



PUBLIC LAND
WATER ACCESS
ASSOCIATION
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THE KEY QUARTERLY

Unlocking Access to Montana's Public Lands & Waters

Fall 2021

Are We Losing the Battle for Public Access in Montana?

by PLWA Executive Director Drewry Hanes

Several months ago, while the illegal Hughes Creek Road gate stood as a monument to the myriad of access issues we face in Montana, I reached out to a media outlet about covering the story. "This gate is blocking recreational access to thousands of acres of the Bitterroot National Forest, even after District and State Supreme Court Cases mandated that it be removed. These folks are stealing access to our public lands and waters from us." Their response? I was told that the story wasn't for them. "That's over in Ravalli County. We only run stories that affect us here in this area."

In the fight for public access in Montana, and yes, it is a fight, every illegal gate, sign, and closure affects us all. If we consider the *broken window theory* used in criminology and sociology, when we become passive to visible evidence of crimes and anti-social behavior, they proliferate. Environments that allow lawbreaking without punitive measures encourage and embolden others to take similar actions. The landowners at Hughes Creek in Ravalli County put up an illegal gate. Two courts opined that it was illegal, and yet they did not take it down. No elected nor appointed officials forced them to take it down, nor took it down themselves until PLWA wrote multiple letters to the County Commission and Governor's office. Months later, this July, a new gate was put up on the same road. When it was not taken swiftly down, or "immediately", per the MCA, owners felled trees across the road at a further point, creating a second obstruction on a county road. Neither, after months, has been removed by Ravalli County officials, even after multiple requests. They are, without contest, illegal.

Madison County's Adobetown Road, also known as County Road #71 faced similar issues. A public road, noted as public, remained closed through multiple ownerships. Yet the

county failed to open it, vacillating between whether they would unlock a gate, and then open a gate. It took enormous pressure at multiple County Commission meetings to get officials to agree that the road would be opened (after years of work). Then, additional efforts were required to ensure they didn't go back on their promise. Forest Road #451 off Lolo Pass had illegal signs that officials were "aware of" but that remained up; the FWP access site owned by the public and purchased by Fish, Wildlife, and Parks at Loch Leven in Park County has been encumbered for a year by illegal electrified horse fencing, yet there is no movement. How and why?

Elected and appointed officials in the state of Montana have a big job. We are the fourth largest state but one of the smallest in terms of population. State officials are certainly underpaid, overworked, and stretched thin. However, they are also endowed with a public trust to see that we have access to the 29% of the state that is held in public hands. When it is illegally blocked off or made inaccessible, especially for the private interests of individuals, they have a duty to act quickly and decisively. This is not happening, and when the public remains permissive, the problem worsens.

Montana's Office of Outdoor Recreation issued a 2018 report stating that over 80% of Montanans recreate outdoors – that is more than 4 out of 5 of us. The report also stated that the tech industry in Montana, which provides Montana's highest paying jobs, attracts employees here mainly due to the quality of our outdoor recreation. The outdoor recreation industry is worth \$7.1 billion and provides 71,000 jobs. But with multiple ongoing access complaints in fourteen Montana counties, how many of the state's recreationists are involved in advocating for their public access?

Cont. from previous page

Currently, recreationists enjoy rights that were won much more recently than most realize. Fishing, kayaking, and floating up to the high water mark is a privilege gained through the *Stream Access Law*, and wouldn't have been possible in 1980. Recreating in the way that we do on State School Trust Lands, and the BLM and Federal lands they provide access to was also something we fought for and won a mere three decades ago. Many of these rights, such as prescriptive easements and our access to public lands and waters, came under fire this last legislative session, and public advocacy was minimal enough that these privileges were almost lost. Yet how many public lands users can re-imagine their lives in Montana without the ability to recreate on these same public lands and waters?

The time to be a part of the work to safeguard access to our public lands and waters is now. Gates and signs are staying up because there is a resounding silence among the population that depends upon access until it is their trail that is closed. Precedents are at risk because the organizations at the table, like PLWA, send out the message, but lack donors willing to pull up a chair at the table with us. We are being outspent and are at risk of being outmaneuvered.

