

WHAT DOES IT MEAN IF STATE TRUST LAND IS POSTED WITH BLUE PAINT?

Blue paint used on state trust land accomplishes the same purpose as orange paint on private land - to notify persons against unauthorized use (trespass). Recreational use of legally accessible state trust land, whether or not it is posted with blue paint, is an authorized use so long as the recreationist has in his or her possession a state land recreational use license or conservation license.

DO I HAVE TO HAVE THE LESSEE'S PERMISSION OR HAVE TO NOTIFY THE LESSEE PRIOR TO USING THE STATE TRUST LAND?

A lessee may require notification (not permission) either in person, by telephone, or by drop box, from recreationists prior to their entry onto leased or licensed state land. The type of notification required depends on the type of recreational activity being conducted and the type of notification requested.

If notification is required, the state land must be posted at customary access points with signs available from DNRC. The posting must include the name, phone number, and directions to the residence of the person to be notified, or the location of the drop box.

GENERAL NOTIFICATION GUIDELINES

Overnight use, horseback use, or firearm use **NOT IN CONJUNCTION** with licensed hunting requires personal or drop box notification at the designated notice location.

Overnight use in conjunction with floating requires personal notification if the designated notice location is less than 500 yards from the state land access point. If greater than 500 yards, drop box notification is sufficient.

All other Uses, including overnight horse use or firearms **IN CONJUNCTION** with licensed hunting require personal notification only if the distance from the state tract to the designated notice location or nearest public telephone is less than 5 road miles. If the lessee Cannot be contacted, or if the distance is greater than 5 miles, a drop box must be provided at customary access points to the tract.

If personal notification is required, the lessee must be available from 7:00 a.m. to 9:00 p.m. to receive such notification. The recreationist must, if requested, provide his or her name, address, recreational license number and the names of the members of the party.

Proper notification entitles the recreationist(s) to engage in general recreational activities for three consecutive days, or a longer period if authorized by the lessee, without re-notification.

WHO IS ENFORCING THE RULES, AND WHAT IS THE PENALTY FOR ILLEGAL RECREATIONAL USE OF THE LANDS?

DFWP game wardens are primarily responsible for enforcement of the state land recreational use rules. However, DNRC trust land personnel and other state and local law enforcement personnel may also be involved in enforcing the law and rules. Violators are subject to prosecution and assessment of a penalty of up to \$1,000 per day for each violation.

WHERE CAN I GET COPIES OF THE STATE LAND RECREATIONAL USE RULES, INFORMATIONAL PAMPHLETS, OR ANSWERS TO OTHER QUESTIONS I MAY HAVE?

Informational pamphlets and copies of the rules are available from all DNRC offices. Additionally, informational pamphlets are available from DFWP offices and license agents, as well as many Bureau of Land Management and U.S. Forest Service offices. If you have further questions, please contact your local DNRC office or phone (406)-444-2074. Also visit the web at www.dnrc.mt.gov/trust/REMB/statues/recreationaluse.asp

REPORT VIOLATIONS

Contact a Montana Department of Fish, Wildlife & Parks game warden or call 1-(800) TIP-MONT.

