

HJ13 Member-Suggested Findings & Recommendations – May 2016

Rep. White

Rep. Lieser

- 1) The EQC examined roads currently managed by the Forest Service and compiled available information on Forest Service roads decommissioned and unauthorized roads created on Forest Service lands. Not all unauthorized roads were documented prior to closure and the agency has inadequate records to document roads decommissioned prior to 1990.
 - a) The EQC found that since 1995, almost 22,000 miles of roads on Forest Service lands were closed.
 - b) The EQC examined roads on land owned by the Bureau of Land Management. About 1,700 miles of roads are closed to motorized use. In addition, almost 900 miles of road are closed to motorized use at least part of the year.
- 2) While the EQC did not study rights-of-way across unreserved public lands granted by a provision in the 1866 Mining Act, some of these roads may exist in Montana and may provide public access to public lands. The 1866 law, Revised Statute 2744, was repealed in 1976. However RS2477 roads in existence at the time were grandfathered.
 - a) The EQC recommends the Legislature provides an appropriation and designate an agency to identify grandfathered RS2477 roads in Montana.
- 3) The EQC recommends the Legislature adopt a resolution urging federal land management agencies to consider local management or maintenance agreements for federal roads that otherwise may be subject to permanent or temporary closure.
- 4) The EQC recommends that the DFWP and the State Parks and Recreation Board identify off-highway vehicle roads and trails that connect to state parks and other lands managed by the DFWP.
- 5) The EQC examined data in various formats for Forest Service roads dating back in some cases to the 1970s as well as the laws and policies that affected road policy. The Council also analyzed elk and deer harvest data and academic studies that address the relationship between roads and wildlife.
 - a) The EQC finds that the complexity and quantity of data results in a relationship between roads and wildlife that is best examined by controlled scientific studies that are able to track the movements of wildlife in relation to roads and other factors that may influence wildlife movement.
 - b) The EQC finds that research conducted by wildlife professionals indicates that high road densities have a negative impact on elk populations, as does the loss of habitat (cover and forage) and hunting pressure.
- 6) Over a period of more than a century, road management on federal land has evolved from a laissez-faire approach, allowing landowners to build roads as needed, to active management of a complicated road system serving with a wide array of objectives.

- 7) Contemporary management of state and federal roads incorporates intensive public involvement. Environmental analysis on federal travel management plans that comply with the National Environmental Policy Act require meaningful engagement with individuals and agencies that have a site-specific and/or a general interest. Because of the diversity of public opinion, decisions on road management regimes are controversial and met with both support and rejection.
- 8) National Forests in Montana currently have a very large backlog of deferred maintenance requiring millions of dollars (\$2.9 billion nationally) before the road system can be brought to a standard that is safe for public traffic and protects the environment from detrimental effects.
- 9) At various times in the history of the state of Montana and recently there have been efforts to transfer federal lands to the states. In fact, some Montana legislators are now promoting the concept.
 - a) The EQC finds that if Forest Service or Bureau of Land Management lands were transferred to state of Montana the cost of managing that system of roads would be a financial burden the state could ill afford.
- 10) A 2013 analysis by the Department of Fish, Wildlife, and Parks found 3,116,800 acres (4870 square miles) of public land cannot be accessed by a legal road or water access. Of those parcels, 978,647.6 acres (1,529.13 square miles) lies in areas elk may inhabit. Without more information and analysis, the EQC is unable to determine if road closures across private lands created isolated public parcels.
- 11) Elk distribution on private land increased by 17% between 2004 and 2015.
- 12) As of 2015, 80 hunting districts had elk populations that exceeded target populations determined to be sustainable based on habitat. Two of those districts had elk populations more than ten times the objective population.
- 13) The EQC compiled information on roads, public land, inaccessible public land, and hunter success rates for every hunting district in the state. Given the scope of the HJ13 study and the knowledge that a variety of factors may influence hunter success, the EQC is unable to determine if hunter success in a specific district was influenced by road closures or inaccessible public land.
- 14) Although all but 232 square miles of national forest lands has public access, about 4,500 square miles of lands managed by the Bureau of Land Management and the State of Montana lack legal public access, with the inaccessible lands evenly divided between the two ownerships.
 - a) The EQC finds that providing hunting opportunities on public land requires careful and thoughtful management.
 - b) The EQC recommends the creation of an interagency access committee to be led by the Montana Association of Counties. Representation should include the BLM, USFS, USFWS, DNRC and the DFWP. Committee duties would include:
 - i. Develop an inventory of public land where public access is restricted or not available;
 - ii. Develop an inventory of public roads;
 - iii. Report to the EQC, state agencies, and the public recommendations to increase public access to public lands.
 - c) The EQC recommends that the Legislature and participating agencies provide adequate funding and personnel to the interagency committee.