Montana is heterogenous, but it is also one large community bound together by our ardent love of public lands and waters. It stretches beyond its borders to the memories and souls of those people who return to her again and again. It isn't the work of an hour, a day, or a year, but it is work that must be done together, and that must begin today. The time for action is now, otherwise, as the song says, you won't know what you've got 'til it's gone.

MONTANA Access Issue Updates

Montana Counties With Active Access Complaints

Gallatin	Meagher	Choteau
Park	Missoula	Madison
Stillwater	Mineral	Carbon
Powell	Teton	Fallon
Jefferson	Ravalli	

We Can Use Your Help!

PLWA needs the public's help to address the incredible number of access complaints rolling in every week.

- If you see your county on the list above, reach out to us about how YOU can help. As recreationists, we all benefit from public access to Montana's lands and waters, and keeping access open is up to all of us.
- We need volunteers to join our Access Volunteer Corps, a new PLWA program that trains the public in access investigation and will offer an *Access Investigator Certificate Program*.
- Donate your skills to PLWA - financial donations help us pay for research and legal fees to keep your trails and roads open, but almost everyone has talents we can use!

Contact us at plwa@plwa.org to see how you can help.

PLWA
PARTNER:
Ravalli County
Fish and
Wildlife
Association



A Voice for Montana's Wildlife Conservationists

"For over 100 years, the Ravalli County Fish & Wildlife Association has been constantly striving to sustain the natural resources of Ravalli County and Western Montana, as well as ensure that our area sportsmen maintain an effective voice in the affairs of our great natural resources. Over the past century, we have been known by many names, but our message and our actions have always been focused on the concerns for conservation from our native sportsmen, sportswomen, hunters, anglers and outdoor enthusiasts."

To get the latest updates on their activities, become a member, or learn more about RCFWA's work, visit their website at www.rcfwa.org.

Support PLWA by Becoming a *Lifetime Member*

Messaging from our members over the past year has been consistent and clear - many would like the option to show their dedication to PLWA with a higher level of membership. Starting now, we at PLWA are excited to offer the option of a *Lifetime Membership*. Lifetime Memberships include a one-time tax-deductible donation of \$1000 which goes towards PLWA's mission of protecting access to Montana's public lands and waters, includes a hat and t-shirt, and optional listing on the website as Lifetime Members. Lifetime Members are also invited to an annual in person and remote accessible meeting with Staff and Board Members to receive select updates on PLWA projects, hear from the Executive Director & Board, and ask questions directly to the team. Donate online at www.plwa.org or reach out to us at plwa@plwa.org with questions.

The PLWA Plate Program

Spread the Word and Support Public Access by Getting Your PLWA Plate Today!



All proceeds from our plate program go towards PLWA's mission to maintain, restore, and perpetuate public access to the boundaries of all Montana's public lands and waters.

*Collectors' plates are available for \$20 through our website.

For \$25 you can put a PLWA plate on your vehicle, camper, or trailer today! Getting the plate is simple:

- If you currently have a Montana plate, simply head with your VIN number or license into your local County Commission's vehicle registration office. Get in the resident line and in a few minutes you can walk out the door with our plate. Keep in mind that when you renew registration by mail you don't have the option to switch to a new plate, so you will need to go in person.
- Getting our plate on a new vehicle is even easier - simply request PLWA's plate when you register your vehicle, camper, or trailer for the first time.
- To learn more about the program, head to PLWA's website www.plwa.org or to partner in the program and help spread the word about our new plate, reach out to us at plwa@plwa.org

From the President's Desk

At PLWA, we continue to provide input and financial support toward keeping roads open to Montana's public lands and waters. County Commissioners and County Attorneys are reluctant to perform their duties in upholding the laws of Montana when a legally designated public road has been established and subsequently obstructed illegally preventing public access.

We are in continual contact with our attorneys' office to keep them updated and when appropriate, request counsel on issues and letters to County Officers to explain the important elements of public access law to them. Hughes Creek Road in Ravalli County and the Adobetown Road in Madison County are just two examples. We are currently in contact with Ravalli County and have made a formal written request to have the road opened by October 16th, 2021.

