



PLWA

Published by the Public Land / Water Access Association

Fall 2020

Issue 27

Prez Say's

by Bernard Lea

This has been quite a year! We were not able to hold our annual meeting and I really missed seeing everyone. But, we have continued to operate and have done our best to keep things moving.

As most of you are aware, my wife Marvis and I moved to Utah. Our kids, Brenda and Brian, decided we needed to live near one of them because of our age. Brenda and her family live in Washington State and Brian and his family live in Utah. Utah was more in our price range, so here we are. I tell people the kids flipped a coin and Brian lost.

I was asked to remain as President of PLWA and I agreed. We were and are doing most of our meetings by telephone conference anyway which is not affected by my location.

We have had an increase in requests for opinions and help resolving closed roads. Carol Fox is doing an exceptional job researching the complaints and either answering them or handing them off to other board members.

This increase in complaints is the result of county commissioners not responding to questions and not taking action when county roads are gated or closed.. Hughes Creek Road near Hamilton, Montana is a prime example. There have been 3 Montana Supreme Court decisions that the road was declared a county road in 1901. The gate has not been taken down as of this writing. We are working with Bitterroot Sportsman groups to see that the county commissioners respond to Supreme Court decisions and take the gate. Our

The **KEY**

Unlocking access to public lands & waters

attorney at the Goetz Law firm is preparing a letter to the commissioners requesting they take the gate down.

The Mabee road case has been appealed to the Supreme Court. As some are aware, the District Judge ruled against use in spite of the evidence presented in the trial. We hope to have a decision soon stating the Mabee road is a county road.

With on-going cases and new requests for help, we continue to be in need of financial support. I know everyone is getting bombarded by request for campaign funds because of the up-coming election, but I we would appreciate any donations you can give at this time.

I hope everyone is staying safe and healthy. Remember what Texas Bix Bender says, "Never try to run a bluff when you poke's empty"

ACCESS IN NORTHEAST CRAZIES FINALLY ACCOMPLISHED

by Bernard Lea

The Helena-Lewis & Clark National Forest and State Land Board are to be complimented on finally obtaining a permanent access to public lands in the northeast Crazy Mountains along Big Elk Creek. I worked on this particular issue while working on the Lewis & Clark Forest over 30 years ago. At that time we could not arrive at a swap with equal values as is required by the federal government.

It is very satisfying that the two sides could finally come to an agreement that satisfied both landowners and the public's needs. And best, there will be a new access to the Crazy Mountains.

Loss of Another Montana Access Pioneer

by Bernard Lea



Dennis Grundman - One of the Fathers of Stream Access in Montana

We lost another dedicated public land access advocate this year, Dennis Grundman of Big Sky, MT. Dennis passed away on February 16, 2020.

Dennis joined PLWA in the early 80's to support Montana's extremely popular and vital Stream Access Law and other access

issues. Dennis worked hard for PLWA while serving as a board member for many years. Dennis led the way to shore up PLWA's finances by pushing us to fund raise more actively, which was essential if we were to survive financially and achieve our public access goals. He urged us to engage all other sportsmen, access and conversation groups who supported access to public land and water to request they join our quest.

John Gibson was President and I was Vice President when Dennis joined PLWA. PLWA was a young, loosely organized cause. We did not operate with a board in those days. Deciding which cases we would pursue was poorly structured. The first John and I knew we were in a court case on the Ruby River was when Dennis and Tony Schoonen advised us that public access to the Ruby River near Sheridan, Montana was being blatantly blocked, and Dennis and Tony had hired the Goetz Law Firm to take it to court.

History has affirmed the wisdom of what they started. This case worked out very well for Montana's residents and visitors who cherish access to their public lands and waters. The decisions associated with this case are

foundational to our public access, which to many of us take for granted.

PLWA is honored that many of Dennis's friends and relatives made donations in his remembrance to further PLWA's public access goals and one of Dennis' most cherished values. I am honored to have known him as a public access champion and friend. Dennis, rest in peace my friend.

John & Carol Gibson inducted into MT Sportsman Hall of Fame

Thomas Baumeister, Executive Director of the Montana Outdoor Hall of Fame announced that Carol and John Gibson will be inducted into the Hall in a virtual ceremony on December 5, 2020.

