

Sternberg, Doug

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Sent: Tuesday, January 13, 2009 12:02 PM
To: Sternberg, Doug; Van Dyk, Rep Kendall; hendrickhd14@yahoo.com; mcdave94@gmail.com; rnewbar@gmail.com; ccboland@bresnan.net; frostycbr@hotmail.com; utopiamt@prodigy.net; mmilburn@mcn.net; kenneth59@bresnan.net; mikephillips@montana.net; pomnicho@montanadsl.net; cary@bresnan.net; ted@tedwashburn.com
Subject: HB 190

EXHIBIT 19
DATE 1-13-09
HB 190

Montana House of Representatives: Fish and Game Committee Members:

It's with great interest that I read today's Billings Gazette article regarding HB 190 and how some are portraying Montana Stockgrower Association's proposed amendments as a solution or cure for a couple of wealthy landowners. Seems I have something in common with these landowners and it certainly is not related to level of wealth. I have a County Road running through my small farm outside of Big Timber, **which is there by prescription**. This road crosses Big Timber Creek at the corner of my property. The confluence of Big Timber Creek and the Yellowstone River is approximately 1/4 mile from the bridge. Approximately 3/4's of a mile up the road is MT Fish Wildlife and Park's Otter Creek Fishing access. Opinions of both my lawyer at the time I purchased and later, our Sweet Grass County Attorney, was simply I own the land which the road crossed, the county has rights only to the current road bed; any activities taking place outside of that area (such as the recent replacement and re-positioning of the bridge) requires my permission. While at times the general public has attempted to access the Yellowstone from the bridge, they have been politely turned away and sent up the road to the public access point. It should be noted in this case, as I'm sure with others, the road bed has been significantly elevated (approximately 15 feet) to prevent the bridge from washing out. Any vehicles parked on these steep elevated shoulders could cause quite a traffic hazard as such would require the parked vehicle to be partially on the road bed. In this regard, also be reminded once off the road bed, the parked vehicle is now, due to the prescriptive status of the road, on my property and essentially a trespass.

And finally, so you are aware, over the past year or more a number of landowners on Big Timber Creek, including myself, have been working with Trout Unlimited in an effort to restore and enhance the Big Timber Creek Fishery so it might better produce fish for the Yellowstone River system. This effort was both by cooperation and monetary contribution. Before making my contributions, I felt an overwhelming need to determine Trout Unlimited's position on bridge access. I was told in no uncertain terms, Trout Unlimited would not enter the fray, as their mission is enhancement and protection of fisheries, thereby bettering the quality of fishing, not access. In addition, while they have certain state and local chapters, (Montana) taking rouge positions, Trout Unlimited would rather work with landowners in a spirit of cooperation for the betterment of fish.

With that, I would ask you to please allow the Stockgrower's amendments to be placed into the Bill, again, with a spirit of cooperation, as the need for clarity runs far deeper and more wide spread than a couple of wealthy absentee landowners in Madison County, as my family has now resided for five generations in Montana.

Thank you for your time.

Respectfully,
Mark Norem

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