Along with these two issues, we continue to receive complaints of the public being blocked from their lands and waters across the state. PLWA Secretary Carol Fox has constructed an online database so we can keep track of the complaints and assign volunteers to contact the individuals about their cases and work to address them.

I would also like to take this opportunity to thank all the members and others who donate to the cause. **We can't imagine the situation without your help in maintaining access to Montana's public lands and waters.** Please continue your support as you can see it is desperately needed.

Bernard Lea

Bernard Lea, President



Announcing PLWA's New Partnership With **bunny.money**



Get early access at
<https://register.bunny.money>
to support PLWA &
get a sign up bonus!

This summer, PLWA joined the BUNNYMONEY, Inc. ("bunny.money") network, allowing donors to give with zero fees on their mobile savings platform. This partnership means a lot to PLWA, as it supports our vision of working with companies and sponsors who commit to ethical business practices while giving back to their local and global communities. It also allows us to support our donor community, shift more donation dollars directly to the programs that need them, and keep our promise to partner with companies and organizations that demonstrate integrity in their business practices and partnerships.

"We are thrilled to partner with incredible organizations making a difference in social, environmental, and economic issues," shared bunny.money Founder & CEO, Fabien Lamaison. "I believe Financial Wellness & Giving go hand-in-hand to make the world a better place to live in, and we're so grateful for PLWA to join us on this journey."

bunny.money's save for good® mobile platform lets donors support their favorite organizations with regular, micro-donations, in line with their financial wellness. PLWA will receive 100% of donations made through the bunny.money app, while the industry fee averages 3-11%. Donations made to PLWA enable us to see more dollars go towards critical work safeguarding public access in Montana, and we are able to support the work bunny.money is doing to change the landscape for nonprofits around the world. We chatted with bunny.money CEO Fabien Lamaison to learn about how bunny.money is breaking the mould.

Fabien, we're excited to chat with you about bunny.money and your work in the finance industry. First off, you guys are really changing things by offering folks the chance to donate to nonprofits they care about *without* associated fees. How big a deal is it when folks donate to a charity but encounter a 7% fee for example?

Our research shows that many donors are unaware about these fees and wrongly assume that their organization gets the full amount they send. In 2020 an estimated \$9B have been lost in donation processing fees in the US alone. We believe every dollar matters, especially when you want to make an impact. That's why we started bunny.money, an app to make donations without any fees. To disrupt giving, we directly connect the members with their organizations, and empower them to regularly donate, even with small amounts. In turn, the Nonprofit can spend less time & money in marketing and focus instead on its mission, which is what we all want. Our own platform costs are low thanks to a very modern architecture.

Now, at bunny.money you aren't only helping charities receive more of the donations people are making, you're also helping a people easily save money. Financial planners say you should save about 20% of your income each month for emergencies and future events like retirement - how does your company help with this?

You can't help others if you're not financially stable yourself. Help yourself, then help others. Even small amounts add up and make a difference. Having 6 months' worth of living expenses is recommended. That's why when you set aside with bunny.money the money goes to a Savings wallet at 1% APY (variable). Then you can allocate a portion of the deposits to your favorite charity.

We went further as we designed a smart deposit system that leverages AI to help you set aside what's right for you based on your financial wellness and lifestyle. It's optional but it's an easy way to save money without noticing it. In the future we plan to offer additional financial products but always with purpose in mind (People, Planet, Prosperity).

PLWA and bunny.money came together through a chance meeting at a conference organized by 1% for the Planet. What made you decide to participate in programs like 1%, which so few companies today make the choice to do?

bunny.money empowers people to be financially healthy (Prosperity) and to support their communities (People). We wanted to do more for the Planet directly, especially as Climate Change is an Emergency. We simply apply to ourselves what we recommend with the save for good® approach: we allocate a portion of our revenues (1%) to Environmental causes like yours. It feels like the right thing to do.

What excites you and your team most about the new crossroads of people who want to be successful in business, but also want to impact their local and global communities in a positive way?

It is exciting to see that more people care about their communities and the impact they have. They also expect the same from their companies, which makes a difference. Corporations have no choice except to step up. It's nice to observe a mindset shift towards purpose driven initiatives. The notion of wealth is evolving too. It's not so much about being rich anymore, and more finding true happiness and fulfillment. We realize that the people and the planet matter the most.

When Access Is Threatened: Recreating Under Increasingly Challenging Conditions

Longtime PLWA Member Dudley Improta Speaks About The Need For The Access Community to Act Together

To say that Missoula, Montana PLWA member Dudley Improta is knowledgeable and passionate about the public's right to legally access their lands and waters would be an understatement. Over his extensive career in the recreation industry, working in areas such as river guiding, Dudley has become uniquely aware of the public's rights to legally access their Montana lands and waters. This same awareness is what led to Dudley's work advocating for public access when it is threatened, and his dedication to always going the extra mile to rectify access wrongs when he encounters them.

A perfect example can be found in Dudley's follow-up to an incident that occurred in 2019. While legally fishing below the high water mark on the banks of the Bitterroot River, Dudley was rudely approached by a member of the local retriever club. This person disrupted his fishing, accusing Dudley of trespassing, and then proceeded to throw a retriever dummy into the pod of fish, forcing him to move on. Dudley contacted the president of the club, who apologized to him and agreed to distribute a pamphlet about stream access to all club members to help prevent any future incidents. Resolution after the fact is better than the inaction members like Dudley often encounter, but what concerns should this raise about our community's level of knowledge regarding one of Montana's most sacred laws – stream access?

Dudley has also dealt with illegal or misleading access signage problems, such as his recent efforts involving signs along Lolo Creek. Last spring, on a drive back from nordic skiing at Lolo Pass, Dudley noticed a "no trespassing" sign immediately adjacent to Forest Service Road #451, also known as Elk Meadows Road, and the bridge crossing Lolo Creek. Since this road and bridge are public, the signage raised "access alarm bells." Dudley took the recommended steps PLWA outlines on our site when members of the public encounter illegal or misleading signs or obstructions – he noted the location and took pictures of the signage for follow-up with the proper authorities and PLWA.

Dudley contacted law enforcement personnel at the local Fish, Wildlife, and Parks office and reached out to the Forest Service District office for clarification. Officials from both offices confirmed that there was indeed legal access to Lolo Creek at the bridge location and that the sign was erroneous. The Forest Service official indicated he had been dealing with the issue and was working to get the sign taken down. While Dudley has not had the opportunity to return to the area to see if the sign is still up, we hope that other PLWA members recreating in the vicinity will do so and follow the same process of notifying authorities and PLWA if the problem



DUDLEY IMPROTA

remains. The more eyes we have on public access issues, the faster they get resolved.

When asked for his thoughts on public access in Montana, Dudley says that he believes the phrase popularized by New York advertiser Allen Kay after the tragic twin tower attacks also applies to protecting our legal public access rights: **If you see something, say something.**

He encourages the recreating public to be constantly vigilant in their efforts to safeguard public access:

"Our legal access is constantly threatened in the courts and in the field by commercial and private interests. We should always make sure, as private hunters and anglers, we are not trespassing or infringing on private property. I have hunted on a number of private ranches and lands over the years and I have great respect for Montana farmers and ranchers. I always ask first and pay attention to any concerns the landowner may have. Unfortunately, there are a few landowners and commercial operations that attempt to "bluff" by telling folks they are trespassing when they are not, and by signing legally accessible areas with "no trespassing" messages. We should always take the time to question and research signs or actions that may illegally restrict us from rightful access."

Far too many similar access signage problems exist, such as the threatening signage PLWA is currently working to take down on the Hughes Creek gate near Darby, Montana. For more guidance about recognizing and resolving misleading and/or illegal signage or obstructions, check out the [Know Your Rights](#) section of PLWA's website.

