

# ALL ABOUT LANDOWNER PERMISSION FORMS

A Resource for Grant Applicants, Grantees, and Grant Project Partners



The Vermont Department of Forests, Parks and Recreation (FPR) offers multiple [grant programs](#) that fund outdoor recreation construction projects on state, municipal and private lands. Many applicants apply for projects on land they own. However, there are also many places in Vermont where recreation is managed in partnership between the landowner and the recreation manager. In cases when a project is on land owned by an individual or organization other than the applicant to the grant program, the applicant must submit signed landowner permission forms for all parcels on which construction will occur during the grant project. This document addresses some of the common questions from landowners and recreation managers about this requirement.

## Why does FPR require signed landowner permission forms?

FPR recreation grants invest federal and state public funds in Vermont communities. In order to ensure the public receives the benefit of its investment, FPR requires assurance that all recreation resources funded through these grants be open to the public for the life of the investment. In addition, landowner permission forms show FPR that landowners are aware of and support the project or projects for which prospective grantees are applying.

## What types of projects require landowner permission?

All construction projects, including repairing, building or creating any recreation asset with the grant funding, require signed landowner permission if the organization does not own the land where the work will take place. Here are some common examples of projects that require landowner permission:

- Building, remodeling, renovating, or repairing any outdoor recreation asset (e.g., trail, bike park, ski hill, water crossing, etc.), physical structures (e.g., play structures, kiosks, bridges, buildings, facilities, etc.) or other infrastructure (e.g., parking lots, boat launches, fences, landscaping, etc.)
- Any type of work that involves digging either by hand or by machine.
- Any type of work that involves heavy construction equipment (e.g. backhoe, skid steer, excavator, bulldozer, etc.).
- Any type of work that involves cutting down trees, cutting or removing plants, or applying plant-related chemicals.
- Permanently installing any physical item or resource on a piece of land, including trail markers or signs.
- Doing any type of maintenance or physical improvement on land you do not own in fee simple.
- Completing any of the above with staff, volunteers, or hired contractors.

## How long does the permission term have to be?

The minimum permission term depends on the project. FPR has established permission terms based on the “useful life” of the work being completed. For example, snow grooming work requires at least a 1-year term. Maintenance and small-scale improvements require at least a 5-year term. Large-scale

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improvements or new trail construction require at least 10 years. FPR's landowner permission forms clearly list the various term options for the different types of activities.

Permanent infrastructure, such as restrooms or engineered bridges, require either permanent easements or term easements of at least 25 years. Applications for permanent infrastructure projects are required to submit a copy of the easement to FPR, instead of the signed landowner permission form.

## **Will verbal or email agreements work?**

No. FPR requires signed landowner permission. FPR provides prospective grantees with a template form they can use, but they can choose to use a different format, if it meets all of the requirements in the FPR permission form. If there are questions, please reach out to [ANR.FPRRecreationGrants@Vermont.gov](mailto:ANR.FPRRecreationGrants@Vermont.gov).

## **Is the FPR landowner permission form a legal contract?**

No. FPR's landowner permission form expresses the permission for the project work and an intent to keep the resource open to the public for the intended purpose of the project for the prescribed period of time.

## **Does signing a landowner permission form change the rights or risks for the landowner?**

No. Signing a landowner permission form does not change any landowner rights or liabilities. Beyond the permission given to the organization doing the work, the permission form is a pledge to not close the resource being funded for the prescribed term.

## **Does the form give permission for people to access the land all the time?**

No. The public access described in the form is only for the intent of the project for which the applicant is applying. For example, if an applicant is applying to build a summer-use mountain bike trail, the trail when completed should remain open to the public for mountain biking during the general mountain biking season. It does not have to be open for all purposes/activities or all seasons. Furthermore, the rest of the parcel does not have to be open for public access. Trails and other recreation assets funded through FPR grants can also be closed seasonally or for management purposes, such as closing after rainstorms, as appropriate, without any consequences to the grantee.

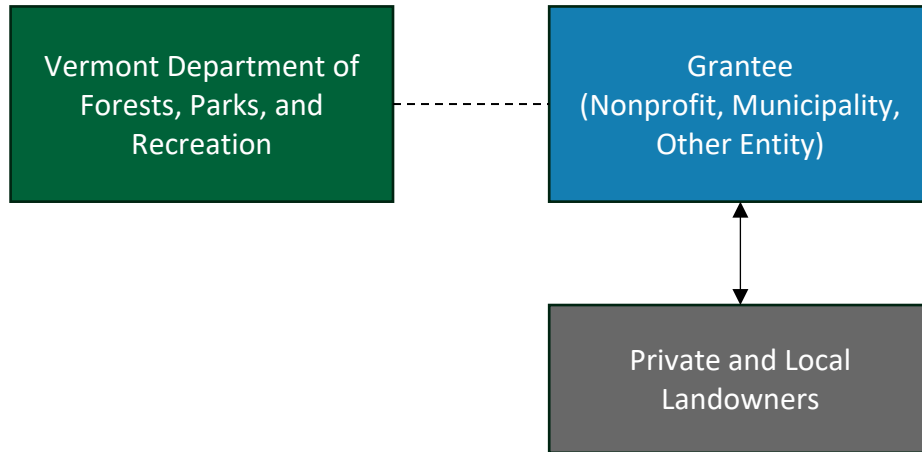
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## Is the permission form an agreement between the State and the landowner?

No. While applicants must submit signed landowner permission to FPR, the agreement is exclusively between the landowner and the applicant. All communications related to planning and implementing the project should take place between the grantee and the landowners directly.



## If the permission form is signed, is this project guaranteed?

No. FPR generally requires signed landowner permission forms to be submitted with the application for all grants, before any projects have been selected. This demonstrates that the project is ready to implement if funded. In general, FPR grant rounds are quite competitive so the submission of a landowner permission form with an application does not guarantee funding.

## Who's accountable if ownership of the property changes or the owners decide to update public access on the property?

Ultimately, grantees are responsible for successfully completing a project and ensuring that the public sees the benefit of their investment. If landownership changes hands, the grantee will be responsible for securing permission from the new owners. In the event new owners do not want to grant permission or an existing landowner revokes permission (whether for the project or public access), the grantee may be accountable for repaying grant funds to the state.

## What happens if a grantee cannot secure a signed landowner permission form?

The project will not be funded by FPR. In many cases, this means the prospective grantee will not receive a grant or their grant award will be reduced, if this was one of multiple components.