



BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION ON COUNTY ROAD THROUGH SPOTTED DOG WMA
2022 - _____

WHEREAS, the Powell County Commissioners have general authority at Section 7-5-2101 MCA, to manage the business and concerns of Powell County in such a manner and to such an extent as the Commission determines to be in the County’s best interest.

WHEREAS, at Section 7-14-2101 et sec, the County is authorized to “lay out, maintain, control, and manage county roads;” and may “in its discretion do whatever may be necessary for the best interest of the county roads and the road districts” (§ 7-14-2102); and has “general supervision over the county roads within the county” (§ 7-14-2103); and determines the level and scope of maintenance on a county road (§ 7-14-2103), and may “in its discretion limit or forbid, temporarily, any traffic or class of traffic on the county roads or any part of a county road when it is necessary in order to preserve or repair the roads” (§ 7-14-2127).

WHEREAS, at Section 7-14-2133, and -2134, the County has authority, and the duty to remove obstructions when placed on a county road.

WHEREAS, the historic Powell County road from Deer Lodge to Avon over the Dog Creek Hills, sometimes called The Mullan Trail, Jake Creek Road, or Old Stage Road, has never been formally abandoned in any part.

WHEREAS, this Road passes through the Spotted Dog Wildlife Management Area (WMA), managed by Montana Department of Fish, Wildlife, and Parks (FWP). Public access to the land in the WMA is restricted by FWP during certain annual time periods.

WHEREAS, the County is aware that several gates have been placed across the Road which were not authorized by Powell County. Notice to landowners regarding the gates has been provided.

WHEREAS, the County recognizes that removal of the gates and increased public traffic over the Road could have an adverse effect on private property and to public activities in the Spotted Dog Wildlife Management Area in either the short or long term.

WHEREAS, the Montana State University (MSU) has proposed conducting a study to measure the impact, if any, of the gate removal and has secured the necessary outside funding. The Study is proposed as a collaborative research partnership between the County, MSU, private landowners, and FWP. This study would bring resources to Powell County, and the data collected would be important and informative for wildlife management and county road management across the State. The study proposes conducting research during periods when the Road is open and comparing it to periods when the Road is closed.

WHEREAS, Powell County has determined that a temporary closure of the Road during the 2022 and 2023 hunting seasons will support the goals of the MSU study.

WHEREAS, Powell County has determined that other than this official authorized and temporary closure, the Road will be managed as any other unmaintained county road. It will not be plowed in winter, and will not be improved, but only repaired as necessary.

NOW, THEREFORE, BE IT RESOLVED,

1. That Powell County shall permit the Montana State University to conduct a study on the impact of increased traffic on the Road through the Spotted Dog Wildlife Management Area, and shall permit the closure of the Road for the 2022 and 2023 hunting seasons.
2. That Powell County shall determine and make necessary repairs to the Road, including removal of unauthorized gates, and installation of cattleguards as early in 2022 as conditions will allow.
3. **BE IT FURTHER RESOLVED**, this resolution shall be disseminated promptly by means calculated to bring its contents to the attention of the general public.

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Dated this _____ day of _____, 2022.

BOARD OF POWELL COUNTY COMMISSIONERS

DANIEL G. SAGER, Presiding Officer

RALPH E. MANNIX, JR., Member

DOUG CRACHY, Member

ATTEST:

JODY WALKER, Clerk and Recorder