Donor Spotlight: Reid Stevens

In the 2020 Fall edition of the *Key Quarterly*, we featured two longtime PLWA members, twin brothers Ron and Reid Stevens, in our Member Spotlight. Ron and Reid shared tidbits of their life growing up in Forsyth, Montana, their life-long passion for shooting, hunting, and fishing, and their strong support of and contributions to PLWA since its inception. Sadly, last year both Ron and Marlene, Reid's wife of 63 years, passed away. Reid now works to carry on their shared passion and gratitude for public access to Montana's treasured public lands and waters. One way he decided to do this is through his recent bequest to PLWA. We asked Reid to share with us the why and how of this type of planned gift.

Why? "PLWA's Mission is extremely important to those of us who treasure public lands and waters. Public lands and waters have been a major gift to me and my family over our lifetimes. I fondly reminisce about the many hunting, fishing, and camping experiences I've enjoyed with my family on a wide range of Montana's State, National Forest, BLM and wilderness public lands for over 75 years. To lose public access to these treasured places that have enriched and been so much a part of our lives would be a travesty. I wanted to do something to safeguard and sustain public access in the long-run.

I've been and continue to be a member of many outdoor organizations. I am singling out PLWA for a bequest because public access in Montana is so dear to me. I want to help ensure that future generations will have the opportunity to enjoy hunting, fishing, hiking, and camping in these incredible environments as much as my family has."

How? "It was a piece of cake. I gave my attorney PLWA's contact information and he added the appropriate clause to my will."

PLWA's website offers information on future giving that covers the simple steps of donating via bequests, retirement accounts, charitable remainder trusts, and charitable lead trusts. If you would like to consider such types of future giving, visit our website's [Giving](#) section or contact us and we'll guide you to the options that work best for you.

As for Reid's parting message to PLWA: "I've noticed that PLWA has made significant advances in the last year, including the increased outreach via social media. Keep doing what you're doing."

We thank Reid for his strong, long-lasting support of PLWA and for sharing why his passion and gratitude for public access fuels that support.

We'd also like to give special recognition to other out-of-state supporters like Reid. Although Reid and his family moved to Washington state over forty years ago and he still lives there, he has never lost his respect for and association with the good works of PLWA. He returns to Montana each year and has never forgotten that his roots are here, stating that Montana is part of who he is. Stories like Reid's remind us that the incredibly strong and meaningful connections of PLWA's members to Montana's public lands and waters run deep, regardless of where we live.

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"I wanted to do something to safeguard and sustain public access in the long-run."

- Reid Stevens

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Fall ushers in a time when many of us find ourselves depending on our public land outdoor recreation not only for peace of mind, to build our communities, and to strengthen our families, but also to gather food for winter and test our mettle in the wild places of the world as we have done for millennia.

This ability to live and move freely is being challenged

EXECUTIVE DIRECTOR'S MESSAGE

at the highest levels, more often successfully than not. Public servants are idle as we are locked and signed out of our public lands and waters, a resounding silence and stillness having settled across the land.

I urge the public to raise their voices with us, and to join with PLWA as we demand equitable public access not tomorrow, but today, and always.

Drewry Hanes

Drewry Hanes, MS, MPH

Multi-sport Athlete & Trainer *Mike Wolfe*



Mike has been passionate, deliberate, and serious about training since he ran his first race–The Bridger Ridge Run–in 1996. He has since dedicated his life to mountain sports pursuits and adventures, and the training it takes to perform at the highest level in the mountains.

Though known most for his mountain ultra-running prowess, Mike is a diverse mountain athlete who loves it all. He has paddled 1,600 miles over a period of 90 days across Canada to the Arctic Ocean, climbed first ascents on the 3,000-foot granite towers of Torres del Paine National Park in Patagonia, raced 100-mile mountain bike races, climbed El Capitan in Yosemite numerous times in a single day, snowboarded first descents in Grand Teton National Park, raced collegiate Nordic skiing, and he has been a passionate big game hunter since a young boy growing up in Montana.

Mike's commitment to the mountain sport community is evidenced by The Rut Mountain Runs in Big Sky, Montana which he co-created with Mike Foote.

