

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on January 12, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 49, SB 50, SB 52
Executive Action: SB 25

HEARING ON SB 52

Opening Statement by Sponsor:

Sen. Devlin, Senate District 13, stated SB 52 would give county commissioners the option to credit interest on deposits and investments earned from county road fund money to the county road fund. He stated this option is entirely discretionary and added the only exception to this crediting of interest is the volunteer fire district.

Proponents' Testimony:

Mr. Tom Hardin, Road Supervisor, Teton County Road Department spoke in support of SB 52 and suggested an amendment of Section 3 to read, "Interest paid and collected on the deposits or investments of all county roads and bridge funds may be credited to the county roads fund or county bridge fund." He added these are two separate funds and current law specifies this interest be credited to the general fund. Mr. Hardin wanted this amendment to give commissioners some latitude in determining where interest monies may be deposited.

Mr. Gordon Morris, Director, Montana Association of Counties (MACo) stated his support for SB 52 with the amendment suggested by Mr. Hardin.

Mr. Horace Brown, Missoula County Surveyor, stated his support for SB 52 with the amendment suggested by Mr. Hardin.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Hertel asked Senator Devlin about the amount of money gained as interest from the county road fund. Senator Devlin replied the amount varied from county to county and could not give a specific amount. Senator Hertel stated there used to be a sizeable amount of money that went to the county road fund but this money is no longer available. Senator Vaughn replied her county, Lincoln County, has a large amount of Forest Service money so their county road fund has a sizeable balance and a large amount of interest. She added her county's general fund would suffer terribly if this option was not discretionary and she would strongly oppose SB 52 if it was not discretionary. Senator Hertel stated the commissioners in his county do not have the money available to them today as they did in the past. He felt SB 52 would be a good opportunity for commissioners in his county.

Senator Gage asked whether or not SB 52 would allow commissioners to spend additional earnings as well as the amount that had been budgeted. Senator Devlin replied the commissioners could spend the interest derived from the funds but would not be an amount above the previously set budget. Mr. Morris stated if SB 52 was passed, the commissioners would, working with the road

supervisors when they set their budget, anticipate a non-tax revenue for interest earnings to whatever amount they determine would be available for investment during the course of that fiscal year. He stated SB 52 would allow the commissioners to anticipate interest earnings to the county road fund and also to the county bridge fund if Mr. Hardin's amendment to SB 52 was accepted. Mr. Morris concluded the imposition of I-105 has eroded the amount of surplus capital available for investment so the amount of interest earned by these funds statewide, with a couple of exceptions as noted by Senator Vaughn, is not significantly large.

Mr. Devlin stated he would work with Connie Erickson to prepare an amendment to SB 52 to permit commissioners to deposit any interest earned to both the county road fund and county bridge fund. Senator Kennedy stated the committee would take executive action on the bill once the amendment was prepared.

Closing by Sponsor:

Senator Devlin concluded SB 52 is completely discretionary.

HEARING ON SB 50

Opening Statement by Sponsor:

Senator Bianchi, Senate District 39, stated SB 50 would revise the law relating to county roads so counties would be able to declare certain roads as primitive and not be responsible for the roads' upkeep. He stated the county would then be able to sign the road so people would know they were traveling at their own risk. In his opinion, SB 50 would increase access to public lands that were previously inaccessible. Senator Bianchi stated should counties exercise their option to declare certain roads as primitive, they would lose their share of the gas tax. He added this option to declare certain roads as primitive would be done annually, so counties could reclassify roads as they are able to allocate the funding to maintain them. Senator Bianchi stated SB 50 would also mandate county notification of land management agencies affected by the abandonment of a particular road. He concluded the county must then offer the particular land management agency the opportunity to take the abandoned road into their road management system, making the agency, not the county, responsible for the upkeep of the road.

Proponents' Testimony:

Mr. Monte Cooper, President, Public Lands Access Association spoke in support of SB 50. He stated the designation of primitive roads would be beneficial to county governments in enabling these governments to keep county roads they cannot afford to maintain on the county road system. Mr. Cooper added in Gallatin County there was an incident where an individual was injured while traveling on a county road and tried to sue the county for \$300,000. He stated this risk creates an awkward and untenable situation for counties to have such a responsibility for the upkeep of these marginal roads. Mr. Cooper said there are thousands of miles of sub-standard roads through Montana which access public domain. He concluded SB 50 would allow counties the opportunity to maintain marginal roads as their budgets allow.

Mr. Ernie Nunn, Supervisor, Helena National Forest spoke from prepared testimony in support of SB 50. (Exhibit #1) Mr. Nunn also passed out to the Committee a General Accounting Office (GAO) report on Federal Lands as well as a Memorandum of Understanding between Federal and State agencies concerning access to public lands and resources program coordination. (Exhibits #2 and #3)

Mr. Horace Brown, Missoula County Surveyor, offered a clarification of abandonment as it pertains to the classification of county roads. He stated a road abandoned by the county remains within the jurisdiction of the county until it is vacated. He concluded he supports SB 50.

Mr. John Kwiatkowski, Deputy State Director, Bureau of Land Management (BLM) spoke from prepared testimony in support of SB 50 and offered three amendments to the bill. (Exhibit #4)

Mr. Gordon Morris, Director, Montana Association of Counties (MACo) stated his organization's support for SB 50.

Mr. Jim Richards, Montana Wildlife Federation stated his organization's support for SB 50.

Mr. Stan Bradshaw, Montana Bowhunters Association, stated his organization's support for SB 50.

Mr. Bill Holdorf, Director, Skyline Sportsmens Association, stated in the 65 years he has been a resident of Montana he has seen public access to lands disappear. He also noted outfitting has been responsible for closing a tremendous amount of land, as has the purchase of land by out-of-state individuals. Mr. Holdorf stated his support for SB 50 because he believes the bill will keep public land open for the common people of Montana.

Mr. Bud Clinch, Commissioner, Department of State Lands (DSL) stated his Department neither supports nor opposes SB 50 and

offered an amendment to SB 50. (Exhibit #5) This amendment would permit a state or federal agency to accept a road but not be required to maintain the road. Mr. Clinch stated this amendment is an important provision since DSL expects to be the agency to accept many of these marginal roads but cannot afford to be responsible for all of their upkeep. He said his department's legal staff questioned the language of Section 3 in SB 50 as to whether or not acceptance of an abandoned road by a particular agency guarantees public access to that property. He concluded the Committee may want to consider if the language in SB 50 guarantees public access.

Mr. Tony Schoonen, Anaconda Sportsmens Club, spoke in support of SB 50 and offered an amendment to the bill to require public notice by the county when a road is abandoned.

Mr. William Fairhurst, resident of Three Forks, Montana, spoke in favor of SB 50. He stressed access to public lands is an ongoing problem as recreational use of public lands increases every year.

Mr. Monte Cooper, President, Public Lands Access Association, gave the committee written testimony in favor of SB 50 from Gallatin County Commissioners. (Exhibit #6)

Opponents' Testimony:

Mr. John Bloomquist, Special Assistant, Montana Stockgrowers Association and representative of the Montana Wool Growers Association spoke from prepared testimony in opposition to SB 50. (Exhibit #7)

Ms. Lorna Frank, Montana Farm Bureau, spoke from prepared testimony in opposition to SB 50. (Exhibit #8)

Ms. Jamie Doggett, Montana Cattlemen, spoke in opposition to SB 50 because of the broad and vague definition of a "primitive county road". Ms. Doggett concluded her organization opposes SB 50 for the same reason it is opposed by the Montana Stockgrowers and Wool Growers Associations.

Senator Jack "Doc" Rea, Senate District 38, spoke in opposition to SB 50. He asked why SB 50 gives only state and federal entities (page 3 line 13) the opportunity to maintain the road and not landowners. Senator Kennedy requested Senator Rea ask his question again after any other opposing testimony had been heard.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Kennedy asked Senator Bianchi to answer Senator Rea's question regarding who may maintain an abandoned county road. Senator Bianchi said he was not definite about the specific statute, but it was his understanding an abandoned road eventually reverts back to the adjoining landowner because it is no longer a public right-of-way. He added the intent of SB 50 is to keep the road in public ownership to maintain public access instead of allowing it to revert to private ownership.

Senator Eck asked Senator Bianchi whether or not the adjacent landowner would have the option of maintaining an abandoned road in the event a state or federal agency would not have an interest in maintaining the abandoned road. Senator Bianchi said yes, if the county abandons the road and no one else is interested in it, the road would revert to the adjacent landowners. He added SB 50 does not change this particular statute.

Senator Eck asked for a clarification between abandoning and vacating a road. Senator Bianchi stated he was unsure, however Mr. Brown stated a county may abandon a road without vacating it by discontinuing maintenance. He said the road still remains a county road. Mr. Brown stated in order for the county to release responsibility from the road, the county must go through a vacation process which requires posting notices, viewing by the county surveyor and one commissioner and public hearings. Senator Waterman asked Mr. Brown if the road then goes to the adjacent landowner once this process is completed, to which Mr. Brown replied yes. He concluded, in this instance, ownership of the abandoned road would be determined by the boundary of the property of the original landowner. Senator Waterman then asked if the county would go through the vacation process to release the road from their authority. Mr. Brown stated the county would go through the vacation process to get rid of the liability of the road.

Senator Harding asked Mr. Brown whether or not the commissioners are required to post abandonment proceedings as was required when she was a County Clerk and Recorder. Mr. Brown replied the abandonment proceeding is a formal notice of vacation of the road. He added a county may abandon the maintenance of a road without vacating the road. Mr. Brown said the county must go through the formal process before the road is vacated, and added there are many county roads not maintained by the county but remain county roads.

Senator Rye asked Mr. Brown whether or not an abandoned road that was completely inaccessible due to lack of maintenance was still a county road if the county had not gone through the formal vacation process. Mr. Brown replied the road still exists as a county road until the county goes through the formal vacation process and the county has maps of all existing county roads to be aware of its location.

Senator Gage asked Mr. Brown if a discontinued road would qualify as a vacated road. Mr. Brown replied a discontinued road would be the same as an abandoned, not vacated, road. He said current statute defines an abandoned road as "an opened, established, constructed, maintained, abandoned or discontinued". He concluded the only way a county may eliminate a road is to vacate it.

Senator Vaughn stated her area has experienced a tremendous problem with the closure of roads. She added her constituents are concerned about abandoned roads in their area since many of these roads must be traveled to access firewood and other important items.

Senator Gage asked Senator Bianchi how SB 50 would affect the six areas currently designated as Native American Reservations and if he would have any objections to including Native American governments in subsection 3 of SB 50. Senator Bianchi said he had no objections to including these governments as public entities that could take over abandoned roads but asked Senator Gage for the opportunity to examine this issue further before the Committee takes executive action on SB 50. Senator Gage replied he could have some time to look into the matter.

Senator Waterman inquired whether or not a road with access to Native American land be considered public land and said it would be interesting to determine if such a situation exists.

Closing by Sponsor:

Senator Bianchi asked for the opportunity to examine the amendments offered by Mr. Brown and the Bureau of Land Management (BLM). He said at this point he would agree with the amendments offered by the BLM. Senator Bianchi stated he would favor an amendment to make vacation proceedings a public process if the process is not public already. He added he understood the concerns of those in opposition to SB 50, however, he believes it was not the intent of the bill to allow people to access cow trails and other trails unless, of course, they are currently county public roads. Senator Bianchi said the county is aware of the location of county roads and would be able to consider the best interest of the public in determining the value of a particular road. He concluded SB 50 would give counties the opportunity to exert some local control over county roads in their jurisdiction.

Additional Discussion:

Connie Erickson offered a clarification between abandonment and vacation of a county road. She stated Section 7-14-2601 defines an abandonment as "cessation of use of right of way, easement or activity thereon with no intention to reclaim or use again and is

sometimes called vacation". It was her opinion the law, as it pertains to this section, does not make a distinction between abandonment and vacation.

Connie Erickson also noted Section 7-14-2615 subsection states, "no order to abandon any county road shall be valid unless preceded by notice and public hearing." She added Section 7-14-2603, as designated in this bill, states "at its next regular meeting or special meeting it shall cause the investigation". She concluded there is already in place the need for notice and public hearing before a county can abandon a road.

HEARING ON SB 49

Opening Statement by Sponsor:

Senator Bianchi, Senate District 39, stated SB 49 ties in with SB 50 which is why he requested they be heard on the same day. Senator Bianchi stated Montana law designates three different categories of public roads: state highways which belong to the state; roads within the city limits which belong to the city and all other public roads which belong to the counties. He stated this is problematic for county commissioners when they develop county road systems which identify the roads for which they will be responsible. Senator Bianchi said there are many county roads not identified on the county road system which are used to access public lands. The problem arises, he added, when individuals purchase land near a county road and then gain permission from the commissioners to close the road because it does not appear on the county road system. Senator Bianchi stated the only recourse which currently exists for individuals wishing to reaccess the county road is to take the landowner to court. He said the majority of court cases are won by the individuals wishing to reaccess the road, however the process to do this is lengthy and expensive. Senator Bianchi stated SB 49 would expand the definition of a county road to include roads created by "prescription, common-law dedication or in accordance with 43 USC 932." He said if SB 49 were passed, the public would then have the option of presenting their case to the commission and letting them decide whether or not the road is a public one. He concluded SB 49 and 50 relate to one another because the bills would permit the county to abandon a county road, sign it as primitive and allow access of it to continue at the risk of the driver and keep the road open to public access. Senator Bianchi concluded SB 49 and 50 enable the public to maintain access to public lands without having to go to court to do so.

Proponents' Testimony:

Mr. Gordon Morris, Director, Montana Association of Counties (MACo) stated his support for SB 49 and offered two amendments to

SB 49. (Exhibit #9) Mr. Morris stated he viewed SB 49 as a clarification of existing law.

Mr. Ernie Nunn, Supervisor, Helena National Forest spoke from prepared testimony in support of SB 49. (Exhibit #10)

Mr. Horace Brown, Missoula County Surveyor, spoke in support of SB 49 and offered an amendment to SB 49. (Exhibit #11)

Mr. William Fairhurst, resident of Three Forks, Montana, offered two examples of how much it cost to keep open county roads when private landowners wish to close them. He said it cost the Public Land Access Association (PLAA) over \$15,000 to keep open a trail near Ennis. Mr. Fairhurst stated another example where the PLAA sued the Boone and Crockett Club when they attempted to close a county road that accesses Forest Service lands. He said it cost the PLAA more than \$18,000 and added the suit is currently before the Supreme Court for resolution.

Mr. Jim Richards, Montana Wildlife Federation, stated his organization's support for SB 49.

Mr. Stan Bradshaw, Montana Bowhunters Association, stated his organization's support for SB 49.

Representative Bill Endy, House District 74, stated his support for SB 49.

Mr. Doug Abelin, Capital Trail Bikeriders, stated his organization's support for SB 49.

Mr. Tony Schoonen, Anaconda Sportsmens Club, stated his organization's support for SB 49. He reminded the committee county roads are maintained by gas tax money and taxpayers have every right to access these roads.

Mr. Bill Holdorf, Skyline Sportsmens Association, stated his support for SB 49.

Opponents' Testimony:

Mr. John Bloomquist, Special Assistant, Montana Stockgrowers Association and representative of the Montana Wool Growers Association spoke from prepared testimony in opposition to SB 49. (Exhibit #12)

Ms. Jamie Doggett, Montana Cattlemen, spoke in opposition to SB 49. She stated there already exists an established procedure through the courts for creating a county road for prescriptive and common-law dedication which is fair to all concerned parties. She believes counties cannot afford to establish and maintain additional roads and bridges since county governments face severe financial burdens. She said higher maintenance costs has made it

necessary for many counties to close low-use roads. Ms. Doggett concluded the imposition of this bill would place further difficulties on the county taxpayers.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Rye asked Mr. Morris whether or not Ms. Doggett's statement asserting counties could not afford the additional burden imposed by SB 49 was true. Mr. Morris stated the MACo amendments to SB 49 do not raise the standard or burden associated with county "public roads" from the current law. He restated SB 49 is simply a clarification of existing law and does not add any new criteria for creating public roads.

