



PUBLIC LAND WATER
ACCESS ASSOCIATION

A HISTORY
OF ACCESS
SUCCESS

-

A FUTURE
OF ACCESS
OPPORTUNITY

1985-2021

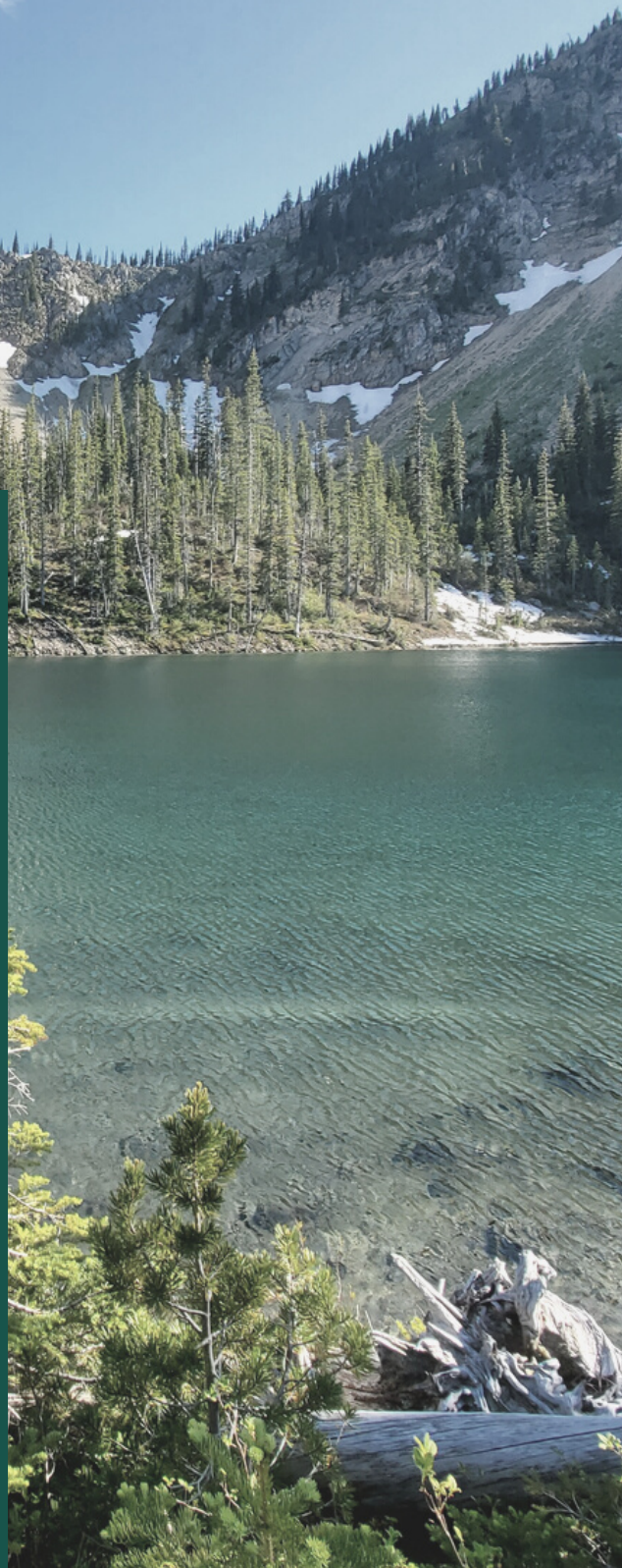


Table of Contents

01

Introduction

02

A Look Back

03

Our History

04

A Record of
Important Wins

05

Current Issues

06

Future
Objectives

07

About Us

08

Sponsors &
Partners

Introduction

Our Goals

PLWA works to educate the public about access issues, as well as working with private individuals, public figures, and organizations to enhance access, create policies, and support laws that benefit public access.