In addition to being a professional mountain athlete and coach, Mike loves spending time with his amazing wife Stephanie and his kids Colt and Wren. Mike is also a practicing attorney. Previous to taking a break from the full-time practice of law, Mike was a federal prosecutor for the U.S. Attorney's Office.

Folks in SW Montana know you through your passion for running, but you have a lot of different recreational passions. Where did these come from, how does public access play into them, and finally, how do you balance hobbies, work, and family?

I grew up in Bozeman, Montana, and my father is a farrier. I spent many years working with him on ranches, and my parents were passionate about the outdoors. We spent any free time fly-fishing, hunting, backpacking and hiking on public lands in Montana. This was my youth from my earliest memories through high school. Essentially, most of my formative experiences were thanks to public land access to wild places in Montana.



Mike Wolfe

Do you feel that the variety of outdoor recreational opportunities Montana offers to folks here tie the communities together in any way?

Absolutely. Access to public lands is one issue that spans the political spectrum in Montana. It's a rallying point. Most people who live in Montana enjoy some form of outdoor recreation, or access, on public lands, and our lives are enriched from this privilege. Access is something everyone can appreciate and relate to one another on.

With your training as an attorney, where do you see the current struggle to maintain access to our public lands and waters going? What issues do you think your average recreationist living in or visiting Montana should be aware of?

Not getting any easier, that's for sure. Honestly, I think one major issue today is so many people are moving here from out of state, buying large tracts of land adjacent to public lands, and these folks are not excited about public access. Nothing against new folks moving to Montana, I just think there's a value conflict arising. Some people value privacy over access. But, that's not the tradition in Montana from a historical perspective, nor is it the legal tradition in this state, in terms of precedent. The right to a clean and healthy environment was written into our state constitution by the framers, and I think is just some of the evidence that for generations Montanans have valued access to public lands. It's what makes us who we are as Montanans.

What issues do you think your average recreationist living in or visiting Montana needs to be aware of?

Respecting private property rights and understanding boundaries, so that accessing public lands is done properly and in a legal and respectful manner. Also, of great importance is understanding the public access law to waterways for fisherman. Many people don't fully grasp this. Last, everyone should have a basic appreciation for, and knowledge of, principles of caring for our public lands, as users.

Training, being mentally strong - a lot of the sports and pursuits we practice and care about in Montana aren't something you can just half-ass. What do you do in your daily life to maintain balance and achieve your goals?

I feel very lucky, and privileged, how much time I spend on public lands every week in Montana. I appreciate exercising on public lands pretty much every day of the week, in the mountains. I'm either running, biking, skiing, climbing, hunting, or adventuring with my kids, every week, year round. I think the easiest way to care about our lands in Montana and the lifestyle we are so lucky to live here, is to make it a regular practice of doing something on public lands where you turn off your phone, put away the headphones and actually enjoy being in nature. Remember what it means to be human on a consistent basis.



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Glenn fishing in Alaska

PLWA *Who We Are* Highlight: Glenn Elison

Glenn is our Board Member from Lewistown, Montana.

Glenn is from Pennsylvania and had a 27-year career with the U.S. Fish and Wildlife starting in the Aleutian Islands National Wildlife Refuge. He managed the Alaska Peninsula NWR and had a ten-year tenure as refuge manager for the Arctic National Wildlife Refuge during the contentious debate over oil and gas development on the Refuge. Glenn's final assignment with the FWS was as the Alaska director for wildlife and land management programs. Following retirement from the FWS, Glenn spent 12 years as the Alaska State Director for The Conservation Fund, a nationwide non-profit organization dedicated to habitat protection.

He and his wife Denice reside in Lewistown, Montana and seasonally return to Alaska. They are avid wilderness and wild river travelers. Glenn continues to indulge his lifelong passions for fishing, hunting, hiking, and river rafting.

Quote of the Quarter:

Sign, sign, everywhere a sign,
Blockin' out the scenery, breakin' my mind,
Do this, don't do that, can't you read the sign?

— *"Signs" by The 5 Man Electrical Band*