FOR MORE INFORMATION REGARDING STATE LANDS

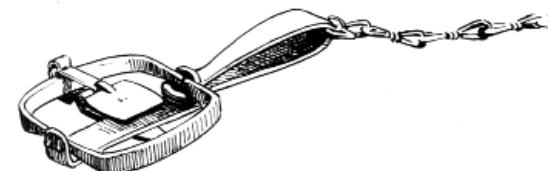
DNRC LAND OFFICES	
DNRC HEADQUARTERS 1625 11th Avenue Helena, MT 59620 (406) 444-2074	FORESTRY DIVISION 2705 Spurgin Road Missoula, MT 59801 (406) 542-4300
Central Land Office 8001 North Montana Avenue Helena, MT 59602 (406) 458-3500	Eastern Land Office 321 Main Street Miles City, MT 59301 (406) 232-2034
Northeastern Land Office 613 Northeast Main Street Lewistown, MT 59457 (406) 538-7789	Northwestern Land Office 655 Timberwolf Parkway, Ste 1 Kalispell, MT 59901 (406) 751-2240
Southern Land Office Airport Industrial Park Billings, MT 59105 (406) 247-4400	Southwestern Land Office 1401 27th Avenue Missoula, MT 59804 (406) 542-4200
DNRC UNIT OFFICES area code (406)	
Anaconda Unit 563-6078 Bozeman Unit 586-5243 Clearwater Unit 244-5857 Conrad Unit 278-7869 Dillon Unit 683-6305 Glasgow Unit 228-2430 Hamilton Unit 363-1585 Havre Unit 265-5236	Helena Unit 458-3512 Kalispell Unit 751-2241 Lewistown Unit 538-7789 Libby Unit 293-2711 Lincoln Station 362-4999 Missoula Unit 542-4201 Plains Unit 826-3851 Stillwater Unit 881-2371 Swan River Unit 754-2301

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Persons with disabilities who need an alternative, accessible format of this document should contact DNRC at the headquarters address listed above or phone (406) 444-2074



**Guide to
Recreational Use
of Montana's
State Trust Lands**



WHY DO I HAVE TO PAY TO USE STATE TRUST LANDS?

The federal government granted these lands to the state under the Enabling Act at the time of Montana's statehood in 1889. The lands were granted for the sole purpose of generating income for support of the common schools and other public institutions. Today, state trust lands are administered by the Department of Natural Resources and Conservation (DNRC). Trust income is generated through various user fees. The lands, along with their proceeds and income, are held in trust for the beneficiaries.

WHAT LANDS ARE STATE TRUST LANDS, AND WHERE CAN INTERESTED PARTIES OBTAIN A MAP DISPLAYING THESE TRACTS?

Originally, Sections 16 and 36 of every township were granted as school trust lands. Some of these sections could not be acquired because they were already homesteaded, were within Indian reservation boundaries, etc. The state was able to acquire other lands in lieu of the lands that could not be acquired. Also, at one time, the Department of State Lands made loans on private lands and held the deeds to the private lands as collateral. In some cases, the private landowner defaulted on loan payments, and the state then acquired those private lands. In short, state trust lands now include more than just Sections 16 and 36.

All state lands, including non-trust state lands are generally colored blue on Bureau of Land Management and U.S. Forest Service Maps, the *DeLorme Montana Atlas and Gazetteer* (sold in most supermarkets and convenience stores), and maps found at nris.state.mt.us/mapper/index.html. A few of the state tracts colored blue are not trust lands. Some state lands are owned by other state agencies such as the Departments of Labor and Industry; Fish, Wildlife and Parks; Corrections; and Military Affairs and are used for state office buildings, military armories, prisons and other institutions, state parks, etc. These lands are also not authorized for recreational use under the license requirements as provided herein. They are typically unsuited for recreational use and are not included as lands authorized for licensed recreational use as provided herein.

ARE ALL STATE TRUST LANDS OPEN TO RECREATIONAL USE?

State trust lands that are legally accessible and that have not been closed or restricted to such use by rule or by DNRC are open to recreational use. "Legally accessible" state trust lands are those that can be accessed by public roads, public rights-of-way, or public easement; by public waters that are recreationally navigable under the Stream Access Law; by adjacent federal, state, county, or municipal land if that land is open to public use; or by permission of an adjacent landowner.

WHAT STATE TRUST LAND IS UNAVAILABLE FOR RECREATIONAL USE OR MIGHT HAVE RESTRICTIONS IN PLACE?

Agricultural lands (between planting and harvest), as well as lands leased for home sites or cabin sites, active military purposes, or commercial purposes, are categorically (automatically) closed to recreational use. Some other tracts are temporarily, seasonally, or permanently closed or restricted on a site-specific basis for a variety of reasons including weed control, public safety, substantial disruption of livestock activities, sensitive species or plant protection, or to protect the lessee's improvements. In addition, some tracts may be closed for short durations for management purposes (concentration of livestock, recent weed spraying, etc.). Lands that are closed or restricted are to be posted with DNRC approved signs at customary access points.

