



**PUBLIC LAND
WATER ACCESS
ASSOCIATION**
• EST 1985 •



THE KEY QUARTERLY

Unlocking Access to Montana's Public Lands & Waters
Spring/Summer 2022

On The Front Lines of Montana's Access Battle

Thoughts From Public Access Investigator Haley Sir

It's such a wonderful experience working alongside a community of people passionate about our public lands. Partnering with board members, volunteers, and other members of the public is truly a pleasure and I'm excited to play a role in all the projects we have planned ahead. Since my start at PLWA, just a short five months ago, I have worked diligently to address and/or resolve fifteen access complaints and inquiries, many of which contributed to a backlog spanning a year or more. This included contacting and building relationships with local, state, and federal agencies, working with volunteers to search county records, and often requesting help from our members to work through unique situations. A huge thank you to all those that pitched in over the past few months and helped me navigate my role as Access Investigator. That said, sixteen new complaints have come in just this year, ten since the start of my position.

At the time of writing this, PLWA has a total of 35 open access complaints spanning 26 counties. What initially started out as a part-time position with PLWA swiftly turned into a necessary full-time role. Moving to full-time allowed for PLWA to have an increased physical presence at public events and meetings. The turnouts for the events I've had the pleasure of attending have been incredible - from BHA Rendezvous to Madison County public hearings - and it shows how much each community in Montana cares about their public access. This makes me excited to jumpstart our new, one-of-a-kind, Access Issue Reporting System (AIRS) program. I have been diligently compiling a list of local businesses in each community to help provide information on how to address and report access

issues. Expanding our network of members and volunteers will be vital to increasing awareness of the AIRS program and ensuring that we are able to address access issues in even the farthest corners of our state.

The story of illegal gating or posting on public lands is not one with an end in sight. The lands we've been recreating on for decades are now changing hands to new landowners claiming their piece of the Treasure State. While Montana continues to grow, it is more important than ever to advocate for private and public land rights to be treated equitably, and to address each and every access issue. As we continue a sustained effort to delineate and protect the boundaries between private and public lands, it's important to maintain cooperative relationships with our state and federal agencies, along with our new neighbors, to preserve access for generations to come.

Update on Access Issues

The following is a sample of the large list of access complaints we have been able to work on this quarter with help from the access community.

Choteau County: Over the years, we have received several complaints from the hunting community regarding locked gates on the roads intertwining private and BLM lands south of Big Sandy. By working with the BLM and various field offices, PLWA was able to work towards verifying the

(continued on Page 7)

FROM PUBLIC HANDS TO PRIVATE DEMANDS PLWA JOINS COALITION LAWSUIT AGAINST UPOM

On June 1st, 2022 PLWA joined with multiple other non-profits from across Montana to intervene in a United Property Owners of Montana (UPOM) lawsuit that would drastically interfere with elk management and hunting in Montana.

From the coalition [website](#):

"The United Property Owners of Montana (UPOM) - a group representing wealthy, out-of-state interests and some resident landowners - filed suit in May 2022 against the Montana Department of Fish, Wildlife & Parks and the Fish and Wildlife Commission to try to dismantle public elk hunting opportunities throughout the Big Sky State. UPOM has tried time and again to advance its radical ideas, which include handing over coveted bull elk tags to private landowners and reducing elk hunting opportunities on public lands.

After failing to impose these changes on Montanans both during the 2021 Montana legislature and as part of the biennial season-setting process in front of the Fish and Wildlife Commission, UPOM is trying to use the courts to overturn hunting regulations that were developed through the public process. This time, they're also pushing for an immediate, large-scale reduction in elk populations."

PLWA's concern regarding this move stems from UPOM's historic and continued attacks on the public's rights regarding issues such as stream access, and upon public servants and public service scientists such as Fish, Wildlife and Parks being strong-armed out of their place in management decisions. This suit filed by UPOM is another example of removing public

engagement with their Montana wildlife and silencing their voices. In the words of PLWA Board Member Glenn Elison,

"The UPOM lawsuit strikes at the heart of the opportunity for all and the essence of the Montana experience. It is an attack by wealthy and politically well-connected landowners and their commercial affiliates to take away what belongs to every Montanan equally...All [PLWA] members value Montana's public wildlands, wildlife, and fish resources that make Montana a special place to live, work and recreate. PLWA works passionately and tirelessly to ensure Montana's public lands are available for hunting, fishing, and other outdoor activities to ensure Montana's outdoor heritage endures.

PLWA values, recognizes, and appreciates the contributions private lands and landowners continue to make to ensure Montana is home to robust, viable, and huntable populations of elk and other wildlife statewide. Central to this is the legal and social construct of elk and other wildlife to be held in the public trust for the benefit of all – elk are not to be owned and sold by private interests. The UPOM lawsuit challenges this very essence and what has served Montana well for more than one hundred years. We believe in and uphold the principles of public participation, science-based management, equity in opportunity, and the duty to hold our elected and appointed officials responsible and accountable."

PLWA stands with the people of Montana to keep our wildlife public. Read more at support our efforts at: www.plwa.org/upom-lawsuit

**PLWA
PARTNER:
Absaroka
Beartooth
Wilderness
Foundation**



<https://abwilderness.org/>

Fostering Love & Service of MT's Wild Lands

The Absaroka Beartooth Wilderness Foundation's mission is to promote stewardship of the A-B Wilderness and foster appreciation of all wild lands, which we do through volunteer engagement, education and outreach, and community collaboration. We partner with the U.S. Forest Service and others to maintain trails, pull invasive weeds, and restore heavily impacted sites; share information on wilderness ethics, regulations, skills, and values; and collect data for management decision-making and scientific research.

We welcome ALL wilderness enthusiasts to join us as members and volunteers: the A-B is your land too! Visit our [website](#) to learn more.

PLWA's Office is Located in Bozeman

We wanted to remind our friends and supporters that PLWA moved its headquarters from Billings to Bozeman in November of 2020. Mail can be sent to our local office at:

PUBLIC LAND WATER ACCESS ASSOCIATION
2100 FAIRWAY DRIVE, SUITE 211
BOZEMAN, MT 59715

We are available to speak in person and remotely at Montana events about our mission. Reach out to us at plwa@plwa.org any time.

PLWA's Annual Meeting this August

PLWA's Annual Meeting will be August 18th at 6:30 PM MST.

The meeting will be held online to allow for wider access, and will be recorded for viewing at a later date. There will be opportunities for Q&A so live attendance is encouraged! Topics include:

- A Panel Discussion with our guest speakers, Grassroots Community Access Advocates Andy & Abby Thomas of Madison County, Montana.
- Update from our Public Access Investigator Haley Sir.
- Remarks from candidates for our Board of Directors seats.
- Year in Review from President Bernard Lea.
- Thoughts about PLWA's accomplishments and future objectives from Executive Director Drewry Hanes.
- Opportunities for engagement with PLWA.

Learn more about the meeting [here](#) or by visiting PLWA's website at www.plwa.org.

New Ways to Give: Donate Stocks

Did you know that you can now donate to PLWA through gifts of stock?

PLWA can accept your donations of stock and you avoid paying capital gains taxes when PLWA sells the stock. The proceeds go to PLWA to help us safeguard public access in Montana.

- Go to stockdonator.com
- Select Public Land Water Access Association Inc. from the list.
- Donate your stocks and get a tax receipt.

Donations of stocks are fee-free to donors, and your account can be used to benefit multiple non-profits! Learn more at the Giving section of www.plwa.org.

From the President's Desk

At our board meeting this July, PLWA Directors discussed and voted on several issues, and three board members attended their last meeting after deciding to step down due to busy personal lives. They have served PLWA for many years in a very honorable way. Each expressed that their need to step away was not an easy decision. They spoke of how far we have come since hiring Drew Hanes as our Executive Director and of the increased financial security we now experience. They will remain members and donate their time when it is available.

I mention this because it was such a satisfying experience to be able to call a group together, discuss issues, and find meaningful solutions. All our discussions were honest,

respectful, and everyone contributed. It is a honor for me to be associated with such a dedicated group of individuals.

We will be voting on Board Members to fill the vacancies at our Annual Meeting in August. Please mark your calendars.

And remember what Texas "Tex" Bender says:

"Talk low, talk slow, and don't say too much".

Bernard Lea

Bernard Lea, President

Why Access Matters:



ROSE BEAR DON'T WALK SPEAKS ABOUT THE IMPORTANCE OF LAND AND WATER & THEIR CONNECTION TO HEALTH, OUR COMMUNITIES, AND THE FUTURE

Rose Bear Don't Walk is an educator, researcher and writer on Food Sovereignty, traditional Salish Food Plants, and Indigenous Community Health. She is an upcoming PhD student at Montana State University and researches Salish community health. Rose BDW grew up on the Flathead Indian Reservation and is passionate about Salish food systems and bringing traditional plant knowledge back into her community. Her research and work seek to understand the links between Indigenous plants, community health, and restore traditional plant knowledge to the Salish community through education. She founded The Salish Plant Society, an organization which promotes educational resources about traditional plant knowledge and hosts workshops, collaborations and community events. Rose BDW is passionate about teaching and understanding traditional Salish plant knowledge, keeping oral histories alive and advocating for Indigenous community health.