It is fitting for Carol and John to be inducted together. They hunted & fished and loved each other for over 60 years. Carol was an educator, served in the Montana State Legislature and on the MT Board of Outfitters. John has been the longtime President & current VP of PLWA, and on the boards of the Montana Wildlife Federation, the Canyon Ferry Trust and the Billings Rod & Gun Club. Carol passed away in January of 2019. John is headed out pheasant hunting next week and Carol will be with him.

Blocked Access Complaints on the Rise

The number of inquiries to PLWA about public access problems has increased this year compared to previous years. Since May, we've received at least 13 complaints requesting PLWA's assistance in finding out whether an access problem involved illegally blocked public roads or trails. Those complaints cover problems encountered in Jefferson, Powell, Madison, Broadwater, Cascade, Teton, Glacier, Stillwater, Ravalli and Powell Counties.

No doubt the craziness of this virus year has contributed some to this rise, with record numbers of folks recreating on public lands and waters to escape to the outdoors. Upgrades to our social media outreach methods in the past few years may also be a contributing factor. Or efforts to privatize

public resources could be on the rise, too. Whatever the reason for the increase, it's alarming.

Unfortunately we are unable to conduct the needed follow-up to these complaints in a reasonable timeframe due to the lack of staff currently at PLWA. With some complaints, we have provided helpful guidance on how to determine the status of a road prepared by President Bernard Lea, an expert in such matters (<https://plwa.org/know-your-rights/>). With this guidance in hand and Bernard's readiness to assist, individuals noting access problems can do a lot of "self-service" follow-up. We thank those who are making such efforts.

Most complaints, however, require time consuming and sometimes tedious review of county, state cadastral, and federal government land office (GLO) records as well as on-site inspections and communication with local, state and federal land managers. We need help with such investigations. If you have some spare time and interest in helping us with researching and responding to public access complaints, we WELCOME your assistance. Just send us an email membership@plwa.org.

For to those of you who have reached out to us with such complaints, we ask for your patience, especially during the fall hunting season when our volunteers out recreating. Rest assured we will respond to these complaints with time.

Hughes Creek Update

The Hughes Creek road issue has been on hold because of the Ravalli County Commissioners reluctance to act on the Supreme Court decisions that the road is a county road and the gate has to be removed.

The Ravalli County Fish and Wildlife Association and Public Land/Water Access Association have agreed to split the costs to have the Goetz Law Firm to prepare a letter to the commissioners requesting the gate be taken down immediately in accordance with multiple judicial orders. You can view the letter at: XXX.XXX.XXXX

PLWA Announces Executive Director Departure

From Former ED Paul Burdett:

Dear PLWA Membership,

It is with sadness and gratitude that I announce I am leaving my position as PLWA's executive director. I previously shifted to an unpaid/volunteer status as of February 2020, and in September I moved on to a full-time job working for a judge in the First Judicial District in Helena.

After more than two years with PLWA, I found myself in conflict between what the organization needed and where I was in my own career. It has been a tumultuous time. Balancing PLWA's critical research work with its fundraising needs is no easy task. As many of you are already aware, PLWA is engaged in an expensive ongoing legal battle over the Mabee Road. PLWA has historically struggled to obtain grant funding due to our focus on access litigation, relying instead on small donations from individuals who understand the importance of protecting access to public lands. During my tenure, we also lost two giants of public access in Tony Schoonen and Dennis Grundman. The growth in our membership and our capacity to fight for public access that I hoped to fuel didn't come as quickly as I had hoped.

Despite the difficulties we faced, I'm proud of what we accomplished: we kept up the fight for the Mabee Road, brought on several new energetic board members, transitioned from our outdated membership software program to one that is more reliable and effective, and advocated for many access issues across the state. Our research on the Crazy Mountains has anchored discussions on several critical access issues. We started moving our outdated filing system online and started work updating our governing documents to make PWLA more efficient and more effective. I can proudly say that PLWA's ability, commitment, and capacity to continue its work in access litigation is as strong as ever. That said, it is time for me to move aside and make room for someone new to take up the mantle when the board decides the time is right.

Moving forward I am committed to supporting a smooth transition and will be available as the board and staff need me. The board is strong and their commitment to fighting the injustice of illegal privatization continues to be inspiring. They are committed and dedicated to the work they do. Although I am leaving this position, I plan to stay involved as much as I can, and to continue PLWA's incredibly important work keeping public access alive in Montana. So, this is not good-bye, but merely see you next time, albeit in a different capacity. Thank you for the opportunity and pleasure of working with all of you.

