

Montana Code Annotated 2025

TITLE 87. FISH AND WILDLIFE

CHAPTER 1. ORGANIZATION AND OPERATION

Part 2. Department of Fish, Wildlife, and Parks

Hunting Access Programs -- Block Management Program -- Private Landowner Assistance -- Rules -- Restriction On Landowner Liability

87-1-265. Hunting access programs -- block management program -- private landowner assistance -- rules -- restriction on landowner liability. (1) There is established a block management program administered by the department to provide landowner assistance that encourages public access to private and public lands for hunting purposes.

(2) The department may also develop and administer alternative programs to the block management program that are designed to promote public access to private and public lands for hunting purposes.

(3) Participation in a hunting access program established under this section is voluntary. A lease, acquisition, or other arrangement for public access to or across private property for hunting purposes must be negotiated through a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting. Landowners may also form a voluntary association when development of a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the conditions for use of the private property, including but not limited to:

- (a) hunting access management;
- (b) services to be provided to the public;
- (c) ranch rules and other restrictions; and
- (d) any other management information to be gathered, which must be made available to the public.

(4) Private land is not eligible for inclusion in a hunting access program if outfitting, commercial hunting, or fees charged for private hunting access unreasonably restrict public hunting opportunities.

(5) If the department determines that an agreement may adversely influence game management decisions or wildlife habitat on public lands, then other public land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's management goals and personal observations regarding game populations and habitat use must be considered in development of the agreement.

(6) The commission may adopt rules to implement the provisions of this section, including but not limited to rules that determine tangible benefits to be provided to a landowner who participates in a hunting access program. Benefits are intended to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in determining benefits may include but are not limited to:

- (a) the number of days of public hunting provided by a participating landowner;

- (b) wildlife habitat provided;
- (c) resident game populations;
- (d) number, sex, and species of animals taken; and
- (e) access provided to adjacent public lands.

(7) For a proposed agreement that only provides access to adjacent public lands for hunting purposes, the department shall:

- (a) notify adjacent public land leaseholders;
- (b) ensure the proposed agreement does not violate or interfere with the terms of any adjacent public land lease agreement;
- (c) incorporate the relevant terms of an adjacent public land lease agreement into the proposed access agreement; and
- (d) allow an adjacent public land leaseholder the opportunity to support or object to the proposed access agreement.

(8) In considering a proposed agreement that only provides access to adjacent public lands for hunting purposes, the commission may:

- (a) consider an adjacent leaseholder's support for or objection to a proposed access agreement;
- (b) exempt the access agreement from tracking the number of days of public hunting access provided by a participating landowner;
- (c) agree to a payment to the landowner that is a flat fee rate and not based on the number of days of public hunting access provided by a participating landowner;
- (d) use the amount and opportunity provided by public lands access as factors to determine benefits; and
- (e) otherwise implement simplified rules.

(9) (a) Benefits earned by a landowner who participates in a hunting access program may include but are not limited to those applied in the manner described in subsections (9)(b) and (9)(c).

(b) A landowner may receive direct payments:

- (i) for weed control or may direct payments to be made directly to the county weed control board;
- (ii) for fire protection or may direct fire protection payments to be made to the local fire district or the county where the landowner resides; and
- (iii) to offset insurance costs incurred for allowing public hunting access.

(c) The department may provide assistance in the construction and maintenance of roads, gates, and parking facilities and in the signing of property.

(10) (a) Except as provided in **87-1-264** and subsection (10)(b) of this section, payments to a landowner who participates in a hunting access program through an annual agreement may not exceed \$50,000 a year, and \$25,000 a year for agreements that only provide access to public land for hunting purposes.

(b) Each landowner who participates in a unified cooperative agreement pursuant to subsection (3) may be eligible for payments not to exceed \$50,000 a year, and \$25,000 a year for agreements that only provide access to public land for hunting purposes.

(11) The restriction on liability of a landowner, agent, or tenant that is provided under **70-16-302(1)** applies to a landowner who participates in a hunting access program.