Senator Harding asked who is liable for roads not controlled by the county. Mr. Morris stated it is unclear as to the liability on public roads that are maintained by counties. He said MACo maintains a self-funded property and casualty liability program which insures counties. Mr. Morris stated it remains unclear, from an administrative perspective, whether or not counties may be sued and be held liable for county roads. He concluded counties, in general, are not held liable for county roads unless any injury was directly attributable to county negligence of maintenance.

Senator Harding asked whether or not the landowner would be liable for county roads for which they assume responsibility. Mr. Morris replied the landowner has no obligation except in the case when the road is, under current statutes, abandoned/vacated. He concluded this road is then taken out of the public domain.

Senator Gage asked Mr. Bloomquist to explain 43 USC 932. Mr. Bloomquist replied the code created rights of way over public lands and was repealed in 1976. He added the repeal did not terminate any rights of way that were established. Mr. Morris stated 43 USC 932 was an 1866 grant from the federal government that established a right of way for the construction of highways over public lands not reserved for public uses otherwise. He stated it was repealed, but noted all the roads created under the original act are still public roads or have been abandoned or vacated.

Closing by Sponsor:

Senator Bianchi stated he accepted the MACo amendments to SB 49 and noted decisions about county roads should be made on a local level. He said SB 50 supplements SB 49 because it would take

most of the financial burdens off the county by permitting them to abandon marginal roads. He concluded SB 49 and 50 give the counties more responsibility in making decisions about county roads.

EXECUTIVE ACTION ON SB 25

Discussion:

Senator Vaughn stated the purpose of her bill was to add dispatch services to the services a multijurisdictional service district may provide. She noted the Committee had discussed the possibility of striking subsection 2 to give districts the authority to determine what services they need to provide. She said there has been some concern voiced as to whether or not districts would run wild with their new-found authority but added only two new districts have been added since the creation of the bill. Senator Vaughn concluded she does not want to jeopardize the addition of dispatch services to the list.

Connie Erickson stated she examined three issues pertaining to SB 25: why services were listed in the first place; why ambulance services were added in 1991 instead of striking subsection 2 which lists the services to be provided as suggested by this committee; and, what does deletion of subsection 2 do to the title of SB 25. Ms. Erickson said she examined minutes from 1985 when the law was enacted and found the bill, as originally drafted, did not have a list of services. She added when the bill was presented for hearing in the House Local Government Committee, the sponsor of the bill presented amendments which listed the services. Ms. Erickson stated she was unable to determine from the minutes the reason why a list of services were added. She said in the 1991 session, Senator John Anderson sponsored a bill to add ambulance services at the request of the City of West Yellowstone. Ms. Erickson said again the committee had the discussion as to why the list of services was needed in the bill but decided against deleting subsection 2 for fear the bill would not pass and ambulance services would not be included. Ms. Erickson stated should the Committee decide to amend SB 25 to remove subsection 2, it would still fit the title and would not need to be further amended. For that reason, she concluded, she did not draft any amendments to SB 25.

Senator Eck asked if fire districts would be included in multijurisdictional services if the list of services was deleted from SB 25. She said fire districts are clearly specified in law so she was unsure as to whether or not SB 25 would apply to them. Connie Erickson stated fire districts would be unable to create multijurisdictional districts because it is not on the list of services they may provide. She added the law states "municipalities and counties may form jurisdictional services to provide" and then lists specific services. Ms. Erickson said

should the Committee decide to delete subsection 2 multijurisdictional services could provide fire, hospital, cemetery, weed control, conservation, mosquito, park, and water and sewer districts. Senator Bartlett stated she would not be concerned about fire districts since they all have mutual aid agreements. She said a small fire district exists just west of Helena and their contract includes a provision in the law for the board of county commissioners to remain fire district trustees and contract with the City of Helena for fire services.

Senator Bartlett stated her concern for deleting subsection 2 from SB 25 because it may be perceived by some people as a way to allow local governments to establish multijurisdictional service districts that would take existing services out from under the I-105 property tax limit. She believes this perception that multijurisdictional service districts could move to a fee-for-service basis would jeopardize SB 25. Senator Bartlett concluded she would prefer to leave SB 25 as introduced by Senator Vaughn as not to jeopardize the addition of dispatch services.

Senator Waterman agreed with the arguments raised by Committee members but stated there is a point at which state government must trust local government to determine what they need to provide.

Senator Vaughn stated deleting the list of services as mentioned in subsection 2 would not change the process by which multijurisdictional service districts are created. She concluded she would support the suggestion to delete subsection 2 if the rest of the Committee felt secure it would not jeopardize the addition of dispatch services. Senator Waterman stated it would be possible to have the House refer SB 25 back to the Senate Local Government Committee or amend it back to its original form should the SB 25 appear likely to be killed. Senator Kennedy stated the Committee could pass SB 25 and then Senator Vaughn could present both options to the House Local Government Committee.

Motion:

Senator Waterman moved to amend SB 25 to delete subsection 2 which lists the services a multijurisdictional service district may provide.

Discussion:

Senator Rye asked if Senator Waterman moved to delete all of subsection 2 including line 24 which says "dispatch services". He said it was his impression the Committee was going to ratify existing law and not do anything else. Connie Erickson stated multijurisdictional service districts could provide only those services that are authorized to be provided by local governments period if the Committee deleted subsection 2 of SB 25.

Senator Eck stated she supported the motion but added she hoped the Committee would speak to their colleagues on the House Local Government Committee to make them aware of the desire of the Senate Committee to make sure dispatch services are included in the bill.

Senator Vaughn asked whether or not the addition of dispatch services to multijurisdictional service districts would be problematic since these services have always been volunteered, not paid. Connie Erickson asked if dispatch services are the same as 911 which is funded by money taken from Montana residents' monthly phone bills. Senator Vaughn stated dispatch services include all emergency calls like fire and ambulance calls.


Senator Gage stated the law does not stipulate how the services may be provided just that they should be provided. He asked if Senator Waterman's motion to amend SB 25 to strike subsection 2 would also pertain to the title. Senator Waterman said it would. Connie Erickson reminded the Committee the title would not have to be changed should they decide to delete subsection 2.

Connie Erickson said she assumed the counties could provide dispatch services but asked Mr. Morris of his opinion on the matter. Mr. Morris replied counties are providing dispatch services on an agreement with the cities and/or the state Highway Patrol. Mr. Morris added he was unaware of the volunteer situation in Senator Vaughn's area but stated the counties have the authority to fund the service in a variety of ways. He concluded the passage of this bill would allow counties to set up these multijurisdictional service districts with separate taxing authority. Mr. Alec Hansen, League of Cities and Towns, stated it was his opinion dispatch services were a legitimate function of a municipal government and would qualify under the definition of what local governments are authorized to provide. Mr. Hansen stated he was not entirely certain of this, and asked the committee for some time to find out.

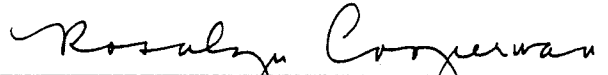
Senator Kennedy asked if the Committee would mind waiting until the next Committee hearing to take executive action on SB 25 and asked Connie Erickson to look into the statements made by Mr. Hansen. The Committee decided to delay executive action on SB 25 until the next Committee hearing.

ADJOURNMENT

Adjournment: 2:55 p.m.



SENATOR JOHN "ED" KENNEDY, JR., Chair



ROSALYN COOPERMAN, Secretary

JEK/rlc

ROLL CALL

SENATE COMMITTEE Local Government

DATE 1-12-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

F08

Attach to each day's minutes

STATEMENT OF
ERNEST R. NUNN, FOREST SUPERVISOR, HELENA NATIONAL FOREST
FOREST SERVICE, NORTHERN REGION
UNITED STATES DEPARTMENT OF AGRICULTURE
Before the
Local Government Committee
Montana State Senate

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 1
DATE 1-12-93
BILL NO. SB 50

Concerning Senate Bill No. 50 entitled "AN ACT REVISING THE LAWS RELATING TO COUNTY ROADS; PROVIDING FOR A PRIMITIVE COUNTY ROAD; REQUIRING A COUNTY TO OFFER CERTAIN ROADS TO OTHER PUBLIC AGENCIES BEFORE THE ROADS MAY BE ABANDONED; AND AMENDING SECTIONS 7-14-2101 AND 7-14-2603, MCA."

January 12, 1993

CHAIRMAN KENNEDY AND COMMITTEE MEMBERS:

Thank you for the opportunity to participate in this hearing and to share the USDA Forest Service position on Senate Bill No. 50.

The USDA Forest Service supports Senate Bill No. 50 with the understanding that the consideration of abandonment of county roads would only occur in special situations where County and resident interest in the road is minimal and perhaps the road only serves public land interests. The Forest Service contributes funding to counties for road maintenance through Payment in Lieu of Taxes (PILT) funds and supports the responsibility of counties to maintain a county road system that adequately serves the access needs of both the private and public lands involved.

SB 50 is a realistic and creative way of preserving existing access to National Forest and other public lands. Under existing Montana law, a county does not have to offer a road proposed for abandonment to the state or federal agency responsible for management of the land or water in question, and this has resulted in abandonment of some roads needed for access to National Forest lands. This is not meant as criticism of the counties. They operated under appropriate authorities, but the process, nevertheless, resulted in a loss of existing public access.

The Forest Service sees this proposed legislation as a step forward in addressing the growing public concern over the increasing loss of existing access to National Forest and other public lands. If passed, state and federal agencies would have a guaranteed opportunity to insure that needed access was perpetuated.

My testimony will, therefore, focus on the serious lack of public access to many western National Forest System Lands and the important role that counties play in preserving existing access routes for the continued multiple use and enjoyment of public lands.

In response to a request from the United States House of Representatives Subcommittee on National Parks and Public Lands, the General Accounting Office (GAO) carried out an exhaustive study of the adequacy of public access to lands

managed by the Forest Service and the Bureau of Land Management (BLM). In their April 1992 report to the House Subcommittee (which I have included with my written testimony), GAO indicated that access to about 50.4 million acres, or about 14 percent, of the public land managed by the Forest Service and BLM in the contiguous 48 States lacked adequate public access. The report further indicated that about 2.5 million acres, or 10 percent, of the public land managed by the Forest Service in the Northern Region lacked adequate access. The Northern Region encompasses the states of Montana and North Dakota, as well as northern Idaho and portions of South Dakota and Washington. The majority of the 2.5 million acres lacking public access is in the State of Montana.

Although these figures are, in themselves, startling, they do not reflect an even more serious facet of the problem. This is the increasing loss of existing access to public lands as our continued right to use historic roads and trails is being challenged and these routes are being physically blocked. The end result is that we are not able to make significant progress in solving the access problem and appear to actually be losing ground in many areas.

In December of 1989, the Governor of Montana, State Director of the BLM, Regional Forester of the Forest Service's Northern Region, and the Montana Association of Counties entered into a Memorandum of Understanding (MOU) concerning access to public lands and resource program coordination. The MOU provides for the exchange of information and coordination of public access planning and program operations between the parties. Further, the Natural Resource Council Intergovernmental Committee on Access was created under provisions of the MOU and is continuing its work on the very complex issues surrounding access to public lands.

The Forest Service continues to support access to public lands. Again, we appreciate the opportunity to share the Forest Service's position on this bill. This completes my testimony. I will be pleased to answer any questions you may have.



United States
General Accounting Office
Washington, D.C. 20548

Resources, Community, and
Economic Development Division

B-247341

April 14, 1992

The Honorable Bruce F. Vento
Chairman, Subcommittee on National
Parks and Public Lands
Committee on Interior and Insular Affairs
House of Representatives

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE 1-12-93

BILL NO. SB 50

Dear Mr. Chairman:

This report responds to your request that we review the adequacy of public access to land managed by the Department of Agriculture's Forest Service and the Department of the Interior's Bureau of Land Management (BLM). Specifically, you asked us to provide information on the extent and effects of, as well as the reasons for, inadequate public access and on the methods used by the Forest Service and BLM to resolve access problems. On January 7, 1992, we briefed your staff on the results of our work. As requested, this briefing report presents our findings and observations.

Inadequate access, as we have defined it through discussions with Forest Service and BLM officials, means that the federal government has not acquired the permanent, legal right for the public to enter federal land at the point(s) needed to use the federal land as intended by the managing agency. Because neither agency maintains information at a central location on access problems, our findings and observations are based primarily on responses to questionnaires we sent to Forest Service and BLM field offices. (Sec. 1 contains the details of our audit scope and methodology.)

In summary, the questionnaires indicated that access to about 50.4 million acres, or about 14 percent, of Forest Service and BLM land in the contiguous United States is considered inadequate by agency managers.¹ According to questionnaire respondents, private landowners' unwillingness to grant public access across their land has increased over the past decade as the public's use of federal land has increased. Factors contributing to inadequate access were private landowners' concerns about vandalism and potential liability, and landowners' desire for privacy or exclusive personal use.

¹Public access to federal land in Alaska is assured under the Alaska Native Claims Settlement Act of 1971. The state of Hawaii does not have any Forest Service or BLM lands.

To resolve public access problems, the Forest Service and BLM can acquire either all rights and interests associated with the land (called fee simple acquisition) or perpetual easements (limited controls over the land that are binding on succeeding owners). Fee simple acquisitions and perpetual easements can be acquired through purchase, donation, exchange, or condemnation. In fiscal years 1989-1991, the Forest Service and BLM acquired permanent, legal public access to about 4.5 million acres of federal land. As of October 1991, the two agencies had about 3,300 actions pending to open another 9.3 million acres of Forest Service and BLM land to the public.

Background

Of the nearly 700 million total acres of federal land, about 465 million are managed by the Forest Service and BLM. This land provides valuable resources—including timber, water, minerals, energy reserves, and livestock forage—and valuable uses—including wildlife habitats, wilderness experiences, and recreational opportunities. Both Forest Service and BLM land is managed under the principles of multiple use and sustained yield. That is, the land is to be managed to achieve in perpetuity an output of renewable resources such that all the diverse resources are used in a combination that best meets the needs of the American people.

Extent Of, Effects Of, and Reasons for Inadequate Access

According to the questionnaire respondents, about 50.4 million acres, or about 14 percent, of the land managed by the Forest Service and BLM in the contiguous 48 states lack adequate public access. As used in this report, inadequate access does not necessarily mean that the public is physically prevented from entering federal land, but only that the federal government has not acquired the permanent, legal right for the public to enter federal land at the point(s) needed to use the land as intended by the managing agency. Under this definition, permission from nonfederal landowners to cross their land is not considered adequate access because such permission can be revoked at any time.

According to the questionnaire results, private landowners have many reasons for not granting the public access to cross their land. In addition to concerns about vandalism and potential liability, and desire for privacy or exclusive personal use, disagreements over the value of the land and concerns about lost profits were identified as additional reasons for not granting access. (See sec. 2 for further details on the extent of and reasons for inadequate access.)

While inadequate access can reduce the public's recreational opportunities, it can also create management problems relating to the land's multiple uses. The questionnaire respondents believed that hunting, off-road vehicle use, hiking, and camping are the recreational opportunities most affected. Management activities most affected include construction, trail and road maintenance, wildlife habitat management, and law enforcement. The severity of the public access problem, according to the questionnaire respondents, is not the same nationwide; rather, it varies by activity and geographic location. (Sec. 3 provides additional details on the effects of inadequate access.)

