

# Bill could harm public access across state

**T**he Crazy Mountains, one of the most beautiful parts of this beautiful state, have been the site of a bitter, long-running dispute over public access to century-old trails that have long appeared on Forest Service maps and other documents.

That's not surprising. For one thing, the Crazies are checkerboarded with former railroad trust lands that have been sold to private ranchers many decades ago, alternating with Forest Service and other public lands. The trails often go through both. And as Bozeman grows and more and more people are looking for access to public wildlands – for hunting, for hiking, for mountain biking, etc. – much of the Crazies are off limits because of a lack of trail access.

Ranchers are not thrilled with the concept of “prescriptive easement” – the legal principle that if a road has been used by the public for a long time, public access cannot be blocked. Many ranches are opposed to the federal government dictating that the public has a right to access their private lands. And some wish to keep access limited because they run private hunt clubs and contract with outfitters to sell “exclusive” access to wealthy hunters and recreationists.

All of this puts the U.S. Forest Service in the position of needing to enforce public access, and confronting ranchers who put up locked gates, cameras and signs denying public access on some trails, like the Lowline Porcupine Trail in the Crazies.

The fight continues. A group of recreationists and public-lands activists, including the Backcountry Hunters and Anglers and Butte's Skyline Sportsmen's Association, believe the Forest Service has not done its job, and has knuckled under to ranchers blocking public trails. So last month they notified the U.S. government of their intent to sue. How all that will turn out is unclear. What is clear is that landowners aren't going to sit quietly and wait for a result in court.

Comes now state Rep. Alan Redfield of Sweet Grass County, who has introduced in the Legislature a cryptically titled and worded bill (“An Act providing that privately owned roads or roads that have been abandoned or vacated may not be considered public roads in the consideration of gas tax allocations; and amending section 15-70-401, MCA”) that would allow county commissioners to arbitrarily close certain roads by taking them out of the county gas-tax rolls.

This bill, which passed the House on a party-line 58-42 vote, would give private landowners a potent new weapon in the eternal fight to exclude public access.

While aimed at the Crazy Mountains situation, it could certainly be applied elsewhere in the state, including here in southwest Montana, where public access has also often been controversial.

It could cost counties significant gas-tax revenue, particularly in relatively sparsely populated counties with lots of road miles (read: Beaverhead). Worse, it could and almost certainly would cost the public access to some of Montana's best public places, all across Montana.

The bill is clear evidence that private landowners will continue to use every tool they can to keep the public from using existing trails to access public lands.

Moreover, it seems like a surreptitious way to low-bridge the current public-access fight, and it also seems like a very bad idea for Montanans, particularly those for whom public lands are the only “ranch” they'll ever own.

If this measure should pass the Senate on a party-line vote, as it did in the House, we trust Gov. Bullock will exercise his veto power to stop what amounts to a serious miscarriage of public policy.