

CREDIT FOR UNLOCKING PUBLIC LANDS

REVENUE INTERIM COMMITTEE
MEGAN MOORE – AUGUST 2025

Tax Type	Individual/Corporate	Refundable	Yes
Enacted	2014	Carryover	No
Terminates	2027	6-Year Average Revenue Impact - Individual	\$2,657
MCA Sections	<u>15-30-2380</u> , <u>87-1-294</u>	6-Year Average Revenue Impact - Corporate	\$0

EXPLANATION OF CREDIT

The credit for unlocking public lands, provided for in 15-30-2380, MCA, is a credit against the individual income tax or corporate income tax for providing qualified access to public land.

Definitions

Public Land

- State land
- Federal land managed by the U.S. Forest Service or Bureau of Land Management

Qualified access to public land

- Access or corridor through a taxpayer's property to public land for recreational use
- Certified by FWP
- Excludes access between public land parcels surrounded by private land with no legal access

The credit is equal to \$750 per qualified public access, up to a maximum of \$3,000 for providing four qualified public accesses. If the credit exceeds the taxpayer's tax liability, it may be refunded.

The credit is scheduled to terminate December 31, 2027.

FWP ADMINISTERS PROGRAM, PROVIDES PUBLIC NOTICE OF ACCESS

A taxpayer who participates in the Unlocking Public Lands Program enters into a contract with the Department of Fish, Wildlife, and Parks (FWP) that guarantees reasonable access to public land. The access may be for direct access through the taxpayer's private land to public land including where the corners of two parcels of public land meet. Participants must file an application by March 15 and FWP awards contracts by May 15.

FWP is required to provide public notice of qualified access through the Unlocking Public Lands Program. Participating parcels are posted in a list of [public land hunting opportunities](#) and on the [Hunt Planner Map](#).¹ FWP also provides signage on the property.

RULES ADDRESS DURATION, TYPES OF ACCESS AND ALLOWABLE LANDOWNER LIMITS

[Administrative rules](#) contain additional details about the duration of access, types of access, and temporary limitations by the landowner.

The access must be available for most of the year, though temporary closure for fire danger, weather impacts, and agricultural production are permitted. The landowner must notify FWP regional headquarters at least 24 hours before the closure, post notice of the closure on the site, and the closure may not be in place for more than 7 days without FWP review and approval.

Participants may allow foot or vehicle access. For access limited to foot travel, the route to the public land may not exceed one linear mile. Vehicle access must accommodate typical road use vehicles.

CERTAIN PARCELS INELIGIBLE FOR UNLOCKING PUBLIC LANDS CREDIT

Statute and administrative rules limit or disallow the tax credit and participation in the program under certain conditions, including:

- Only the lease holder with qualified access to state land defined in [77-1-101](#), MCA, may claim the credit.
- Private land on which hunting is managed commercially is not eligible for participation in the program.
- Access to public land that is closed for recreational use by the land management agency or that is legally accessible through another FWP program² is not considered qualified access.

PURPOSE

Looking to the preamble of the bill that enacted the credit and to statutory language reveals the purpose of the credit is to provide additional opportunities for recreational activities on public land.

The purpose of the unlocking public lands credit is to provide additional opportunities for recreational activities on public land.

When enacted in 2013, the preamble in the bill creating the credit included the following clause: "Whereas, the Legislature wishes to increase access by the public to publicly owned, state lands."

