SENATE NATURAL RESOURCES
EXHIBIT NO. 3
DATE 2-22-13
BILL NO. SB 345

Montana Tree Farm Program
PO Box 17276
Missoula, MT 59808

February 21, 2013

Chairman and Members
Senate Natural Resources Committee

Re: SB 345,

Dear Mr. Chairman and Committee Members,

Please accept the following comments on SB 345 on behalf of the Montana members of the American Tree Farm System. Tree Farm in Montana currently has 428 members who own and sustainably manage 176,000 acres of private family forestland throughout the state. These family forestlands range in size from 10 acres to 10,000 acres in size. These lands are often family treasures passed from generation to generation.

The Moonlight fire incident in California illustrates the potential for inequitable persecution of private landowners for damages resulting from a wildfire starting on private land, regardless of the cause. A similar situation in Montana would undoubtedly force many private forest landowners to re-think both their continued ownership and management of their lands. The decision to continue to allow public recreational access or even to conduct forest management activities that would improve the health of the forest would need to be considered in a much different light.

We feel that SB 345 as drafted strikes a balance between the need for landowners impacted by wildfire to recover "reasonable" damages from negligent or willfully started fires and the protection needed to prevent vengeful prosecution by either private or governmental entities.

The most striking element of what happened in the Moonlight fire in California and what could happen here in Montana should SB 345 not be passed is that if the tables were turned and the fire came from Federal lands onto private, private landowners have NO recourse to recover damages from the Federal Government.

<u>We urge you to support SB 345 as currently drafted.</u>

Thank you for the opportunity to comment and we look forward to your deliberation of this issue.

Sincerely,

Mark Boardman
Chair
Montana Tree Farm Steering Committee