How the Agencies Resolve Access Problems

The Forest Service and BLM have several ways of acquiring public access. The primary way, according to the questionnaire respondents, is by acquiring perpetual easements. In some cases, nonfederal landowners are willing to donate perpetual easements to the government; in other cases, the government purchases the easements. Also, the Forest Service and BLM can acquire public access by outright fee simple purchases of nonfederal land, by getting nonfederal landowners to donate their land to the agency, or by exchanging federal land for nonfederal land. For both the Forest Service and BLM, the method of last resort is condemnation. Condemnation, however, is infrequently used because of the time, expense, and sensitivity involved.

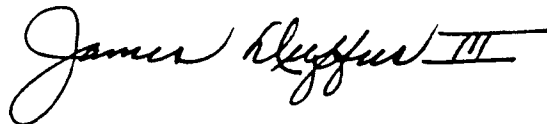
The Forest Service and BLM issued guidance to their field offices in 1991 and 1987, respectively, to improve access planning efforts. This guidance required that each forest and resource area plan include a transportation plan that would identify the access rights needed to support the resource objectives of the respective forest or resource area plan. Each forest is required by law to prepare a plan and update it every 15 years. BLM policy states that resource area plans should be updated every 20 years. As the plans are updated, access needs are to be highlighted in the transportation plans and used to monitor access problems. (Sec. 4 addresses methods for acquiring public access.)

We conducted our work between April 1991 and January 1992 in accordance with generally accepted government auditing standards. We discussed the facts contained in this briefing report with Forest Service and BLM headquarters officials. These officials agreed with the facts as presented. As you requested, we did not obtain written agency comments on a draft of this report.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this briefing report until 2 days from the date of this letter. At that time, we will send copies to the Secretaries of the Interior and Agriculture and make copies available to others upon request.

Please contact me at (202) 275-7756 if you or your staff have any questions. Major contributors to this briefing report are listed in appendix III.

Sincerely yours,

A handwritten signature in cursive script that reads "James Duffus III". The signature is written in dark ink and is positioned above the printed name.

James Duffus III
Director, Natural Resources
Management Issues

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Abbreviations

BLM Bureau of Land Management

Introduction

The total land area of the United States is 2.3 billion acres. Approximately one-third of this total, or about 700 million acres, is owned by the federal government. The Department of Agriculture's Forest Service and the Department of the Interior's Bureau of Land Management (BLM) manage about 465 million acres. This land contains many resources, including minerals, timber, rangeland, fish and wildlife habitats, recreation areas, and cultural and historic sites.

Intermingled with the federal land, however, is state and local government land as well as land owned by corporations, Native American tribes, and private individuals. This checkerboard pattern of ownership, particularly in the western states, can make it difficult for the public to get to federal land without traversing nonfederal land. Unless the federal government obtains permanent, legal public access, nonfederal landowners can control or deny the public's ability to reach federal land.

Figures 1.1 and 1.2 show private land blocking access to federal land.

Figure 1.1: Private Land Blocking Public Access to Rosebud Lake, Custer National Forest, Montana

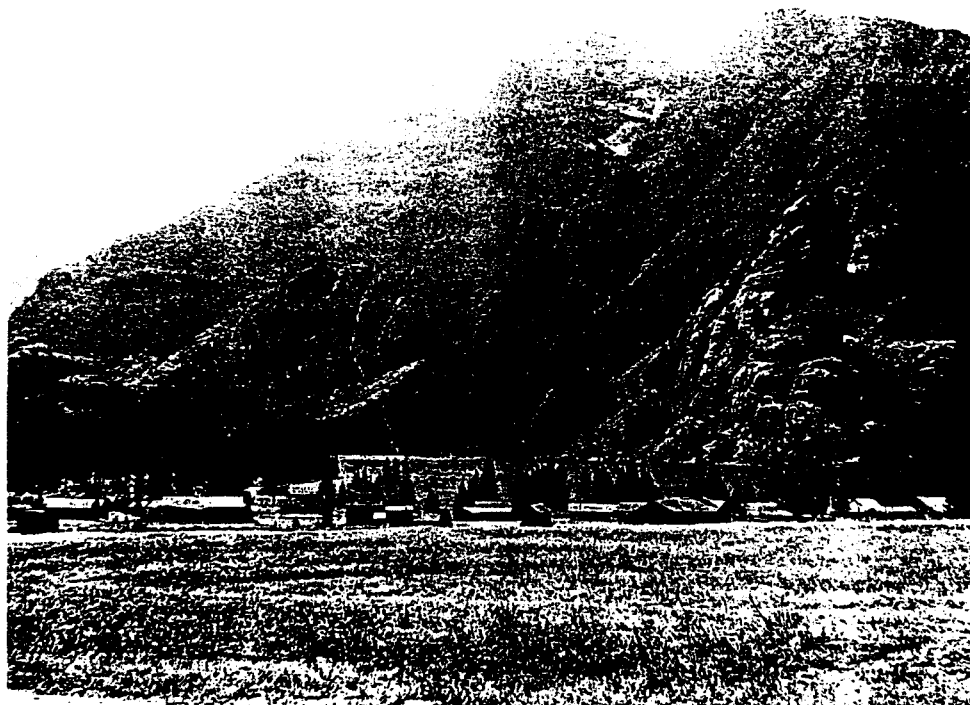
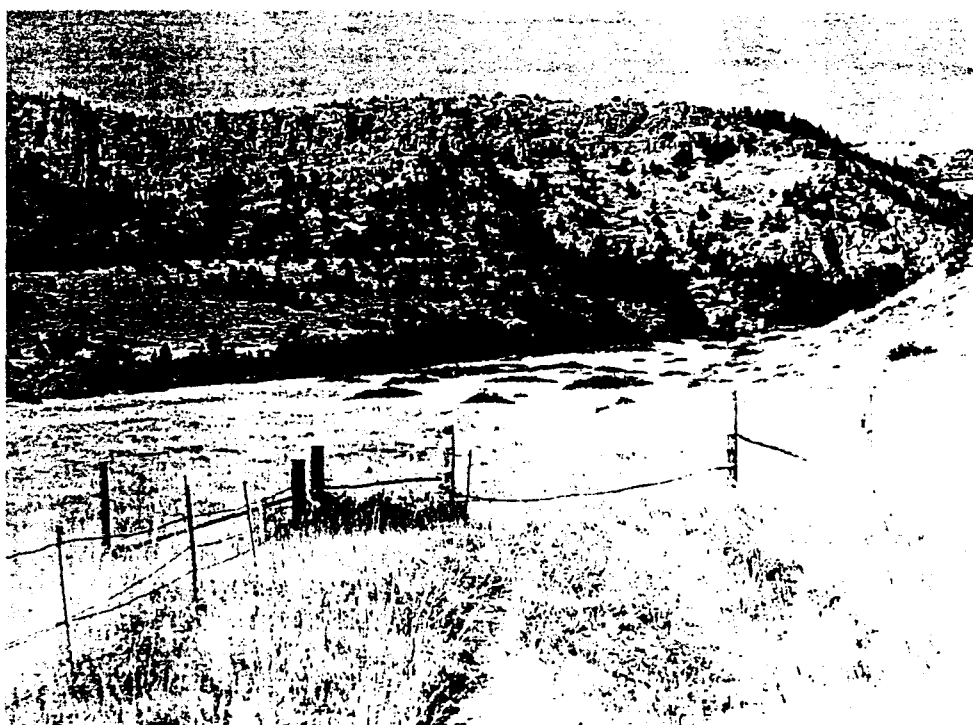


Figure 1.2: Private Land Blocking Public Access to Custer National Forest, Montana



Forest Service and BLM Management Responsibilities

Both the Forest Service and BLM manage federal land and resources in a combination of ways to best serve the needs of the public. That is, the agencies must balance the competing and sometimes conflicting demands of resource development and protection.

The Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, requires the Forest Service to prepare a land and resource management plan for each of its forest units. Similarly, the Federal Land Policy and Management Act of 1976 requires BLM to prepare land-use plans for its public land areas. In both agencies, these plans set forth management objectives and strategies in various categories such as recreation, wildlife, grazing, and timber.

Evolution of the Access Issue

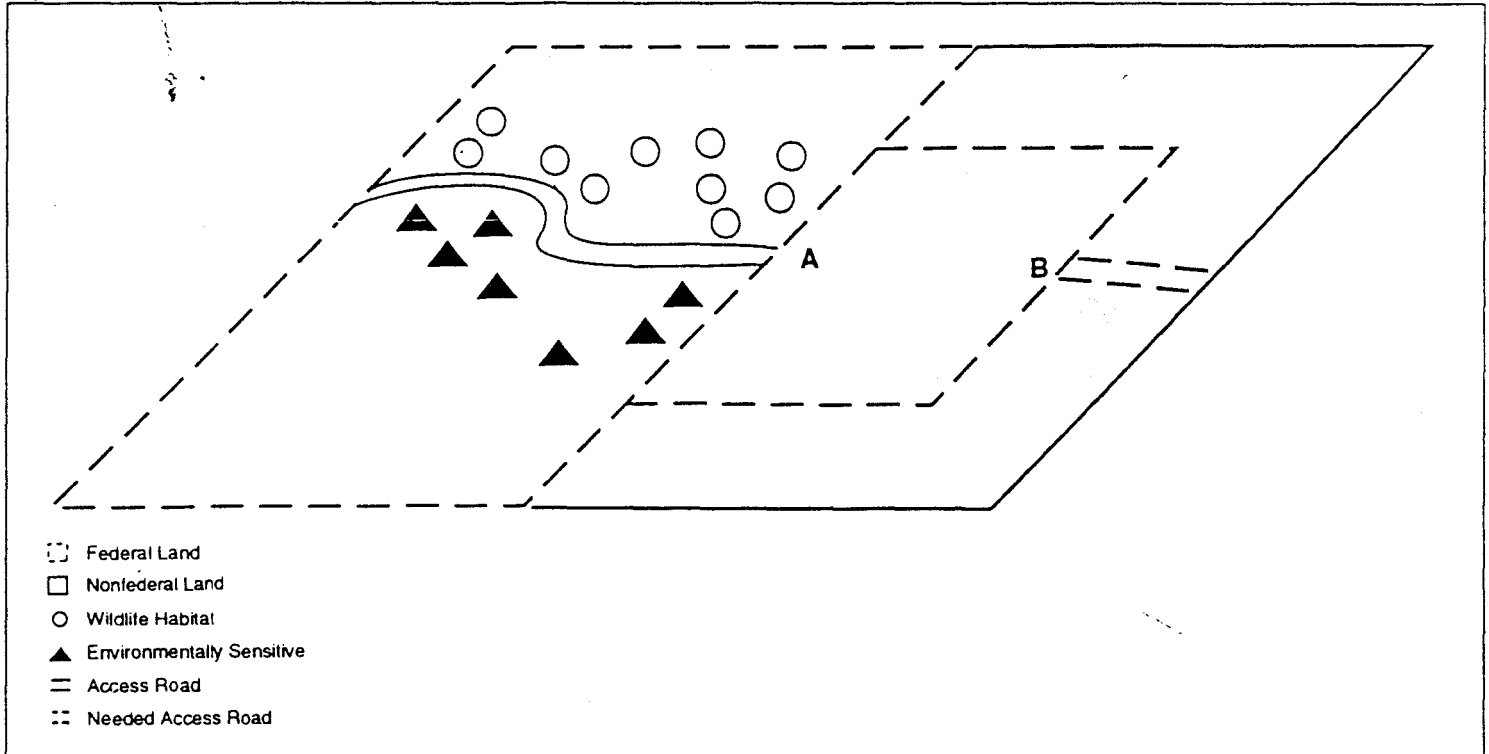
Only over the past few decades has the issue of public access to federal land arisen. Up until the 1940s, the land management agencies concentrated on building the roads needed to access federal land for commercial purposes, such as timber harvests and mineral development, as well as administrative purposes, such as fire fighting and trail maintenance. Use of these roads for public recreational purposes was

secondary. After the end of World War II, however, the public demand for recreational opportunities on federal land increased, and people began to seek more remote areas in which to hunt and fish. Because public access routes to such areas had not been built, the public had to cross nonfederal land to reach many federally owned areas. But many nonfederal landowners did not want the public crossing their land. Accordingly, some nonfederal landowners blocked passage, while others began charging fees for the privilege of crossing their land.

Definition of Inadequate Access

Inadequate access does not necessarily mean that the public is physically prevented from entering federal land. Inadequate access, as we have defined it through discussions with Forest Service and BLM officials, means that the federal government does not have the permanent, legal right for the public to enter federal land at the point(s) needed to use the land as intended by the managing agency. For example, assume that the public can legally enter a parcel of federal land at point A, but that the managing agency has determined, for land-use purposes, that point B is a more appropriate point of entry. (Such a determination could be based on various factors; point A could be a wildlife habitat or an environmentally sensitive area, for example.) If the managing agency did not have the permanent, legal right for the public to enter that federal parcel at point B, then access to that parcel would be considered inadequate. Figure 1.3 illustrates such a case.

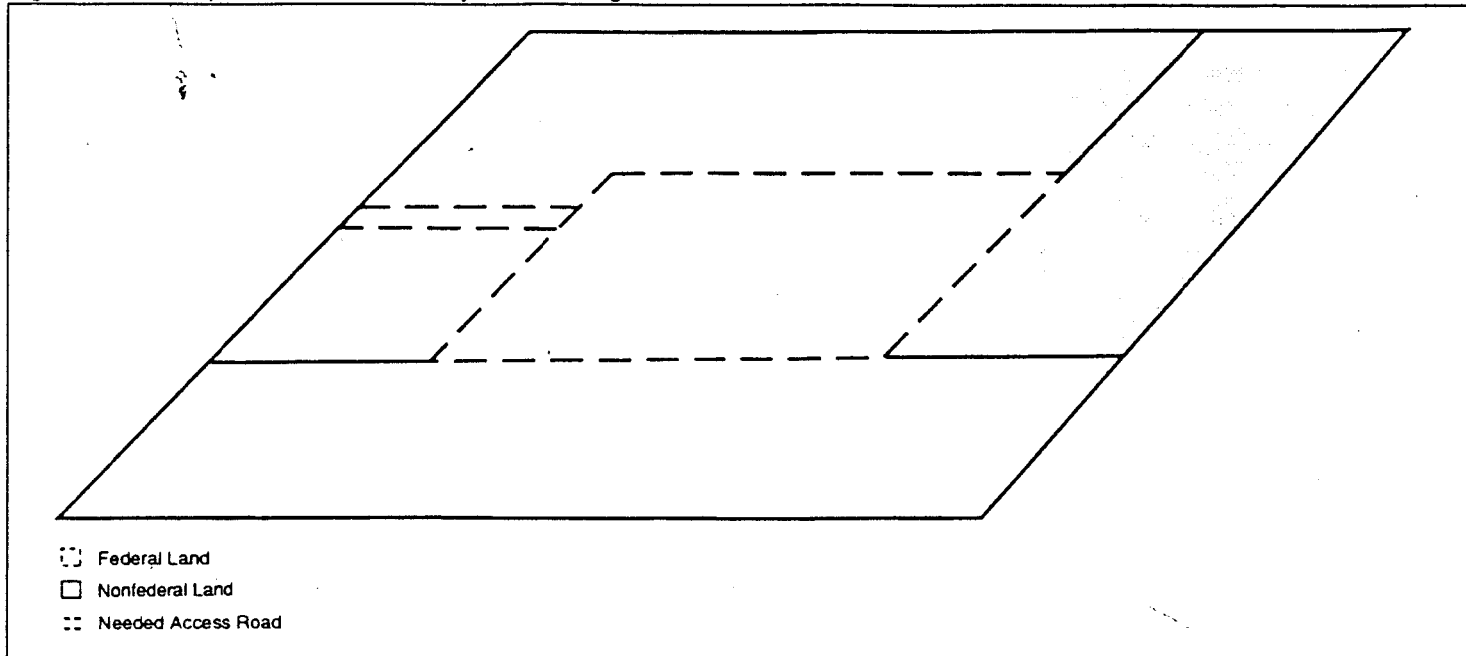
Figure 1.3: Inadequate Access at Agency-Preferred Point of Entry



GAO Presentation Derived From Agency Information

In other cases, access to federal land is blocked at all points. For example, if a parcel of federal land were totally surrounded by nonfederal land, and the government did not have the legal right for the public to cross any portion of the nonfederal land, then access to the federal land would be inadequate, as illustrated in figure 1.4.