WHAT TYPES OF RECREATIONAL USE LICENSES ARE AVAILABLE, AND WHAT DO THEY ALLOW ME TO DO?

Recreational use of state trust land is divided into two categories: general recreation and special recreation. The type of license required depends on the type of activity being conducted.

"General recreation," by definition, includes most types of noncommercial and/or non-concentrated activities, **except** cutting or gathering firewood, collecting valuable rocks/minerals, mineral exploration, or collection or disturbance of archaeological, historical, or paleontological sites (fossils, artifacts, dinosaur bones, old buildings, etc.). These excepted activities require separate authorization from DNRC.

Effective March 1, 2004, under agreement between DNRC and the Montana Department of Fish, Wildlife and Parks (DFWP), persons who possess a valid Montana Conservation License from DFWP will be authorized to engage in **hunting, fishing, or trapping**** on legally accessible state trust land that is not closed or restricted to such use. (Note: The cost of the conservation license was increased by \$2 to cover DFWP's compensation to DNRC for hunting, fishing, and trapping on state trust land).

Persons desiring to conduct all other types of noncommercial and/or non-concentrated types of activities falling within the definition of "general recreational use," such as hiking, skiing, sight-seeing, day horseback use, etc., unless such activities are conducted in conjunction with and incidental to hunting, fishing or trapping, will be required to possess a State Land *Recreational Use License*, which is available from any authorized DFWP license agent.

A *Special Recreational Use License* which is available only from DNRC offices, is required for trapping, commercial recreational use (such as outfitting), and concentrated (group) use. It is also required for uses outside of the restrictions applicable to general recreational use as listed in the panel to the right, for example, overnight horseback use or overnight use (camping) more than 200 feet from a customary access point or for more than two days.

**** Trapping** - Prior to trapping on state trust land, persons will still be required to possess a "Special Recreational Use License" from DNRC as provided below. However, while there will be no additional fee charged for that license (unless authorized under competitive bid between two or more trappers), trapping activities will be restricted to those lands and subject to all terms and conditions as DNRC may approve in the Special Recreational Use License.

WHAT RESTRICTIONS APPLY TO RECREATIONAL USE ON STATE TRUST LANDS?

Interference with a lessee's or recreationist's legitimate use of state lands is prohibited. Remember, respect each other's rights.

Overnight use (camping) on leased or licensed land is allowed within 200 feet of a customary access point or navigable waterway, but is limited to two consecutive days. Camping on unleased or unlicensed land outside of a designated campground is limited to a total of **14** total days within a calendar year.

Motorized vehicle use on state trust land is restricted to public roads, such as county roads and state highways, or other roads designated by DNRC as open for such use. Requests for open road designation should be submitted to the DNRC area office having jurisdiction in the county where the road is located. Requests must include a legal description of the tract(s) requested, an accompanying map, and the reason for the request. **Off-road use is strictly prohibited.** Very few roads on state land are posted; therefore, you should contact the appropriate county to determine whether a road is a county road, or contact the appropriate DNRC office to determine whether a road on state land is open. Court adjudication is required to determine ownership or right of use of some roads; obtaining permission from possible owners is recommended).

Disabled hunters possessing a *Permit to Hunt from Vehicle*, issued by DFWP are authorized to drive on any road on state trust land, except roads dosed by a sign or barrier.

Discharge of firearms is not allowed within 1/4 mile of an inhabited dwelling or outbuilding without permission of the inhabitant.

Parking is allowed on public roads in compliance with local traffic laws and within 50 feet of a customary access point. You may not park so as to block traffic or in a manner that could produce injury or damage the land or the lessee's improvements.

Open fires are restricted to designated campgrounds. Fireworks are prohibited.

Littering is prohibited.

Pets must be on a leash or otherwise under the control of the recreationist. Horseback use is restricted to day use only. Overnight horseback use is prohibited without a Special Recreational Use License.

Block Management Areas and Wildlife Management Areas, administered by DFWP, may include state land. Recreational use of state land in these areas must be conducted in accordance with the rules and regulations specific to each management area.