



PUBLIC LAND  
WATER ACCESS  
ASSOCIATION  
EST 1985

# THE KEY QUARTERLY

Unlocking Access to Montana's Public Lands & Waters

Summer 2021

## ANATOMY OF AN ACCESS COMPLAINT:

### PLWA Volunteers Hit a Home Run on Holmes Gulch Research

In 2020 PLWA was inundated with access complaints, but the lack of staff and COVID restrictions limited our ability to address them. Only now are we starting to tap volunteers to tackle the backlog, and as such, the exemplary work recently completed by volunteers on the Holmes Gulch Road access complaint in the Helena area deserves special recognition. These folks hit a home run for public access in a big way.

This spring a bicyclist encountered a suspicious no-trespassing sign on the Holmes Gulch Road in the south hills of Helena where the road straddles the Lewis and Clark/Jefferson County line. Helena PLWA Board member Carol Fox initially responded to this complaint that coincidentally involved an area where she bicycles. Carol asked volunteer Dennis Cates, a longtime PLWA member in Helena, to help research the complaint. Dennis knew the area and was familiar with land and road access issues, having been a real estate broker in the Helena area for decades. Dennis methodically collected the needed facts, fitting the pieces of the road status puzzle together in exemplary fashion. First, he toured the disputed area and photographed signage. Next, he made inquiries about the road status to county, USFS, title company, and other entities involved with access issues. Through those inquiries, Dennis discovered and reviewed past court cases that dealt with the public vs. private road issue. Interestingly, the Supreme Court case he encountered relied on past PLWA lawsuit decisions on prescriptive public access.

Dennis provided a summary report to Carol, along with maps, photos, court decisions and other relevant documents. His report included recommendations to the PLWA Board for next

steps. Carol then tapped another volunteer, Dwight Young of Missoula, to use his computer expertise to compile Dennis' material into a condensed PDF file. Dennis provided an excellent and thorough access complaint report on Holmes Gulch Road that Dwight then transformed into a social-media friendly document that can be easily broadcast. Once the PLWA Board reviews Dennis' report and determines next steps for this access complaint, the report will be summarized and posted on PLWA's website and social-media accounts.

Here's what Dennis had to say about his volunteer experience on the Holmes Gulch access issue research project:

*"I recently volunteered to assist PLWA in some investigations of possible public access. I must say that not only did I enjoy the work, but I learned as I worked on the investigation. I have been a member of PLWA for several years and have been a fan of the early organization since the days of the Stream Access law becoming a success. I have been at the Capitol to support the PLWA position on various Stream Access challenges and have learned from that experience also. It is a great organization filled with wonderful people who have a common cause, and I am happy to volunteer my services."*

We thank Dennis and Dwight for their contributions to PLWA's mission and look forward to more volunteers tackling other access issues for the public good. We are uplifted by the work of our volunteers. They multiply our effectiveness and accomplishments a thousand-fold. If you'd like to join the PLWA volunteer corps, sign-up via our website at [www.plwa.org](http://www.plwa.org) or give us a call at 406-690-0960.

# Volunteer Spotlight: Being a Part of the PLWA Team



## There Are Lots of Ways to Get Involved with PLWA's Mission. Rob Gregoire Decided to Hold a Facebook Fundraiser

Last April, PLWA received a generous donation made as a birthday gift for longtime PLWA member Rob Gregoire, July's PLWA Access Advocate. When we notified Rob about the \$50 gift in his honor, he told us to expect more donations as part of a Facebook Fundraiser he had orchestrated. In a saavy move, Rob timed this fundraiser to coincide with the release of stimulus checks, pledging to match the donations up to \$1000. What a wonderful surprise for us to receive almost \$1500 via his fundraising efforts – a boon that did not even require any additional efforts or expenses by PLWA.