Figure 1.4: Inadequate Access Posed by Surrounding Nonfederal Land



Access Acquisition Methods and Funding

The land management agencies have several ways to obtain public access. For example, the Forest Service and BLM can acquire either all rights and interests associated with the land (called fee simple acquisition) or perpetual access easements (limited rights to enter and use the land for access that are binding on succeeding owners). Fee simple acquisitions and perpetual easements can be acquired through purchase, donation, exchange, or condemnation. Additionally, land acquired for purposes such as wildlife conservation (e.g., through the Land and Water Conservation Fund) sometimes provides access as a secondary benefit.

In fiscal year 1991, direct funding for easement acquisitions amounted to \$6.3 million for the Forest Service and \$1.4 million for BLM, a total of \$7.7 million. Data were not available to determine how much of the money spent under other programs for fee simple land acquisitions resulted in access as a secondary benefit.

Objectives, Scope, and Methodology

The Chairman, Subcommittee on National Parks and Public Lands, House Committee on Interior and Insular Affairs, asked us to determine (1) the extent of and reasons for inadequate access to public land managed by the

Forest Service and BLM, (2) the effects of inadequate access, and (3) how the agencies resolve access problems.

Because the Forest Service and BLM are decentralized, most data on and knowledge of access problems exist at the individual forests and resource areas. Accordingly, we developed a questionnaire to obtain current information on access issues from forest and resource area officials. The questionnaire requested information on (1) the federal acreage that has inadequate public access, (2) the reasons for inadequate access and the extent to which these reasons have changed over the past decade, (3) the types of public recreational and agency management activities that are restricted by inadequate access and the severity of those restrictions, and (4) how the agencies deal with access problems.

We pretested the questionnaire at 9 national forest supervisor offices in 4 regions and at 10 BLM resource area offices in 5 states. After modifying the questionnaire based on pre-test results, we distributed it to forest supervisors of all 122 national forest administrative units, to managers of all 140 BLM resource area offices, and to the 8 BLM district offices that have no resource area offices under their jurisdiction.

We received responses from 119 (98 percent) of the 122 forest supervisors and 143 (97 percent) of the 148 BLM managers. All statistical data reported are based on the total number of forest supervisors and BLM land managers surveyed. However, responses from the five BLM district offices and four Forest Service administrative units in Alaska are excluded from this report because public access to federal land in that state is assured under the Alaska Native Claims Settlement Act of 1971 (Public Law 92-203). The two agencies manage about 115 million acres in Alaska.

On a number of questions, we asked agency officials to rate, on a scale, the extent to which selected factors contributed to an effect. For example, we asked them to indicate the extent to which certain factors contributed to private landowners' unwillingness to grant permanent, legal public access across their land, using the scale: (1) little or no extent, (2) some extent, (3) moderate extent, (4) great extent, and (5) extreme extent. We also asked agency officials to quantify the amount of reduction in certain recreational opportunities and the amount of interference in agency management activities caused by inadequate access.

In addition to obtaining data from the questionnaire respondents, we interviewed Forest Service and BLM officials at the agencies' headquarters.

Based on discussions with headquarters and field officials, we selected and visited 16 field locations in the forests and resource areas to obtain information on various access problems. At each field office visited, we interviewed agency officials knowledgeable about access issues, and we reviewed pertinent documents and records. Table 1.1 shows the field offices we visited. Copies of the questionnaires, with response frequencies, are available upon request.

**Table 1.1: Forest Service and BLM
Field Offices Visited**

Office visited	Location
Forest Service	
Northern Region Headquarters	Missoula, Mont.
Flathead National Forest	Kalispell, Mont.
Custer National Forest	Billings, Mont.
Pacific Southwest Region	
Headquarters	San Francisco, Calif.
Angeles National Forest	Arcadia, Calif.
Los Padres National Forest	Goleta, Calif.
Eldorado National Forest	Placerville, Calif.
BLM	
California State Office	Sacramento, Calif.
California Desert District	Riverside, Calif.
Redding Resource Area	Redding, Calif.
Montana State Office	Billings, Mont.
Billings Resource Area	Billings, Mont.
Big Dry Resource Area	Miles City, Mont.
Oregon State Office	Portland, Oreg.
Three Rivers Resource Area	Burns, Oreg.
Vale District	Vale, Oreg.

To obtain varying perspectives on the public access issue, we also met with private landowners, representatives of a hunting and fishing association, representatives of an outfitters and guides association, and representatives of national organizations interested in access. We also reviewed related reports issued by the Congressional Research Service, the Forest Service, BLM, and two national conferences on public access issues. To understand the various ways available to the agencies to resolve access issues, we interviewed agency officials and reviewed pertinent laws and agency policies and regulations.

Section 1
Introduction

We conducted our work between April 1991 and January 1992 in accordance with generally accepted government auditing standards. We discussed the factual information in this report with Forest Service and BLM headquarters officials responsible for resolving access problems. The officials agreed with the facts contained in this report. However, as requested, we did not obtain written agency comments on a draft of the report.

Extent of and Reasons for Inadequate Access

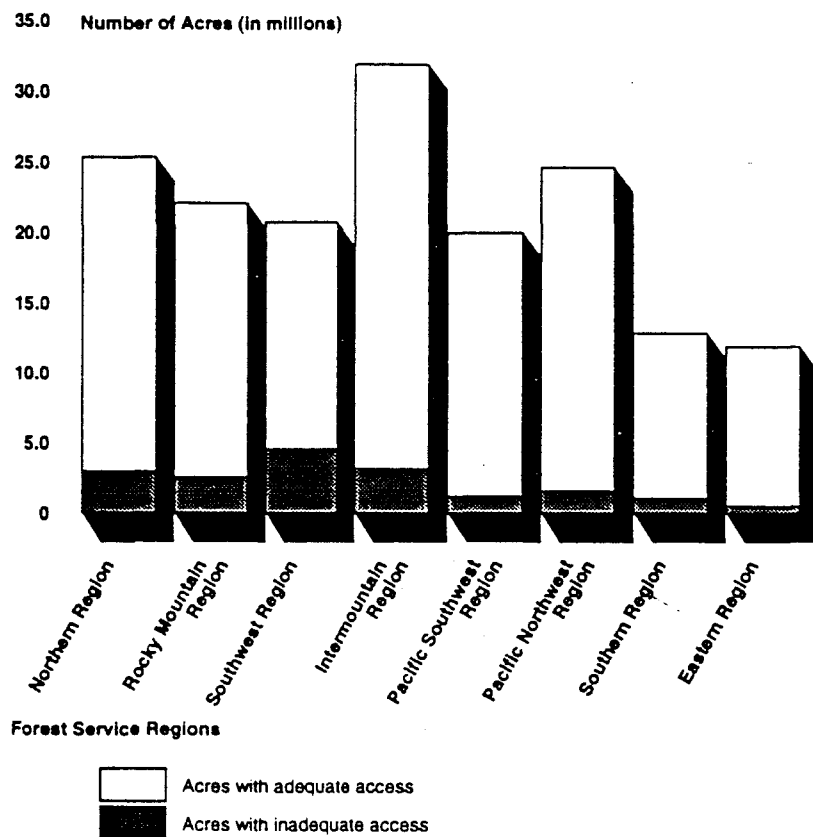
Based on our review, public access to millions of acres of federal land is inadequate. Over the past decade, private landowners' unwillingness to grant public access across their land has increased. Factors contributing to this unwillingness include concerns about vandalism and potential liability, and desire for privacy.

Extent of Inadequate Access

According to questionnaire respondents, access to 50.4 million federal acres, primarily in the western states, is inadequate. Of these acres, 17.3 million are managed by the Forest Service, and 33.1 million by BLM. Figure 2.1 shows, by region, the Forest Service acres with inadequate access; figure 2.2 shows, by state, the BLM acres with inadequate access. In the case of BLM, "eastern states" include all states other than the 10 listed in figure 2.2. Alaska is excluded because public access to federal land in that state is assured under the Alaska Native Claims Settlement Act of 1971 and Hawaii is excluded because it does not have any Forest Service or BLM land.

Section 2
Extent of and Reasons for Inadequate
Access

Figure 2.1: Forest Service Acres, by Region, With Inadequate Public Access



Source: Basic data provided by the Forest Services

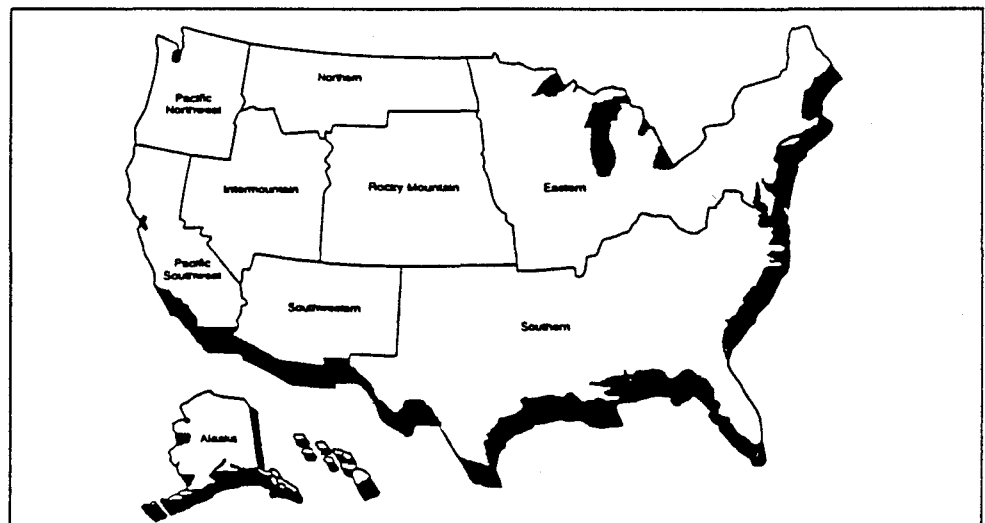
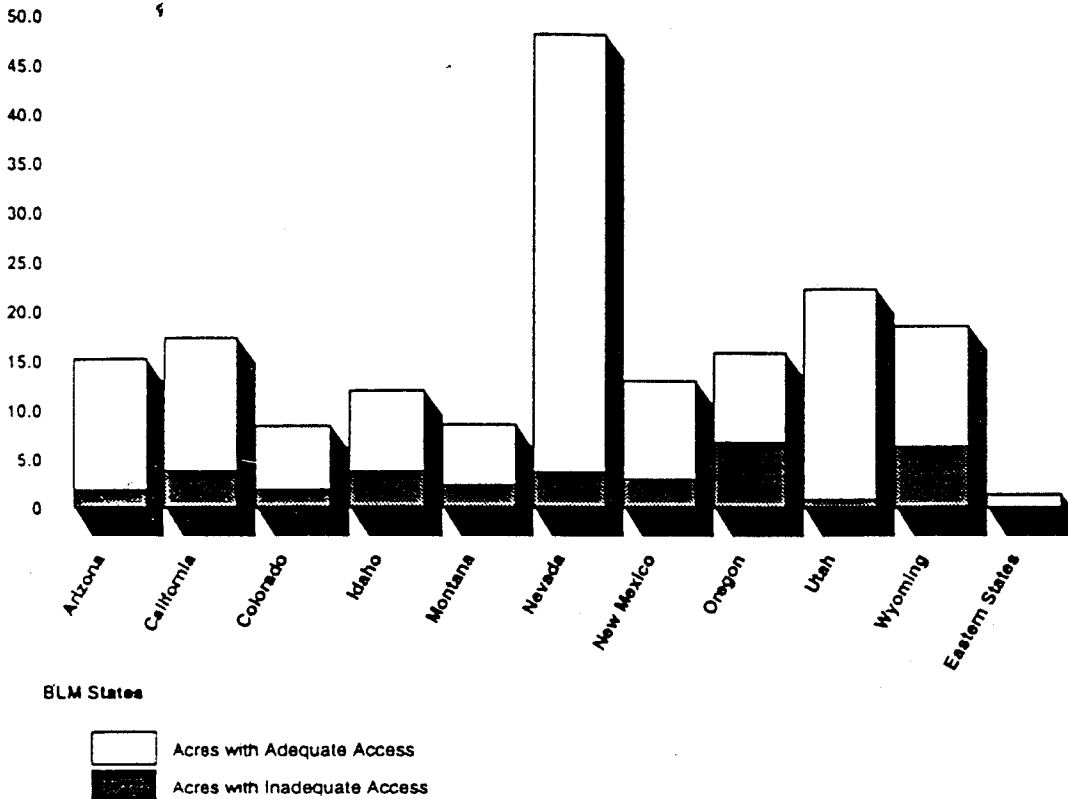


Figure 2.2: BLM Acres, by State, With Inadequate Public Access

Number of Acres (in millions)



Eastern State Offices reported no inaccessible acres.

Source: Basic data provided by BLM.

Reasons for Inadequate Access

Private landowners' unwillingness to grant public access is based on several factors. These factors, according to questionnaire respondents, are concerns about vandalism and potential liability, and desire for privacy. These concerns, according to the respondents, have increased over the past decade, as has private landowners' unwillingness to let the public cross their land.

Table 2.1 shows the percent of Forest Service supervisors and BLM managers who indicated that certain factors contributed, to a great or

extreme extent, to private landowners' unwillingness to let the public cross their land.

Table 2.1: Respondents Indicating Factors Contributing, to a Great or Extreme Extent, to Private Landowners' Unwillingness to Grant Public Access

Factor	Percent of supervisors/land managers	
	Forest Service	BLM
Concern with vandalism	52.5	62.9
Desire for exclusive personal use of their own property	55.1	41.3
Desire for privacy	51.7	37.1
Concern with liability	24.6	35.0
Noneconomic desire for exclusive personal use of agency-managed lands adjacent to or intermingled with private lands	32.2	25.9
Disagreement with the agency over the value of the conveyance	11.0	11.2
Potential loss of profits from renting private fishing and/or hunting rights on lands adjacent to or intermingled with agency-managed lands	8.5	12.6
Potential loss of profits from charging access fees to the public	6.8	13.3
Potential loss of profits from outfitter/guide operations	5.9	14.0
Potential loss of profits from operation of dude ranches on lands adjacent to or intermingled with agency-managed lands	1.7	8.4
Other reasons	3.4	3.5

As an example of private landowners' concerns, a Montana landowner we interviewed told us that allowing public access disrupts his cattle-ranching operation, because the public disturbs grazing cattle and the animals move to other areas. The rancher is then forced to spend time collecting the cattle and returning them to the pasture. On this ranch we also observed signs that had been shot, and trespassers cutting down trees for firewood.