Member Focus

by Carol Fox

The Stevens Brothers: Forsyth Natives & Longtime PLWA Supporters

PLWA's raffle is our biggest annual fundraiser and second major revenue source. Few PLWA members know that identical twin brothers Colonel Ronald (Ron) and Reid Stevens were the **backbone** of PLWA's last two raffles. In 2019, Ron donated the grand prize, a high-grade Cooper Arms Model 57M .17HMR Jackson Squirrel Rifle with a Leupold scope. In 2020, Reid donated the grand prize, a 1952 vintage Savage M99 EG, 250-3000; a classic lever action rifle. These prized rifles were the major draw for these raffles that generated over \$31,000. These proceeds will go far towards helping PLWA fight illegal closures of public access to its lands and waters. We are pleased to share some of the Stevens brothers' life journeys and their long-lasting passion for and contributions to conservation and public access to its lands and waters.

The Stevens brothers have strong bonds to their hometown of Forsyth and fond recollections of growing up there. As Reid notes, "Ours was a genuine "American Graffiti" coming of age in Forsyth and we loved it." Born at the end of the Great Depression, they learned early on that it was up to them to earn the money to support their growing interests in shooting, hunting, and fishing. They mowed lawns, delivered newspapers,

clerked in grocery and hardware stores, pumped gas and greased cars at the "filling station," set pins at the bowling alley and changed the marquee at the Roxy theater. As Ron recalls, they spent their only time-off on Sunday afternoons "in \$100 used cars cruising the countryside shooting prairie dogs, jack rabbits, and rocks."

Ron and Reid hunted every type of wildlife they



Reid Stevens (left) and Ron Stevens (right) Ron is holding the Cooper Rifle he donated for PLWA's 2019 annual raffle.

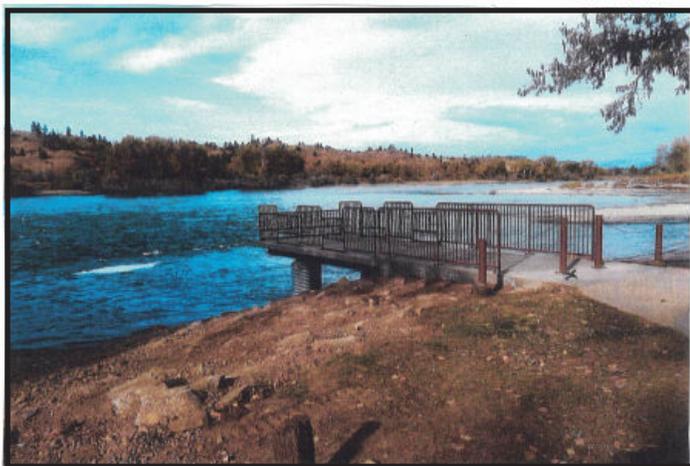
could, mostly on nearby state school trust lands and national forests. They started learning marksmanship at age 12; a lifetime skill they mastered. The same year they harvested a large bobcat, a feat that made local headlines. Participating in Boy Scouts and 4-H and reading Outdoor Life, Field and Stream, Sports Afield and The American Rifleman fueled their outdoor recreation.

The Stevens' interest in firearms, hunting and shooting led to their enlistment in the Montana National Guard at the tender age of 16. Ron soon became so proficient at firearms that he could disassemble and reassemble a Browning Automatic Rifle in five seconds blindfolded. He pursued a full-time Army career that lasted over 36 years and included several field artillery commands up to the division level and wide ranging national and international postings including Vietnam. Reid combined 21-years of National Guard service with a 40-year career in public education, primarily in labor relations.

In 1987 when Ron returned to MT after retirement from the Army, he found nearby expanses of public land less accessible than expected and desired, prompting him to join PLWA. He served as PLWA's Board president between 1989 and 1992. During his tenure, Ron actively supported the opening of Montana's school trust lands for public recreation and lead efforts to repair a bridge providing public fishing access and to adjudicate two prescriptive public easements (over the Old Indian Trail to Cowboy Heaven east of Ennis Lake and over the North Fork of Dupuyer Creek Road west of Dupuyer). Governor Stephens appointed Ron as the Co-Chair of the newly created Montana Landowner/Sportsmen Council in 1992.

Reid reminisces fondly about hunting, fishing, and camping on public lands for 75 years. His father-in-law from Butte was a superb fly fisherman and, together, they fished all the blue-ribbon trout waters within a 100 mile radius of Butte. Reid and his wife participated in sage-grouse population studies in Beaverhead County for fourteen years. Outdoor excursions took Reid and his family to a wide range of Montana's state, national forest, BLM and wilderness lands. Reid considers public lands access to be, "a significant gift to my life experience."