Rob showed just how easy this type of fundraiser is to do, and spoke about how many of his friends have raised money for causes they care about in the same way. Details about how the process works are available at <https://www.facebook.com/fundraisers/>. What makes these initiatives so great? There are almost no fees associated with most non-profit fundraisers! For Rob's fundraiser for PLWA, Facebook deducted a minuscule 36 cents from the funds he raised. That means that 99.99% of the funds he raised went directly towards PLWA's mission of safeguarding public access in Montana.



In her thanks to Rob, Executive Director Drewry Hanes noted that "Fundraising like you have done is important, obviously because it raises money for our cause and allows us to do our work, but also because it gets the word out about our mission. The more people that learn about what we do, the more effective we are. Your help is essential to our efficacy in safeguarding public access today and tomorrow."

Thanks for sharing your birthday celebrations with PLWA Rob. We appreciate your initiative and the ingenuity that brought us long-lasting contributions and increased awareness of our public access mission. We hope many other members will follow your example.

If you'd like to know more about how to conduct a Facebook Fundraiser for PLWA or have similar creative fundraiser ideas to try out, contact us at [plwa@plwa.org](mailto:plwa@plwa.org).

**PLWA  
PARTNER:  
Trout  
Unlimited  
George Grant  
Chapter**

## Protecting Montana's Wild Trout Fisheries

"The mission of the George Grant Chapter of Trout Unlimited is to preserve, protect and restore the wild trout fisheries of southwest Montana. We are proud to call the Big Hole River, Beaverhead River, Jefferson River and the upper Clark Fork River, along with Georgetown Lake, our home waters. Headquartered in Butte, Montana, we pride ourselves on being a conservation organization representing the interests of anglers. We work closely with local Montana Fish, Wildlife and Parks Fisheries' Biologists to improve fisheries throughout our area, and to look for project opportunities."



To get the latest updates on their activities, become a member, or learn more about GGTU's work, visit their website at [www.georgegranttu.org](http://www.georgegranttu.org).



# Making Fireweed Jelly

Summer's here, and in Montana that means wild foods!

## Directions:

Collect the flowers from Fireweed plants away from roadsides and areas which might have been sprayed with chemicals. Harvest about 6-8 cups of flowers.

Rinse thoroughly and place in a 2 quart pot. Add just enough cold water to cover.

Boil until the water is a nice deep pink or purple color. Petals should be grey. Strain juice through a cheesecloth and add additional water if necessary to comprise 2 1/2 cups total.

Warm fireweed juice, lemon, and oil on stove. Add pectin and bring to a hard boil for 1 minute. Add sugar and boil for at least another minute.

Skim top of jelly and pour into a pitcher to fill sterile jars, or simply ladle into jars. Fill jars leaving 1/8 in. head space and process in a hot water bath for 10 minutes, adding additional time for altitude.

## What you'll need:

- 2 1/2 cups Fireweed Juice
- 1 tsp lemon juice
- 1/2 tsp neutral oil
- 1 package dry pectin (1 3/4 ounce)
- 3 cups sugar

## Don't forget to get your State Land Recreation Use Permit before foraging!

It is required for anyone participating in non-commercial activities which don't fall under the hunting and fishing categories on State Trust Lands in Montana. You can purchase it on the Montana FWP [website](#).

*Adapted from @GakonaBaby's excellent Alaska Forage recipe.*

## From the President's Desk

The Public Land Water Access Association is on the move and in an upward direction. We recently had our annual meeting on Zoom and have had very successful Board meetings using the same technology.

One of the most exciting happenings recently was the election of two new Board Members by our membership at the Annual Meeting, Chad Zeitner and Katy Ross. Welcome. Ray Pearson chose not to re-up as a Board Member and will be missed. He was a staunch supporter and served as Treasurer for the last several years. Thanks for time Ray.

I would like to take this opportunity to speak to our successes in court cases over the years. We have been successful because of our determination to only file lawsuits after we have gathered the available facts and have them reviewed by the attorneys.

