



Protecting Montana's wildlife, land, waters, and hunting & fishing heritage for future generations.

Board Resolution on Montana Stream Access

Whereas Montana's stream access law is widely considered the "Best in the West" to ensure public access;

Whereas under current Montana law the public can access any river or stream capable of being used for recreation between the high-water marks, regardless of the water body's navigability or the ownership of the streambed and adjacent property, so long as the user reaches the stream without trespass;

Whereas Montana's 1972 Constitution states that "all surface, underground, flood and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law"; and

Whereas under the public trust doctrine, a concept dating back to Roman times, holds that the state must maintain certain resources, such as "navigable waters and soils under them," for the public's use; now, therefore, be it resolved that the Montana Wildlife Federation (MWF):

1. Supports stream access under existing Montana law to protect the public's stream access rights.
2. Urges the Montana Legislature, FWP, and the Montana Fish and Wildlife Commission to protect the public's stream access rights.

Moved: Tom Puchlerz

Second: Jim Vashro

Passed 14 for and 0 against

April 15, 2023, at the 87th Annual Meeting of the Montana Wildlife Federation