



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

THE KEY QUARTERLY

Unlocking Access to Montana's Public Lands & Waters

Spring 2023

The Making of Public Access Law

How The Fight for HB 486 Was Finally Won

After several legislative session efforts and tireless work by PLWA and partners, we are proud to announce that HB 486 has finally been signed into law by the Governor. The updated amendments to this law will go into effect in the Fall of 2023, but the significance of this achievement is already changing the outlook on prevention and resolution of public access complaints in the state of Montana.

HB 486 directly involves changes to several Montana Codes Annotated. MCA 7-14-2134 is amended to include language stating that *"An individual may petition the board in writing to have the encroachment removed from a highway that is a county road as defined in 7-14-2101(4)(b)(i), (4)(b)(ii), or (4)(b)(iii)."*

MCAs 7-14-2136 and 7-14-2137 see a fine increase for illegally blocking or encroaching on a public road from \$10/day to \$100/day, which adjusts for inflation from when the fine was originally set during the 1960s. The definitional elements of public roads remain unaltered. So, what does this mean for public access, and for partner efforts in future public access work?

Between 2022 and 2023, access complaints to PLWA increased by 30%. Though the new Access Issue Reporting System [AIRS] roll-out in the Fall of 2022 likely added to this increase, it certainly signals a trend towards decreasing public access in Montana, and a lack of enforcement by officials. PLWA has seen a proliferation of illegal blockages with no fines or fees being enforced by the county for removal. The lack of advocacy to reopen roads and access points from the national and state agencies which oversee these public lands and waters has been disturbing to say the least. Public access advocacy and

defense of access points are key agency objectives for the National Forest, Bureau of Land Management, and Fish, Wildlife and Parks. When agency personnel and the public are unable to access their Montana public lands and waters, it is the duty of these agencies to work to investigate and to re-open these access points. Their intervention should also discourage future infractions. PLWA is working hard to fill the gap, however over the past year we have begun to see complainants referred directly to PLWA by officials requesting us to undertake this work. When enforcement is lacking, blocked and inhibited access issues proliferate.

The good news? The passage of HB 486 represents an incredible example of multi-organizational effort and non-partisan support of public access. PLWA worked closely with Montana Backcountry Hunters & Anglers and Matt Leow of Tenacious Campaigns to draft the amendments and respond to questions. Rep. Paul Green (R-Hardin) championed this initiative in the legislature, taking the time to become familiar with access law and the work needed to convey this information to his peers in the legislature. Montana Wildlife Federation helped create the needed awareness to gain support from the public, and through these combined efforts, we have another tool in our toolbox to protect public access in our state. This once again shows the power of coalition efforts and the ability for all of us to affect change in the access community.

What does this hold for the future? Increased penalties and enforcement should serve to prevent and resolve access issues before they start, and Montana will have shown that once again that public access matters to the people.

PAIC Graduates Nine New Public Access Volunteer Corps Members!

PLWA is proud to announce the graduation of nine members from our Public Access Investigation Certificate [PAIC] Program. These graduates, located in areas around the state, will now join our Public Access Volunteer Corps to assist PLWA's Public Access Investigation Program, and be available to assist partner nonprofits and communities across Montana.

participants and the PLWA organization. In my opinion we cannot have enough individuals educated in access rights and representing PLWA's work. Times are changing in Montana and education about the use of public lands and access will become more important than ever for those of us that enjoy recreating on public lands."

Commented one graduate, "This class is a definite benefit to its

Visit PLWA's [website](#) to register interest for the Fall 2023 course.

Steps To Address A Public Access Issue

When you encounter an access issue, it's important to know your rights and the initial steps to take action. To learn more about what your rights are in the State of Montana, visit www.plwa.org/know-your-rights

Step 1: Collect all the necessary information on-site.

Take pictures of any signage, gates, or other points of public access interest. Using maps, note which county you are in and your specific location, preferably with GPS coordinates.

Step 2: Reach out to the agency you believe has jurisdiction.

This could be the county, Forest Service, Bureau of Land Management, or a specific State of Montana office. Looking at your county or local agency website is a great way to obtain contact information. It may take reaching out more than once, but each point of contact will help put you on the right track. Note any conversations you have, including who you spoke with and any additional information you obtained. Be sure to

ask about agency knowledge, relevant history, and whom to contact next. Ask for written responses, when possible.

Step 3: Do your research.

It's important to gather as much information as you can before taking a stance. If your access issue involves a county road, you may want to research county records for perfected easements, records of maintenance, or records of historic county proceedings regarding the road in question. Most files in county offices are open to the public. If your access issue is on federally managed lands, you'll want to reference agency travel management plans or maps. There are many resources available online to search for plats, patents, and surveys of public lands.



<https://mtnonprofit.org>

Building Leadership & Community in Montana

Montana Nonprofit Association's mission is to provide leadership for Montana's nonprofit sector and partner with charitable nonprofits to promote a sustainable, networked, and influential sector. MNA is vibrant, strong, and growing and is staffed by a full complement of professionals. Representing the richness and diversity of Montana's charitable sector, MNA members address an array of missions in education, health and human services, arts and culture, religious and spiritual development, environmental protection, animal welfare, economic and workforce development, and more. MNA members come from all four corners of the state and range in size from large organizations to small, unstaffed nonprofits. We are many missions with one voice.

Reach out to MNA to join, get involved, or for resources today. Visit their [website](#) to learn more.

PLWA's First Annual *Montana Public Lands Festival* & Annual Member Meeting Saturday, August 19th!

PLWA is thrilled to be hosting its first ever annual **Montana Public Lands Festival** this summer in Bozeman, Montana. The festival will be held on Saturday, August 19th from 4-8 PM at the Gallatin County Fairgrounds. There will be music, partner booths, food, games, a panel discussion with members from the public access community, and a silent auction. Attendees will have the opportunity to connect with other advocates of Montana public lands and waters and enjoy food, fun, and music.

The annual member meeting will precede the event from 3-4 PM in Building 3 and is open to all. Members & guests will hear from PLWA leadership about 2022-23 accomplishments, goals for the coming year, vote on organization items, and elect new Board Members. To be involved please reach out to Ashley Helm at ashley@plwa.org

Ways to Get Involved with the Montana Public Lands Festival:

- Register for a booth to represent your organization, business, or group
- Help sponsor the event and let folks know your business supports public access in Montana
- Promote the Montana Public Lands Festival to your members and community
- Volunteer and help make the event a success
- Donate new items or services for our auction

Keep up with us here!



[publiclandwateraccess](https://www.instagram.com/publiclandwateraccess)



[plwamt](https://www.facebook.com/plwamt)



www.plwa.org

Out & About with PLWA

PLWA staff and board members had a great time mingling with Helena Young Professionals at the Lewis & Clark Tap Room this May. Great to hear about HYP's activities and community building while sharing about PLWA's access work. Reach out to HYP at helenayoungprofessionals.org for more information.

Public Access Investigator Haley Sir also had the opportunity to speak to both the Bitterroot Fly Fishers in Hamilton and the Big Hole Watershed Committee. We love engaging with our supporters - reach out to ashley@plwa.org to arrange for a joint event or to have a PLWA Staff member come and speak about public access in Montana.

PLWA is looking for T-Shirt Designers!

Are you a graphic designer? Do you create art in your spare time? PLWA is reaching out to artists across our Montana community to find a design for our 2023 Montana Public Lands Festival official T-Shirt! Submit your design through our website by June 15th and we will announce the winner of the contest June 22nd.

From the President's Desk

Well, it seems we mostly survived the 2023 Legislature. PLWA spoke up for several bills relating to access to public lands & waters. While not every issue strengthening public access passed, it could have been worse. Our staff worked with other public land and access groups to make sure these access issues were brought to the attention of the committees, the Senate, and House of Representatives. HB 486 certainly goes in the win column.

PLWA is in good hands, and we are maturing in our ability to provide more individuals with knowledge and the opportunity to support the public access cause. The added investigators that have taken our PAIC course are now qualified to do the necessary research concerning closed roads and access points, and to advocate publicly for Montana's access heritage. This program makes our team more effective, and creates

partnerships with organizations and communities across the state. These cooperative investigation arrangements allow us arrive at decisions on next steps to solve access issues faster, and with much needed information.

