

EXHIBIT # 3  
DATE Feb 4, 2015  
HB 304

House Bill 304  
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Presented by Mike Volesky  
House Transportation Committee

Mr. Chairman and committee members, I am Mike Volesky, Chief of Staff for the Montana Department of Montana Fish, Wildlife, and Parks (FWP). I am here today on behalf of the Director in support of House Bill 304.

The department recognizes that HB 304 pertains in large part to the administration and maintenance of county roads by county officials. We defer to county officials as good arbiters of what is and is not a county road. This bill is not so much about that determination, but instead, what happens when a party decides to impede public access on a road for which the county has already made a determination.

The department looks at this bill from the perspective of its public trust responsibilities. Few issues are as important to hunters, anglers, and other outdoor recreationists as ensuring their access to trust resources on public land, state-owned land, wildlife management areas, state parks, or fishing access sites. As a result, the legislature has tasked the department with the creation of many programs over the years to provide for access to both private and public lands through purchase, easement, lease, and contract. Additionally, the legislature has directed the department to help resolve these conflicts in multiple ways.

FWP is faced with these conflicts regularly. By way of example, the department has a fishing access site on McGregor Lake west of Kalispell that enjoys county road access, as determined by the county, even though maintenance had been lacking. A developer claimed it was not a county road, and a lot owner obstructed it with a gate--even constructing improvements on the road. A lawsuit was necessary, and the district court ordered removal.

Another example is the Poker Joe fishing access site on the Bitterroot River. The dispute was settled before it went to court, but it is another example of blocked public access to a well-used site that was finally restored, but only after litigation was initiated.

HB 304 proposes an increase in penalty in order to deter a party from blocking access arbitrarily, as was the case in these two examples. It is reasonable to assume that a potential \$500 per day penalty would give such a party pause, and instead encourage the use of existing statutory legal remedies for challenging a county road determination. We urge your support for HB 304, and I will be available for questions.