

Bridge access bill is worth celebrating

An important bill that protects two of Montana's most cherished values—public stream access and private property rights—was passed overwhelmingly in April by the 2009 legislature and signed into law by Governor Brian Schweitzer. The new bridge access law is great news for landowners, anglers, and all Montanans who are encouraged to see lawmakers work together to solve a seemingly intractable problem.

The problem had to do with fences attached to bridges crossing streams. Under Montana's 1985 Stream Access Law, streams are public on both banks up to the high-water mark. In other words, that's the public river right-of-way. And because a public road right-of-way extends along a bridge, an angler may legally access streams from bridges. A Montana attorney general's ruling in 2000 asserted the legality of that access.

Some landowners have restricted angler access by connecting impassible fences to bridge abutments. Their argument, that livestock should be kept from wandering into the road, is sensible, but the abutment fencing may be illegal. And it definitely creates difficulties for anglers who want to legally access a stream from a bridge.

Several lawmakers tried to address the issue in the 2005 and 2007 sessions, but their bills were unsuccessful. In 2007 Representative Mike Milburn (R-Cascade), who headed the House committee where a bridge access bill died, directed anglers, stockgrowers, counties, and other parties to work together over the next two years to develop a proposal that would address both access and livestock containment.

A group representing those interests accepted the challenge and hammered out a proposal. They took it to Representative Kendall Van Dyk (D-Billings), who this year introduced a bill that would make it legal for landowners to attach fencing to bridge abutments while making it easier for people to gain river access at those spots



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with a gate, stile, walk-over, roller, or similar passage. The concept is pretty simple: Yes, landowners can attach a fence to a bridge, as long as the fence is modified to allow fishermen to get through to the river. The bill also protects landowners from liability if someone gets hurt while accessing a stream using the

county right-of-way. FWP will have primary oversight of the public passage mechanisms and pay for necessary modifications. We are committed to working with all landowners and recreationists who contact us for assistance in modifying fences to allow access.

The Montana Cattlemen's Association, the Montana Farm Bureau, Trout Unlimited, the Montana Wildlife Federation, and many other groups supported the bill, as did lawmakers on both sides of the aisle. The bill passed the House 97 to 3 and the Senate 48 to 2.

The new law is one to celebrate. It's an important nonpartisan agreement in which both sides benefit. People struggling with a contentious issue did the hard work of meeting, talking, and listening, and then together they crafted a compromise that works for everyone. The bill demonstrates what can be accomplished when people make a good-faith effort to reach middle ground.

FWP thanks everyone who worked so hard on this compromise, which is good for the public and for the private landowner. And I'd like to remind anglers that while they are exercising their right to access Montana waterways from bridges, they need to stay within the high-water mark and not cross private property without permission.

—JOE MAURIER, *Director, Montana FWP*

NATURAL WONDERS ILLUSTRATION BY PETER GROSSHAUSER

Q. Near our cabin is a stand of aspen where we often hear a ruffed grouse drumming in the spring. How do they make that noise, and what is the purpose?

A. Throughout the year, but primarily during the spring mating season, a male ruffed grouse will stand on a downed tree, which biologists call a "drumming log," and beat its wings rapidly in five- to eight-second intervals. As the wings compress the air, they create a vacuum that produces a thumping noise, which sounds like a distant lawn mower. This drumming is meant to attract females and warn other males to stay away.

Q. Friends from out of state are coming to visit this summer. When does the Going-to-the-Sun Road in Glacier National Park traditionally open?

A. According to the National Park Service, the world-famous scenic route has fully opened anywhere from late May to late June over the past 35 years, with the average date roughly June 10. For up-to-date conditions, visit: home.nps.gov/applications/glac/roadstatus/roadstatus.cfm.