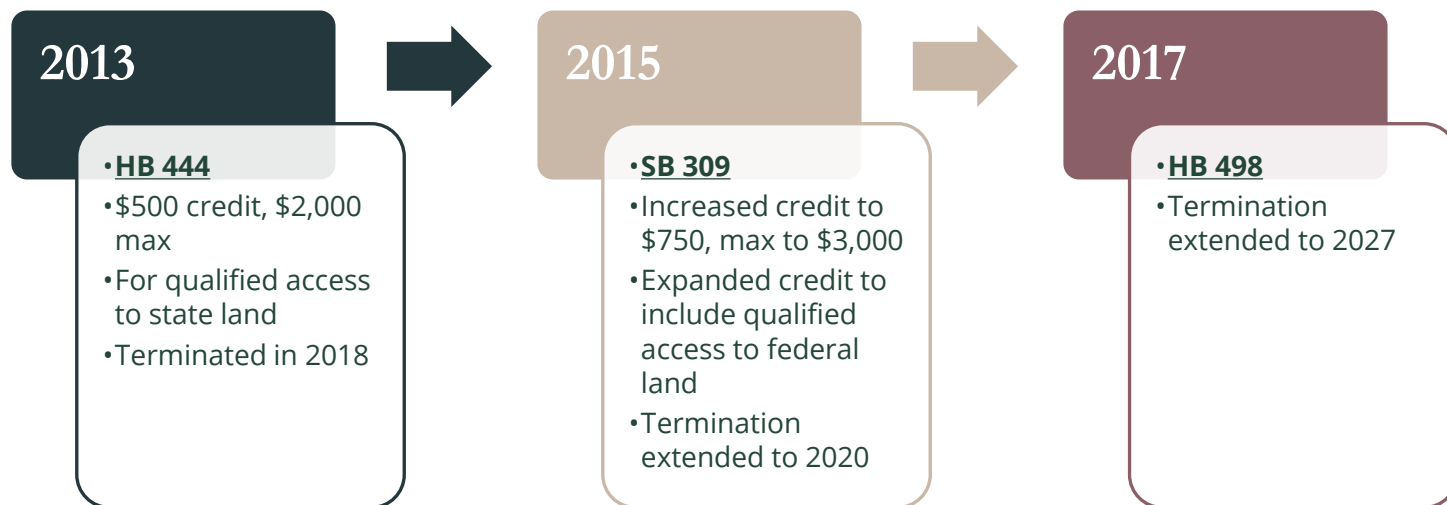
¹ To find parcels, click the elk in the upper right corner of the map, open the Access section, and toggle on "Other Access Opportunities." The Unlocking Public Lands parcels are marked with a "U."

² Examples include Block Management, Habitat Montana, Open Fields for Game Bird Hunters, and the Upland Game Bird Enhancement Program.

The text of [87-1-2949\(1\)](#), MCA, states: “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.”

LEGISLATIVE HISTORY

The credit for unlocking public lands is one of the newer tax credits, enacted in 2013 and amended twice.



2013: ENACTED \$500 UNLOCKING STATE LANDS CREDIT

The 2013 Legislature originally enacted [House Bill 444](#) to create the credit for unlocking state lands as a \$500 credit for each public access up to a maximum of \$2,000 per year. The credit was only for providing qualified access to state land and it was scheduled to terminate on December 31, 2018.

2015: CREDIT INCREASED TO \$750, ALLOWED FOR FEDERAL LAND ACCESS

In the legislative session following enactment, the Legislature enacted [Senate Bill 309](#) to increase the credit and expand eligible qualified access.

The 2015 legislation increased the credit by 50%, from \$500 to \$750 per qualified access and a maximum of \$3,000 per year and extended the termination date to December 31, 2020.

The amendments also expanded eligibility for the credit by including qualified access to federal land managed by the U.S. Forest Service or Bureau of Land Management and for access to the point where the corners of two parcels of public land meet. The Legislature revised the name of the credit to reflect this change.

2017: TERMINATION DATE AGAIN EXTENDED TO 2027

Two sessions after enactment, the Legislature enacted [House Bill 498](#) to revise the termination date of the credit to December 31, 2027.

