

Voluntary Public Access (VPA) Frequently Asked Questions

General Program Questions

What is the VPA Program?

The VPA program is a voluntary program that pays private landowners to allow public access on their land for hunting, fishing, wildlife viewing, and hiking through funds provided by the United States Department of Agriculture's Natural Resource Conservation Service (NRCS). The program is intended to provide public access to land that is managed for wildlife habitat.

Who administers this program?

The Franklin Land Trust, in partnership with Berkshire Natural Resources Council, the Massachusetts Forest Alliance, and MA Department of Conservation and Recreation, will administer NRCS funds to participating landowners.

How does the VPA program work?

Landowners can choose between a temporary or a permanent easement for the right to allow the public on their land for hunting, fishing, wildlife viewing, and hiking. Additionally, landowners can choose between a full access easement, or a trail easement. A full access easement will allow public access on all of your property, minus a privacy exclusion for a house, shed, pasture, specific geographic area, or other pertinent amenities. A trail easement will only allow public access within a trail easement area. **Trail easements will only be considered on existing trails contained within one ownership, or on existing trails that make important connections to trails on permanently protected lands that are open to the public.** Funding rates will vary depending on how much land is enrolled, the duration of the easement, and if hunting is included.

What is the duration of the public access easements?

Landowners are encouraged to consider a permanent public access easement, however, temporary public access easements are available. Temporary easements are 10 years in length. Permanent public access easements are in perpetuity.

What Activities are allowed on VPA properties?

Hunting, fishing, wildlife viewing, and hiking are allowed on enrolled properties. Landowners may choose to exclude hunting on full access easements, but will be compensated at a lower rate per acre (see below for rates). The public must follow all applicable laws regarding hunting and fishing. For example, hunting is prohibited within 150 feet of any state road or highway, and is prohibited within 500 feet of a dwelling or building. Landowners retain the right to allow snowmobiles and ATVs on their land but will not be compensated by the VPA program for those activities.

What lands are eligible to enroll into VPA?

All VPA lands must meet the following eligibility requirements:

- ✓ Land must be in the 28 town region (see map of region below)
- ✓ Landowners must verify ownership.
- ✓ Landowners must be willing to publicize VPA lands on the FLT and MA DCR websites.
- ✓ Landowners must provide public access for fishing, wildlife viewing, and hiking.
- ✓ Trail easements will only be considered for existing trails contained within one ownership, or for trails that make important connections to trails on permanently protected lands that are open to the public.

All VPA applications will be evaluated using criteria below to assess suitability for the VPA program.

Full Access Easement Criteria

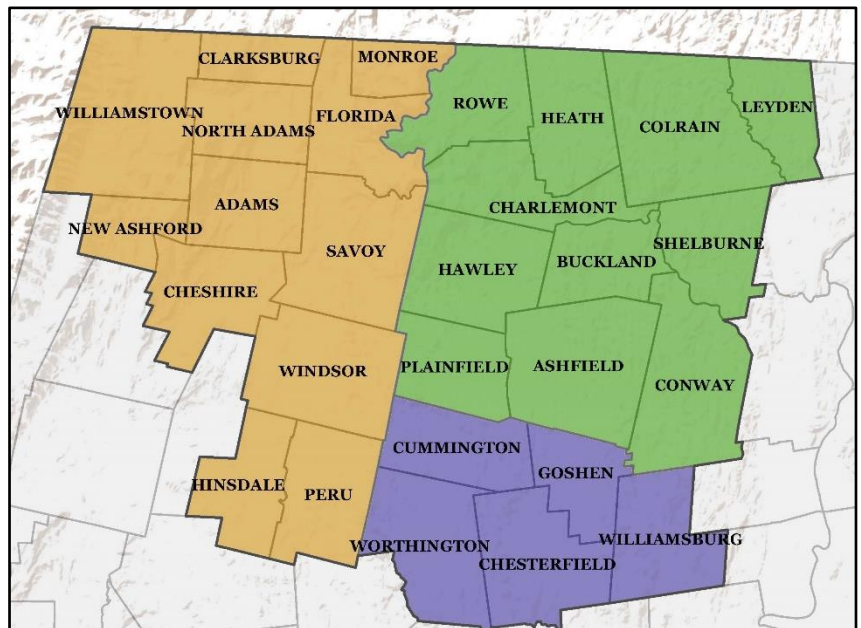
- Property has a forest management plan that designates wildlife habitat management as a goal.
- Property has recently (within the last 5-7 years) managed for wildlife habitat, and/or provides access to early successional habitat.
- Property has parking or safe pull off.
- Property is already being used for fishing, wildlife viewing, hiking and/or hunting.
- Property has existing roads or trails.
- Property abuts public lands or makes connections to conserved land that is open to the public.
- Property has scenic views and/or points of interest.
- Property boundaries are marked.
- Hunting will be included in the full access easement.
- Property provides fishing access.

Trail Access Easement Criteria

- Property has a forest management plan that designates wildlife habitat management as a goal, or is enrolled in Ch 61B.
- Property has recently (within the last 5-7 years) managed for wildlife habitat, and/or trail provides access to early successional habitat.
- Property has parking or safe pull off.
- Trail is well established and has a third party stakeholder with ongoing maintenance plan (volunteer or friends group, trail organization, etc.).
- Trail has existing signage and/or kiosk and maps.
- Trail provides fishing access.
- Landowners or stakeholders have invested into the trail in the form of trail structures, volunteer labor, signage, or maps.
- Property has scenic views and/or points of interest.
- Property boundaries are marked.
- Trail connects to existing trails on public land, or permanently conserved trails.

VPA Eligible Towns

- | | |
|--------------|--------------|
| Adams | Hinsdale |
| Ashfield | Leyden |
| Buckland | Monroe |
| Charlemont | New Ashford |
| Cheshire | North Adams |
| Chesterfield | Peru |
| Clarksburg | Plainfield |
| Colrain | Rowe |
| Conway | Savoy |
| Cummington | Shelburne |
| Florida | Williamstown |
| Goshen | Williamsburg |
| Hawley | Windsor |
| Heath | Worthington |



What are the payment rates* for VPA?

Full Access Easement

All full access easements must allow wildlife viewing, fishing (if applicable), and hiking. Landowners can choose to exclude hunting from a full access easement, but will be compensated at a reduced rate per acre.

Temporary Full Access Easement (10 yrs) with hunting	\$50/acre
Temporary Full Access Easement (10 yrs) without hunting	\$35/acre
Permanent Full Access Easement with hunting	\$75/acre
Permanent Full Access Easement without hunting	\$52/acre

Trail Easement

All trail easements must allow wildlife viewing, and hiking.

Temporary Trail Easement (10 years) without hunting	\$5.00/linear foot
Permanent Trail Easement without hunting	\$10.00/linear foot

*Rates determined by regional market value appraisal.

Are there benefits to low income landowners?

Yes. Low income landowners who meet income requirements as determined by the US Department of Housing and Urban Development will qualify for a matching funds bonus up to \$5000. For example, low income landowners receiving \$4000 for a public access easement will receive an additional \$4000. To learn more visit <https://affordablehousingonline.com/housing-search/Massachusetts/Franklin-County#census>.

What is the payment schedule for lands enrolled in VPA?

A lump sum payment will be received at the time of the recording of the easement.

Does the public have to ask permission from the landowner to access VPA lands?

The public is not required to ask permission from the landowner for non-motorized use. By enrolling in the program, the landowner agrees to open the property to public access. Landowners retain the right to request that people who are abusing the privilege of public access to leave their property.

Are nonprofit organizations eligible to enroll in VPA?

Nonprofit organizations who would otherwise not provide public access to land as part of their mission are eligible.

Landowner Questions

How do I enroll in VPA?

Visit www.franklinlandtrust.org/VPA to download an application. Contact Melissa Patterson mpatterson@franklinlandtrust.org, Greg Cox gcox@massforestalliance.org, or Narain Schroeder nschroeder@bnrc.org to learn more.

Do I have to enroll my entire property into VPA?

No. You can choose to enroll all of your land, or just a portion of your land into the VPA program.

Am I opening myself up to liability if someone gets hurt on my land?

Massachusetts state law provides liability protection for landowners who open their land to the public for recreation without charging a fee (MGL Ch. 21 § 17C). This program does not alter the Massachusetts Liability law.

Can I get a tax break for enrolling into VPA?

Under some circumstances, landowners enrolling into the VPA program may receive a tax break. We recommend that you speak with your tax advisor to fully understand the tax implications before enrolling into the VPA

program.

Can I restrict the number of hunters, trail users, species specific hunters on VPA lands that I enroll?

No. As with state wildlife areas, there are no restrictions on the number of users on a VPA property at any given time.

Can I choose which activities to allow on my land?

Landowners must allow fishing, wildlife viewing, hiking on land included in the VPA program. Landowners can choose not to allow hunting on full access easements. Landowners enrolled in the VPA program have the option to allow additional activities on their land, but will not be compensated by the VPA program for activities other than hunting, fishing, wildlife viewing, and hiking.

How will VPA lands be marked?

As a landowner, you have the option to post VPA boundaries on your land.

If enroll land into a VPA trail easement, am I responsible for building or maintaining a trail?

Landowners are not required to build or maintain a trail, however VPA funds will be prioritized for well-constructed and maintained trails. Additionally, Franklin Land Trust or Berkshire Natural Resources have the right, but not the obligation, to build, maintain, and/or mark a trail on VPA lands.

Can I continue to have a permanent tree stand and ATV access on lands I enroll into VPA?

Yes, as a landowner, you may have a permanent tree stand on land enrolled in VPA and you may continue to use ATV's to access the property, unless otherwise stated in a permanent conservation restriction. The public will be asked to use only temporary tree stands unless you give them permission for other arrangements.

Can I terminate an easement if I no longer want to participate in the program?

You can terminate a temporary easement by providing a 60-day written notice to FLT. However, you will be required to repay a pro-rated amount of the funds provided to you at the time of enrollment. Returned funds will be used for additional VPA projects. Permanent easements cannot be terminated.

If I enroll my land into a temporary easement, can I decide to enroll in a permanent public access easement before my 10 year easement expires?

Yes. If you decide you would like a permanent public access easement before your temporary easement expires, contact the administering agency holding your easement.

What if the public are not obeying the rules?

Disputes will be resolved to the extent possible by the Franklin Land Trust or Berkshire Natural Resources Council, but should legal enforcement be necessary, the Commonwealth of Massachusetts DCR will be responsible for bringing proper legal action.

What happens to the easement if I sell the property?

The easement remains with the property for the term of the easement. The seller will need to inform the new landowners of the easement prior to closing.

How will VPA lands be publicized?

All VPA lands will be posted on the Franklin Land Trust and the MA DCR websites. Participating landowners that post a sign on VPA lands are eligible to receive full compensation. Participating landowners that choose not to post a sign on VPA lands will be compensated at half of the payment rate. Signs will be provided and posted by FLT at a mutually agreed upon location.

Can I build a structure on lands enrolled in VPA?

No. Full access easements and trail easement areas will be planned to accommodate future land use for the term of the easement. The construction of a permanent structure like a home, road, or other building on VPA lands would constitute a violation of the VPA easement terms. Landowners in violation of the terms of the easement would be required to move/remove the structure, or repay VPA funds on.

If I enroll land into the VPA program, can I still harvest timber on my property?

Timber harvesting is permitted under the VPA program. Any hiking trails or lands used for public access under the VPA program may be temporarily closed during active harvesting operations to avoid harvest hazard areas. Public access to VPA lands and trails must be reopened by the landowners once timber harvesting activities are completed.

Can I re-route a trail that has already been enrolled in a trail easement?

The location of any hiking trails covered by a public access easement may be re-routed within the trail easement area with the written agreement of the administering agency and the landowner. There will be no additional payment to the landowner if the length of the trail increases.

What kind of income are VPA funds?

VPA funds will appear on a 1099 as miscellaneous income and will be taxed as such.

What are the tax implications of VPA funds?

We recommend that you speak with your tax advisor to fully understand any/all tax implications before enrolling in the VPA Program.

Is it possible to receive compensation over a period of years?

No. Funds will be paid in a lump sum at the time of recording.

Am I eligible to enroll in the VPA program if I have a mortgage or home equity line of credit?

Landowners who have a mortgage or home equity line of credit may be eligible to enroll in VPA, however permission from the bank must be obtained for permanent easements.

VPA User Questions

Can I put a tree stand or blind on VPA properties?

Constructing or erecting blinds, stands or other structures is not allowed. Portable structures are acceptable, but don't damage trees and take blinds and stands with you when you leave each day.

Where do I park my vehicle when using VPA properties?

Park wisely on the shoulder of a public road or in a designated parking area. Do not block access to farm fields or pastures.

Is ATV or vehicle access/trail allowed on VPA properties

Access and travel is limited to foot travel only on all VPA properties.

Where can I find VPA properties open to public access?

A map of the public access points and the VPA property locations will be posted on the Franklin Land Trust (www.franklinlandtrust.org/vpa) and MA DCR websites.

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