

SENATE FISH AND GAME
EXHIBIT NO. 9
DATE 3/3/05
BILL NO. HB 56

House Bill 56
March 3, 2005
Presented by Jeff Hagener
Senate Fish and Game Committee

Mr. Chairman and committee members, for the record I am Jeff Hagener, Director for Montana of Fish, Wildlife & Parks (FWP).

The Fishing Access Enhancement Program was created by the 2001 Legislature with the passage of HB 292 (87-1-285 and 286 MCA). The purpose of the program as stated in HB292 is to provide incentives to landowners who provide access to or across private land for public fishing. The law was enacted to augment the existing Fishing Access Site program. HB 292 set a sunset for the program of March 1, 2006. During the first biennium the program was funded at \$50,000/year. The 2003 Legislature reduced the annual funding for fiscal years 2004 and 2005 to \$25,000/year.

Funding for the program is specifically earmarked for use on private land. Compensation is provided according to rules adopted by the FWP Commission. The funding provided to the landowner is intended to offset the potential impacts associated with providing public fishing access including general property maintenance, conservation efforts, weed control, fire protection, roads, fences and parking area maintenance. The restriction on liability of a landowner provided in section 70-16-302(1) is extended to a landowner that participates in the program.

FWP has entered into eight agreements that range in term from 1 to 10 years. The sites are scattered across the state from the Bitterroot River to a bass pond near Miles City. The program was a little slow to get started and the funding was cut by the 2003 Legislature. However, FWP spent all of the 2004 funding and are lining up projects for 2005. The 2005 funding will be fully utilized as well.

This program is still in its infancy, but it does fill a niche where a willing landowner can receive compensation for allowing the public access to fishing opportunities without selling their land or providing a permanent easement. The program is gaining in recognition and use and FWP believes the sunset should be removed.