

House Bill 655
February 18, 2005
Presented by Robert Lane
House State Administration Committee

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Mr. Chairman and committee members, for the record I am Bob Lane, Chief Legal Counsel of Montana Department of Fish, Wildlife & Parks (FWP). FWP opposes HB 655 because it creates an unnecessary bureaucratic step that would frustrate the efforts that FWP makes to participate in land use planning of state and federal agencies.

HB 655 requires the approval of the three-member volunteer local "fish, wildlife and park review commissioner" before FWP can recommend any closing or restriction of the use of roads, trails or activities to any local, state or federal entity. Their commission would meet every six months.

Thus FWP could not participate in land use planning, such as the development of travel plans by the U. S. Forest Service for their lands, until the local commission gave approval. The mandate of the local commission under HB 655 is to make sure that FWP does not in its recommendation "limit private property rights or public access to public land." It is hard to understand what this means. For example, a road closure by the Forest Service may be to protect elk calving grounds or to provide areas that give the public the option of a walk-in only area. In the right circumstances, such a road closure would be a positive benefit to Montana hunters and recreationists. Under this bill, such a closure would need to be rejected by the local commission and, in turn, rejected by FWP.

In fact, the bill appears to require the rejection of any proposed road closure because all would restrict, at least in some way, public access, and FWP may need to wait six months before being required to say so. The bill would effectively hamstring FWP's effort to effectively participate, on behalf of Montana's hunters, anglers and recreationists, in FS or BLM decisions about travel plans for the federal land they control. However, the decision whether to close a road or not rests with the local, state or federal agency.

The public has considerable opportunity for input into these decisions. And, if the public or member of the public, doesn't like the position that may be taken by FWP on any road, they already have a commission to take their complaint to, the five-member citizen Fish, Wildlife & Parks Commission.

FWP opposes HB 655 because it will frustrate good government more than help and because it adds an unnecessary bureaucratic step.