Our objectives include:

- Protecting access to public lands and waters.
- Educating public land owners about their access rights.
- Monitoring public access routes and identifying access problems, such as illegal gates and fences.
- Attempting to reopen lands where access has been blocked illegally, and initiating legal action if necessary.
- Monitoring public land sales, exchanges, and purchases to ensure conservation and recreational access issues are fully considered.
- Initiating programs and policies to ensure public land and water access into the future.
- Creating partnerships to monitor proposed legislation, rule makings, and other legislative and administrative actions that impact access.

Our Mission

The Public Land Water Access Association is dedicated to maintaining, restoring, and perpetuating public access to the boundaries of all Montana's public lands and waters.

The rights of Montanans to recreate on public lands and waterways is enshrined in the State Constitution. PLWA works to educate about this right, maintain and enhance access, and ensure that our state's wild places remain in public hands for years to come.

29%

OF
LAND IN
MONTANA
IS PUBLIC

OVER

35 YEARS

of protecting access to public lands and waters



Our History

PLWA has a storied history, made up of individuals who believe that access to public lands and waters is fundamental to the identity of Montana.

It was,

"... during a public meeting called by an ad hoc group of public land users in 1984 when Gene Hawkes, a former Gallatin National Forest Supervisor, threw his \$25 on a table at the Bozeman Public Library and said, 'Here's my start-up dues. Let's organize a public land access group.' After more people threw their \$25 on the table that night, nine of us from Bozeman, Three Forks, and Livingston signed on as Founders and first Board of Directors of the Public Land Access Association. PLAAI* was incorporated as a Montana Corporation on April 18, 1985 by the Secretary of State."

- Excerpt of *Our Vanishing Roads* by Perry Nelson, one of the 9 Founders of PLWA

In 1990 Grace Lichtenstein wrote an article in the Los Angeles Times Magazine about the increasing number of public lands access issues, especially in Montana. *Don't Fence Me Out* detailed threats to public access already occurring over thirty years ago.

PLWA Executive Director at the time Gene Hawkes and former President Ron Stevens showed Lichtenstein what public land ownership in Montana was all about.

"It was a warm summer morning, and he and Gene Hawkes were about to show me how one landowner tried to block the public's entrance to a chunk of Montana that they believe everyone should be able to enjoy. Along a trail between a rocky ridge and granite-faced mountains, we paused to take in the view. "See this?" Hawkes said, sweeping his arm at the landscape. "This is your ranch."

"All Montanans are ranchers," Stevens chimed in. "Their ranch is the Big Sky ranch, and it includes 8.1 million acres of BLM land, 10.2 million acres of National Forest and 5.2 million acres of state school-trust land. Our brand is the Flying R, which stands for freedom to recreate."

That sentiment - that desire to keep access to Montana's public lands and waters open to all who wish to travel them is central to PLWA's purpose, leadership, and base of support.

Sometimes we educate; sometimes we litigate. But we never give up.

*PLAAI was later renamed PLWA

A Record of Important Wins

HERE ARE A FEW OF OUR MOST IMPORTANT VICTORIES

1

THE STREAM ACCESS LAW

The Montana Coalition for Stream Access paved the way for Montana's Stream Access Law. These visionaries founded PLWA in 1985 after realizing that Montana needed a dedicated public access group. Montana's Stream Access Law allows the public to move freely up and down all Montana's navigable waters below the mean high-water mark. PLWA defended multiple legal challenges to the law, and as a result, stream access significantly enhances Montana's economy. Montanans enjoy the best stream access in the West.

2

STATE SCHOOL TRUST LANDS OPENED TO THE PUBLIC

Prior to 1988, permission was needed to recreate on School Trust Lands. That year, two PLWA members filed a suit against the State Public Land Department to open School Trust Lands to the public. Subsequently legislation was passed that opened up about 5 million acres of School Trust and adjoining Federal Lands to recreation.

3

MONTANA SUPREME COURT DECISION AFFIRMING ACCESS

PLWA's work on the Ruby River in Madison County involved illegal fences that blocked access at several bridges that had been used by anglers for decades - notably Seyler Lane. PLWA filed suit in 2004. In 2008, the District Court ruled in favor of PLWA, a decision that was subsequently affirmed on appeal to the Montana Supreme Court. This precedent setting case defended public access against well-funded, aggressive challenges.

4

THE BRIDGE ACCESS LAW

The Ruby River case provided the impetus in the legislature to push for the 2009 Bridge Access Law. This law provides for public access to Montana's streams and rivers at public bridges. PLWA supported the passage of the law and has been involved in defending the law in court. Because of our work, you can legally access Montana's navigable waters at public bridges for any legal recreation.

A Record of Important Wins

5

BOADLE ROAD / JONES BRIDGE

In 2000, PLWA discovered that access to Pishkun Reservoir was blocked and posted with “No Trespassing” signs. PLWA sued and won a judgment that Boadle Road was indeed public. Against five appeals to the MT Supreme Court, PLWA’s perseverance prevailed. The area currently provides access to Pishkun Lake Wildlife Refuge, the 918,000 acre Rocky Mountain Front Conservation Area, Tunnel Lake, and several Montana state sections—some of the wildest public land in the U.S.

6

SALMOND RANCH ROAD

Teton County Road 380, is one of the few access points into the Rocky Mountain Front between Augusta and Glacier National Park. In 1988 a gate across the road was locked and “a legal notice to all the world” was filed stating that any public rights to cross the land had been unilaterally terminated. A year later, “No Trespassing” signs were posted. In 2012 PLWA along with a variety of parties negotiated and testified at the State Board Hearing to approve alternate access. Due to this, thousands of acres of land were opened up, allowing you to walk from the Rocky Mountain Front all the way to Flathead Lake.

7

PROTECT HABITAT MONTANA

PLWA filed an amicus brief before the Montana Supreme Court to help defend Habitat Montana and stand up for public access. PLWA’s brief defended an [data](#) interpretation of the law that allowed Fish, Wildlife & Parks to manage the Habitat Montana program without unnecessary oversight from an uncooperative Land [is](#) Board. This move streamlined FWP’s ability to obtain conservation easements that provide public access to thousands of acres of public and private lands. The Court agreed with PLWA and ruled in favor of access in February 2019.

8

HUGHES CREEK ROAD

For over 30 years, the residents of Hughes Creek, in Ravalli County, blocked access to thousands of acres of our public lands. Then, in 2017, the Ravalli County Commission voted to reject a landowner petition to abandon a portion of Hughes Creek County Road. PLWA presented the case for access with the help of several land managers. After multiple trips by Ravalli County to the Montana Supreme Court, the gate has been ruled illegal and has been ordered to be removed.

Current Issues

PLWA is currently involved in several access issues, some going back as far as 2008. Partners in these efforts to defend public access include:

- Goetz Law Firm
- Redmond Law Firm
- Patagonia
- Trout Unlimited Montana State & Local Chapters
- OnX Maps
- Members, Volunteers, & Affiliates

Imagine that you have traveled several hours to get to your favorite piece of public land, only to find out that someone has wrongfully posted several “No Trespassing” signs along the road on the way? When we hear of incidents like these, we work with the public to investigate the county, state and federal public records to determine the status of the closed road, bridge, or stream.

As public land owners, our right to lawfully and respectfully access and recreate on Montana's public lands and waters is in the State Constitution. We fight every day to make sure those rights are upheld.

PROJECTS	DETAILS
MABEE ROAD	A locked gate has blocked this critical route to a large chunk of public land in the Upper Missouri River Breaks National Monument since 2007. We are currently appealing a district court loss to the Montana Supreme Court to reopen this historic access route.
CRAZY MOUNTAINS	PLWA funded research into several disputed roads and trails around the West Side of the Crazy Mountains, prompting a coalition of groups to sue the Forest Service over its failure to protect access. PLWA is currently focusing research efforts on access issues in the East Crazies.
HUGHES CREEK	After the Montana Supreme Court ruled that the gate blocking access at Hughes Creek in Ravalli County was illegal, it was ordered to be removed. Currently local authorities are refusing to pursue such action. PLWA and partners continue to fight to see the court order enforced and the legal access reopened.

Future Objectives

The coming decade represents both an exciting time and a real challenge for public access organizations. PLWA's priorities of educating the public about public land and water issues, enhancing and safeguarding access, and forming strong partnerships will not change. However, with the economies and demographics of Montana changing, it is important for PLWA to step forward into the future with new ideas.

As we move into 2021, we pledge to:

- Map out and finalize our new PLWA Strategic Plan, to be unveiled in 2022.
- Reach out to new sectors of Montana recreationists and establish a strong base of support in new arenas.
- Increase digitization of our organization's information to raise awareness of past and current access issues.
- Build out our research capacity, drawing on volunteer support, to ensure that our work addresses the issues most relevant to our members.
- Increase our financial reserve to enable better outreach efforts and more regular communication with members and the general public.
- Play an active role in important legislative issues affecting public access.
- Partner with organizations and companies that support access to public lands and waters in Montana.

How will we achieve these goals in the coming years?

- Increase the number of grants applied for annually as well as partnerships with major sponsor organizations that have an interest in public access.
- Recruit vital members willing to play an active role in raising awareness, fundraising, and working with partner organizations.
- Transition from mostly print outreach to newer digital outreach methods.

Education

Educating Montana residents and visitors about access rights to their lands and waters is one of PLWA's top priorities.

Access

Continuing to open access through research and raising awareness, and when necessary, through litigation, is what we do.

Partnerships

Forming strong partnerships with affiliate organizations and donors who believe in public access makes us stronger and makes public access better.

About Us

PLWA relies on support from the community. Volunteers who work on our website, donors who support our outreach efforts, members who dig in and do research on access complaints, partner organizations who share our goals, law firms who enable us to fight important battles for access with limited funds – everyone pitches in to ensure that the incredible public access we have in Montana remains a reality. **We couldn't do it without you.**



Executive Director

Drewry Hanes, MS, MPH

Drewry Hanes is the Executive Director of PLWA. Growing up as the daughter of a cattle farmer who served on committees for both the National Cattleman's Association and the National Audubon Society, Drew formed an appreciation for the complexities and importance of the role lands and waters play in our lives. Having worked as both a wildlife and public health researcher, she understands well the important connection between humans and nature.

An avid hunter, angler, backcountry skier, mountain biker and forager, Drew values every day she spends on Montana's public lands. Some of her fondest childhood memories are of reeling in fat cutthroat trout on Slough Creek on hot summer afternoons. After seven years of involvement with PLWA as a supporter, Social Media Director, and Board Member, she is proud to now serve the organization as its Executive Director.



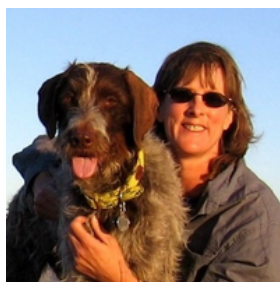
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Vice President



Bernard Lea
President



Ray Pearson
Treasurer



Carol Fox
Secretary



Glenn Elison
Board Member



Colter Pearson
Board Member



Lance Gray
Board Member

Our Sponsors & Partners

PLWA receives support from Sponsors that believe in what we do, and want to protect access to the public lands and waters that make Montana the best place to live in the world.

Our PLWA Partners work as hard as we do to not only protect public access, but also to make sure the very things that make Montana's lands and waters so special not only survive, but thrive into tomorrow.

We are proud to work with these groups.



We thank you for your
ongoing support of
our work.

Acknowledgements

The **Public Land Water Access Association Inc.** or **PLWA**, is a citizen group organized and operated under the Montana Nonprofit Corporation Act.

The Internal Revenue Service has determined that **PLWA** qualifies as a tax-exempt organization under **Section 501 (c) (3)** of the Internal Revenue Code and that it is a public charity.

Design by D. Hanes using Canva Software.

PLWA Version 1.0 December 2020.



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