Over the last several years, Ron has had the vision and led the way for funding and construction of nine recreation enhancement projects at the state's



East Rosebud Accessible Fishing Pier inspired and partially funded by Ron Stevens

East and West Rosebud Fishing Access Sites along the Yellowstone River near Forsyth. One such project is a new, deluxe fishing pier built in

2019 at East Rosebud Park that is handicap accessible.

Reid and Ron have shared a lifetime of hunting. They now mostly enjoy spring prairie dog shoots near Forsyth. On their last deer hunt a few years ago, they each shot nearly identical 3x4 mulie bucks. Ron aptly describes this harvest as "Twins for the Twins."

Reid says of his strong support of PLWA, "I want to help insure that future generations will have the opportunity to enjoy hunting, fishing, hiking and camping in these incredible environments as much as my family has. My cup runneth over!" PLWA's gratitude to the Stevens brothers runneth over, too!

2020 Raffle Results

by Carol Fox

One major PLWA event that did NOT get cancelled this year was our annual PLWA mail-in raffle, which ended on June 1st. Kudos to our prize donors and the many folks who purchased over 3500 raffle tickets, raising over \$14,000. The three lucky winners appreciated their prizes, and even more so, greatly appreciated PLWA's efforts to protect and restore access to public lands and waters.

Jim Johnson of Billings won the 1952 vintage Savage classic lever action rifle, donated by longtime PLWA supporter Reid Stevens (see related article in this Keynote issue). Jim said winning this rifle was "the best surprise of the year." He noted that the rifle is a rare caliber and in such beautiful "mint" condition that many of his gun collector friends are drooling with jealousy. Jim is a longtime PLWA member and plans to continue his strong support of PLWA to help fight the "constant public access battles." And judging by the rising number of access complaints, those battles indeed continue. Jim says that his continued support will include buying raffle tickets next year.

Paul Rebauchak of Boalsburg, PA won the Sage fly rod and reel donated by Angler's West Fly Fishing

of Emigrant, MT. Paul has come to MT for annual fishing adventures for decades. He learned about PLWA through conservation-minded MT friends and, coincidentally, has been a client of Angler's West Fly Fishing. Paul likes that "PLWA's main focus is land and water access for individuals, and not big, private clubs." He describes PLWA "as a great organization that knows well how to keep public lands in public hands." And while he treasures his Montana fishing trips, he notes that central PA has some "rival" top fishing rivers, too.

PLWA gives special shout out of recognition and thanks to Matson Rogers, the owner of Angler's West Fly Fishing. Not only has Matson generously donated prizes and contributed to PLWA over the years, he has referred clients who are appreciative of Montana's bountiful stream access law and quality fishing opportunities to PLWA. And, in the small world that is MT, PLWA Board Member Lance Gray is a guide for Angler's West.

Greg Pope of Billings won the Eagle Optics binocular, which will come in handy for his family's bird-watching activities.

Hunting, Shooting, Fishing, Floating, Birding....PLWA raffle participants, donors and prize winners one and all relish such activities in the great MT outdoors and appreciate PLWA's efforts to protect such treasured opportunities. But the biggest raffle winner of all is those who recreate on and in Montanan's treasured waters and public lands. Thank you all for your support.

PLWA....A RAGTAG GROUP & PROUD OF IT

By Carol Fox

We encourage PLWA members to read an April 13, 2020 Outdoor Life article entitled "What's Gained and Lost by Privatizing River Access" by Christine Peterson: <https://www.outdoorlife.com/story/fishing/whats-gained-and-lost-by-privatizing-river-access/>

In this article, Christine Peterson compares Montana and Wyoming's stream access laws and

some of her personal fishing adventures in both states. PLWA Board member and treasurer, Ray Pearson, accompanied Christine on a fishing trip along the Boulder River near Big Timber and helped inform her about the history, meaning, and bounty of Montana's stream access law as part of her legwork for this article.

"Nearly every stream in Montana, whether on public or private land, is open to wade-fishing up to high water mark via public access." She said, "Every stream in Wyoming on private land is closed to wade-fishing without aforementioned (landowner) permission."

I had my own educational epiphany about this difference on an April 2019 visit to WY. My husband and I were joined WY friends on a public land parcel near Sheridan WY to exercise our bird-dogs (and ourselves). A large sign on the streambank informed us about the private ownership of banks and streambeds in WY. The sign stated: "In WY, banks and streambeds are private. Stay in boats unless at a designated access point, on public land, or for portage around non-navigable obstacles." That reminder of WY's restricted stream access heightened my gratitude for Montana's friendlier stream access.

A stand-out section of this Outdoor Life article worth highlighting is the one that recognizes the strength and importance of the 1972 Montana constitution in backing Montana's stream access and PLWA's effectiveness in defending that access against repeated assaults:

Christine leaves it up to thereaders to answer the question about which state has it right in terms of stream access laws. Ray Pearson knows his answer to this question,. As Christine notes about Ray's fishing passion: "He's reaping the benefits of years of work fighting for access like this." Also repeating the benefits are the public enjoying access to, on and in Montana's rivers and streams.

Thanks to Christine for the much appreciated recognition of PLWA's longtime effective work. Thanks also to the Goetz Law Firm in Bozeman without whom Montana would be locked up like Wyoming.

PLWA Letter to Montana Congressional Representatives

by PLWA Member Paul Burdett

Dear Senator Tester, Senator Daines and Representative Gianforte:

We are writing to express our deep concern about the continued work of William Perry Pendley in a leadership role at the Bureau of Land Management (BLM). We want to share our knowledge of Mr. Pendley's track record in Montana in hopes that it helps give you additional context to help ensure that he is removed from public office due to his anti-public lands track record. We are grateful that you have all made public statements to show your support for Montana's public lands, but we are now in a situation where we believe your direct action is needed to remove a fox from the henhouse.

As you know, Montana is home to hundreds of miles of some of the world's most spectacular blue-ribbon rivers and natural streams. Not only are these treasures beloved, but public access to them has been hard fought over decades. Close to 30 years ago, outdoorsmen and women began sharing stories and ideas around kitchen tables across the state. Prior to 1985, despite our world class waters, we began to see that too many people were seeing public access blocked to our public waterways. The Montana Coalition for Stream Access litigated to improve public access in cases on the Dearborn and Beaverhead Rivers resulting in a 1985 landmark opinion in support of greater public access by the Montana Supreme Court. A broad coalition of legislators, landowners, farmers, ranchers, hunters, anglers and other citizens then worked together to develop bipartisan legislation that has now become Montana's "Stream Access Law." Montana's law is currently the strongest and best stream access laws in the country. The Public Land/Water Association has been proud to be a longtime partner in this work.

Today, stream access is considered sacred in Montana. That's why we are so disturbed to learn that William Perry Pendley continues to hold a leadership role on the Bureau of Land Management (BLM).

For every Montanan who worked for years to protect our constitutional public access to Montana rivers and streams, we remember clearly that William Perry Pendley came to our state in 2000 to challenge and roll back Montana's stream access laws in federal court.

If Mr. Pendley had his way, the strongest law protecting public access in the country would have been destroyed. Despite the fact that a judge ruled that Mr. Pendley was serving at the helm of the BLM illegally, he continues to serve a leadership role there. As you are well aware, the BLM manages 245 million acres nationwide including 27 million acres in Montana. Today, Montana hunters are facing new challenges to public access on BLM lands. PLWA is now litigating to protect BLM access for hunters and we are disturbed to know that a man who once tried to roll back our public access to Montana streams is now continuing to pursue his anti-public access agenda at the BLM.

As Montanans who hold our access to public lands sacred, we urge you to remove Mr. Pendley from the BLM now and for good. Mr. Pendley has an anti-public lands track record that ran right through Montana's stream access law history and threatens future public access. Taxpayers should not be on the hook to foot the bill for his paycheck as he actively works to rollback access to the public lands that we hold dear in Montana.

We ask our Congressional delegation to have Mr. Pendley removed from continuing to draw upon the taxpayer dime for his anti-public lands mission.

Thank you for reviewing our concerns and taking action on behalf of Montana's public lands. We would be happy to visit with you directly about these issues.

Signed by the PLWA Board

The KEY published by
The Public Land/Water Access Association
(PLWA)
P.O. Box 80987
Billings, MT 59108
www.PLWA.org

NON-PROFIT ORG
US POSTAGE
PAID
BILLINGS MT
PERMIT NO. 88

The KEY is published by the
**Public Land/Water
Access Association**
www.PLWA.org

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