EXHIBIT 3
DATE 1.13.05
HB 129

House Bill 129
January 13, 2005
Presented by Jeff Hagener
House Fish, Wildlife & Parks Committee

Mr. Chairman, Members of the Committee, my name is Jeff Hagener, Director of Montana Fish Wildlife Parks (FWP). I come before you today to oppose HB 129.

HB 129 would amend the stream access law to require the FWP Commission to adopt new rules to establish procedures to create seasonal or permanent no-shooting safety zones along public waters to protect a landowner or property. As written, HB 129 can be read to require the commission to grant any request made by a landowner according to the procedures. This could exclude the public from deliberations on use of public resources and remove the commission's discretion in restricting hunting.

It is important to note that the FWP Commission already has both the authority and a process to restrict or close lands, streams, lakes or parts thereof to hunting for safety reasons (see 87-1-303 MCA).

Under current law, the Commission considers landowner requests to restrict or close hunting as part of its annual season setting process. Landowner requests are considered and public testimony heard on proposals before the FWP Commission adopts restrictions at a scheduled meeting. This ensures public participation in the process and allows the commission to balance the interests of the public and the landowner making the request.

FWP believes that the current authority of the FWP Commission is adequate to deal with the concerns addressed by this legislation. FWP encourages the committee to recognize the existing authority and public process for determining such no shooting zones and not require the commission to go through unnecessary rule making to establish a duplicative process that could reduce public participation in decision-making.