not have to allow public access on or across private property as a condition of the lease.

Q What are the permit or license requirements for recreation on public land?

Federal land is generally open to most kinds of non-commercial recreational activities, and usually no permit or license is needed. Use of most developed recreation sites and some dispersed sites require a daily fee. Overnight camping on federal land is generally limited to 14 consecutive days but may vary depending on the area. Some of the more popular areas limit camping to 10 consecutive days. Activities such as cutting wood, recreational dredging, gathering rocks, mushrooms, or minerals or commercial enterprises generally require a permit. Contact the local office of the appropriate land management agency before conducting these types of activities.

All recreational activities on school trust lands, including hunting, fishing, hiking, camping, and picnicking require a State Land Recreational Use Permit from DNRC. Recreational Use Permits are available directly from DNRC or any license agent where hunting and fishing licenses are sold.

Trapping, cutting firewood, collecting valuable rocks or minerals, commercial recreational activities, or collecting or disturbing historical or archeological sites or specimens and other activities require specific authorization from DNRC.

People who hunt, fish, or collect certain species of wildlife need to obtain the appropriate license or permit from FWP. Licenses are available from any FWP office or license vendor. For information

regarding hunting or fishing on Indian Reservations in Montana contact the appropriate tribal office (see page 35).

Q What about commercial or large group activities on federal or state land?

A special license, temporary use permit, or lease is required for commercial recreational activities, such as outfitting, on all state and federal lands, and may be required for non-commercial recreation by organizations or groups depending on the size of the group or activity. A license or permit may also be required for overnight use, horseback use, or other activities. Check with the nearest state or federal land management office for more information.

Q What recourses are available if access problems arise on state or federal land?

Immediately report the problem, with specific information about the incident, to the nearest appropriate land management agency office. It is very important to accurately describe the exact location where the incident occurred, along with the particular circumstances. Photos taken of the problem site are also helpful.

Q How must private landowners post their land to prohibit trespass?

Notice denying entry to private land must consist of written notice on a post, structure or natural object or by painting the object with at least 50 square inches

FWP publishes a *Directory of Montana Maps* that provides information on where to obtain land ownership maps. A free copy of the directory is available from any FWP state or regional office.

Q May the public use private roads to access isolated public land?

The public does not have the right to use private roads or to travel off-road over private land to reach isolated pubic land without permission. Many private landowners will permit the use of private roads or trails to access state and federal lands. The best way to ensure continued access is to treat the land and property owners with courtesy and respect. Always ask first before using private roads and trails to access public land.

Q What is a public road?

For purposes of this guide, a public road is any road under the jurisdiction of the Montana Department of Transportation, county government or municipal government.

Q What is a federal or state land management agency road?

Agency roads are established on agency lands, or over private lands where the agency has acquired an easement or right of way. Although these roads are not technically public roads, they are open to public travel unless restricted by order of the agency having jurisdiction. Roads may be designated open, restricted seasonally or year-long, or closed, by vehicle type, to meet management objectives established to protect resources, public health and safety.

FINDING ACCESS TO PUBLIC AND PRIVATE LAND

Q How can the public gain access to private lands?

It is always a good practice to ask first before entering or crossing private lands. Landowners have the right to deny access to or across private lands and may charge an access fee for such use. However, many private landowners will permit use of their roads for access to federal and state lands, and many will grant access to their private lands to recreationists who request permission and act responsibly. Continued permission can be encouraged by showing courtesy and respecting the land, animals, buildings and other property—whether the land is private, state, federal, or tribal.

Q What is Block Management?

The Block Management Program establishes cooperative agreements between private landowners, public land agencies, and FWP to provide free public hunting opportunities on private lands and isolated public lands. For details about the Block Management Program, contact the FWP regional office listed on page 34 for more information.

Q How can the public find out what lands are open for public use?

Federal and state land management agencies can provide up-to-date information or assist you in obtaining available land records. These agencies may also provide maps, either free or for a small fee, that show ownership and access routes for some areas.

of fluorescent orange paint. This posting must be outside the public right of way. In the case of a metal fence post, the entire post must be painted. The notice must be placed at each outer gate and at all normal points of access to the property, as well as on both sides of a stream where it crosses an outer property boundary. In cases where posted private land ownership occurs on just one side of a stream, only that side needs to be marked.

The presence of orange paint means that no one is allowed to enter the property without permission. All hunters must obtain landowner permission before hunting any animal on private property, regardless of whether or not the land is posted against trespass.

Q Can game be shot from a road?

Montana law (Montana Code Annotated 61-8-369) prohibits shooting any firearm from or across the right-of-way of any state or federal highway or county road. Thus, the shoulders, berm, and borrow pits of roads that make-up the public right-of-way are off-limits to shooting and hunting with firearms.

FWP generally interprets “road right of way” to include all lands extending from the road surface to bordering fence lines. For those places where there are no fence lines, FWP generally interprets the “road right of way” to include all lands within 30 feet of the centerline on each side of the roadway. In cases where a fence line exists on only one side of a roadway, the appropriate interpretations for each side would apply. Questions concerning the actual right of way on specific roadways should be addressed to county surveyors or road departments.

Q Can wounded game be pursued onto private property?

Hunters must have permission from the landowner or the landowner's agent to pursue wounded game on private property, regardless of posting.

Q What are the provisions for hunters with disabilities?

Qualified resident and non-resident hunters, who obtain a *Permit to Hunt From A Vehicle* from FWP, are allowed to shoot a firearm from the shoulders, berms and borrow pits of certain public roads, or from within a vehicle parked on the shoulder of such roads. State and federal highways are specifically excluded from this provision for disabled hunters. Hunters may not shoot across any roadway. Migratory waterfowl cannot be taken from a vehicle, according to federal regulations.

Persons who obtain a *Permit to Hunt From A Vehicle* from FWP may also receive authorization from DNRC to drive on roads located on school trust land. This exception does not apply to roads that DNRC has closed by a sign or barrier. Requests for open road designation on school trust lands should be submitted to the DNRC area office where the land is located. Requests must include a legal description of the land tracts where the road is located, accompanying map, and the reason for the request.

The provision that allows disabled hunters to shoot from a road does not permit shooting from a moving motor vehicle or from a road surface. Disabled hunters may shoot from parked vehicles only in areas where hunting is permitted and from the shoulders of roads where their actions will not impede traffic or endanger the safety of passing motorists. Like all other hunters, disabled hunters must have the landowner's permission to hunt on private property.

To qualify for a permit to hunt from a vehicle, hunters with a disability must meet FWP's established criteria identified in Montana Code Annotated 87-2-803(3). For details about the certification procedure, contact a local FWP office.

A person certified to hunt from a vehicle or from the shoulder or berm of a road must be accompanied by a companion capable of assisting in the dressing of any game killed. The companion may not shoot from the vehicle. Vehicles carrying hunters certified to hunt from a vehicle, must be conspicuously marked with an orange-colored international symbol of the disabled on the front, back and sides. FWP will provide the necessary vehicle decals at the time a permit is issued.

Some ranger districts in the national forests have specific roads designated for vehicular use by hunters with disabilities during the hunting seasons. For information about these road designations, contact the local Forest Service ranger station (see pages 30-31 for listings).

Q If a recreationist is injured on private land, is the landowner liable?

Montana law (Montana Code Annotated 70-16-302) restricts the liability of landowners who allow free use of their property for recreation. The statute, similar to those in other states, extends the lowest level of liability to landowners who allow free recreational use of their property, making landowners liable only for "acts or omission which constitutes willful or wanton misconduct." When landowners charge for access or recreational use, they are liable for their ordinary negligence, which requires higher standards of care.