

Public Access Land Agreement



APPLICATION PACKET

Program Objective:

The Public Access Land Agreement (PALA) program seeks to open or improve public recreational access to inaccessible or under-accessible public lands in exchange for annual payment and possible reimbursement for improvements to facilitate public access to public lands.

Program Eligibility Criteria:

A PALA may be granted to a landowner who allows the public to traverse private land, a private road or private trail to access public land that is leased by the landowner or to public land for which there is no leaseholder. Public lands to be accessed may include FWP lands, State Lands, State School Trust lands (DNRC) or federal lands managed by the US Department of the Interior (BLM) or Agriculture (USFS).

Public lands may be eligible for a PALA if they provide access to public lands deemed “inaccessible” or “under accessible” as defined below:

- Inaccessible means wholly surrounded by private land and the public land cannot be accessed by: public road, right-of-way, or easement; public waters; adjacent federal, state, county, or municipal land that is open to public use.
- Under accessible means public land for which there is no other legal access point within **two miles** via public road, trail, right of way or easement; public waters; or adjacent federal, state, county, or municipal land that is open to public use.
 - 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).

Private land parcels are not eligible for enrollment if they are actively enrolled in the FWP Unlocking Public Lands (UPL-tax credit) program or the DNRC Montana Public Land Access Network program (MT- PLAN).

Application Details:

A landowner must complete an application (pages 3-5) and submit the completed application, \$5.00 application fee and the other required application documents to their local FWP Regional Office: Attention Hunting Access Coordinator or the FWP Wildlife Office in Helena at FWP: Wildlife PALA Program, 1420 E 6th Ave, Helena, MT 59601.

- To be considered for the 2021-2022 season, a complete PALA application, application fee and required application documents must be received by FWP no later than **MARCH 15, 2021**.
- Complete applications will be reviewed, scored and ranked by FWP staff to develop a project valuation to be proposed to a landowner. If landowner agrees to valuation, the application will be reviewed publicly by the Private Land/Public Wildlife Advisory Committee for a recommendation to the FWP Director. The final decision to extend an agreement lies with the FWP Director.
- FWP and successful PALA applicants shall enter into cooperative agreements (contracts) that will outline the terms and conditions of access. Contingent on annual availability of funds, landowners may offer to participate in a PALA for up to 10 years. Payments will be made annually.

Questions? Contact your local FWP Hunting Access Coordinator, Warden, Biologist or the FWP Wildlife Office in Helena 406-444-2612. Questions can also be emailed to fwpwld@mt.gov

Public Access Land Agreement Program Details:

- A PALA shall not be construed to support, establish or preclude, limit or diminish any claim for the right to public use.
- Priority consideration for PALA enrollment will be given for sites that are open during commission-established hunting and fishing seasons. This may include those public lands associated with Block Management Areas.
- Public lands are not eligible for enrollment if they are restricted or closed to general recreational use by the land management agency that owns or has legal control of the public land parcel.
- 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.
- The landowner and the Department may deny access to an individual(s) for violation of PALA rules.
- PALA access routes restricted **to foot travel only** must not exceed one linear mile from the beginning of the access route to the start of the public land.
- PALA access routes available to vehicles must be safe and passable during dry conditions with a two-wheel drive vehicle.
- If access to 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.
- Enrollment in a PALA **does not** convey to the public any right to hunt or otherwise recreate on the private land through which they can pass to reach public land.
- The location of the PALA will be published on the FWP website and made available to the public for the length of the contract term. PALA sites will be signed by FWP to identify enrollment in program. Signs must remain in place for the entire length of the contract term.
- With Department approval, temporary closures of PALA sites may be imposed by the landowner due to conditions such as high fire danger, weather-related impacts to travel, public safety, agricultural operations, or livestock handling, so long as:
 - The landowner notifies the Department at least 24 hours prior to the closure;
 - The landowner posts notice on-site;
 - The closure is removed within 24 hours after the conditions causing the closure no longer to exist.
- For additional information or questions regarding the PALA program please contact the MT Fish, Wildlife & Parks-Wildlife Division at (406) 444-2612 or fwpwld@mt.gov or contact your FWP Regional Hunting Access Coordinator, Biologist or Warden.

Landowner Liability:

- The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to landowner who holds a Public Access Land Agreement.

Public Access Land Agreement Application

For Department Use Only
Application #: _____

Completion of this application in no way constitutes a commitment by the State of Montana to award a contract.