Although the courts didn't make a decision in our favor on the Mabee Road case, we will still continue to operate under the same criteria.

Our next move as a Board will be to elect officers to manage our affairs. If you have the time, join PLWA as a volunteer - we succeed because of our great volunteers. We are in a good place, so let's stay there and keep up the good work.

Remember what Texas Bix Bender says,

*"Don't ask friends for more'n they would give on their own".*

Bernard Lea, President

# Don't Hunt or Fish? Consider Buying a License Anyway

by PLWA Board Member & Secretary Carol Fox

This spring, public radio aired a [story](#) about spring bird migration at Freezout Lake Wildlife Management Area (WMA) near Choteau. The reporter noted this migration as one of the wonders of nature in which several hundred thousand ducks, geese, swans and other migrating birds rest and refuel at the WMA before continuing their journeys north. For decades I've been a fortunate annual spectator of this incredible event in which as many as 300,000 white geese and 10,000 tundra swans migrate through Freezout in the spring. You can learn more about this migration on FWP's [website](#).

The radio story noted that while the number of bird watchers that flock to Freezout has been rising, the number of upland and waterfowl hunters has declined. FWP's manager at the Freezout WMA, Brent Lonner, commented about this trend: "So it makes you wonder in time, if this is going to be kind of the more, the new normal...Wildlife viewing is growing of interest. Hunting as a whole in the nation is there. On a national perspective, it's probably declining some. Montana's pretty stable, but wildlife viewing, all things wildlife viewing is definitely increasing." I believe his characterization of this "new normal" to be correct based on the documented rise nationwide in the use of open space and recreational areas. I can personally attest to increased crowding at many of my favorite outdoor recreational spots. Is this new normal a problem? In my opinion yes, and not only because of increased use and overcrowding problems, but also because of the associated funding challenges that come with it.

Like so many of our WMAs nationwide, the Freezout WMA was purchased, developed, and managed almost 100% with federal excise tax dollars paid by shooters and state license dollars paid by hunters. I am grateful, as we all should be, for those shooter and hunter dollars that provide the cornerstone of funding for wildlife conservation and management in the US. Those excise taxes are collected on the sale of firearms and ammunition under the terms of the federal Pittman-Robertson Act and provide a 75% match for our state license revenues. Similarly, a

federal excise tax on fishing equipment established by the Dingell-Johnson Act is the main funding stream for fisheries conservation work. While I won't dig into complexities of FWP's funding for this article, a number that stands out to me is the 68 percent of FWP's expenditures in fiscal year 2020 that came from funds associated with licenses.[1] That 68% translates to about \$84 million used by all FWP programs in 2020, including programs that manage the water-based State Parks, fishing access sites, and WMAs such as Freezout.

But hunting and shooting participation is declining nationwide and has for the last few decades, and with that trend comes declining revenues for wildlife conservation and management. While I'm no expert on this trend, there are plenty of reputable in-depth analyses and articles sounding the alarm. One person who did just that was long-time PLWA supporter and past Montana Fish and Game Commissioner, the late Ron Moody. In a 2013 High County News [article](#), Ron described Montana as a state needing to cope with declining fish and wildlife revenues. He was quoted as telling the Billings Gazette that they "need to confront the fact that many tourists visit the state to view wildlife, but none of those folks pay a cent to fund the wildlife, unless they buy a hunting or fishing license."

In the radio story on Freezout Lake, FWP manager Brent Lonner spoke to the efforts occurring at the national level regarding implementation of new ways for wildlife watchers to help pay for conservation and wildlife management on public land. "There's been just talk about it but no real push to go that direction. I don't know if there's a true need as of yet. Maybe in time, there will be," Lonner said. I disagree. I believe the need to develop new funding sources for fish and wildlife conservation exists now and is way overdue.