Rose BDW spoke about the food systems of today and the contrast between how the Salish community accesses food and the cultural traditions of hunting and foraging. Methods of foraging and gathering food took time, required extensive plant identification and edible plant knowledge, and available food was dependent on the season and location. Foraging took more time than going to the grocery store does today, and it cultivates a close connection between people and their food that can be disconnected in modern food supply systems.

“Health and function are so much more than physical...connections with the land, community, identity, language, and culture are part of wellness”.

Personal connections to land and water and the socio-ecological benefits of taking care of its resources benefit the overall health of the social community, which is something that is missing in a lot of societies today. Rose BDW spoke about how the tradition of passing down plant knowledge are linked to culture and community health and losing touch with Indigenous plant and cultural knowledge affects the health of the Salish community.



Rose Bear Don't Walk

Rose BDW described how sustainable interactions with the land, sharing resources, and caring for community help protect the health of the whole ecosystem and preserve shared resources for the future. The whole system benefits from caring for the land, water, animals, and people whose health and well-being all depend on it. Community solutions for society and ecological systems can be shared gardens, food systems that support local food production, benefit small farms, and bring every stakeholder to the table. More self-sufficient communities mean more resilience and enhanced connection between people & land. This also increases food sovereignty and a connection between health and tradition.

Rose BDW expressed that Salish interactions with the land including foraging, hunting, and living pre-colonization cultivated respect for the land and natural resources, interconnectedness, and did not seek to extract from and destroy nature as western cultures have. Bringing back plant knowledge and bridging science and Salish traditional knowledge is a focus of Rose BDW's contribution to her community. Rose BDW works to create resources for Salish people by Salish people and reintegrate oral and cultural traditions that have been influenced by Western culture.

Online resources and information about her work, traditional Salish plants, and the Food Sovereignty Movement can be found on at:

<https://www.salishplantsociety.com>



Bitterroot: *Lewisia rediviva*,
Sᠦᠫᠡᠯᠮ

Bitterroots are succulent plants which grow in Western and Southern Montana, as far North as Alberta and British Columbia and as far South as California and Arizona. Flowering plants are found between June and August and are suited to sandy soils, valleys, and grasslands

between 3,500 and 6,500ft. The roots are edible and can be harvested in the spring. The bloom is white to pink, each plant produces one flower, and the stems are leafless. When you are exploring in the mountains and valleys be careful not to step on them. Learn more [here](#).

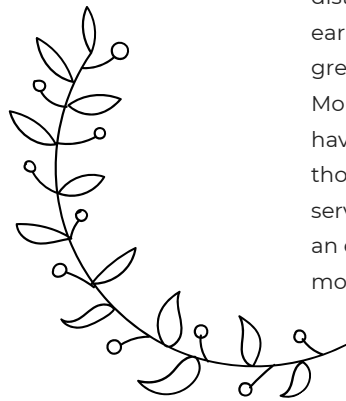


Huckleberry: *Vaccinium* spp., Sᠢᠴᠰᠠ

Edible sweet berries which grow on bushes. They are in the blueberry family, grow to up to 2 meters tall, and occupy coniferous forest, subalpine and montane habitats. They grow in open places after a disturbance and are harvested in the late summer to early fall. The leaves are oval or elliptical, reddish green and the berries are waxy purple or red. In Montana they grow in the Northwest region and have provided nutrients for animals and humans for thousands of years. A relative to huckleberries are serviceberries (*Amelanchier alnifolia*, Sᠡᠠᠴ), which are an edible berry shrub that grow in the forests and mountains in Montana. Learn more [here](#).



Red Elderberry: *Sambucus racemosa* L.



This berry has medicinal properties and can be made into syrup and juice. These shrub plants can grow up to 10 ft tall and are deciduous. They bloom in the spring in clusters of white flowers. Berries have red seeds in the center and have a bitter flavor. Other varieties of elderberry can be dark blue to black and grow in Montana and the Pacific Northwest. Learn more [here](#).



EXECUTIVE DIRECTOR'S MESSAGE

You are the largest landowner in Montana. Streams, mountains, fields, and lakes. Almost a third of our state belongs to all of us, and so it is left to us to steward that bounty with vigilance. We must start to insist. We must insist that public land & water access rights are treated with the same seriousness and judicious action as private rights. We must insist that

delays in addressing illegal obstructions on roads leading to trailheads are as intolerable as obstructions on Main Street would be. We must insist on equity.

My friends, it is time to leave the sidelines and join the movement, and we may yet turn the tide.