Not much more from the President. I just have to say with our additional leadership, we are in good hands.

Remember what Texas Bix Bender says, "Never joke with cooks or mules as they have no sense of humor".

Bernard Lea, President

Supporting Public Access: How Four Members Help PLWA Succeed



Kayla Mann, Red Lodge, MT
My name is Kayla Mann and I am currently living in Red Lodge MT with my husband. I have been privileged enough to enjoy Montana's public land for the last decade, while my husband being 4th generation Montanan, his whole life. We are avid hunters, hikers, riders, backpackers, general outdoor lovers. We are no strangers to coming across closed access and questionable trails. With our favorite mountains to walk around in being the Crazies, we

see what's at stake. With us both starting new businesses, we had decided early on that supporting public lands was to be a part of our business. When the PLWA PAIC course opened, I was excited to have the opportunity to support public lands in a more hands on way than just donations. **Montana's public lands are such a gem and are slowly under attack.** I'm so thankful for PLWA and such organizations for creating the resources for those of us wanting to help. Someone has to do it before it's too late!



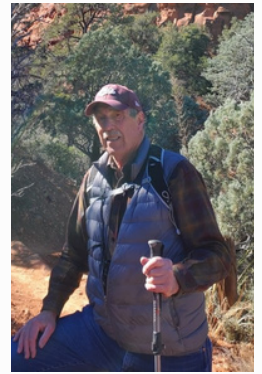
Bill Story, Pine Creek, MT
I have lived in Southwest Montana for over 60 years. I learned hunting and fishing in the Helena area as a teenager. In those days, for me, access to public land wasn't much of an issue. If I had to pass through private land to public, most landowners gave permission as long as we left the gates as we found them and didn't drive off-road. Generally, people just wanted us to respect the owners' wishes, and treat the land accordingly. Well, things

have changed a lot. Since those teenage years, I have continued with my favorite outside activities (I hunt, fish, hike, camp, raft, and kayak). Over the years, it has become more difficult to access the lands I used to enjoy.

I first heard of PLWA years ago when I began reading about trails and road-access closures happening in Montana, many with historical easements. PLWA was unique in that it was a group of people that realized the only way to get the closures opened up to the public again was to take legal action. I began going to PLWA meetings and found like-minded members, many of whom were former members of the US Forest Service, Fish, Wildlife, and Parks and other government organizations. **These people fought for and WON access to streams and rivers that we can all enjoy now, plus access to State Lands we were never able to recreate on before.** At this time I realized I needed to get involved and support this group both actively and financially. As we all know, legal action isn't cheap and we should have the best legal representation. I recently became a Lifetime Member in hopes that my contribution will enable hunters, fishermen (and women), hikers, birdwatchers...all outdoor recreationists to enjoy our spaces we love in this state. I would encourage anyone who treasures the opportunities that we are afforded on public land to be involved in this fight for access to public lands, while respecting private property rights. PLWA has done an excellent job of trying to hold officials accountable, but they need our help! **WE THE PEOPLE NEED TO APPLY PRESSURE TO OFFICIALS TO DO THEIR JOBS!**

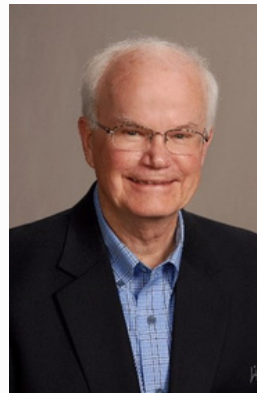
Pete Peterson, Helena, MT

In the 1970's I was intrigued by the push to protect access to our Montana rivers and streams, which by tradition had always been taken for granted. By the mid 1980's, two friends who had guided for Tony Schoonen encouraged me to join the newly formed PLWA which was formed by Tony and fellow visionaries who had managed to get the Montana Access Laws passed through the Montana Legislature. As time passed, it was clear that PLWA was the only



organization working to maintain access to our streams and public lands in Montana and I became more active.

I grew up outdoors and continue to spend my free time there fishing and hunting. I will do what I can to protect and enhance that experience for myself and future generations. I believe that access to public lands is one of the most critical issues for all of us who enjoy the outdoors, which is so much a part of our Montana. Since retirement I have become more involved with the fight to protect the health of our rivers and streams and the push to preserve our access to them and the public lands which belong to us. I intend to spend more time assisting the mission of PLWA. **I would encourage members to spread the word of the good work of PLWA and to contribute both money and time to the goal of preserving our right to enjoy access to our natural resources and ensure our continued use of our lands.**



Dennis Cates, Helena, MT

I am Dennis Cates, and I have lived in Helena, MT since 1981. I was in business in Helena, first as owner of a catalog store for 5 years, and then spent the next 33 years as a real estate broker, retiring in 2018. Prior to moving to Helena, I had worked for corporate industry in the Midwest and Eastern US for 7 years. I grew up in western Oklahoma, graduated with a BS in Animal Science from Oklahoma State University, and served 3 years as an Army Officer, including a tour in

Vietnam. Our two children were raised in Montana. One child graduated from U of M and the other from MSU, which creates some interesting family dynamics.

I have been a member of PLWA for many years but had never been active in researching access issues. In the summer or 2021 board member, Carol Fox, asked me if I would like to research a local issue concerning a complaint about a No Trespassing sign that was seen on a popular biking route south of Helena. I investigated the situation and wrote a report to PLWA of my findings. I enjoyed the work of investigating the complaint and was asked to be in the first ever PLWA PAIC (Public Access Investigator Class) in the Fall of 2022. The class was informative and well structured. **I am currently working on a new complaint in Lewis and Clark county and look forward to reporting on our findings.**

Spring 2023 Updates from Public Access Investigator Haley Sir

As the snow melts and we rush out to perform our favorite outdoor activities, we continue to run into gates and “no trespassing” signs on our public lands. PLWA relies heavily on support from the community to report access complaints, reach out to public land agencies, research and obtain facts, and stand up as public access advocates. Folks who step up to volunteer, 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 - everyone pitches in to ensure the incredible public access we have in Montana remains a reality. **We couldn't do it without you.** If you're interested in getting involved, please consider helping us out for one of the following volunteer opportunities in several counties:

- **County Research** needed in Jefferson, Granite, McCone, Choteau, & Blaine Counties,
- **Site Visit** needed for Loch Leven Fishing Access & Fiddle Creek Road in Park County,
- **Site Visit** needed on Madison River & Indian Creek Trail in Madison County.

Please reach out to me, Haley Sir, at haley@plwa.org to get involved today!



Crazy Mountain Land Exchange: PLWA submitted comments on the Preliminary Environmental Assessment (PEA) for the East Crazy Inspiration Divide Land Exchange in December. We are still waiting for a response.

Hulbert Gulch/Creek: PLWA, along with several public land supporters in the area, followed the access issue at Hulbert Creek Road closely over the past year. A finalized report from the Madison County Road Review Committee was presented last June. With that report, the committee was unable to find any evidence of action to establish Hulbert Creek as a county road. Although the road was presented as a public access road on several older Forest Service maps, the Forest Service does not have a perfected easement for this access point. The Forest Service, who was also watching the Review Committee's proceedings, said they have reached out to the landowner on several occasions with no response. PLWA was informed the Forest Service would not be taking this issue on as a prescriptive rights case. We are sad to inform you that the gate remains locked at Hulbert Creek Road.

Brewer Road: Signs have been ordered and should be arriving soon indicating public access on Brewer Road in Choteau County. Additionally, we were informed the gate was taken down last fall. It is unclear whether it will be rebuilt at this time, but the road should remain open for public access up to the private land boundary. We welcome local updates as this progresses.

Swanson Lane: Along with the help of the complainant, PLWA is looking into potentially blocked roads between Potomac, Bonita, & Bearmouth. Records indicate roads in the area have existed since the 1800s. The complainant has contacted several agencies who agree it was a previous access road, however no one will claim authority to open the road back up. More research at Granite County is needed to determine the status.

Teakettle Access: Locked gates remain on Forest Service Road #10880, directly off Blankenship Road. Further research and communication with the Forest Service indicates there is no easement for the 300-400 feet of private property, preventing

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PLWA has been growing steadily over the past three years, and we are excited to have the opportunity to bring on a new position - Director of Member Services. This position will provide approximately five hours per week of oversight and management of PLWA's member

outreach and fundraising work.

To read the position profile and apply visit our website and send completed applications to drewry@plwa.org



Drewry Hanes, MS, MPH

access despite being listed on travel plans as open year-round. Forest Service personnel have gotten permission to access the area over the years for maintenance and a recent timber sale, but the public is not allowed in. Currently, we are not aware of any plans to secure access. Long-term, there may be some potential for road realignment.

Brackett Creek: It was brought to PLWA’s attention that the networks of Middle and North Fork Brackett Creek were being shut down by the landowner, despite a long history of prescriptive use. After further investigation, PLWA was informed that much of these networks was given up in the 2004 Brackett Creek Land Exchange and do, in fact, now lie in private hands.

Robin’s Gulch: In March, the U.S. Supreme Court issued a 6-3 decision allowing a lawsuit by two landowners attempting to close off public access to Bitterroot National Forest Lands via Robbins Gulch Road. PLWA continues to watch the case (Wilkins v. U.S.) closely. The landowners claim the Forest Service altered the terms of a decades-old easement by allowing public access to National Forest Lands. The recent decision reversed the Ninth Circuit Court ruling and sends the case back to District Court. Robbins Gulch Road is currently closed seasonally to motorized vehicles from Dec. 1st to June 15th.

Camp Creek: A Bozeman angler happened upon a highly

“A Bozeman angler happened upon a highly charged electric fence blocking Camp Creek in Gallatin County, which used to be fishable.”

charged electric fence blocking Camp Creek in Gallatin County, which used to be fishable. The fence currently has no passive way around it. FWP enforcement officers were made aware of the situation, and it was recommended the angler call PLWA. We are currently looking into the situation, along with many other access issues that threaten our stream access laws here in Montana. To learn about more access issues, or to read in depth about what PLWA is currently working on and has resolved in the past, head to the ISSUES section of our website, www.plwa.org.

If you would like to learn more about what the access laws are in Montana, head to the [KNOW YOUR RIGHTS](#) section of our website. There you can also find contact information for officials in charge of state and federal lands and waters, file a complaint, and reach out to PLWA with questions. To participate in training in access investigation and advocacy, register interest for our Fall 2023 PAIC course on the website. We will reach out when dates and information are available.



PLWA Honors Retirement of Long Time Accountant Kim Bar

All of us at PLWA are truly grateful for Kim’s many years of dedication to the organization. PLWA would not be where it is today without her oversight of our financial affairs and support for public access.

After graduating from MSU (Bozeman) with an accounting degree, Kim worked in private industry until 1995 when she started her own Accounting business. With her long time connections in the Billings community, she was contacted to

provide services for a nonprofit after losing their accountant. That was her start into the nonprofit industry which led her to a contract with First United Methodist (FUM) Church in Billings. Lee Gustafson, a PLWA officer and member of the Finance committee at FUM, contacted her to see if she was interested in a contract with PLWA. That started her long working relationship with PLWA and its Board Members.

“It was my pleasure working with dedicated people volunteering time for their cause.”

As she is phasing out of the working world and into retirement, she has the pleasure of referring some of her clients to her youngest daughter. Kim and her husband moved to Kalispell in 2020 to be close to their daughter and her family. Some of her retirement time is taken up spending time with their granddaughter and more cuddling is coming her way with a grandson in the fall. When she totally quits working, Kim and her husband plan to travel more. With three more grandsons in the Seattle area, there will be time for her to spend time with their other daughter and her family. Also, she plans to get involved in the Kalispell community volunteering with nonprofit organizations.

*In Service:
Board of
Directors*

What Does Board Leadership Look Like? An Interview with PLWA Treasurer Katy Ross

Katy Ross grew up in Columbus, Ohio and studied English, history and philosophy at Ohio State before doing graduate studies in English at Hunter college in New York. Although she grew up in the east, the mountain west always called to her, 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 has served on the PLWA Board of Directors as Treasurer since Summer 2021.

What are your favorite activities to do here in Montana and how does public access play a role?

Whether I'm running, skiing, climbing, or camping with my kids, I feel like all my favorite activities take place on public lands! This is why supporting PLWA is so important to me and my family.

How did you get involved with PLWA?

I reached out to PLWA a few years ago while trying to research an access issue in my area. It's really difficult to find historical information about access and PLWA was there to research the questions I had. After working on this issue for a while, Drew asked me to join the board, and I've been grateful to have an opportunity to contribute to this organization.

What does it mean to be a PLWA board member?

Board members are asked to spend a certain number of hours a month volunteering for PLWA and need to attend board meetings and committee meetings. We need to be informed and involved in the issues that the organization is working on, and we need to work together to make choices that guide PLWA according to its mission statement.

“
Montana's public lands are what makes the state such a special place and protecting public access to those spaces should be important to all Montanans.
”

But really for me, the role entails being an engaged participant in the organization and in the public land discourse here in Montana. It's an opportunity for me to contribute to my community in a way that hopefully makes a lasting positive impact on issues that I care deeply about.

What's your favorite part of being on the PLWA board?

I love getting to know and work with so many people who care about public lands. I also really enjoy getting into the details of the access cases. It's so interesting to see how complicated these issues can get and how many different factors and organizations can come together in any given case. An access case can really pull together a whole community and it's uplifting to see how many people care about public lands in Montana.

What do you think the future of public access in MT looks like and what will be PLWA's role in navigating the multitude of

changes we are seeing in our state?

It's hard to know the future of public access, but I think it's safe to say that the people of Montana are not going to stop using public lands anytime soon. A love for the natural beauty of this state is one thing that all Montanans share. As the population here grows, so does the pressure put on public lands and access points. The trend across the state seems to be the loss of access right now in response to that pressure.

PLWA serves several critical functions for our community. It educates people on their access rights and stands up for public interests when these rights are challenged. It also acts as a watchdog monitoring public land sales, purchases and exchanges, and the legislature to make citizens aware of potential laws that impact public access. For PLWA to continue in its mission as the state grows and changes, we need to get more people involved so that we can meet the increased need we see in the communities we serve.

What would you say to someone wanting to get involved in defending public access here in MT?

There are so many ways to get involved at PLWA! A great way to get started is to check out the website and reach out to us directly and let us know what your interests are. We love connecting with members and others who care about public lands!



PLWA Is Looking for 2023 Board Members!

This summer at our Annual Meeting PLWA will be electing new members to our Board of Directors. Directors are voluntary positions but due to the nature of PLWA's work and mission, carry legal obligations and duties. The commitment includes:

- Attend quarterly Board of Directors meetings and a monthly committee meeting via Zoom. Annual Meeting will be held in person.
- Participate in fundraising or outreach programming.
- Complete onboarding training module.
- Facilitate the engagement of at least 3 new members and donors annually.
- Be committed to raising awareness and advocating for public access in Montana.

Board members must be residents of Montana. Please reach out to Executive Director Drewry Hanes to express interest - drewry@plwa.org



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Crystal of Crystal Clear Accounting

PLWA *Who We Are* Highlight: Crystal Crain, CPA

A native of Kansas City, Crystal moved to the Gallatin Valley area in the Summer of 2019 to enjoy the mountains and all that Montana has to offer. Before joining with PLWA to provide her services as our new Accountant in 2023, Crystal worked for Foundant Technologies as a member of the Client Services Team. Crystal was also an Accounting Manager for the Greater Kansas City Community Foundation, providing back-office accounting services to Community Foundations across the country. Crystal currently serves the Gallatin Valley as a Board Member of the One Valley Community Foundation.

When she is not looking at numbers (which she loves), she is quilting, trying new dance styles, or spending time with her two children.

Quote of the Quarter:

"Let me drink from the waters where the mountain streams flood. Let the smell of wildflowers flow free through my blood. Let me sleep in your meadows with the green grassy leaves."

- Bob Dylan