I'm an avid hiker, biker, boater, camper, birder, wildlife watcher, and a part-time bird-hunter, recreating mostly on public lands. I usually point my camera instead of my shotgun since I really enjoy watching the awesome teamwork between my husband and our bird dogs. So even though I don't hunt or fish, I annually purchase a complete suite of hunting and fishing licenses.

You ask why? So I can contribute directly to the conservation and management of fish and wildlife resources in Montana.



The licenses I buy are general over-the-counter ones that are not limited in sale; they are not the limited special drawing permits. Thus, my license purchases do not decrease the opportunities of others to draw a special tag.

For many PLWA members, there's a strong connection between public access and conservation funding through the purchase of such licenses. The quality, quantity, and diversity of wildlife habitat, as well as our enjoyment of wildlife through public access depend on successful wildlife conservation and management programs that are directly funded by license sales.

A combination license purchase also includes paying for a State Lands Recreation Use Permit. This \$10 permit (\$5 for youth and seniors) is required for anyone conducting a non-commercial activity on State Trust Lands not related to hunting and fishing. Those activities include, but are not limited to, hiking, skiing, sightseeing, and horseback riding.[2] A pet peeve of mine is that most of my avid hiking and biking friends that use State Lands for recreation are unaware of this permit. So I nag them to purchase it. I also encourage them to join PLWA, explaining that it was through the efforts of PLWA's predecessor organization and the late Tony Schoonen, PLWA's founding member and public access hero, that the public gained access to State Trust Lands.

As a purchaser of MT hunting licenses, I usually get the annual FWP survey call after hunting season asking about my harvest

success. My response: While I did not harvest game, I harvested great satisfaction in my small but effective contribution to fish and wildlife conservation via my license purchases. Yes, there are other good options to fund fish and wildlife conservation. However, buying hunting and fishing licenses might currently be the best tool we have in our tool box as we work to develop and implement new ways to fund the "new normal" in conservation.

One such new way was considered by the Montana Legislature in 2021. Senate Bill 153 would have required all fishing access site users to purchase a Conservation License while reducing the license prices paid by anglers and hunters. It thereby would have more equitably funded fishing access sites among ALL users of such sites. SB153's fiscal note cited a 2016 survey which reported that only 49% of fishing access site users were anglers. The other 51% were non-paying recreationists there for other activities such as floating, boating and swimming. The bill passed the Senate but not the House. Hopefully, the next MT legislative session will bring passage of similar bills aimed at funding mechanisms requiring all site users pay their fair share. I'm sure willing to do so!

Finally, I offer this advice for the growing group of enthusiasts like me that are wowed and uplifted by the bird migration displays at Freezout WMA and other such natural wonders: Buy a state migratory bird stamp if you'd like such bird bonanzas to continue into the future.

[1] Financial information provided by Lena Havron, FWP Chief Financial Officer, via 6-25-21 email to Carol Fox.

[2] The State Land Recreation Use Permit is not required when using State Trust Lands for hunting or fishing, because a \$2.00 fee is included in the Montana Conservation License for such use of these lands. This Conservation License is a prerequisite for all hunting and fishing licenses.

## In The Clearing by Patricia Hopper

After last night's rain the woods  
smell sensual—a mixture of leaves and musk.  
The morels have disappeared, and soon I'll come across  
those yellow chanterelles, the kind they sell  
in town at the farmers' market. Once I saw  
the Swedish woman who raises her own food  
foraging for them, two blond boys  
quarreling near the pickup, and the next morning  
they were selling them from their stand beside the road.

Out here, among last year's dead  
leaves with the new shoots of spruces  
poking through them, I've come to the place where light  
brightens a glade of ferns and the log someone else  
placed here—carved "B.W."—where I sometimes sit  
to listen to the birds. Today the sun is breaking through

the wet branches, revealing a clean sky,  
brilliant, cerulean. Then, suddenly, a raft of scudding clouds

promising more rain. If it comes, I'll read all afternoon—  
Henry James, or maybe Eudora Welty's  
Delta Wedding, where so many characters  
vie for attention I can never keep them straight.  
Here, there's no one else, no one to worry over  
or argue with or love. Maybe the earth was meant  
only for this: small comings and goings  
on the forest floor, the understory astir  
with its own secret life. If I sit still enough  
among the damp trees, sometimes I see the world  
without myself in it, and—it always surprises me—  
nothing at all is lost.

## PLWA 2021 Auction for Access

We had some AWESOME donations this year for our online auction. New REI camping gear, an incredible full day float trip from Troutfitters, Orvis waders, a Yeti cooler, a Fido Pro Airlift dog harness, custom duck calls from High Water Mark Custom Calls, a waterfowl hunting trip, and lots more! Through your generosity PLWA was able to raise \$4828.00 to support public access in Montana!

We couldn't have done this without the support of our amazing Donors and Sponsors that participated in this year's auction. These folks are the real deal. Be sure to thank them if you are in their shops or parked next to them at a public access point!

Montana Troutfitters - High Watermark Custom Calls - REI Bozeman - Dan Bailey's Outdoor Company - onX Hunt - Fido Pro - Big Sky Cycling - The Trail Head Missoula - Sportsman's Warehouse - Yellow Dog Flyfishing Adventures - RiflesandRecipes.com - Blackfoot River Brewing Company - MAP Brewing - Don & Lori Thomas  
Dr. James Johnson - Dale Spartas - Glenn Elison - John Gibson

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"Thank you for defending public access!"

- Lisa & Lincoln Roberts

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Want to find out more about our Board? Check out the About Us section on PLWA's website.

## Welcome to PLWA's Newest Board Members!

PLWA held it's Annual Board Elections in June 2021. We welcomed the election of our newest Board Members:

Katy Ross -- Chad Zeitner

The following 2020 Board Members were re-elected:

Carol Fox -- Bernard Lea  
John Gibson

Board Members not up for re-election this term:

Colter Pearson -- Glenn Elison -- Lance Gray

## PLWA Business Updates

- Officer positions will be appointed within the Board during the summer.
- The open ninth Board seat will also be appointed by the currently serving Board Members during the summer.
- Catch up by viewing the Annual Meeting recording and hearing about our year in review online at:
  - [www.plwa.org/annual-meeting-2021](http://www.plwa.org/annual-meeting-2021)

Visit us at [plwa.org](http://plwa.org) today and become a part of our mission!



## EXECUTIVE DIRECTOR'S MESSAGE

As the long Montana summer days draw folks into the forests, onto the plains, and among the rivers to recreate, I think we can all appreciate the incredible bounty our public access grants us. Seeing a moose wallow through a beaver pond, cresting a hilltop and setting a tent to watch shooting stars streak across the indigo sky, or simply casting to a wily trout as the

fog rises over a pristine mountain stream; these are the moments that carve serenity into our souls and create a sanctuary from the busy modern world.

I invite everyone who hears this call to join us in our mission to protect access to these places and experiences. Together, we can.

*Drewry Hanes*

Drewry Hanes, MS, MPH

# Outdoor Writer & Public Access Activist *Don Thomas*



Don Thomas has spent his entire life outdoors. Although he worked for years as a physician, he has also been a commercial fisherman, bush pilot, and guide. He now writes full time; current responsibilities include serving as Co-Editor of Traditional Bowhunter, Editor-at-Large for Retriever Journal, and masthead positions with Gray's Sporting Journal, Fish Alaska, and others. Don freelances regularly for most national magazines that cover fly-fishing, wing-shooting, and bowhunting and has authored 20 books on these subjects with several widely respected publishers.

Although most familiar with outdoor opportunities in Montana and Alaska where he has lived all of his adult life, he has traveled extensively in Africa, Latin America, the Caribbean, Siberia, and the South Pacific. Above all, he enjoys spending time in the outdoors and working with his wife Lori, herself an accomplished outdoors woman and photographer. Don is a long-time PLWA member and supporter, and our Summer 2021 PLWA Access Ambassador.