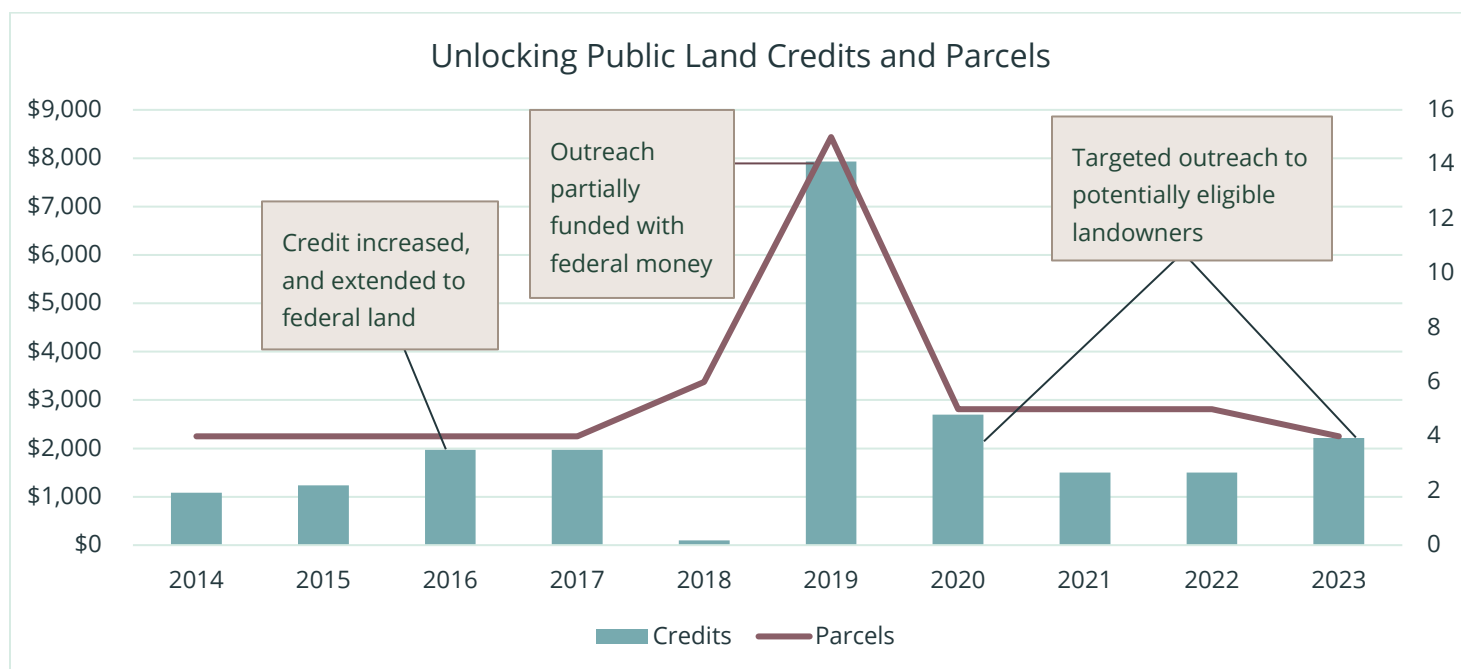
TAXPAYER USE OF CREDIT

\$22,215 IN INDIVIDUAL INCOME TAX CREDITS CLAIMED SINCE 2014

Between 2014 and 2023, individual income taxpayers claimed a total of \$22,215 in unlocking public land credits.³ No corporate income taxpayers have claimed the credit.

The credits provided access through 4-6 parcels in most years. In 2019, when the FWP used federal funds to expand outreach, 15 parcels enrolled in the program.⁴ FWP also used geospatial analysis in 2020 and 2023 to identify properties and notify by mail property owners potentially eligible for the program. Despite those efforts, the number of participants did not significantly increase in those years.

A [focused evaluation](#) by the Legislative Audit Division in 2024 discusses why the credit may not be widely used.⁵



³ Tax credit data provided via email by Aaron McNay, Department of Revenue, July 30, 2025. Parcel data and program administration information provided via phone and email by Jason Kool, Department of Fish, Wildlife, and Parks, July 31 and Aug. 4, 2025.

⁴ In 2018, 30% of enforcement staff funding was federal dollars that could not be used for enforcement work and resulted in staff placing an emphasis on recruiting landowners into the Unlocking Public Lands (UPL) program. In 2019, the Public Access Land Agreement Program (PALA) was created and allowed for up to 10% of the funding to be used for administrative costs, which FWP used to market both the PALA program and the UPL program.

⁵ ["Improving Public Access: Unlocking Public Lands,"](#) Legislative Audit Division, Nov. 2024.

The credit is equal to \$750 per parcel, but most taxpayers do not seem to claim the full credit amount. Dividing the credit dollars claimed by the parcels enrolled shows average credit amounts ranging from \$17 to \$554 per parcel per year.

The low credit amounts are particularly perplexing because the credit is refundable if it exceeds a taxpayer's tax liability. This may indicate that taxpayers are forgetting

to claim the credit, though FWP rules require the agency to send the credit certification number to participants by January 31 of the tax filing year.

Year	Credits Claimed	Landowners	Parcels	Avg. Credit Per Parcel
2014	\$1,086	2	4	\$272
2015	\$1,239	2	4	\$310
2016	\$1,973	2	4	\$493
2017	\$1,973	2	4	\$493
2018	\$100	5	6	\$17
2019	\$7,930	7	15	\$529
2020	\$2,699	4	5	\$540
2021	\$1,500	4	5	\$300
2022	\$1,500	4	5	\$300
2023	\$2,215	3	4	\$554

Though credit claim data is not available for 2024 or 2025, FWP approved contracts for four parcels in 2024 and five parcels in 2025. In each year, the parcels are owned by a total of three landowners.

CREDIT ADMINISTRATION

The Department of Fish, Wildlife, and Parks and the Department of Revenue raised no concerns about the administration of the credit.⁶

⁶ Phone conversation with Jason Kool, Department of Fish, Wildlife, and Parks, July 31, 2025, and email from Derek Bell, Department of Revenue, Aug. 4, 2025.