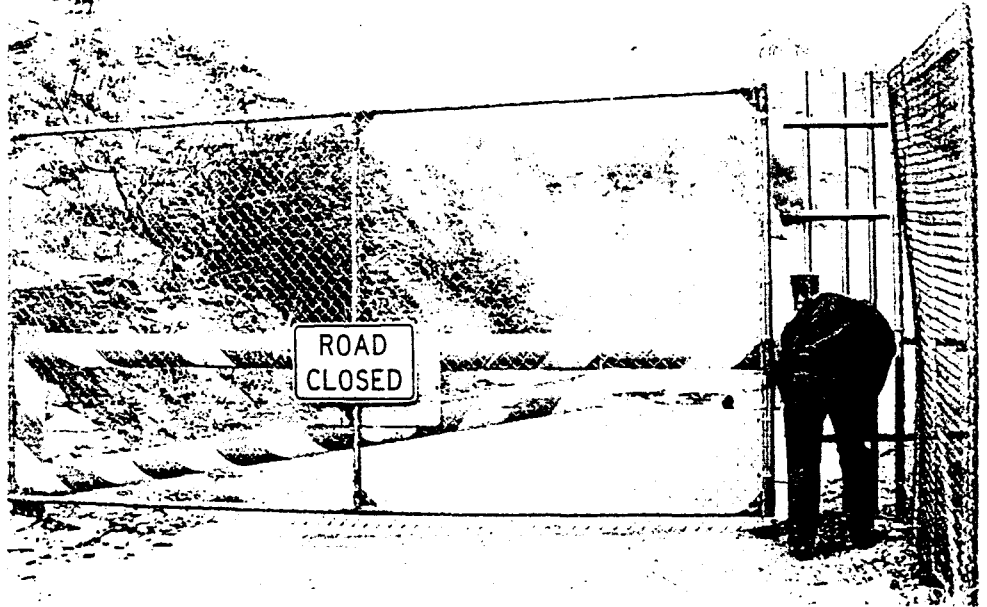
Another rancher we interviewed said he did not want hunting parties to cross his land because he feared they would introduce noxious weeds. Seeds of weeds such as leafy spurge and spotted knapweed, which crowd out pasture grasses, could be carried onto the land in tire treads, horses' hooves, or hikers' clothing. As another example, some private landowners in southern California do not want the public to cross their property because they fear the introduction of the root rot fungus to their avocado trees.

Given such concerns, private landowners use various means of restricting the public's access. According to agency officials we interviewed, some private landowners physically block the access routes; others erect warning signs; and still others threaten trespassers with guns or attack dogs. Figures 2.3 and 2.4 show public access restrictions imposed by private landowners.

Figure 2.3: Warning Sign Erected by Private Landowner to Restrict Public Access in the Eldorado National Forest, California



Figure 2.4: Gate on Privately Owned
Land Blocking Public Access to a Trail
in the Angeles National Forest,
California



Effects of Inadequate Access

Inadequate access to federal land reduces the public's opportunities to use the land. However, according to the questionnaire respondents, the extent of access problems is not the same nationwide. Rather, the extent to which recreational activities are affected differs by type of activity and by geographic location. In other words, what is a problem in one part of the country is not necessarily a problem in another.

Inadequate access also interferes with the agencies' land management activities. In some cases, this interference is extreme; in other cases, it is merely a nuisance.

Reduced Public Recreational Opportunities

According to the questionnaire respondents, the recreational opportunities most reduced by inadequate access are hunting and off-road vehicle use (e.g., dune buggies and dirt bikes). Table 3.1 shows the types of recreational activities that Forest Service and BLM questionnaire respondents said were either greatly or extremely reduced by inadequate access. In addition, appendix II shows the full range of responses given by both Forest Service and BLM managers for this question.

Table 3.1: Respondents Indicating Great or Extreme Reduction in Public Recreational Opportunities Due to Inadequate Access

Recreational activity	Percent of supervisors/land managers	
	Forest Service	BLM
Hunting	12.7	14.7
Off-road-vehicle use	10.2	8.1
Hiking	7.6	7.0
Camping	4.2	8.1
Viewing scenery and wildlife	5.9	6.1
Driving for pleasure	5.1	4.9
Horseback riding	4.2	4.1
Fishing	3.4	4.1
Wilderness area uses	3.4	4.9
Mountain biking	4.2	3.1
Rafting, canoeing, and other water sports	1.7	4.1
Cross-country skiing and snowmobile use	1.7	2.1
Recreational mining	1.7	2.1
Developed Recreation Site use	0.8	1.4
Commercial uses (e.g. outfitting/guiding, providing access to ski areas, etc.)	0.8	0.1

Such restrictions are a concern to recreationists. According to representatives of various sporting groups we interviewed, private landowners who block access are in effect "privatizing" federal land for their own personal use or gain. The sportsmen fear that they will lose not only their hunting and fishing opportunities, but also other recreational opportunities available to the public. This concern is illustrated by an excerpt from an outfitter/guide brochure to federal land. "Our hunting territory comprises 25,000+ acres of private property and private access National Forest land. Our clientele enjoys exclusive run of this carefully preserved remnant of North America's wilderness and representative wildlife."

Although inadequate access reduces the public's recreational opportunities, the problem is not equally extreme nationwide, but varies by activity and geographic area. For example, hunting was reported by BLM managers as being greatly or extremely reduced in California, Colorado, Idaho, Montana, Oregon, Utah, and Wyoming, but not in Arizona, Nevada, New Mexico, or the eastern states. Hunting was reported by Forest Service supervisors as being greatly or extremely reduced everywhere but in the Eastern Region.

The extent of reduction of other recreational opportunities also varied from place to place. For example, according to BLM respondents, camping was reduced in Idaho but not in Oregon, whereas mountain biking was reduced in Oregon but not in Idaho. According to Forest Service respondents, fishing was reduced in the Rocky Mountain Region, but not in the Northern Region, whereas wilderness use was reduced in the Northern Region, but not in the Rocky Mountain Region.

Interference in Agency Management Activities

According to questionnaire respondents, the management activities most interfered with by inadequate access are construction, trail and road maintenance, and wildlife habitat. Table 3.2 shows the type of management activities that inadequate access interfered with to either a great or extreme degree. Additionally, appendix III shows the full range of responses given by Forest Service and BLM managers for this question.

Table 3.2: Respondents Indicating Great or Extreme Interference to Management Activities Due to Inadequate Access

Management Activity	Percent of supervisors/land managers	
	Forest Service	BLM
Construction, reconstruction, and/or improvements	6.8	4.9
Maintenance of existing trails, roads, etc.	2.5	9.1
Habitat or biological/ vegetative diversity management	4.2	3.5
Law enforcement	3.4	3.5
Inventory work (e.g., tree counting, archaeology, etc.)	1.7	2.8
Fire protection	4.2	0.0
Contract or permit administration	3.4	0.7
Ability of contractors and permittees to reach areas for authorized activities (e.g., grazing permittees, outfitter/guides, service contractors, etc.)	3.4	0.0
Search and rescue	0.8	1.4
Work at administrative or communications sites	1.7	0.0
Toxic waste cleanup	0.8	0.7
Other	0.8	0.7

Extreme interference in agency and permittees' work, for example, was reported at a site in southern California. At this site, the Forest Service does not have access to a mountaintop containing communications equipment—some owned by the Forest Service, and some by other federal agencies or private corporations holding Forest Service permits. Part of the road leading to the mountaintop crosses private land, and the private landowners charge the Forest Service and the permittees an access fee to cross their land for equipment maintenance purposes. The private landowners' refusal to allow access interferes to an extreme extent, according to the questionnaire respondent, with both the Forest Service's and the permittees' work at this site. Because the Forest Service has not been able to obtain the access easements needed to cross the private land, it is considering building a road to reach the site from the other side of the mountain, according to a Forest Service official we interviewed. No cost estimates for construction of this road were available.

In other cases, inadequate access is perceived as more of a nuisance than an interference in agency management activities, and its effect is slight. According to a BLM official we interviewed in Oregon, BLM personnel occasionally encounter locked gates on private land they are crossing to reach a fire on federal land. In such a situation, according to this official,

Section 3
Effects of Inadequate Access

BLM personnel simply cut the lock and proceed to the fire. While such an instance of blocked access was a nuisance, its effect on the agency's management ability was slight.

Agency Methods of Acquiring Public Access

The Forest Service and BLM have various tools for acquiring public access. They can acquire all rights and interests associated with the land (called fee simple acquisition) or perpetual easements (limited rights to enter and use the land for access which are binding on succeeding owners). Fee simple acquisitions and perpetual easements can be acquired through purchase, donation, exchange, or condemnation. Condemnation, simply put, is the federal government's right to take private property for public use, without the owner's consent, upon payment of just compensation. Although both the Forest Service and BLM are authorized by law to condemn nonfederal land to obtain access for public recreational purposes,¹ they rarely do so. According to agency officials, the condemnation process is time consuming, expensive, and can be politically sensitive.

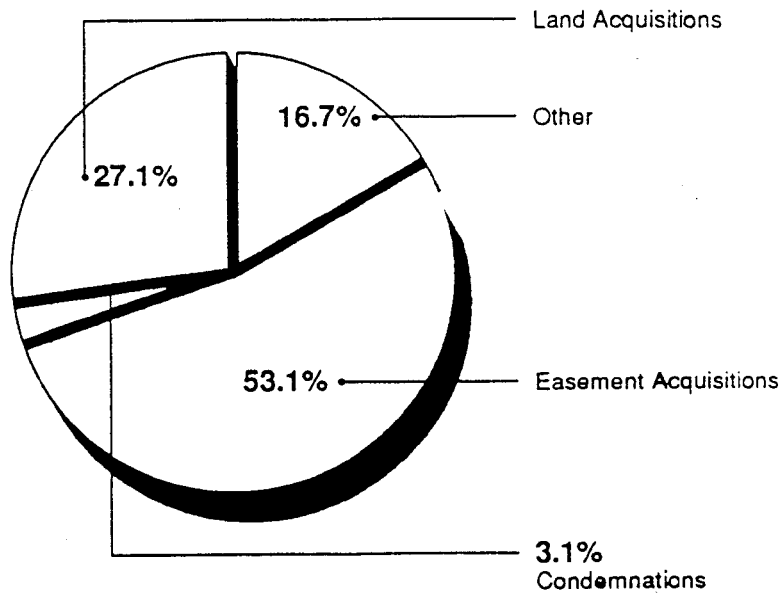
During the past 3 fiscal years, according to questionnaire respondents, the Forest Service and BLM have successfully completed about 2,600 access actions,² thereby obtaining public access to 4.5 million acres of land. The methods most frequently used were perpetual easement acquisition and fee simple land acquisition.

Figure 4.1 shows the methods the Forest Service used in obtaining public access to about 2.6 million acres of federal land.

¹Condemnation is authorized under the Federal Land Policy and Management Act of 1976.

²For purposes of our questionnaire, we asked the respondents to count the number of cases completed over the past 3 fiscal years, counting each separate conveyance of land or easement as an individual case. These access cases are referred to as "access actions" in the text.

Figure 4.1: Methods Used by the Forest Service, Over the Past 3 Fiscal Years, to Obtain Public Access

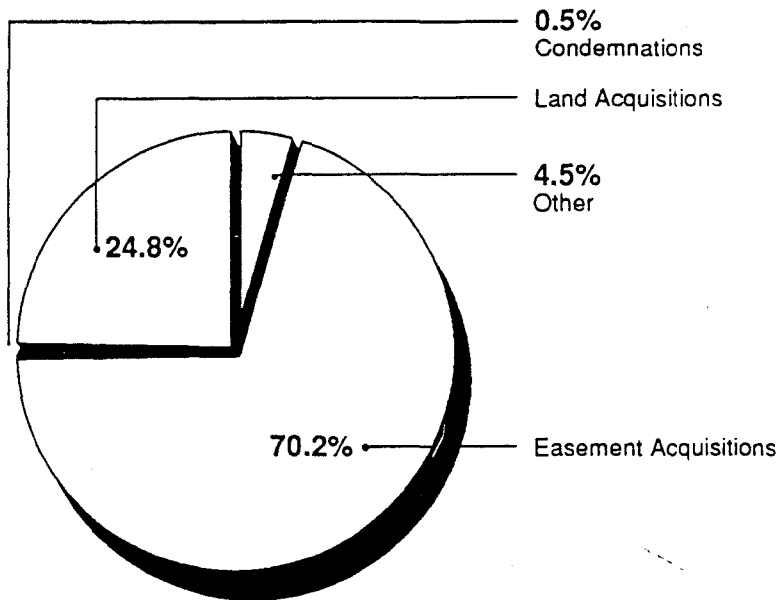


"Other" category includes cooperative agreements with other agencies or private entities, as well as other methods not listed in the questionnaire.

Source: Basic data provided by the Forest Service.

Figure 4.2 shows the methods BLM used in obtaining public access to about 1.9 million acres of federal land.

Figure 4.2: Methods Used by BLM,
Over the Past 3 Fiscal Years, to Obtain
Public Access.



"Other" category includes cooperative agreements with other agencies or private entities, as well as other methods not listed in the questionnaire.

Source: Basic data provided by BLM.

As of October 1991, the Forest Service and BLM had about 3,300 access actions pending—some work had been done, but access had not yet been obtained. If all these actions are successfully completed, another 9.3 million acres will be open to public access—about 18 percent of the 50.4 million acres reported by the agencies as having inadequate access. Of the 3,300 access actions pending, however, the agencies have identified 540, involving 2.3 million acres, which they believe will require condemnation action.

Percent of Forest Service Supervisors and BLM Managers Indicating Reduction in Recreational and Other Opportunities Due to Inadequate Access

Overall, how reduced, if at all, is the public's opportunity to engage in each of the following activities in your forest because of inadequate permanent legal public access to the areas you identified in Q. 14?

	Hardly or Not at All Reduced (1)	Somewhat Reduced (2)	Moderately Reduced (3)	Greatly Reduced (4)	Extremely Reduced (5)	Resource Not Present (6)
Dispersed Recreation						
1. Hunting	31.4	34.8	18.6	10.2	2.5	0
2. Fishing	47.5	33.9	11.9	2.5	0.8	0
3. Driving for pleasure	60.2	20.3	10.2	3.4	1.7	1.7
4. Viewing scenery and wildlife	60.2	22.0	9.3	4.2	1.7	0
5. Hiking	39.8	32.2	17.0	5.1	2.5	0.8
6. Camping	53.4	26.3	11.9	2.5	1.7	0.8
7. Horseback riding	50.9	28.0	13.6	1.7	2.5	0.8
8. Cross-country skiing and snowmobile use	54.2	21.2	6.8	0.8	0.8	12.7
9. Mountain biking	54.2	21.2	11.9	1.7	2.5	4.2
10. Off-road vehicle use	44.9	28.0	11.9	6.8	3.4	2.5
11. Recreational mining	57.6	11.0	7.6	1.7	0	18.6
12. Rafting, canoeing, and other water sports	66.1	17.0	5.9	1.7	0	6.8
Other Uses						
13. Wilderness Area uses	55.1	24.6	8.5	2.5	0.8	5.9
14. Developed Recreation Site uses	87.3	4.2	0.8	0.8	0	3.4
15. Research	83.1	6.8	0	0	0	6.8
16. Commercial uses (e.g., outfitting/guiding, providing access to ski areas, etc.)	72.0	14.4	5.1	0	0.8	5.1
17. Consumption/use of resources such as timber, grasslands, etc.	37.3	36.4	20.3	1.7	1.7	0
18. Other (specify):	0	0	0.8	0.8	0	0

Appendix I
Percent of Forest Service Supervisors and
BLM Managers Indicating Reduction in
Recreational and Other Opportunities Due
to Inadequate Access

Overall, how reduced, if at all, is the public's opportunity to engage in each of the following activities in your resource area because of inadequate permanent legal public access to the BLM-managed lands you identified in Q.14?