It's strange what comes into your head when you realize you are approaching the end of your life. I am 90 years of age now, and recently I have started thinking about my old rifle. It's a 60 year-old converted Enfield 30-06. I paid a friend to make the conversion in 1957 when my wife and I were living in Alaska. The friend has since passed on, but he did a fine job. He turned a military rifle into a modern, extremely accurate rifle with many upgrades; a glass beaded stock, a new trigger assembly. There was a reason I had my friend make me a reliable rifle. It was the result of an experience I had when I was about fifteen years old hunting deer in the Siskiyou Mountains of Northern California.

I had a 25/20 rifle with a long magazine that held eight rounds. As I came over a small rise into a large area of blown-down trees, about 75 yards ahead of me I saw a large black bear tearing into a rotten log. I wanted to go on a route near where the bear was working, so I took my red hat off and yelled at the bear to leave. He stood up, looked at me, and charged. I was very surprised, but not frozen. I started shooting at the charging bear. On about the fifth shot, the bear went down. A lucky shot hit his throat and penetrated the heart and lung area, 'The old Stickin' Place'. After I stopped shaking I told myself then and there, "Never trust a bear to run away from you regardless of his size or the color of his coat, nor any other reason".

Years later, when I got to Alaska, my employer, the US Forest Service, required people going into the bush to carry a rifle only if you were in brown bear country. Many of the islands only had black bear, but I took my new rifle with me whenever I went ashore to a new remote location. To those who might think I am trigger happy, I never pulled the trigger on a bear for the two years and two summers working on the South Tongass National Forest. But I was damn close a time or two.

I carried that rifle all through those years and summers I was stationed in Alaska on the South Tongass. Much of that time my job was to visit every mining claim filed on the National Forest land that might still be active. I covered a lot of ground. I even remember being on Duke Island when Alaska became a state. My rifle is not an assault rifle – it holds five rounds and after each discharge you must work the action to move the next round into the chamber. I had my old pal with me one day when a brown bear bluff charged us on Bell Island. The bear ran off just before I decided I would have to shoot him.

The rifle was with me when we anchored the Ranger 7 boat in Copper Bay on Prince of Wales Island and watched thirteen bears taking advantage of a very low tide to hunt for sand crabs on the drained shoreline. We went ashore there the



next morning. Needless to say, the old gun came along.

I recall another time when we anchored the Ranger and started ashore in the skiff at the head of Carrol Inlet on Revilla Island in Alaska. As we approached the shore a wolf pack started howling from both hillsides. Though we never saw any of them, I know they were watching us the whole time we were there. The 30-06 was with me on a trail in the rainforest near Port Protection when a wolf appeared, staring at me from about 30 feet away. I was looking at a map. He had not heard me approach because the surf was pounding the shore, surprised as I was at the encounter. He turned and ran when I reached for the rifle. It was with me a hundred other times over the years.

I brought the old gun with me when my wife and I came to Montana in 1959 as I attended the University of Montana. It became my hunting rifle. Over the next decade I killed half a dozen bull elk with that old gun along with a number of deer. Four of us hunted as a packing team in those days. When one member made an elk kill, we all helped pack out the meat, then we shared it. We were hunters, not customers or clients. No one had a horse, so it went: load a quarter onto a pack board then head for the road, repeat. But back to the present...

My wife passed away in 2017 after 62 years of marriage. We loved each other and I can say we never touched each other in anger in all those years. I live alone now with my dog Tuck. Most of my old hunting partners are gone as well. My children or grandchildren have no use for a gun like this one. The old rifle has served me well for many years, and after I am gone, I feel like I owe my old partner more than a place on the rack in a local pawn shop. That's where my passion for public access and PLWA comes into the story. I want to carry this gun into the future by passing it on to an appreciative public access hunter like me - stay tuned for fundraiser news.

John Gibson and his late wife Carol were inducted into the Montana outdoor Hall of Fame in 2021.

legitimacy of these locked access points. Although one gate was found to be located on a private road, there remain three other points of access in question. Further research is needed regarding county maintenance on Eskay, Brewer, and 8 Mile Bench Roads.

West Boulder River: A concerned citizen brought to our attention a landlocked BLM parcel on the West Boulder River. A site visit by the Butte Field Office verified a private fence encroachment on the BLM parcel. However, private property between the road right-of-way and the BLM boundary prevents legal public access to the land and this portion of the river. BLM authorities are working with the landowner to remove/repaint the marked fence posts on public lands.

