Patrick: Ron

Comments on HB 290.

RHB RESOURCE MANAGEMENT
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EXHIBIT 6 (1)
DATE 2-2-2011
HB

2-1-11

House Transportation Committee
Chairman Gordon Vance
Montana House of Representatives
P.O. Box 200400
Helena, MT. 59620-0400

Regard: HB 290 "An Act Prohibiting the Restriction of Public Access On Certain Roads or Right-of-Ways Used by the Public Unless Certain Requirement Are Met."

Dear Chairman Vance and Members of the Committee;

Please accept the following comments in opposition to HB 290 on behalf of Montana Forest Products L.P. The O'Neil Family has owned Forest Land in the Flathead since the early 1900's. Currently they manage 6000 acres of Forest land.

HB 290 is a far reaching bill that requires the landowner to prove they have a right to control who uses their property. What a bazar turn of events! A landowner is currently required to be liable for the safety of those who visit his property. This bill will make him liable for unwelcome visitors.

This bill reverses decades of right-of-way case law. It will also increase the tension between visitors to private land and private landowners.

Many members of the public do not realize that private landowners must comply with the rules of the Clean Water Act (Federal). One of the requirements of this act is that sediment must be controlled from all roads. Limiting travel, use, and access is a must if you are to meet the requirement of the Law. We all should be protecting water quality!

No. 20 Society of American Foresters

Certified Inspector

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(2)

To require County Commissioners and Attorneys and their respective staff(s) to research, hold hearings, and rule whether a road my be used by the public is going well beyond their authority. This will be replacing the judical system in Montana!

The Bill does not have any provisions for the responsibilities of the visitor. Someone must pay for the maintenance of this use.

We must have respect for those who own the land! This bill destroys this respect.

Thank you for considering my comments.

Sincerely yours,

Ronald Buentemeier

No. 30
Society of American Foresters

Certified Forester