	Hardly or Not at All Reduced	Somewhat Reduced	Moderately Reduced	Greatly Reduced	Extremely Reduced	Resource Not Present
	(1)	(2)	(3)	(4)	(5)	(6)
Dispersed Recreation						
1. Hunting	23.1	29.4	29.4	11.2	3.5	0
2. Fishing	40.6	24.5	15.4	4.2	0.7	11.2
3. Driving for pleasure	46.2	25.9	18.9	4.2	0.7	0.7
4. Viewing scenery and wildlife	43.4	28.7	18.2	4.9	1.4	0
5. Hiking	47.6	25.2	16.8	5.6	1.4	0
6. Camping	39.2	30.8	18.2	7.0	1.4	0
7. Horseback riding	48.3	31.5	11.9	4.2	0	0
8. Cross-country skiing and snowmobile use	46.9	21.7	6.3	2.1	0	19.6
9. Mountain biking	49.7	25.9	13.3	2.8	0.7	4.2
10. Off-road vehicle use	37.1	30.1	19.6	7.7	0.7	0.7
11. Recreational mining	53.9	21.0	6.3	2.1	0	11.9
12. Rafting, canoeing, and other water sports	48.3	18.9	7.7	4.2	0	15.4
Other Uses						
13. Wilderness Area uses	41.3	14.0	11.2	4.2	0.7	23.1
14. Developed Recreation Site uses	76.2	7.7	0	1.4	0	9.8
15. Research	69.9	14.7	4.9	0.7	0.7	2.8
16. Commercial uses (e.g., outfitting/guiding, providing access to ski areas, etc.)	51.8	24.5	9.1	0.7	0	8.4
17. Consumption/use of resources such as timber, grasslands, etc.	46.9	27.3	16.1	4.2	0	1.4
18. Other (specify):						
	0	2.1	0	2.8	0	0

Percent of Forest Service Supervisors and BLM Managers Indicating Management Activities Having Interference Due to Inadequate Access

How much, if at all, does the lack of adequate permanent legal public access to areas in your forest interfere with each of the following activities?

	Interferes Hardly or Not At All	Interferes Somewhat	Interferes Moderately	Interferes Greatly	Interferes Extremely
	(1)	(2)	(3)	(4)	(5)
1. Fire protection	70.3	19.5	2.5	4.2	0
2. Contract or permit administration	64.4	22.0	7.6	2.5	0.8
3. Habitat or biological/vegetative diversity management	53.4	27.1	11.9	1.7	2.5
4. Maintenance of existing trails, roads, etc.	37.3	41.5	16.1	1.7	0.8
5. Construction, reconstruction, and/or improvements	45.8	31.4	13.6	5.1	1.7
6. Inventory work (e.g., tree counting, archaeology, etc.)	60.2	31.4	4.2	0.8	0.8
7. Law enforcement	61.9	25.4	5.9	1.7	1.7
8. Search and rescue	79.7	15.3	1.7	0.8	0
9. Toxic waste cleanup	90.7	4.2	0	0	0.8
10. Work at administrative or communication sites	83.9	9.3	1.7	0.8	0.8
11. Ability of contractors and permittees to reach areas for authorized activities (e.g., grazing permittees, outfitter/guides, service contractors, etc.)	55.9	31.4	5.1	1.7	1.7
12. Other (specify):	0	0.8	0.8	0.8	0

Appendix II
Percent of Forest Service Supervisors and
BLM Managers Indicating Management
Activities Having Interference Due to
Inadequate Access

How much, if at all, does the lack of adequate permanent legal public access to BLM-managed public lands in your resource area interfere with each of the following activities?

	Interferes Hardly or Not At All	Interferes Somewhat	Interferes Moderately	Interferes Greatly	Interferes Extremely
	(1)	(2)	(3)	(4)	(5)
1. Fire protection	67.1	23.8	5.6	0	0
2. Contract or permit administration	53.9	32.2	9.8	0.7	0
3. Habitat or biological/vegetative diversity management	37.1	39.9	14.0	3.5	0
4. Maintenance of existing trails, roads, etc.	48.3	26.6	11.9	7.7	1.4
5. Construction, reconstruction, and/or improvements	48.3	32.2	10.5	3.5	1.4
6. Inventory work (e.g., tree counting, archaeology, etc.)	49.7	30.1	14.0	2.8	0
7. Law enforcement	60.8	23.1	9.1	3.5	0
8. Search and rescue	81.1	8.4	5.6	1.4	0
9. Toxic waste cleanup	81.8	9.8	2.8	0.7	0
10. Work at administrative or communication sites	74.8	15.4	5.6	0	0
11. Ability of contractors and permittees to reach areas for authorized activities (e.g., grazing permittees, outfitter/guides, service contractors, etc.)	49.7	30.8	16.1	0	0
12. Other (specify):	0	0.7	0.7	0.7	0

Major Contributors to This Briefing Report

Resources,
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Economic
Development Division,
Washington, D.C.

James R. Hunt, Assistant Director
John S. Kalmar Jr., Assignment Manager
Nancy A. Boardman, Evaluator
Carolyn M. Boyce, Senior Social Science Analyst

Denver Regional
Office

William J. Temmler, Evaluator-in-Charge
Stephen P. Gaty, Evaluator
Felicia A. Turner, Systems Analyst
Pamela K. Tumler, Reports Analyst

MEMORANDUM OF UNDERSTANDING

BETWEEN

GOVERNOR OF MONTANA,

STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, MONTANA,

UNITED STATES DEPARTMENT OF INTERIOR,

REGIONAL FORESTER, NORTHERN REGION, FOREST SERVICE,

U.S. DEPARTMENT OF AGRICULTURE,

MONTANA ASSOCIATION OF COUNTIES

CONCERNING

ACCESS TO PUBLIC LANDS AND RESOURCES PROGRAM COORDINATION

I. PURPOSE

This Memorandum of Understanding (MOU) provides for the exchange of information and the development and maintenance of effective procedures for coordinating public access planning and program operations at the federal, state, and local government levels. It will ensure that all viewpoints are taken into account and will assist the participants in developing plans, programs, projects, and procedures which are consistent with local, regional, state and federal policies and plans. This MOU will create a working group to be known as the Natural Resource Council Intergovernmental Committee on Access and will operate under the auspices of the Governor's Natural Resource Council.

II. DEFINITION AND BACKGROUND

Definition

Access, in the context of this MOU, is more than the physical and legal permission to enter or use land or resources. This program involves such diverse aspects as public land signing, mapping, user outreach, law enforcement, respect for private lands, establishing and encouraging an improved land ethic, land acquisition, and intergovernmental and private landowner agreements. Proper management of access may also involve the restriction or closure of public and state lands to protect fragile

areas or resources. Further, access is defined for this document to be access across private or other lands to BLM, Forest Service, State lands, or other public ownerships via such methods as county roads, easements, rights-of-way, etc. In summary, it is access to public resources and lands under any governmental jurisdiction not constrained from access by law, regulation, or policy.

Background

Access to public resources and lands is an emerging and critical issue in the western United States and Montana. The demand for access by a variety of users is rapidly resulting in complex and controversial public policy issues. Private property owners are concerned about their property rights and the potential for adverse impacts, while the "public" on the other hand, is concerned about the provision of access to and from "their" lands or resources. The public land surface ownership pattern in Montana is often highly fragmented. Access to some of these parcels is difficult or in some cases impossible as a result of a long history of public disposal laws (homesteading, state selections, etc.) and subsequent private transactions and development. Modern-day conflicts over access can occur whenever ownership is fragmented, or occurs along waterways or where prime resource values occur and recreation or other user demands are high. Special attention to the issue was drawn by the public involvement surrounding the President's Commission for Americans Outdoors and in this state by the Governor's Montana Outdoors Forums. In the forums, there was a perception by the public of dwindling access to public lands and a general dissatisfaction with the management and coordination between the federal, state, and local agencies.

Most of the tools necessary to properly develop and manage the access program are available. They, however, require definition, prioritization, and coordination at the federal, state, and local levels. The provisions of this document will assist the participants toward that goal.

III. AUTHORITIES

This MOU is entered into pursuant to the general authorities granted to the participating persons and agencies.

IV. OBJECTIVES AND JOINT RESPONSIBILITIES

The objectives of this MOU are the development of a coordinated approach for the Public Access Program (as defined under Section II) and, where possible, the implementation of coordinated plans and programs within the State of Montana. The joint responsibilities include:

- Identification of necessary Public Access studies or initiatives.

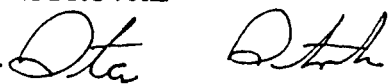
- ▶▶Development of complementary planning or implementation systems with a focus on prioritizing Access Program needs, issues, initiatives, or in the management of impacts.
- ▶▶Exchanging of information related to proposed plans, activities, and issues related to access.
- ▶▶Develop common data on access needs, procedures, methodology, and acquisition methods.
- ▶▶Share scarce skills on common access issues or needs.
- ▶▶Provide a forum for identification of access issues by the participants and by the public.
- ▶▶Develop supplemental cooperative arrangements or agreements between the parties to address specific Public Access Program coordination plan implementation or maintenance needs.
- ▶▶Cooperating in the development of additional cooperative agreements or arrangements between other appropriate federal, state, and local jurisdictions, or users, when needed, to address mutually identified issues.

V. GENERAL PROVISIONS

1. Meetings. Meetings will occur quarterly, or more often, if necessary, to review and evaluate current conditions, trends, and needs concerning the intent, objectives, and overall functioning of the agreement. A chairperson shall be selected for a term of 1 year and shall rotate based upon agreement of the participants and alternate between the federal, state, and county participants. The initial chairperson will be with the state.
2. Terms of MOU and Termination Procedures. This MOU becomes effective on the date of the last signature approval hereon and shall remain in effect for a period of 5 years or unless formally terminated by all parties.
3. Periodic Review of the MOU. Review at least annually to ensure the purpose and goal are being met and are current.
4. Amendments. Any parties may propose changes to this MOU during its term. Any change will be in the form of an amendment and will not take effect until all participants have agreed and signed the amendment.
5. Cancellation. Individual participants may withdraw after thirty (30) days notice in writing to all participants of their intention.

6. Disclaimer. This amendment is subject to the laws of the State of Montana and the United States. Nothing in this agreement will be construed as limiting or effecting in any way the authority or legal responsibility of any of the participants, or as binding any of the participants to perform beyond the respective authorities of each or to require any participant to assure or expend any sum in excess of funds or appropriations available.

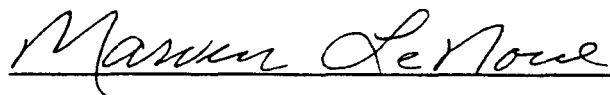
VI. APPROVAL



Stan Stephens, Governor
State of Montana

12/11/89

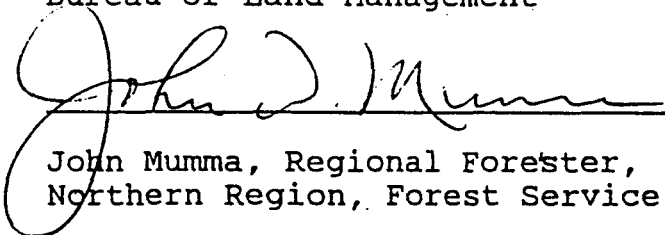
Date



Marvin LeNoue, State Director
Bureau of Land Management

Dec. 11, 1989

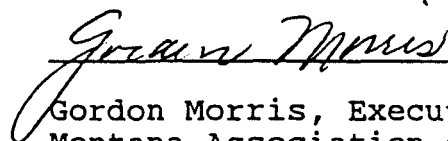
Date



John Mumma, Regional Forester,
Northern Region, Forest Service

12/11/89

Date



Gordon Morris, Executive Director
Montana Association of Counties

12-11-89

Date



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Montana State Office

222 North 32nd Street

P.O. Box 36800

Billings, Montana 59107-6800

IN REPLY TO:

2300 (932.2)
1750

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 4

DATE 1-12-93

BILL NO. SB 50

January 11, 1993

Honorable Donald Bianchi
Montana State Senate
Capitol Station
Helena, Montana 59620

Dear Senator Bianchi:

Please consider this letter our endorsement of Senate Bill 50 which would establish a primitive county road system, requiring a lower level of county maintenance responsibility than currently exists.

We would offer several minor modifications to your bill as follows:

1. Page 1, line 7. We recommend inserting the words "land management" between the words "public" and "agencies."
2. Page 3, line 15. We recommend inserting the words "through formal notification" between the words "road" and "to."
3. Page 3, line 17. The following sentence should be added: "Management of the road, including maintenance, if any, would be under the jurisdiction of the accepting agency."

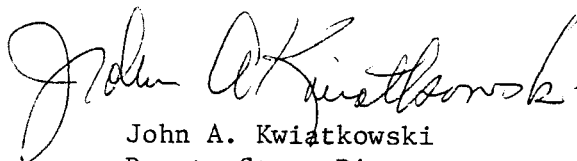
The Bureau of Land Management (BLM) recently experienced a road abandonment in Garfield County which isolated approximately 7,000 acres of BLM-administered lands and approximately 1,200 acres of state lands from public use (Enclosure 1). The Garfield County Commission took this action despite protests by the BLM, the Montana Department of Fish, Wildlife and Parks, the Public Lands Foundation, and the Public Lands Access Association. Your bill, if enacted, would alleviate the financial need some Montana counties now experience in maintaining their road districts and, hopefully, result in fewer road closures in the future.

For many years, public funds were expended in Garfield County to maintain the road which was recently abandoned. Unfortunately, it will now be necessary to expend additional public funds to acquire an easement to access the isolated public lands. Would the abandonment of access to 7,000 acres have occurred had these lands been privately owned?

In the Garfield County situation, it may also be helpful to point out that the county received a \$796,992 Payment in Lieu of Taxes (Enclosure 2) from the federal government during the past 10 years. Portions of these payments can be used by the county to maintain the road system. However, the county saw fit to close this particular road, and this is certainly not an isolated situation in Montana.

We appreciate this opportunity to provide input regarding your legislation. Please feel free to contact either John Kwaitkowski at 406-255-2914 or James Binando at 406-255-2935, should additional information or future testimony be helpful.

Sincerely,

A handwritten signature in cursive script, reading "John A. Kwaitkowski".

John A. Kwaitkowski
Deputy State Director
Division of Lands and Renewable Resources

2 Enclosures
1-Background Information
2-Payment in Lieu of Taxes

cc: w/encls
MT-912
MT-940

AUG 28 1992 JAN -7 AM 8:32

RECEIVED
MONTANA STATE OFFICE
BILLINGS, MONTANA

Southeastern Montana Sportsmen Association
c/o Paul Berg
3708 Harry Cooper Place
Billings, Montana 59106

Dear Mr. Berg:

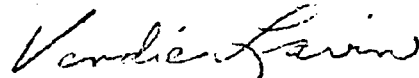
Thank you for your inquiries concerning the abandonment of a county road in Garfield County, within T. 17 N., R. 31 E.

It was our position to oppose this abandonment. I sent a member of my staff, Brian Lynnes, to the meeting on August 4, 1992, to state our position. Members of the Montana Department of Fish, Wildlife and Parks were also present to oppose abandonment and numerous letters, including the letter sent from your organization, also stated opposition to abandonment.

The Garfield County Commissioners, however, unanimously elected to grant the petition for the road closure. Since this is a county road and not an exclusive easement controlled by the BLM, there is little we can do to reverse the situation. This area will be placed on our list of areas lacking access and will be ranked according to priority for easement acquisition.

Please feel free to call me at 232-7000 if you have any more thoughts on this matter.

Sincerely,



Verdie Lavin
Acting Area Manager
Big Dry Resource Area

ENCLOSURE

SEP 9 1992

Mr. Neil F. Morck
4150 Audubon Way
Billings, Montana 59106

Dear Mr. Morck:

Bruce Whitmarsh of Miles City visited me Monday last and discussed with me a certain county road closure in Garfield County. The subject road is within T. 17 N., R. 31 E., and was petitioned for closure by a Mr. Ken Rich, who ranches there.