APPLICATION 2021 - 2022

I. CONTACT INFORMATION	
Landowner Name	
Mailing Address Street/City/State/ZIP	
Phone Number(s)	

II. PUBLIC Land Parcel to which the public will be allowed to gain access. (One application for each access point)			
Public land parcel legal description	Township(N/S)	Range(E/W)	Section

III. PRIVATE Land Parcel(s), trails or roads through which public will be allowed to traverse to reach Public Land Parcel identified in Section II.						
Ranch/Property Name						
County(s)						
Private land parcel(s) legal descriptions	Township(N/S)	Range(E/W)	Section(s)	Township(N/S)	Range(E/W)	Section(s)



IV. DESCRIPTION OF PROPOSED PROJECT:
Dates the public may access the public land through this agreement: START DATE: _____ END DATE: _____
Hunting and/or fishing must be allowed on the public land through this potential agreement. The primary recreation opportunity for the public through this potential agreement is (circle all that apply): Hunting Fishing
Are you willing to allow other recreations as permitted by the public land such as camping, hiking, birding, etc. if opportunity exists and dates proposed allow (circle one)? ➡ YES NO
Please provide a short project description including the name/number of the public land(s) or public waterway from which the public will enter onto and depart from your private land, private road and/or trail:

- To be considered complete, this application must also be accompanied by:**
- A map which depicts the public land parcel being accessed, and the access point or travel route proposed for public access.**
 - \$5.00-dollar application fee payable to MT Fish, Wildlife and Parks. If it is one travel route or access point it is considered one project and application and application fee despite possible multiple public land parcels.**
 - Evidence that identifies the applicant is the current leaseholder on the public land, if a lease currently exists.**
 - If applicable, an estimated budget or project cost of improvements requested that are necessary to facilitate public access (such as a water crossing, culvert installation, gravel and/or grading of a roadway, etc.).**

V. METHOD OF PUBLIC ACCESS – Means by which public will be allowed to cross private land, road or trail.

A landowner may determine the method(s) of travel by which the public can traverse the landowner's private land, road or trail to gain access to public land.

Please select the method below for which you will permit the public to travel your private land, road or trail.

METHOD OF PUBLIC TRAVEL ALLOWED TO REACH PUBLIC LAND:

Motorized, restricted to highway-capable vehicle *(must be passable during dry conditions with two-wheel drive).*

↳ Does this include ATV/OHV/Dirt Bike, electric bicycles, snowmobiles (if applicable)? YES NO

OR

Non-motorized (walk-in only), with an exception for motorized travel for game retrieval and/or boat, canoe, raft, kayak launch.

↳ Landowner permission required prior to motorized access? YES NO

↳ How is permission obtained?

OR

Non-motorized only- no motorized use (walk-in only), limited to foot travel only (cannot exceed one mile to public land)

OR

Non-motorized only- no motorized use (walk-in only), but allowing bicycles. Does this include electrically assisted bikes (circle one)? YES NO

OR

Non-motorized only- no motorized use (walk-in only), but allowing bicycles or horseback with certified weed-free hay. Does this include electrically assisted bikes (circle one)? YES NO



**Applicant Signature:**

I, the undersigned, am aware of the following obligations and requirements concerning application for enrollment in the Public Access Land Agreement program:

1. If a **public** land parcel has an existing lease, only the lessee is eligible to enter a Public Access Land Agreement to provide access to that **public** land parcel. Are you a lessee of the public parcel?
 Yes _____ (please provide documentation) No _____ Not Applicable (no lease) _____
2. If I find that there is a need to impose a temporary closure on the private land enrolled in this program, I understand that I must:
 - a) Notify the Department at least 24 hours prior to the closure;
 - b) Post notice on-site;
 - c) Remove closure within 24 hours after the conditions causing the closure no longer to exist.
3. The PALA location will be signed by FWP to identify enrollment in program. Signs must remain in place for the entire length of the contract term. The location of the project will be published on a map located on the FWP website and made available to the public for the length of the contract term.
4. Violation of the terms of any contract entered may result in FWP not certifying the landowner as eligible for the payment benefit offered under this program.
5. Completion of this application in no way constitutes a commitment by the State of Montana or Fish, Wildlife & Parks to award an agreement.
6. A \$5.00-dollar non-refundable application fee is required with this application.
7. Enrollment in a PALA does not convey to the public any right to hunt or otherwise recreate on the private land through which they can traverse to reach public land.
8. A PALA shall not be construed to support, establish or preclude, limit or diminish any historic claim for the right to public use.

Applicant signature: _____ Date: _____

Submit the completed application, \$5.00 application fee and required application documents to local FWP Regional Office: Attention Hunting Access Coordinator or FWP Wildlife Office at FWP: Wildlife- PALA Program, 1420 E 6th Ave, Helena, MT 59601

To be considered for enrollment in this program, this application must also be accompanied by:

1. **A map which depicts the public land parcel being accessed, and the access point or travel route proposed for public access.**
2. **\$5.00-dollar application fee payable to MT Fish, Wildlife and Parks. If it is one travel route or access point it is considered one project and application fee despite possible multiple public land parcels being accessed.**
3. **Evidence that identifies the applicant is the current leaseholder on the public land, if a lease currently exists.**
4. **If applicable, an estimated budget or project cost of improvements requested that are necessary to facilitate public access (such as a water crossing, culvert installation, gravel and/or grading of a private roadway, etc.).**