**You are known not only for your outdoor writing, but also as a passionate advocate for public access. Where did this drive to sound the call for protecting access to Montana's public lands and waters come from?**

As a matter of principle, it just stands to reason that the public should be able to access public land. On a personal level, my own passion for the cause is a response to change. I grew up in a rural area where kids could basically hunt, fish, or play on almost anyone's farm. Over the 50 years I've lived in Montana, I've seen a profound shift in landowner demographics as family farms and ranches have been sold to wealthy out of state interests. While some of those new owners are indeed generous about access to their land, most are not. At the same time, farmers and ranchers are realizing the economic potential of their wildlife by leasing hunting rights to outfitters (as they have the right to do). The vast majority of their clients are wealthy non-residents. The upshot is that public lands have become the last resort for Montana resident outdoorsmen of ordinary means.

**Montana is a state with a high number of recreational public land and water users. Why do you think public access is facing so many challenges in the current political landscape?**

This is an odd paradox, as I have pointed out elsewhere. It is puzzling that a state in which nearly half the resident voters buy hunting and fishing licenses could elect an

administration and legislature so openly hostile to public land concerns. Part of this phenomenon reflects simple partisanship. Today, many voters will reflexively vote for the party to which they've sworn allegiance even if that means voting against their own best interest on certain issues.

Furthermore, as a general rule in political discussions one can't go wrong by following the money. That isn't always easy to do given the basic corruption of our campaign finance system, but a lot of wealthy parties have an interest in tying up public lands for their own purposes.

**Culturally we are moving towards a more sedentary lifestyle, with hours spent in front of screens and keyboards. What do you feel time outside in the natural world and evenings spent with the written word offer future generations?**

The basic premise here is certainly correct. Ours will be the first generation of Americans with a shorter lifespan than our parents. While this phenomenon is multi-factorial, our increasingly sedentary lifestyle is certainly significant. To address it, I much prefer heading to the mountains on foot to running on a treadmill in a gym full of desperate, sweaty people. Letting kids sit in front of video games should be punishable as child abuse.

**What, in your opinion, is the most important thing readers can do to protect access to their public lands and waters?**

Two words: Get involved. For most of my life, hunters and anglers have been happy to leave the political heavy lifting to others while they went hunting and fishing (as, I'm now ashamed to admit, did I). That will no longer stand. In response to the crisis we're discussing, a number of Montana organizations are actively addressing these concerns, including PLWA. Every outdoor enthusiast enjoying Montana public land should support them. During the next election cycle, grill your candidates for state and local office about their position on public lands and don't let them feed you any bullshit. (During an election, it's hard to find a Montana candidate who doesn't swear undying support for public land access even though they've been working to hinder it for years.)

Here in Montana, we have the numbers to win these battles. We just need to mobilize them and get them pointed in the right direction.



Photo by Lori Thomas



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Katy at her home in SW Montana

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## PLWA *Who We Are* Highlight: Katy Ross

Katy is one of our newest Board Members joining in June, 2021!

Although she grew up in the East, the Mountain West always called to Katy and she and her family fell in love with Montana through countless trips to the parks and National Forests around the state. They soon settled on a small ranch outside of Bozeman in Bridger Canyon.

Katy loves running, long days on the trail, skiing, horseback riding, climbing, backpacking, and exploring the gorgeous open spaces of Montana with her family. Katy believes that Montana's public lands are what make the state such a special place and protecting public access to those spaces should be important to all Montanans. She found the PLWA while trying to research a public access issue in the Bridgers and is happy to serve on the board to help protect access to the wild spaces that drew her to Montana in the first place.

### Quote of the Quarter:

"The best thing to do now, is to do the very best you can."

— *Allen Drury, Into What Far Harbor?*