



April 18, 2021

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Mr. Ramoie:

The Public Land/Water Access Association (PLWA) is a Montana based organization, whose mission is to maintain, restore, and perpetuate public access to the boundaries of all Montana's public lands and waters. For over 35 years, PLWA has been involved in investigating and, if needed, litigating illegal closures of public access to Montana's public lands and waters.

This letter concerns a trail access issue between two Fishing Access Sites (FAS) south of Livingston, MT in the Paradise Valley. Loch Leven FAS is unique in that it has two separate areas, a boat ramp with multiple campground sites, and a day use site to the west along the river. Between the two recreational areas is a small development comprised of four properties. A concerned citizen contacted PLWA about an access issue regarding the trail system that connects the two FWP recreational areas. That individual provided deed documentation indicating that FWP purchased the trail system for a public right-of-way between the two recreational areas and that the development property owners are obligated to help maintain the trail system and allow access between the two sites. The individual also indicated that the trail allows for a 50 foot easement from the high-water mark for the trail. FWP's signs on either end of the properties bordering the FAS state: "This trail was purchased by FWP for the people. Public welcome."

Until recently, all residents of the development have abided by the deed terms regarding public trail access. Of late, one of the individuals whose property borders the day use site to the west has infringed upon this public easement. Upon entering the trail, an electric horse fence has been erected that bottlenecks trail users straight to the high-water mark, grossly infringing on the 50' easement. Additionally, large boulders have been positioned along the trail to keep trail users along the steep and rocky riverbank. We believe that trail users would not be able to utilize the trail during runoff for fear of high swift water, constituting a safety issue. This individual does not appear to be adhering to the easement on the deed of property, which they signed and agreed upon. Upon exiting this property, the trail on the neighboring property, as well as the remaining properties, clearly adheres to the 50' easement for trail users.

PLWA's concern is that legal public access gained through FWP's purchased right-of-way trail easement is being blocked on the subject property. We would like to know FWP's

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position on this matter, and whether and how FWP intends to resolve this access problem.

Attached you will find documentation of the deed of the property and photographs of the issue. The pictures indicate how the trail relocation is also likely to cause increased erosion and silt runoff into the river that will negatively impact water quality, marine life, and fishery resources. We look forward to receiving a response from FWP on this matter before spring run-off conditions further exacerbate access and erosion problems.

Thank you for your assistance in this matter.

Sincerely,

Drewry Hanes, MS, MPH
Executive Director, PLWA
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