The Commissioners of Garfield County approved Mr. Rich's petition and thereby isolated some 14 sections of combined BLM and State land. The BLM, Montana Department of Fish, Wildlife and Parks, and others, opposed the petition.

I have enclosed a map (annotated) of the subject area, as well as some correspondence relating to this issue. We have, in addition, requested the minutes of the Commissioner's Meeting wherein they approved Mr. Rich's petition. I have no plans for any additional action by the BLM in this case.

I certainly appreciate your interest in public lands access issues, and in this case in particular. I will be pleased to provide you additional information if you think it is necessary. Please contact me at the above address or call at (406) 232-7000.

Sincerely,

DAVID D. SWOGGER

David D. Swogger
Area Manager
Big Dry Resource Area

Brian —

Neil F. Moreck
4150 Auckland Way
Billings, MT 59106

David D. Swogger
Area Mgr - Big Dry
Miles City Plaza
Miles City, MT 59301-2844

OCT 31
1992
Big Dry/Powder River
Resource Area
State of Montana
Miles City, MT

Oct. 2, 1992

Dear David;

I have attached a letter sent to Garfield County Commissioners. You will note I've used material from your packet and that of David Ellis, Fish, Wildlife & Parks. I hope I've been accurate in my remarks.

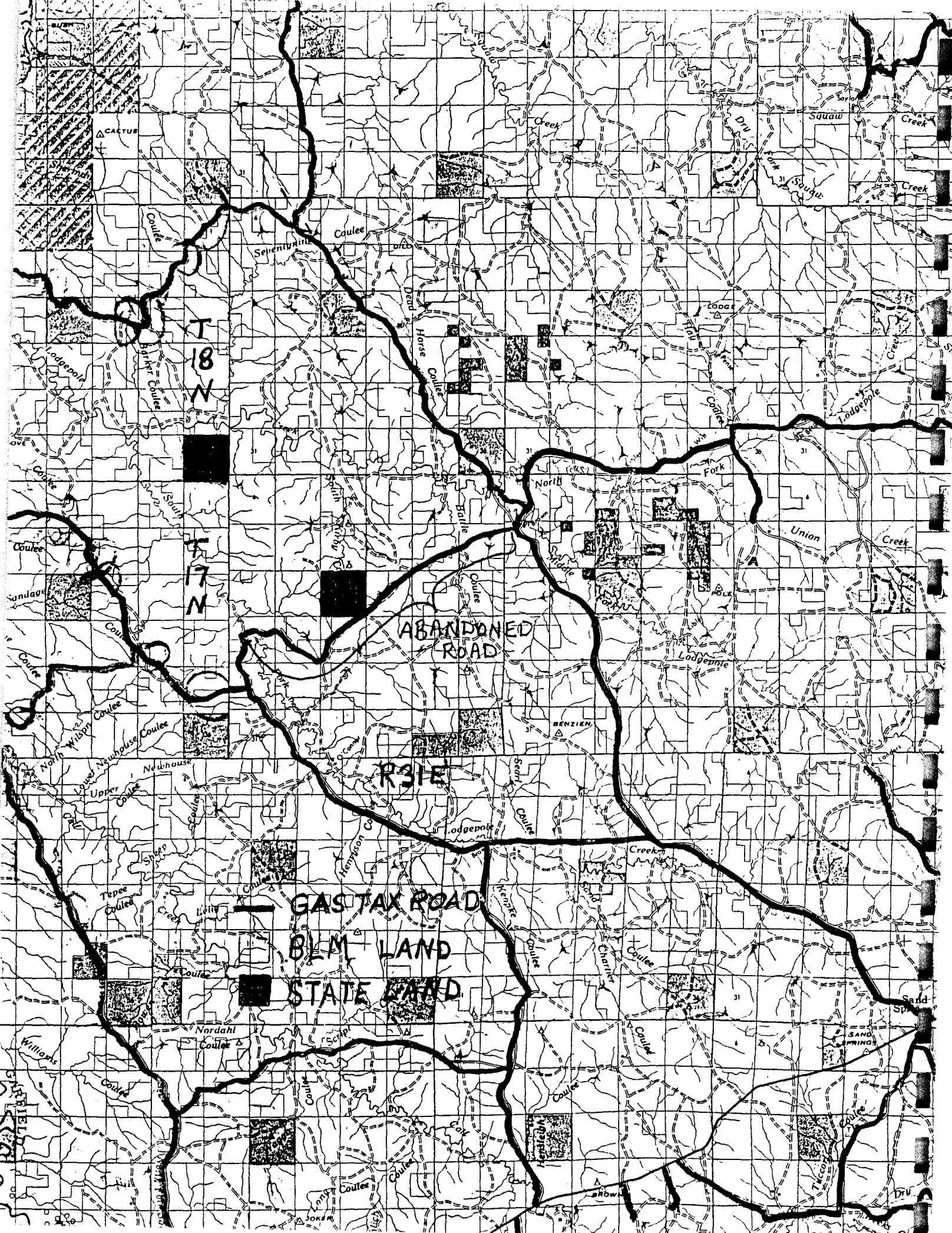
I'm doubtful the letter will mean much in the instant road but perhaps on future similar actions. I've visited with BLM state office on this and access in general. I do hope things will improve, particularly on county road actions. I'm sure we will be doing more either cooperating on test cases or merely pressure. The state law is pretty emphatic on Comm. Authority. That will be difficult to change.

Thanks for the material. Please
tell Verlie, Don Nelson and others
hello from me.

The material provided was full
with good detail.

Thanks

Bill Woods





Public Lands Foundation

For America's Heritage

Neil F. Morck, Reg. Repr.
4150 Audubon Way
Billings, MT 59106

Robert N. Phipps, Chrmn.
Garfield County Commissioners
Jordan, MT 59337

October 2, 1992

Dear Sirs:

I have been advised of your recent action on Mr. Ken Rich's petition to close a public road in T.17N., R.31E. The information provided me indicates the road closed traverses the Pollard Ranch in the above Township and is leased by Mr. Rich. The road accessed some 14 sections of public lands administered by the Bureau of Land Management and the State Land Department. I have been advised the County has received public funds for a number of years through the state to maintain the subject road. Also there is a contention that the road has been closed by locked gates for some time. I understand your action was based, in part, on the access afforded through adjacent lands included in "block management" in spite of the administering agency contention that the temporary access afforded is certainly of value it is no substitute for a "public road". Finally your action was taken despite objection from the Department of Fish, Wildlife and Parks, Bureau of Land Management, Southeast Montana Sportsmaens Association and others.

Needless to say I am dismayed at your action. While I can appreciate Mr. Rich's problem the road has likely been "public" for 50+ years and he has leased and operated the ranch with that knowledge. Times have changed and as other lands are closed to public use for hunting and recreation, public land values and access to them are of ever increasing concern to the public, particularly tracts of this size. The continued erosion of this access through actions such as yours only further polarizes ^{these} following these issues. In this case the apparent public and agency tolerance of the locked gates may legitimize your action. Correspondence from the public agency indicate they will likely now be required to spend additional public funds to reacquire access to these lands. A classic merry-go-round at the public's expense including yours!

In summary I hope in the future you will seriously consider such closure actions and their total impact and cost to our public resources both natural and financial.

Thank you for your attention.

Sincerely,

Neil F. Morck

GUIDELINES USED TO ESTABLISH
COUNTY GAS TAX ALLOCATIONS

The following guidelines are followed by the Department of Highways in the allocation of gas tax funds to the counties as required in the legislatively established formula pursuant to 15-70-101(a)(A)(i), MCA and as amended in 1967. The formula reads as follows:

- (i) 40% in the ratio that the rural road mileage in each county, exclusive of the federal-aid interstate system and the federal-aid primary system, bears to the total rural road mileage in the state, exclusive of the federal-aid interstate system and the federal-aid primary system;
- (ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns bears to the total rural population in the state outside incorporated cities and towns;
- (iii) 20% in the ratio that the land area of each county bears to the total land area of the state.

The following term definitions are applied by the Montana Department of Highways to the legislative formula for further clarification. Adherence to these guidelines when establishing current mileage updates as reported annually through the County Certification Program, will enable each county to receive its equitable share of gas tax allocation as outlined in the legislative formula.

"Rural Road Mileage" means all road mileage outside of incorporated cities under the jurisdiction of and maintained by a public authority at a minimum of once annually and open to public travel.

Ranch, farm, and residential driveways, primitive trail, and field approaches are not to be considered as part of Rural Road Mileage pursuant to this directive.

"Public Authority" means any Federal, State or Local Agency with authority to finance, build, operate and maintain highway facilities.

"Maintenance" means the preservation of the entire highway, including surface, shoulders, roadside structures, and other traffic control devices as are necessary for its safe and efficient utilization. A minimum amount of maintenance should be accomplished on an annual basis.

"Open to Public Travel" means that the road section is available for public use, except during periods of extreme weather or emergency conditions, passable by a two-wheel drive passenger car or pickup, and open to the general public for use without restrictive gates, prohibitive signs or regulations other than restrictions based on size and weight.

"Primitive Trail" means a traveled way established through use by vehicles or by any other means which has deteriorated so as to show no significant evidence of maintenance.

If you have any questions, please feel free to contact Rick Rogne at 444-6111

2300

SEP 1 1992

Garfield County Commissioners
Garfield County Courthouse
Jordan, Montana 59337

Dear Commissioners:

I respectfully request that you send me a copy of the minutes of the August 4, 1992, meeting regarding a county road abandonment in T. 17 N., R. 31 E. I further request a copy of the minutes of the August 10, 1992, regular session in which the decision was made to abandon the road.

Sincerely,

DAVID D. SWOGGER

David D. Swogger
Area Manager
Big Dry Resource Area

PAYMENTS-IN-LIEU-OF-TAXES (PILT)
GARFIELD COUNTY, MONTANA
(1983-1992)

Date: 1/8/93

FISCAL YEAR	ENTITLEMENT ACRES	POPULATION	MAXIMUM PAYMENT (1)	PRIOR YEAR PAYMENTS (2)	ALTERNATIVE A PAYMENT (3)	ALTERNATIVE B PAYMENT (4)	EST. PAYMENT TO COUNTY (5)	PRORATED AMOUNT (6)	TOTAL PAID THIS FY (7)
1992	815,744	1,589	\$79,450	\$12,554	\$66,896	\$79,450	\$79,450	100.0%	\$79,450
1991	815,744	1,589	\$79,450	\$12,798	\$66,652	\$79,450	\$79,450	100.0%	\$79,450
1990	815,785	1,600	\$80,000	\$9,410	\$70,590	\$80,000	\$80,000	100.0%	\$80,000
1989	815,805	1,700	\$85,000	\$6,984	\$78,016	\$81,581	\$81,581	100.0%	\$81,581
1988	815,966	1,702	\$85,100	\$14,555	\$70,535	\$81,597	\$81,597	100.0%	\$81,597
1987	815,966	1,702	\$85,100	\$15,099	\$69,001	\$81,597	\$81,597	99.2%	\$80,945
1986	816,886	1,702	\$85,100	\$12,428	\$72,672	\$81,609	\$81,609	96.0%	\$78,377
1985	817,142	1,672	\$83,600	\$14,714	\$68,886	\$81,714	\$81,714	97.1%	\$79,352
1984	817,019	1,672	\$83,600	\$22,295	\$61,305	\$81,702	\$81,702	95.8%	\$78,281
1983	827,329	1,656	\$82,800	\$18,370	\$64,430	\$82,733	\$82,733	94.2%	\$77,959

1. Maximum payment per year (eg. for 1992): POPULATION (1,589) X \$50.00. This payment is calculated according to Section 6903 of the PILT Act (31 U.S.C. Section 6903.c.1)
2. Prior year payments are defined according to Section 6903 of the PILT Act. Prior Year's payments in 1992 for Garfield County were paid in accordance with the Section 3 of the Taylor Grazing Act (\$7,858) and the Refuge Revenue Sharing Act (4,696), for a total of \$12,554.
3. Alternative A payment calculated for 1992 as the Maximum Payment (\$79,450) minus Prior Year's Payments (\$12,798), or \$66,652. (31 U.S.C. Section 6903.b.1.A).
4. Alternative B payment is calculated for 1992 as the Maximum Payment of \$79,450 (31 U.S.C. Section 6903.b.1.B).
5. The estimated payment is the greater of the two values calculated under Alternatives A and B, subject to the Maximum Payment ceiling. In the case of Garfield County, this payment has generally fallen under the Alternative B calculation, although since 1990 the Maximum Payment ceiling has been in effect. Because Garfield County's PILT payment has recently been subject to the Maximum Payment ceiling, the County's estimated population has been the sole determinant of the annual payment. Prior to 1990 the payment was calculated as the number of entitlement acres X \$0.10/acre.
6. Prior to FY88, Congress annually appropriated less than the full amount of estimated PILT payments to counties. Thus, the amount actually paid to counties was prorated for each county based on the total amount appropriated by Congress.
7. Actual PILT payment to Garfield County.

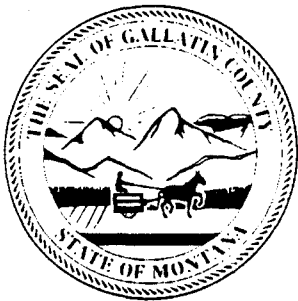
ENCLOSURE

DEPARTMENT OF STATE LANDS'
PROPOSED AMENDMENTS TO
SENATE BILL 50
(Introduced Copy)

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 9
DATE 1-12-93
BILL NO. SB 50

1. Page 3, line 17.
Following: "question."
Insert: "A state or federal agency that accepts a road is
not required to maintain that road."

-End-



COPY

County of Gallatin

County Commission

311 West Main - Room 301
Bozeman, Montana 59715

Telephone (406) 585-1400
Telefax (406) 585-1403

January 11, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 6

DATE 1-12-93

BILL NO. SB 50

To Whom It May Concern:

This is to advise you that the Gallatin County Commissioners support Senate Bill #50 as introduced by Senator Bianchi.

Gallatin County already notifies the Public Lands Access Association whenever a road adjacent to public lands is being considered for abandonment. The Association has often assisted us with useful information so that we can make an informed judgement about whether an abandonment will cut off access to public lands. The notification is a simple process, and does not create an undue burden on the County.

Thank you for supporting this legislation.

Sincerely,

GALLATIN COUNTY COMMISSION

A.D. Pruitt
A.D. Pruitt, Chairman

Deb Berglund
Deb Berglund, Member

Jane Jelinski
Jane Jelinski, Member

C:\WP51\LEGISLAT.JJ

TESTIMONY
SENATE LOCAL GOVERNMENT COMMITTEE
TUESDAY, JANUARY 12, 1993

SENATE BILL 50, A BILL FOR AN ACT ENTITLED REVISING THE LAWS RELATING TO COUNTY ROADS; PROVIDING FOR A PRIMITIVE COUNTY ROAD; AND REQUIRING THE COUNTY TO OFFER CERTAIN ROADS TO OTHER PUBLIC AGENCIES BEFORE ABANDONMENT. AMENDING SECTIONS 7-14-2101 AND 7-14-2603 MCA.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

FOR THE RECORD, MY NAME IS JOHN BLOOMQUIST AND I AM THE SPECIAL ASSISTANT FOR THE MONTANA STOCKGROWERS ASSOCIATION. I'M TESTIFYING ON BEHALF OF THE MONTANA STOCKGROWERS ASSOCIATION IN OPPOSITION TO SENATE BILL 50. I HAVE ALSO BEEN GIVEN PERMISSION TO TESTIFY ON BEHALF OF THE MONTANA WOOL GROWERS ASSOCIATION.