History: En. Sec. 1, Ch. 459, L. 1995; amd. Sec. 1, Ch. 216, L. 2001; amd. Sec. 4, Ch. 63, L. 2019; amd. Sec. 2, Ch. 552, L. 2021; amd. Sec. 1, Ch. 230, L. 2023; amd. Sec. 1, Ch. 527, L. 2025.

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Montana Code Annotated 2025

TITLE 87. FISH AND WILDLIFE

CHAPTER 1. ORGANIZATION AND OPERATION

Part 2. Department of Fish, Wildlife, and Parks

Unlocking Public Lands Program -- Purpose -- Commission Rulemaking Authority

87-1-294. (Temporary) Unlocking public lands program -- purpose -- commission rulemaking authority. (1) The legislature finds that increasing access to public lands will provide additional opportunities for activities such as hunting, fishing, wildlife viewing, and other recreational activities as determined by the commission.

(2) The department may establish and administer a voluntary program to encourage access through private land to parcels not previously deemed legally accessible to be known as the unlocking public lands program.

(3) Private land is not eligible for the unlocking public lands program if outfitting or commercial hunting restricts public hunting opportunities on that land.

(4) If the parcel not previously deemed **legally accessible** is leased state land under Title 77, chapter 1, only the lessee with a qualified access to that state land under **15-30-2380** is eligible for the unlocking public lands program.

(5) (a) A contract for participation in the unlocking public lands program is established through a cooperative agreement between the landowner and the department that guarantees reasonable access to public land through the landowner's private land. This contract serves as certification that the landowner is providing qualified access to public land and is eligible for the tax credit identified in **15-30-2380**. The contract must include a certification number for identification purposes. The department shall provide a copy of the contract to the landowner and notify the department of revenue of the certification number. Contracts may be established with landowners:

(i) to provide direct access across a landowner's land to a public parcel; or

(ii) who own land adjacent to the point where the corners of two parcels of public land meet. A landowner with a contract pursuant to this subsection (5)(a)(ii) shall grant access through the landowner's land to establish a corridor between the two parcels of public land. At least one of the parcels of public land must be accessible by a public road, waterway, or access granted by a landowner.

(b) Contracts under subsection (5) may be established with landowners who, prior to January 1, 2016, provided access to public land that was otherwise not legally accessible under subsection (9). Landowners who establish contracts under this subsection (5)(b) are eligible to receive the tax credit identified in **15-30-2380**.

(6) The commission shall develop rules for establishing contracts under this section regarding:

(a) duration of access;

(b) types of qualified access; and

(c) reasonable landowner-imposed limitations.

(7) The department shall provide public notice of any available qualified access to public land established through the unlocking public lands program.

(8) Recreational users of access established by the unlocking public lands program shall remain in the prescribed access route or corridor as defined by the contract in subsection (5).

(9) For purposes of this section:

(a) "parcels not previously deemed legally accessible" means public land that cannot be accessed by:

(i) public road, right-of-way, or easement;

(ii) public waters;

(iii) adjacent federal, state, county, or municipal land that is open to public use; or

(iv) adjacent private land because that landowner has not granted permission to cross; and

(b) "public land" means:

(i) state land, as defined in **77-1-101**; or

(ii) federal land managed by the U.S. forest service or the bureau of land management. (*Terminates December 31, 2027--secs. 1, 2, Ch. 139, L. 2017.*)

History: En. Sec. 2, Ch. 346, L. 2013; amd. Sec. 2, Ch. 392, L. 2015.

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Montana Code Annotated 2025

TITLE 87. FISH AND WILDLIFE

CHAPTER 1. ORGANIZATION AND OPERATION

Part 2. Department of Fish, Wildlife, and Parks

Public Access Land Agreement -- Terms -- Application Fee

87-1-295. Public access land agreement -- terms -- application fee. (1) A public access land agreement may be granted only to a landowner who is providing access across the landowner's land to public land that is leased by the landowner or to public land for which there is no leaseholder. An agreement may not include land for which the landowner is also compensated pursuant to **76-17-102** or **87-1-294**.

(2) The department may negotiate the terms of a proposed public access land agreement with the landowner. Negotiable terms include:

- (a) the amount of compensation, not to exceed \$15,000 annually, and the duration of the agreement;
- (b) improvements to the land provided by the department that may facilitate public access;
- (c) the location of the access and the transportation mode by which the public may use the access;
- (d) time periods when the access may and may not be used; and
- (e) penalties for trespassing on private land not covered by the agreement.

(3) The private land/public wildlife advisory committee appointed pursuant to **87-1-269** shall review proposed public access land agreements and make recommendations to the department. The department shall consider the recommendations when issuing agreements.

(4) The department may revoke a public access land agreement for a violation of the terms of the agreement.

(5) The restriction on liability of a landowner, agent, or tenant that is provided under **70-16-302(1)** applies to a landowner who holds a public access land agreement.

(6) The department may adopt rules to implement the provisions of this section.

History: En. Sec. 1, Ch. 296, L. 2019; amd. Sec. 3, Ch. 552, L. 2021; amd. Sec. 1, Ch. 265, L. 2023.

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Montana Code Annotated 2025

TITLE 87. FISH AND WILDLIFE

CHAPTER 2. FISHING, HUNTING, AND TRAPPING LICENSES

Part 1. General Provisions

Nonresident Elk And Deer License Preference Point System

87-2-115. Nonresident elk and deer license preference point system. (1) The department shall establish a preference point system to distribute Class B-10 nonresident big game combination licenses and Class B-11 nonresident deer combination licenses.

(2) Nonresidents applying to purchase a Class B-10 or Class B-11 license may purchase a preference point, upon payment of a nonrefundable \$100 fee, that gives an applicant who has more preference points priority to receive a Class B-10 or Class B-11 license over an applicant who has purchased fewer preference points.

(3) An applicant may:

(a) purchase only one preference point per license year except a nonresident hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3, and providing the documentation required in subsection (8), may purchase two preference points per license year. No applicant may accumulate more than three preference points total.

(b) purchase a preference point without applying for a Class B-10 or Class B-11 license. An applicant not applying for a Class B-10 or Class B-11 license may purchase a preference point only between July 1 and December 31 of that license year.

(4) (a) The department shall delete an applicant's accumulated preference points if the applicant:

(i) obtains a Class B-10 or Class B-11 license; or

(ii) does not apply for a Class B-10 or Class B-11 license in consecutive years.

(b) If an applicant is unsuccessful in drawing a Class B-10 or Class B-11 license, the department shall allow the applicant to keep and apply preference points to subsequent drawings if done in consecutive years.

(5) Subject to the provisions of **87-2-714**, the department shall issue 75% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to **87-2-505** and **87-2-510** by drawings in which the licenses are awarded to applicants in the order of which applicants have purchased the greatest number of preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (6).

(6) Subject to the provisions of **87-2-714**, the department shall issue 25% of the Class B-10 and Class B-11 licenses made available for purchase pursuant to **87-2-505** and **87-2-510** by drawings in which the licenses are awarded to applicants who have not purchased any preference points. If the number of licenses to be issued under this subsection exceeds the number of applicants who have not purchased preference points, the remaining licenses must be added to the licenses issued pursuant to subsection (5).

(7) Up to five applicants may apply as a party under this section. The department shall use an average of the number of preference points accumulated by those applicants to determine their priority in receiving licenses issued pursuant to subsection (5). The department shall calculate the average rounded to the third decimal place.

(8) A nonresident purchasing a second preference point pursuant to subsection (3)(a) shall provide written affirmation at the time of application indicating the name and license number of the outfitter with whom the person intends to hunt. If the nonresident obtains the license applied for with the preference points purchased pursuant to subsection (3)(a), the nonresident may only use the license when accompanied by an outfitter or the outfitter's designee licensed to provide guiding services.

(9) (a) Fees collected from a nonresident purchasing a second preference point pursuant to subsection (3)(a) must be allocated as follows:

- (i) 25% to public access land agreements established pursuant to **87-1-295**;
- (ii) 25% to hunting access programs established pursuant to **87-1-265**;
- (iii) 25% to the future fisheries program established in **87-1-272** with a priority given to funding projects that provide public access through private property; and
- (iv) 25% to the purchase of permanent easements through private property to access otherwise inaccessible lands. An easement funded by this subsection (9)(a)(iv) may be granted only across private land to public land that is leased by the landowner, public land for which there is no leaseholder, or public land for which the landowner has consent of the leaseholder.

(b) The department may expend up to 10% of the revenue allocated pursuant to subsection (9)(a) to pay administrative costs incurred by the department for the purposes outlined in subsection (9)(a), including but not limited to contracting and transaction costs incurred by the department or entities partnering with the department, and for providing support to the private land/public wildlife advisory committee for its review of public access land agreements pursuant to **87-1-295**.

(c) At the end of each fiscal year, funds allocated pursuant to subsection (9)(a) that remain unobligated are available to the department for any purpose pursuant to **87-1-201(3)**.

History: En. Sec. 2, Ch. 391, L. 2011; amd. Sec. 4, Ch. 221, L. 2019; amd. Sec. 1, Ch. 280, L. 2019; amd. Sec. 6, Ch. 552, L. 2021; amd. Sec. 2, Ch. 487, L. 2023.

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Montana Code Annotated 2025

TITLE 87. FISH AND WILDLIFE

CHAPTER 2. FISHING, HUNTING, AND TRAPPING LICENSES

Part 5. Game Animal Licenses

Either-Sex Or Antlerless Elk License Or Permit For Landowner Who Offers Free Public Elk Hunting -- Terms, Conditions, And Issuance

87-2-513. (Temporary) Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting -- terms, conditions, and issuance. (1) (a) The department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination of the two as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property or on private property leased by the landowner for agricultural purposes.

(b) A designee may be an immediate family member or an authorized full-time employee of the landowner who is eligible for licensure under Title 87, chapter 2.

(2) To be eligible for a license or permit pursuant to this section, a landowner:

(a) must own at least 640 acres of occupied elk habitat, except that smaller acreages are eligible if the department determines that site conditions exist to accommodate successful public hunting;

(b) must have entered into a contractual public elk hunting access agreement with the department in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season; and

(c) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) (a) For every three members of the public allowed to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit, or combination of the two pursuant to subsection (1). The department may limit the total number of licenses and permits issued under this section.

(b) At least one of the public hunters must hold the equivalent license, permit, or combination of the two that is issued to the landowner or the landowner's designee. The department, in consultation with the landowner, shall select the hunters pursuant to subsection (7)(b).

(4) A license or permit issued pursuant to this section:

(a) is nontransferable and may not be sold or bartered; and

(b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.

(5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.

(7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. The agreement must include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.

(b) Except for public hunters selected by the landowner pursuant to subsection (7)(a), the department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district.

(8) (a) Licenses, permits, or combinations of the two issued under this section must be for wildlife management purposes and approved by the commission pursuant to its powers under **87-1-301**.

(b) The commission shall prioritize approval of an application for a license, permit, or combination of the two based on the willingness of the landowner to allow, in either the regular hunting season or a shoulder hunting season, additional cow harvest by public hunters in addition to the number of public hunters required in subsection (3).

(9) For the purposes of this section, the following definitions apply:

(a) "Employee" means a person who works full time for the landowner as part of an active farm or ranch operation enrolled in the program.

(b) "Immediate family member" means a spouse, parent, grandparent, child, grandchild, sibling, niece, or nephew by blood, marriage, or legal adoption.

87-2-513. (Effective March 1, 2026) Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting -- terms, conditions, and issuance. (1) (a) The department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination of the two as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property or on private property leased by the landowner for agricultural purposes.

(b) A designee must be eligible for licensure under Title 87, chapter 2, and be an immediate family member, an authorized full-time employee of the landowner, or a person with a developmental disability or a physical disability as determined by the department.

(2) To be eligible for a license or permit pursuant to this section, a landowner:

(a) must own at least 640 acres of occupied elk habitat, except that smaller acreages are eligible if the department determines that site conditions exist to accommodate successful public hunting;

(b) must have entered into a contractual public elk hunting access agreement with the department in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season; and

(c) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) (a) For every three members of the public allowed to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit, or combination of the two pursuant to subsection (1). The department may limit the total number of licenses and permits issued under this section.

(b) At least one of the public hunters must hold the equivalent license, permit, or combination of the two that is issued to the landowner or the landowner's designee. The department, in consultation with the landowner, shall select the hunters pursuant to subsection (7)(b).

(4) A license or permit issued pursuant to this section:

(a) is nontransferable and may not be sold or bartered; and

(b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.

(5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.

(7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. The agreement must include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.

(b) Except for public hunters selected by the landowner pursuant to subsection (7)(a), the department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district.

(8) (a) Licenses, permits, or combinations of the two issued under this section must be for wildlife management purposes and approved by the commission pursuant to its powers under **87-1-301**.

(b) The commission shall prioritize approval of an application for a license, permit, or combination of the two based on the willingness of the landowner to allow, in either the regular hunting season or a shoulder hunting season, additional cow harvest by public hunters in addition to the number of public hunters required in subsection (3).

(9) For the purposes of this section, the following definitions apply:

(a) "Developmental disability" means a developmental disability as defined in **53-20-102**.

(b) "Employee" means a person who works full-time for the landowner as part of an active farm or ranch operation enrolled in the program.

(c) "Immediate family member" means a spouse, parent, grandparent, child, grandchild, sibling, niece, or nephew by blood, marriage, or legal adoption.

(d) "Physical disability" means a person experiencing a condition medically determined to be permanent and substantial and resulting in significant impairment of the person's functional ability.

History: En. Sec. 1, Ch. 519, L. 2001; amd. Sec. 10, Ch. 553, L. 2003; amd. Sec. 1, Ch. 37, L. 2019; amd. Sec. 11, Ch. 63, L. 2019; amd. Sec. 2, Ch. 94, L. 2021; amd. Sec. 4, Ch. 486, L. 2021; amd. Sec. 8, Ch. 552, L. 2021; amd. Sec. 1, Ch. 730, L. 2023; amd. Sec. 2, Ch. 359, L. 2025.

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TITLE 87. FISH AND WILDLIFE

CHAPTER 2. FISHING, HUNTING, AND TRAPPING LICENSES

Part 5. Game Animal Licenses

License For Nonresident To Hunt With Resident Sponsor Or Family Member -- Use Of License Revenue

87-2-526. License for nonresident to hunt with resident sponsor or family member -- use of license revenue. (1) The department may offer for sale 500 B-10 nonresident big game combination licenses, 500 B-11 nonresident deer combination licenses, and 500 nonresident elk-only combination licenses that must be used as provided in this section and as authorized by department rules. Sale of licenses pursuant to this section does not affect the license quotas established for Class B-10 and Class B-11 licenses in **87-2-505** and **87-2-510** or the number of nonresident elk-only combination licenses available pursuant to **87-2-511**. The price of licenses sold under this subsection is one-half of the fee set for the equivalent license in **87-2-505**, **87-2-510**, or **87-2-511**.

(2) A license authorized in subsection (1) may be used only by an adult nonresident family member of a resident who sponsors the license application and who meets the qualifications of subsection (3). The nonresident family member must have completed a Montana hunter safety and education course and have previously purchased a resident hunting license. A nonresident family member who receives a license pursuant to subsection (1) must be accompanied in the field by a sponsor or family member who meets the qualifications of subsection (3).

(3) To qualify as a sponsor or family member who will accompany a nonresident licensed under subsection (1), a person must be a resident, as defined in **87-2-102**, who is 18 years old or older and possesses a current resident hunting license and who is related to the nonresident within the second degree of kinship by blood or marriage. The second degree of kinship includes a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, and stepdaughter. The sponsor shall list on the license application the names of family members who are eligible to hunt with the nonresident hunter.

(4) If the department receives more applications for licenses than the number that are available under subsection (1), the department shall conduct a drawing for the licenses. Applicants who are unsuccessful in the drawing must be entered in the general drawing for a nonresident license provided under **87-2-505** or **87-2-510**, as applicable.

(5) All money received from the sale of licenses under subsection (1) must be deposited in a separate account and must be used by the department to acquire public hunting access to inaccessible public land, which may include obtaining hunting access through private land to inaccessible public land.

History: En. Sec. 1, Ch. 345, L. 2009; amd. Sec. 1, Ch. 107, L. 2013; amd. Sec. 24, Ch. 449, L. 2015; amd. Sec. 5, Ch. 287, L. 2017; amd. Sec. 1, Ch. 24, L. 2021.

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ADMINISTRATIVE RULES OF MONTANA

12.2.601 PUBLIC LAND ACCESS TAX CREDIT

- (1) Pursuant to 15-30-2380 and 87-1-294, MCA, landowners may apply for a contract with the department to become eligible to receive a \$750 tax credit for qualified access to public land, as defined in 87-1-294(9)(b), MCA.
- (2) Landowners wanting to be considered for a contract must submit an application by March 15 in the tax year for which credit will be claimed.
- (3) The department will award contracts no later than May 15 of the tax year in which the credit is to be claimed.
- (4) The application must state the following and failure to include any one portion may result in denial of the application:
 - (a) legal land description of parcel of public land to which access will be provided;
 - (b) legal land description of parcel of private land through which access will be provided;
 - (c) description of the road or travel route providing public access to the public land parcel;
 - (d) map depicting public land parcel, adjacent private land through which public access will be provided, access point where public access on private land begins, and travel route proposed for public access;
 - (e) description of method permitted to access public lands;
 - (f) indication as to whether or not the landowner is lessee of a state land parcel to which public access will be provided; and
 - (g) indication as to whether or not hunting on the private land through which access will be provided is managed through outfitting or commercial hunting.
- (5) The department must consider the following when awarding contracts:
 - (a) verification that the public lands are not restricted or closed to general recreational use by the land management agency that owns or has legal control of the public land parcel;
 - (b) verification that the public land will be available for a majority of the year to all general recreational use including hunting, fishing, trapping, hiking, wildlife watching, and other uses compatible with the use of public lands;
 - (c) access routes restricted to foot travel only:
 - (i) must be capable of accommodating normal ambulatory travel; and

- (ii) must not exceed one linear mile from the beginning to the end of the access route; and
 - (d) access routes available to vehicles must be capable of accommodating typical road use vehicles.
- (6) A landowner may impose reasonable limitations through temporary closure of a public access route to address concerns related to high fire danger, weather-related impact to travel route, safety, or agricultural production activities such as livestock handling or harvest and planting of crops, so long as:
- (a) the landowner notifies department regional headquarters at least 24 hours prior to the closure;
 - (b) the landowner posts notice to the public on-site; and
 - (c) the closure:
 - (i) is in effect for no more than seven days without department review and approval; and
 - (ii) is removed within 24 hours after the natural environmental conditions no longer exist.
- (7) Land enrolled in any other department program that secures public access to a public land parcel is not eligible for a contract through this program to provide access to that same public land parcel.
- (8) To provide verification that the landowner is eligible to receive the tax credit pursuant to 15-30-2380 and 87-1-294, MCA, the department must provide:
- (a) a copy of the contract to the landowner bearing a certification number that confirms the terms of the contract have been fulfilled no later than January 31 after the end of the tax year in which the credit is being claimed; and
 - (b) the contract certification number to the Department of Revenue no later than January 31 after the end of the tax year in which the credit is being claimed.

Authorizing statute(s): 87-1-294, MCA

Implementing statute(s): 15-30-2380, 87-1-294, MCA

History: NEW, 2014 MAR p. 391, Eff. 2/28/14; AMD, 2016 MAR p. 202, Eff. 2/6/16.



12.2.605 DEFINITIONS

- (1) "Inaccessible public land" means public land wholly surrounded by private land by which there is no other legal access via public road, trail, right of way or easement; public waters; adjacent federal, state, county, or municipal land that is open to public use; or adjacent private land for which that landowner has not granted permission to cross.
- (2) "Landowner" means an individual, association, organization, or business entity, that owns land in fee, or a tenant or contract for deed purchaser with written authority to enter a PALA and receive payments.
- (3) "PALA" means public access land agreement. A PALA is an agreement between a private landowner and the department pursuant to 87-1-295, MCA, whereby the public is allowed access across private lands to inaccessible public lands or under accessible public lands.
- (4) "PL/PW" means private land/public wildlife advisory committee provided for in 87-1-269, MCA.
- (5) "Public land" means FWP lands, and state and school trust lands as defined in 77-1-101, MCA, or federal land managed by the U.S. Department of the Interior or the U.S. Department of Agriculture.
- (6) "Public land that is leased by the landowner" means "Inaccessible public land" or "under accessible public land" for which a landowner has an agreement with a government agency authorizing the landowner to use the whole or part of the public land for grazing or farming.
- (7) "Under accessible public land" means public land for which there is no other legal access point within one mile via public road, trail, right of way or easement; public waters; adjacent federal, state, county, or municipal land that is open to public use. A distance of less than one mile may be eligible if the department determines that it improves public access to lands based on site specific considerations. Access via public waters may also be considered under accessible if there are safety concerns which limit access by boat (due to rapids, boulders, log jams) and/or by foot while remaining within the high water mark (due to swift currents, deep water along banks, slippery substrate).

Authorizing statute(s): 87-1-295, MCA

Implementing statute(s): 87-1-295, MCA



12.2.606 APPLICATION FOR PUBLIC ACCESS LAND AGREEMENT

- (1) The PALA application must include the following information:
 - (a) legal land description of public land to which access is being proposed;
 - (b) description of the proposed road, travel route, or connecting private lands legal land description through which access is being proposed;
 - (c) map depicting public land to be accessed, and public access route across private land;
 - (d) transportation mode by which public access is to be allowed;
 - (e) evidence, such as a copy of the lease or permit, as to whether the public land to be accessed is public land that is leased by the landowner; and
 - (f) requests for reimbursement of improvements, if applicable, on private land to facilitate public access to the public land. Improvements are limited to and valued at \$1,000 per agreement year dependent upon available program funds.
- (2) If the property through which access is provided is owned in common by multiple owners, the PALA application must specify the share of the payment to which each owner is entitled, and each owner or agent of the owner must sign the application.
- (3) The department shall develop and maintain a PALA application form.
- (4) Failure to include any required information may result in denial of the application.

Authorizing statute(s): 87-1-295, MCA

Implementing statute(s): 87-1-295, MCA

History: NEW, 2020 MAR p. 779, Eff. 5/1/20; AMD, 2023 MAR p. 211, Eff. 3/11/23.



12.2.607 PUBLIC ACCESS LAND AGREEMENTS

- (1) Before approving a PALA the department must exercise due diligence to verify that:
 - (a) the public lands are not restricted or closed to general recreational use by the land management agency that owns or has legal control of the public land;
 - (b) the private lands, or any right of way, road, or trail to be utilized are wholly owned by the applicant(s) and there is open access across the designated access route;
 - (c) the public has no existing right of access over the proposed route;
 - (d) access routes restricted to foot travel only:
 - (i) must be capable of accommodating normal ambulatory travel; and
 - (ii) must not exceed one linear mile from the beginning to the end of the access route; and
 - (e) access routes available to motorized vehicles must be safe and passable during dry conditions for two-wheel drive vehicles.
- (2) If access to inaccessible public land or under accessible public land can only or most effectively be provided through separate properties owned by different landowners, an agreement may be issued with each landowner provided each landowner holds the lease or permit on the public land or the public land does not have an existing lease or permit.
- (3) Contingent on the annual availability of funds to operate the PALA program, landowners may elect to participate in a PALA for up to 10 years with the agreement being renewed annually.
- (4) Applications must be received by a date set by the department to allow for time for adequate department review.
- (5) A PALA shall not be construed to support, establish or preclude, limit or diminish any claim for the right to public use.
- (6) The department may not enter a PALA where there is an existing right of public access over the proposed access route. If the department is uncertain whether the proposed access route is public or private, or if a controversy exists over whether the proposed access route is public or private, the department shall present its findings to the PL/PW for its consideration in its recommendation.
- (7) Consideration for PALA enrollment will be given to those sites that are open during commission-established hunting or fishing seasons, or both.

- (8) A PALA may be terminated by the department or the landowner if the terms of the agreement are violated. An agreement may be canceled, and a landowner's property withdrawn from the program at any time due to circumstances beyond the control of the landowner or the department, such as death, illness, natural disaster, or acts of nature. In the event of termination, payment will be reduced and correlated to the time frame and access provided.
- (9) The landowner and the department may deny access to an individual(s) for violation of PALA rules.
- (10) A PALA does not convey to the public any right to hunt or otherwise recreate on the private land through which they can travel to reach public land.
- (11) The department shall maintain and make available to the public a list of current PALA locations and rules.
- (12) With department approval, a landowner may impose reasonable limitations through temporary closure of a PALA to address concerns related to high fire danger, weather-related impact to travel route, safety, or agricultural production activities such as livestock handling or harvest and planting of crops, so long as:
 - (a) the landowner notifies department regional headquarters at least 24 hours prior to the closure;
 - (b) the landowner posts notice to the public on-site;
 - (c) the closure is removed within 24 hours after the conditions causing the closure no longer to exist; and
 - (d) its closure is in effect for no more than seven days without additional department review and approval.

Authorizing statute(s): 87-1-295, MCA

Implementing statute(s): 87-1-295, MCA

History: NEW, 2020 MAR p. 779, Eff. 5/1/20; AMD, 2023 MAR p. 211, Eff. 3/11/23.



12.2.608 LANDOWNER COMPENSATION

- (1) In negotiating for the annual payment to a landowner, the department shall consider:
 - (a) acres of public land accessed;
 - (b) the quality of fish or wildlife habitat that may be provided by the public land to be accessed;
 - (c) duration public access is allowed;
 - (d) mode of transportation allowed;
 - (e) whether closures can be expected; and
 - (f) other uses allowed.
- (2) Landowners in the program may receive:
 - (a) monetary compensation not to exceed \$15,000 per annual agreement; and
 - (b) improvements provided by the department to the private land that facilitate public access.

Authorizing statute(s): 87-1-295, MCA

Implementing statute(s): 87-1-295, MCA

History: NEW, 2020 MAR p. 779, Eff. 5/1/20; AMD, 2023 MAR p. 211, Eff. 3/11/23.



ADMINISTRATIVE RULES OF MONTANA

12.2.609 ADOPTION OF PRIVATE LANDOWNER'S RULES

- (1) Any individual accessing lands that are approved by either the department or the commission for public access programs administered by the department must adhere to the rules established by the landowner.
- (2) A violation of a landowner's published access rules on lands enrolled in any of the public access programs administered by the department is considered a violation of commission rule.
- (3) The landowner's published access rules will be available on the department's website.

Authorizing statute(s): 87-1-301, MCA

Implementing statute(s): 87-1-301, MCA

History: NEW, 2025 MAR, Notice No. 2025-250, Eff. 10/25/25.