Kootenai Canyon: It was discovered that a major access point for the Bitterroot National Forest, Kootenai Creek Trailhead, has new neighbors. The new landowners have acquired property that includes the first ¼ mile of trail, which is not included in the documented easement for the trailhead. With the land purchase, the climbing community of Missoula lost access to a portion of the prized rock-climbing area that is encompassed on private property. However, climbing is still accessible on the National Forest land by way of the Kootenai Creek Trail. Through an understanding with the Forest Service, permission will continue to be given to the public to cross over the private property with the request that patrons stay on the main trail to minimize impacts on wildlife and foliage, minimize erosion, and not interfere with the landowner's privacy.

Elk Meadows Road: An ongoing issue at the bridge over Lolo Creek bearing "no trespassing" signs and a poorly maintained fence has been hindering access from the public road. Staff changes within the Forest Service over the past year made tracking and resolving this issue difficult. Through work done by a PLWA supporter, and a valiant effort by the new Forest Service Patrol Captain, we were able to make progress and educate a few Montana newcomers on our stream and bridge access laws. The caretaker has agreed to add appropriate, legal signage and construct an entrance that would reasonably draw attention to the public for access to Lolo Creek. We will continue to watch this project in hopes of completion by the end of the summer.

Madison County: A petition to close Adobetown Road received an overwhelming outpouring of public comment at the public hearing held in May. The desire of the community was unequivocally in favor of maintaining and perpetuating access to our public lands. The petition was denied. Gates remain locked on County Roads #45 and #49 (Bertha Kennet and Granite Creek), as well as on Hulbert Creek Road.

The Road Review Committee was unable to find evidence of an easement or action taken to establish Hulbert Creek as a county road. The road is presented as a public access road on several older Forest Service maps. The Forest Service is aware of the situation and has tried contacting the landowner. It is unsure what the next steps will be for this access point.

Big Belts: Three popular gulches with access to the Big Belt Mountains have acquired new landowners. Hellgate and White's Gulch remain open, but access to Bilk Mountain trail and Doolittle Gulch Trailhead via Avalanche Gulch has been lost. The 30 ft easement for the road does not encompass the access points to these trails. The Forest Service has requested to buy the property or pay for additional easements, but there is no interest from the landowner. To regain access, the trails will need to be re-routed. We will continue to work with the Forest Service on this issue in hopes of finding a resolution that restores access to these established trail networks.

Durant Canyon: Durant Canyon Road has been maintained for decades by the county, but an unlocked gate with "road closed" signage has been a concern for citizens of Silver Bow County. Fortunately, the Greenway Service District (GSD) has been working diligently on a new trailhead to be finalized soon for foot traffic into Durant Canyon. Additionally, GSD received an abandoned right of way and is working on providing an alternate road for access to a previously established parking lot and trail in the canyon. We're unsure when the road will open, but we are excited for the public to maintain access to this beautifully restored canyon while respecting the desires of the private landowners in the area.

Jake Creek: The Powell County Commission delivered on their commitment to reopen the Jake Creek Road this spring. This historic county road that runs between Deer Lodge and Avon and bisects the Spotted Dog Wildlife Management Area (WMA) had been illegally gated for decades. It reopened to public use on May 15th, in concert with the seasonal opening of the WMA. The County has almost completed needed road improvements tied to reopening. Those include replacement of several gates with cattle guards, bridge repair, culvert installation, road surface improvements, and construction of a new road section. The road will be subject of temporary closures in conjunction with the 4-year road/elk study. We thank local PLWA members for their dogged pursuit of this reopening and Powell County for fulfilling their legal responsibility by removing obstructions to public access on a county road.

To read more about PLWA's access issues or to submit a complaint, visit our website at www.plwa.org.



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Colter After Pheasants

PLWA *Who We Are* Highlight: Colter Pearson

Colter Pearson is PLWA's Vice-President and a lifetime Montana resident and public land and water advocate and believes public lands and waters are one of Montana's greatest resources. Colter has been a PLWA board member for more than 10 years and involved in the organization even longer. Colter feels fortunate to have enjoyed countless hours on Montana's rivers and streams. Whether it be casting a fly in a tiny mountain creek or bending a rod on a channel catfish, fishing is a passion of his. Back-packing has also been a constant in his life.

Exploring the Beartooths in his youth sparked a passion for the wilderness. While attending college in Bozeman, ambitiously long treks and Yellowstone backcountry permits were a fixture of Colter's summers. Colter enjoys chasing pheasants, sharptail, and filling a deer tag in the fall. In the spring and summer, you can find him fishing the Yellowstone, exploring the wilderness with his daughter Summer, and rafting the town stretch on hot summer days.

Quote of the Quarter:

"The ultimate test of man's conscience may be his willingness to sacrifice something today for future generations whose words of thanks will not be heard."

— *Gaylord Nelson*