THE MONTANA STOCKGROWERS ASSOCIATION IS OPPOSED TO SENATE BILL 50 AS SECTION 1 DRAMATICALLY EXPANDS THE DEFINITION OF COUNTY ROADS BY THE CREATION OF WHAT IS TERMED AS A "PRIMITIVE COUNTY ROAD". THE DEFINITION OF "PRIMITIVE COUNTY ROAD" IS SO VAGUE AND BROAD THAT THIS DEFINITION COULD ENTAIL ANY TRACK OR TRAIL LOCATED ACROSS ANY PARCEL OF PROPERTY. SUCH DEFINITION OF "PRIMITIVE COUNTY ROAD" AND THE CREATION OF THE CONCEPT OF PRIMITIVE COUNTY ROAD IS UNNECESSARY. THE DEFINITION AND CREATION OF SUCH A ROAD DESIGNATION WOULD BE EXTREMELY CONFUSING TO THE COUNTIES AND TO THE PUBLIC AT LARGE.

THIS DEFINITION WOULD BE VERY BURDENSOME ON LANDOWNERS THROUGHOUT THE STATE OF MONTANA AS LANDOWNERS WOULD BE REQUIRED TO POST OR RESTRICT ANY ACCESS ON A ROAD OR TRAIL WHICH MAY BE DESIGNATED AT SOME FUTURE DATE AS A "PRIMITIVE COUNTY ROAD". THIS OBVIOUSLY WOULD CURTAIL ACCESS WHICH IS NOW AVAILABLE BY PERMISSION TO PARTIES DESIRING SUCH ACCESS. FURTHERMORE, THE PROVISION IN SECTION 3, AMENDING 7-14-2603 MCA, AND REQUIRING THAT ANY ABANDONMENT OF A COUNTY ROAD WHICH PROVIDES ACCESS TO STATE OR FEDERAL LAND AND WATER WOULD IMPROPERLY RESTRICT THE COUNTY COMMISSIONERS' DECISION ON COUNTY ROAD MATTERS. COUNTY ROAD DECISIONS SHOULD BE LEFT TO THE COUNTY COMMISSIONERS AND THE CREATION OR ABANDONMENT OF ANY COUNTY ROAD SHOULD BE A COUNTY DECISION. FURTHERMORE, THIS PROVISION IMPROPERLY CONFLICTS WITH MCA 7-14-2103(3) AND 7-14-2601 MCA IN THE ABANDONMENT OF COUNTY ROADS BY LANDOWNER PETITIONS.

ESTABLISHED FEDERAL AND STATE PROCEDURES EXIST FOR ACCESS TO STATE OR FEDERAL LANDS. THIS LEGISLATION SHOULD NOT INTERFERE WITH SUCH PROCESSES.

REQUIRING THAT ABANDONMENT OF SUCH ROADS BE OFFERED TO STATE OR FEDERAL AGENCIES WOULD REMOVE COUNTY CONTROL OVER SUCH DECISIONS WHICH ARE RIGHTFULLY LEFT AT THE COUNTY LEVEL. THIS REQUIREMENT WHEN COUPLED WITH THE DEFINITION OF "PRIMITIVE COUNTY ROAD" EXPANDS COUNTY ROAD RAMIFICATIONS BEYOND EXISTING LAW AND IS INAPPROPRIATE AND UNNECESSARY UNDER EXISTING LAW. MSGA STRONGLY URGES A DO NOT PASS VOTE ON SENATE BILL 50. THANK YOU FOR THE OPPORTUNITY TO TESTIFY BEFORE YOU TODAY.

LOCAL GOVERNMENT

BIT NO.

8

1-12-93

NO.

SB 50



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715

Phone: (406) 587-3153

BILL # SB-50; TESTIMONY BY: Lorna Frank

DATE Jan. 12, 1993; SUPPORT _____; OPPOSE Yes

Mr. Chairman, members of the committee, for the record, I am Lorna Frank, representing Montana Farm Bureau members throughout the state.

We have to oppose SB-50 as it would cause farmers and ranchers untold problems.

Years ago when roads were built, they were put in on section and quarter section lines to every homestead. Today many of those homesteads are no longer there. The land was purchased by existing farmers and ranchers. In some cases these roads now go through hay meadows and crop land.

The county has not maintained the road, but it is still declared a county road on county maps. This type of road should not be offered to the state or a federal agency. The agencies could not afford to maintain the type of road of road I have described for the sake of access.

SB-50 is so broad in its scope, it covers every road in a county that was once declared a road even if the road can only be accessed in the middle of summer when conditions are good. Therefore we urge you to do not pass SB-50.

SIGNED: _____

== FARMERS AND RANCHERS UNITED ==

**MONTANA
ASSOCIATION OF
COUNTIES**

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 9

DATE 1-12-93

BILL NO. SB49

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

SB49

AMENDMENT

INTRODUCED BY BIANCHI

Amend page 2, starting with line 11 to read:

- (i) by petition AND ACCEPTANCE BY LOCAL AUTHORITIES;
 - (ii) by common-law dedication AND ACCEPTANCE BY LOCAL AUTHORITIES;
 - (iii) by prescription AND ASSERTION OF CONTROL BY LOCAL AUTHORITIES
- OR:**

Amend page 3, starting with line 7 to read:

- (i) by petition AND ACCEPTANCE BY LOCAL AUTHORITIES;
 - (ii) by common-law dedication AND ACCEPTANCE BY LOCAL AUTHORITIES;
 - (iii) by prescription AND ASSERTION OF CONTROL BY LOCAL AUTHORITIES
- OR:**

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 10

DATE 1-12-93

BILL NO. SB 49

STATEMENT OF
ERNEST R. NUNN, FOREST SUPERVISOR, HELENA NATIONAL FOREST
FOREST SERVICE, NORTHERN REGION
UNITED STATES DEPARTMENT OF AGRICULTURE
Before the
Local Government Committee
Montana State Senate

Concerning Senate Bill No. 49 entitled "AN ACT REDEFINING A COUNTY ROAD; AND AMENDING SECTIONS 7-14-2101 AND 60-1-201, MCA."

January 12, 1993

CHAIRMAN KENNEDY AND COMMITTEE MEMBERS:

Thank you for the opportunity to appear at this hearing and to share the USDA Forest Service position on Senate Bill No. 49.

The Forest Service supports Senate Bill No. 49 redefinition of a county road. The redefinition specifically notes that a county road may be created by petition, common law dedication, prescription, or under the confines of 43 U.S.C. 932 (repealed). The existing Montana Code county road definition does not do this and is silent to these other means. Since the Forest Service has no authority to act as a public road agency; we depend on the county road system for access to National Forest System roads. Therefore, the Forest Service believes that Counties should be afforded all appropriate means of creating and perpetuating a county road system that best serves the access needs of both private and public lands.

This completes my testimony. I again thank you for the opportunity to be here today and will be pleased to answer any questions you may have.

EXHIBIT NO. 11DATE 1-12-93BILL NO. SB 49NAME HORACE S. BROWNADDRESS 200 W BROADWAY, MISSLA. # 57802HOME PHONE 721-7251 WORK PHONE 721-5700 Ext 3275REPRESENTING Missouri County SurveyorAPPEARING ON WHICH PROPOSAL? 49DO YOU: SUPPORT ☒ OPPOSE ☐ AMEND ☒

COMMENTS:

(i) by petition(ii) by common-law dedication;(iii) by prescription; or(iv) in accordance with 43 U.S.C. 932,
now repealed.(v) all Government Land Office public
lands shown on GLO plats, which
were created by use of the public before
the patent of the land.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 12

DATE 1-12-93

BILL NO. SB 49

TESTIMONY
SENATE LOCAL GOVERNMENT COMMITTEE
TUESDAY, JANUARY 12, 1993

SENATE BILL 49 A BILL FOR AN ACT ENTITLED "AN ACT REDEFINING A COUNTY ROAD AND AMENDING SECTIONS 7-14-2101 AND 60-1-201, MCA."

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

FOR THE RECORD, MY NAME IS JOHN BLOOMQUIST AND I AM THE SPECIAL ASSISTANT FOR THE MONTANA STOCKGROWERS ASSOCIATION. THE MONTANA STOCKGROWERS ASSOCIATION IS AN ORGANIZATION OF OVER 3,500 RANCHERS, RANCHING FAMILIES AND LANDOWNERS LOCATED THROUGHOUT RURAL MONTANA.

I AM TESTIFYING IN OPPOSITION TO SENATE BILL 49 ON BEHALF OF THE MONTANA STOCKGROWERS ASSOCIATION. ALSO, I HAVE BEEN GIVEN PERMISSION BY THE MONTANA WOOL GROWERS ASSOCIATION TO TESTIFY ON THEIR BEHALF.

ESSENTIALLY, THE LEGISLATION AS PROPOSED, WILL CONFLICT WITH EXISTING LAW AND PROCEDURES ON THE ACQUISITION OF RIGHTS OF WAY FOR COUNTY ROADS AND THE PROCESSES BY WHICH A BOARD OF COUNTY COMMISSIONERS MAY CREATE COUNTY ROADS. BY CHANGING WHAT IS MEANT BY A "COUNTY ROAD", THIS LEGISLATION INAPPROPRIATELY EXPANDS THE PROCESSES THAT MAY CREATE A DESIGNATED COUNTY ROAD AT THE COUNTY COMMISSIONER LEVEL.

MCA SECTIONS 7-14-2107 OF THE PRESENT LAW STATES THAT THE ACQUISITION FOR RIGHTS OF WAY FOR COUNTY ROADS SHALL ONLY BE CONSIDERED UPON A PROPER PETITION FOR SUCH ROAD. THE PROVISIONS FOR THE PETITIONING PROCESS ARE ADEQUATELY SET FORTH IN MCA SECTION 7-14-2601. THE LEGISLATION AS PROPOSED, EFFECTIVELY EXPANDS THE EXISTING PETITION PROCESS BY INCLUDING COMMON-LAW DEDICATION, PRESCRIPTION, OR IN ACCORDANCE WITH 43 USC 932, NOW REPEALED, AS METHODS OF CREATING COUNTY ROADS. THIS ODDLY ENOUGH, AT A TIME WHEN COUNTIES ARE STRAPPED FOR ROAD MAINTENANCE FUNDS. IN FACT, THERE WILL BE LEGISLATION INTRODUCED (H.B. 33) TO TURN OVER MAINTENANCE OF SECONDARY COUNTY ROADS TO THE STATE.

ALLOWANCE FOR THE CREATION OF COUNTY ROADS BY COMMON-LAW DEDICATION OR BY PRESCRIPTION INVOLVE IMPORTANT FACTUAL QUESTIONS. THESE QUESTIONS HISTORICALLY AND RIGHTFULLY HAVE BEEN

DECIDED BY COURTS OF LAW AND THIS BILL MAY EFFECTIVELY CIRCUMVENT THE RIGHTS OF LAND OWNERS TO SUCH JUDICIAL PROCEEDINGS.

THE PRESENT LAW ALLOWS THE COUNTY COMMISSIONERS THE OPPORTUNITY TO ACQUIRE RIGHTS OF WAY FOR COUNTY ROADS OVER PRIVATE PROPERTY BY CONTRACT, BY AGREEMENT OR BY EMINENT DOMAIN PROCEDURES. TO STATUTORILY ALLOW THE CREATION OF COUNTY ROADS BY COMMON-LAW DEDICATION OR PRESCRIPTION WOULD PLACE THE LANDOWNER IN AN INAPPROPRIATE FORUM TO DEFEND HIS PROPERTY RIGHT UPON THE FACTUAL QUESTIONS WHICH SURROUND DEDICATION OR PRESCRIPTION. IT ALSO RAISES CONSTITUTIONAL DUE PROCESS CONCERNS AS PROPERTY RIGHTS WILL BE INVOLVED.

THE ALLOWANCE OF THE CREATION OF A COUNTY ROAD BY PRESCRIPTION WOULD BE A SERIOUS PROBLEM TO LANDOWNERS WHO HAVE HISTORICALLY ALLOWED ACCESS ACROSS PRIVATE LAND TO THE PUBLIC FOR WHATEVER PURPOSES. IN OTHER WORDS, THE LANDOWNER WHO HAS ATTEMPTED TO BE A "GOOD GUY" AND ALLOWED THE PUBLIC ACCESS MAY NOW BE FACED WITH A CREATION OF A COUNTY ROAD BY PRESCRIPTION WHICH IS DETERMINED BY THE COUNTY OR THE BOARD OF COUNTY COMMISSIONERS WITHOUT A DEFINED PROCESS OR JUDICIAL DETERMINATION. THE EFFECT OF THIS MAY BE TO SHUT DOWN PERMISSION OR THE ALLOWANCE OF ACCESS ACROSS PRIVATE LAND BY LANDOWNERS WHO DO NOT WANT A PUBLIC ROAD BECAUSE OF THE POSSIBILITY OF THE CREATION OF COUNTY ROADS BY PRESCRIPTION. FURTHERMORE, THIS LEGISLATION WOULD ENCOURAGE THE ADVERSE USE OF ROADWAYS IN AN EFFORT TO GAIN COUNTY ROAD STATUS THROUGH ADVERSE USE. ALSO, REFERENCE TO 43 U.S.C. SECTION 932 (REPEALED) MAY INAPPROPRIATELY CREATE COUNTY ROADS OVER FEDERAL PUBLIC LANDS. THIS FEDERAL STATUTE WAS REPEALED BY FLPMA IN 1976 WHICH PRESCRIBES THE APPROPRIATE MEANS OF RIGHTS OF WAY ON FEDERAL LANDS.

BECAUSE THE PRESENT LAW, AS IT EXISTS, ADEQUATELY ADDRESSES THE ACQUISITION OF COUNTY ROADS BY PETITION (7-14-2601 MCA), AND THE ACQUISITION OF RIGHTS OF WAY FOR COUNTY ROADS OVER PRIVATE PROPERTY (7-14-2107 MCA), THE MONTANA STOCKGROWERS ASSOCIATION STRONGLY URGES A VOTE OF DO NOT PASS ON SENATE BILL 49.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY.

DATE 1/12/93
 SENATE COMMITTEE ON Local Government
 BILLS BEING HEARD TODAY: SB 49, 50, 52
expect action on SB 25

Name	Representing	Bill No.	Check One Support Oppose
John Kuciatkowski	BLM	50	/
HORACE Brown	Missoula County	50	
HORACE Brown	Missoula County	49	
Tom Hardin	Teton Co.	49/50 52	
Robert Krause	Teton Co.	49-50 52	
JAMIE Doggett	MT Cattlewomen	45-50	-
WILLIAM A. FAIRHURST	PLAAI	50	
MONTE COOPER	PUBLIC LANDS Access Assn	50	
Gordon Morris	MACC	49/50/52	✓
Conie NINN	Forest Service	49/50	✓
Thomas Newell	Forest Service	49/50	✓
Maggie Pittman	Forest Service	49/50	✓
Larry Williams	Transportation	49/50	-
Geo Walker	"	"	
John Bloomquist	MT. Stockgrowers	49/50	X
Bob Hoffman	Ag. Pres. Assoc	49/50	X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 1-12-93

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 49, 50, 52

exec action on SB 25

Name	Representing	Bill No.	Check One	
			Support	Oppose
Lerna Frank	Montana Farm Bureau	SB-50		✓
Stan Bradshaw	Mont. Bow Hunters Ass	SB 49 SB 50	✓	
BUD CLINCH	DSL	SB-50		
Bill Eudy	Rep HD 74	SB-50 SB-49	✓	
Tony Schuren	Arizona Sportsmen	SB-50 SB 49	✓	
Bill Holdorf	Idaho Sportsmen	SB-50 SB-49	✓	
Jim Richards	MT Wildlife Fed		✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY