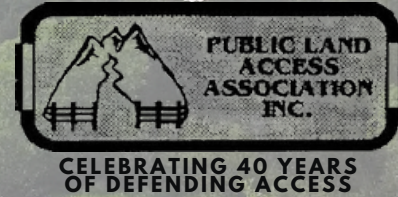


The Key Quarterly



PUBLIC LAND
WATER ACCESS
ASSOCIATION INC
• EST 1985 •



UNLOCKING ACCESS TO MONTANA'S PUBLIC LANDS AND WATERS

Public Land Transfer Rhetoric Heats Up

Vigilance is needed now more than ever!

PLWA has been defending public access to public lands and waters in Montana for 40 years but never before has the very existence of those public resources been under a greater threat. Dark forces and rhetoric at the federal level has infiltrated it's way down to our local politics and just recently in early March 2025, 56 elected Representatives in the Montana House actually voted to sell-off State of Montana Public Lands. Thankfully, the Montana conservation ethos continues and the backlash from the public resulted in a failed vote in the Montana Senate. BUT, the very fact that this type of legislation could gain legs and garner "yea" votes from elected Representatives in Montana says a lot about the current state of affairs. **Access is everything but it only matters when there is public land and water to access.** There are things we can all do to ensure our public lands and waters remain in public hands for this generation and future generations but it will take vigilance to protect what it's taken decades to gain.



Things you can do to protect public lands and waters.

- Become a PLWA member, memberships start at just \$20!
- Download the AIRS app for your phone and report any access complaints to PLWA and the relevant agency.
- Stay informed on access issues in your neck of the woods.
- Hold your elected officials accountable for their votes!
- Support the politicians behind the Public Lands Caucus and tell the Montana delegation to speak up for public lands in MT & across the US!

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PUBLIC LAND
WATER ACCESS
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• EST 1985 •

**Public Land/Water
Access Association, Inc.**

2100 Fairway Dr, Suite 211

Bozeman, MT 59715

(406) 690-0960

www.plwa.org

PLWA is a MT registered 501(c)(3)

EIN # 81-0429139

PLWA's Staff

Alex Leone (*Executive Director*)
alex@plwa.org

Carter Morley (*Access Program Manager*)
carter@plwa.org

Katie Reams (*Dir. of Membership Services*)
katie@plwa.org

PLWA's Board of Directors

Dylan Pipinich (*President*)

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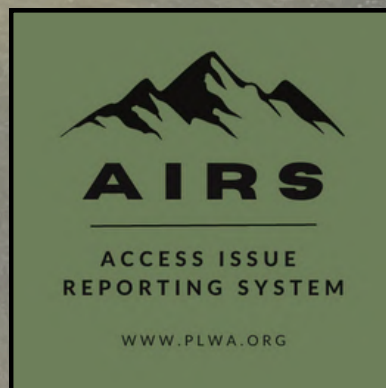
Brian Conklin

Beth Brennan

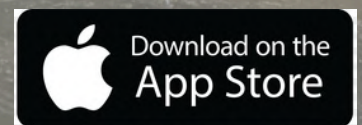
Coby Gierke

Report an access issue to PLWA

**Check us out on
social media!**



On our website



Or via smartphone



This is what's at stake: Seven Blackfoot Road

At the Public Land Water Access Association (PLWA) we like to focus on the wins and precedent setting legislation and court decisions that have created the incredible access landscape we all enjoy today in Montana. In the last edition of the Key, we touted our groundbreaking wins over PLWA's storied 40 year history. Something we have shied away from as an organization, is a public discussion of the losses. As access to our public lands and waters continues to come under attack, we are losing individual battles and it's about time we share those challenges and even more importantly, illustrate what's at stake.

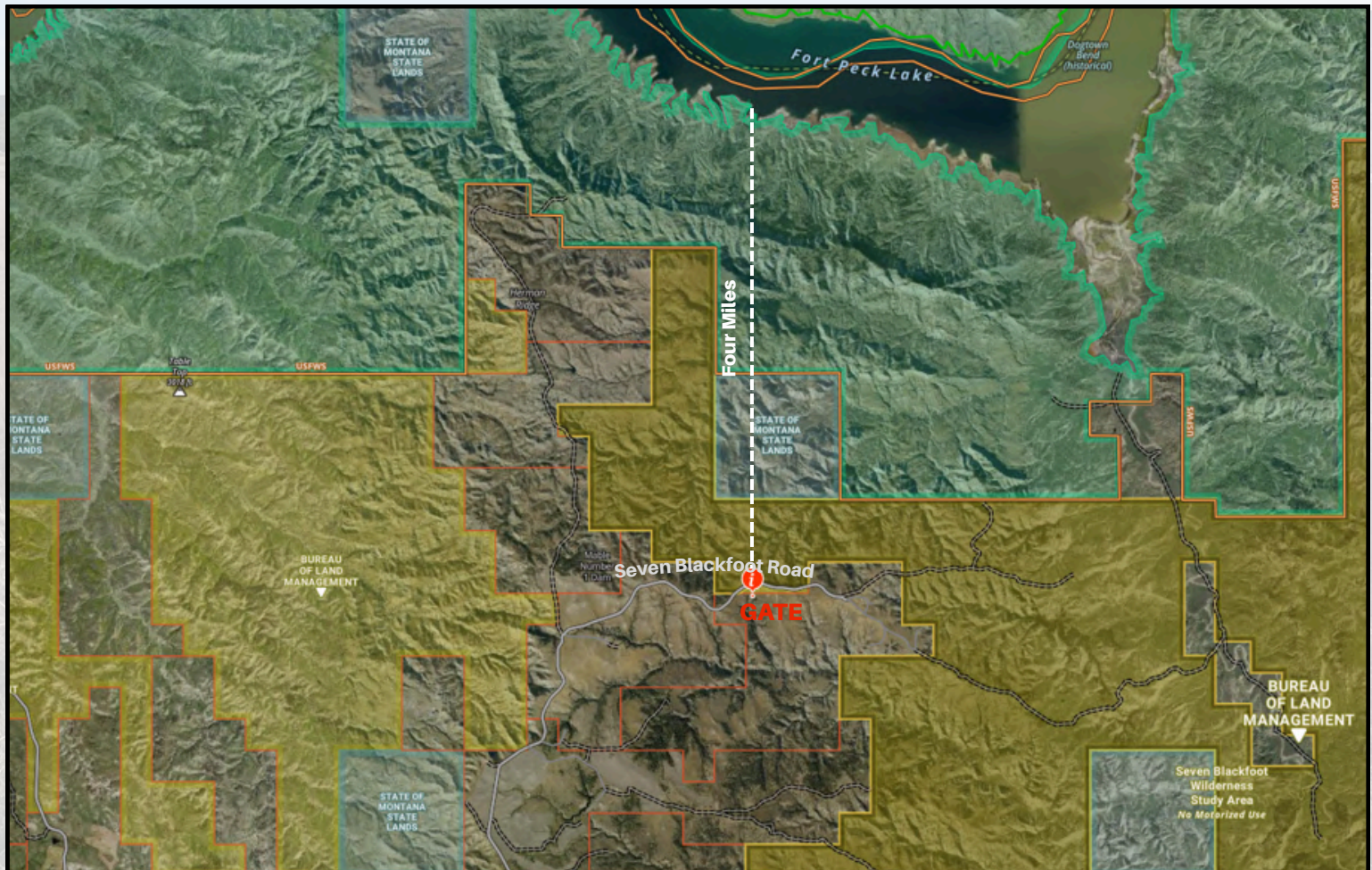
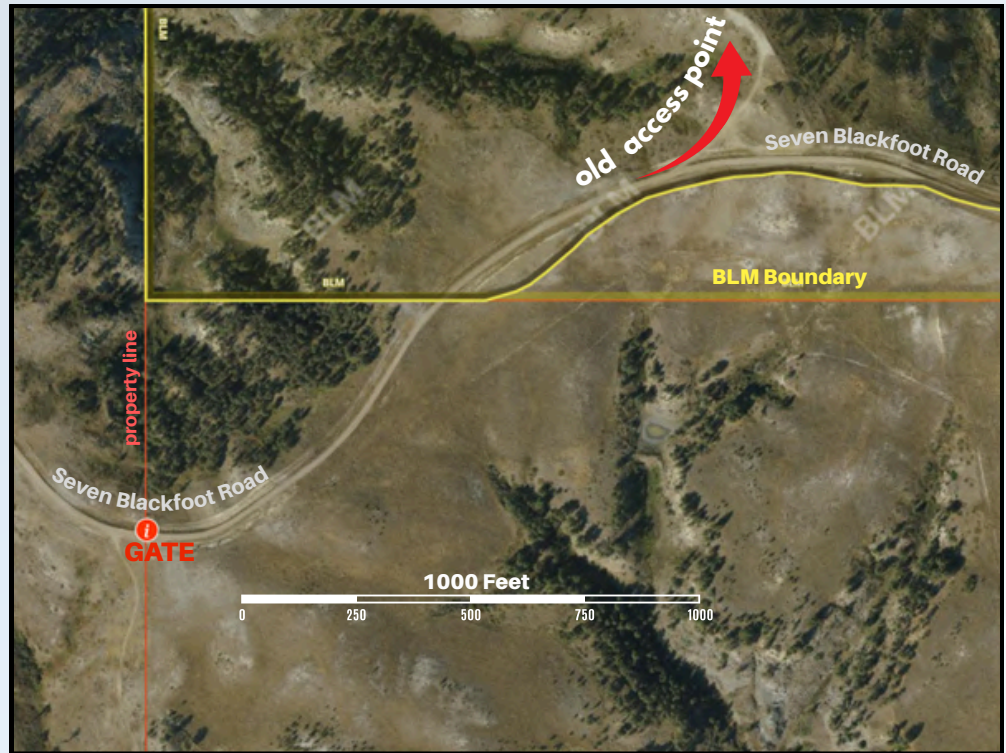
Move a gate a quarter mile, lock up thousands of acres. Seven Blackfoot Road in Garfield County historically was used to access a massive chunk of rugged and wild public lands adjacent to the Charles M. Russell National Wildlife Refuge and the Seven Blackfoot Wilderness Study area in

Garfield County. This part of Montana may be remote, but it's beauty and abundance of game is unrivaled. In spring of 2024, PLWA was alerted to a gate that had been placed on Seven Blackfoot Road blocking public access to thousands of acres of Bureau of Land Management (BLM) and US Fish and Wildlife Service public lands. The longstanding access point on Seven Blackfoot Road had been used historically by the public for generations. The freshly installed gate was strategically placed near the end of Seven Blackfoot Road and had been relocated approximately a quarter mile by the new landowner. According to PLWA's sources, the new landowner is managing the property for trophy hunting and there is an incentive to challenge access. The BLM has used the road in the past but couldn't find history of a right of way in their records. PLWA has completed our initial investigation and more historical data is needed before we can proceed with any legal action.



This is what's at stake: Seven Blackfoot Road

By installing a gate strategically at their property line just 1,000 feet from the BLM boundary (image right), the new landowners have effectively challenged the public status of a road that accessed thousands of acres of public land, including the Seven Blackfoot Wilderness Study Area. The image below gives context to the amount of public access to public land that was lost. The distance between the shores of Fort Peck Lake (closest public access point) and the gate on Seven Blackfoot Road is approximately 4 miles.



This is what's at stake: Seven Blackfoot Road



Seven Blackfoot Wilderness Study Area scenery (Bureau of Land Management photo)

An uphill battle. The Seven Blackfoot Road access issue is indicative of broader trends that we are seeing transpire across the State. As large properties change hands and exclusive access to wildlife and public lands becomes more valuable than the agricultural potential, we will continue to see public access challenged. While all is not lost on Seven Blackfoot Road, we are facing an uphill battle and need additional evidence to take any sort of legal action. We use this issue to illustrate what's at risk and how easily access to thousands of acres of public lands can be lost and almost forgotten in a rural part of Montana.

Evidence the road is public

- Shows up on gas tax maps
- Petitioned in the past to be public by landowners along the road
- History of prescriptive use
- BLM has verbal records of use

Limiting factors

- Blocked by the landowner at the terminus of the road
- Petitioned in the past to be private by landowners along the road
- Lack of capacity and funding in Garfield County to fight for access

Next Steps. With our options dwindling we are looking for folks that have additional information on Seven Blackfoot Road or have used this former access point in the past (to document evidence of prescriptive use). We are also looking for any former or current Bureau of Land Management employees that have accessed public ground administratively using this access point.

As you will see and hear from us in the coming months, Seven Blackfoot Road is just one example of a recent loss for the recreating public. As these losses continue to mount, we need your help now more than ever before. Please tell your friends, family, acquaintances and anyone that will listen about PLWA and consider making a contribution to help us continue to fight for the special places in Montana, like Seven Blackfoot!

PLWA's Club and Business Sponsors

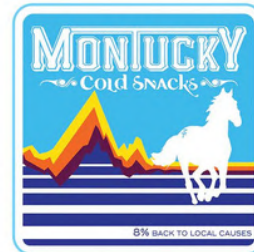


holdfast collective



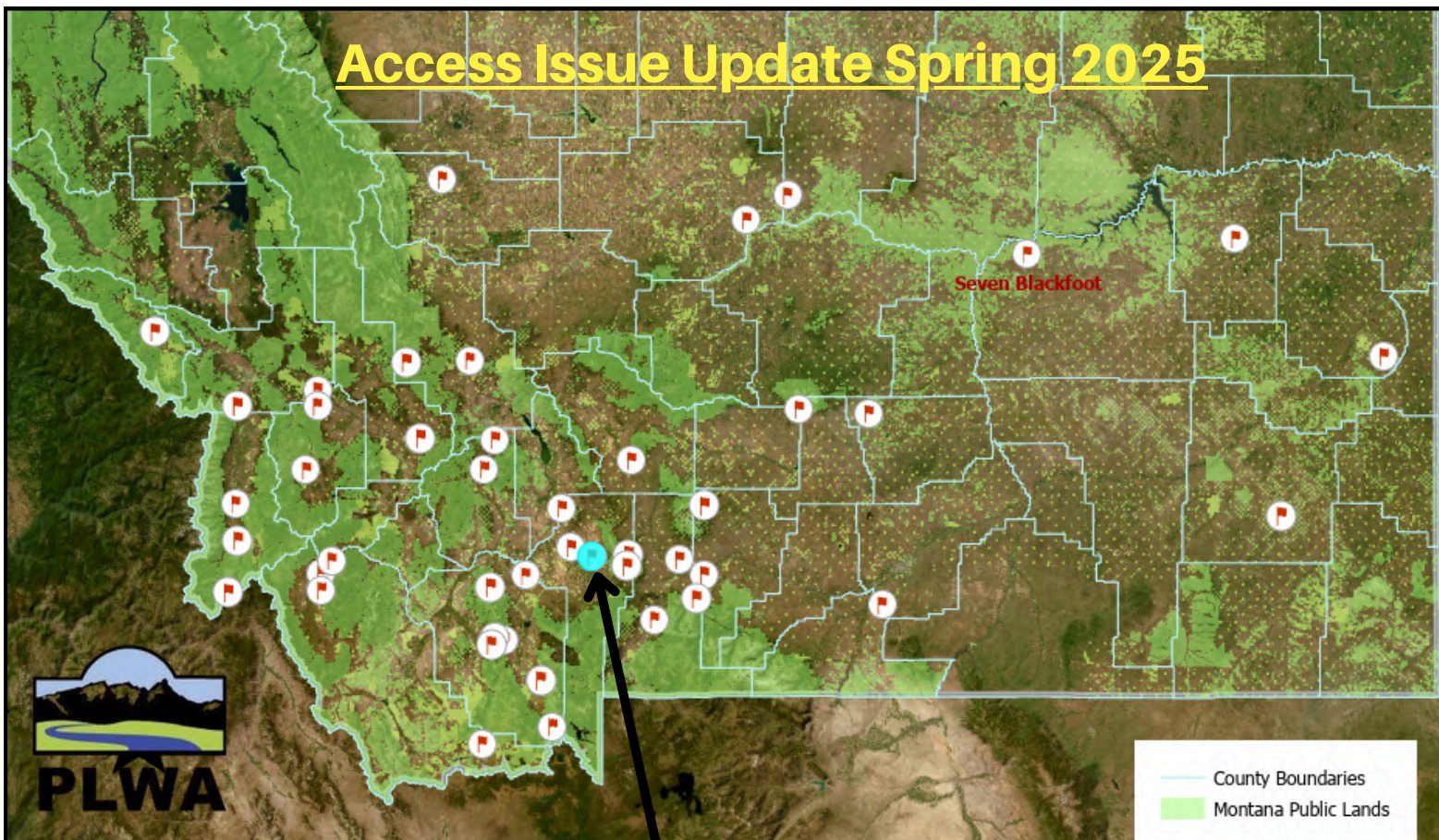
Cabela's

OUTDOOR FUND



PLWA is proud to partner with businesses and clubs from around the State of Montana that support access to public lands, waters and public trust resources. To sign up your business or club as a PLWA sponsor contact Alex Leone (alex@plwa.org). Club and business sponsors are an integral part of PLWA and we couldn't operate without their contributions. Please consider joining one of the clubs above and show your support for PLWA's business sponsors!

Access Issue Update Spring 2025



Hamilton Road East Gallatin

PLWA has received several complaints over the last year or so regarding angler harassment and a whole lot of security cameras at the Hamilton Road Bridge over the East Gallatin River near Belgrade. The landowner upstream of the access point has been harassing and reporting unsuspecting anglers, with several trespassing tickets having been written and reported to PLWA. The situation at Hamilton Road is next level surveillance and rest assured you are being



watched if you fish at this location! As long as you recreate responsibly and remain below the ordinary high water mark, the video surveillance is just a distraction and sad omen for our future. If you are cited for trespassing at Hamilton Bridge or elsewhere in Montana and believe you are in the right, then fight the charges. Don't let overzealous privateers have the upper hand. Recreationists are often pressured into "paying the fine and moving on". Know your rights, stand up for yourself, and if you believe you are in the right, fight!

Meet PLWA's New Access Program Manager!



CARTER MORLEY

Carter was born and raised in Anaconda, Montana, where he's a fifth-generation local and has rarely strayed far since. He spent nearly every possible moment growing up alongside his grandpa, exploring the vast public lands and waters that Montana has to offer. That time outdoors quickly grew into a lifelong love of hunting, fishing, and trail running. Carter began his studies at Montana Tech, inspired by the extensive reclamation work in the Anaconda and Butte Superfund sites. After a couple years, he shifted focus toward natural resource conservation, earning a B.S. in Environmental Science and

Sustainability with a concentration in resource conservation from the University of Montana. He also scratched his cartographic itch by completing a certificate in GIS Science and Technology. Most recently, Carter worked on the geospatial side of helping land stewards access funding through voluntary carbon markets to support regenerative land management practices.

Currently, Carter is based out of Missoula, MT – but is biting at the bit to move back to the Anaconda area. When Carter isn't running trails or exploring new public lands, he can be found volunteering at races or looking at maps planning his next adventure. Having developed a deep appreciation and passion for Montana's public lands and waters, Carter is honored to be working for PLWA to help ensure that public access remains a living legacy for future generations.

How have public lands and waters played a role in your life?

"Public lands and waters have been a staple in my life for as long as I can remember. I was fortunate to be born and raised in Anaconda, surrounded by incredible landscapes and world-class waters. I grew up hunting and fishing—especially in the Big Hole Valley—with my grandpa. Depending on the day, we might be chasing grayling in the upper river, hunting elk up Notellem Creek, or even digging for crystals over in Crystal Park. Some of the most formative moments of my life have happened on public lands, from running trails to getting engaged. I'm incredibly grateful for the access I've had to these places, and I hope to play a part in ensuring future generations can experience them the same way I did."

What do you hope to bring to PLWA as Access Manager?

"Growing up with a strong connection to Montana's landscapes, I know how vital access is to our identity, communities, and way of life. I hope to bring that personal passion to PLWA by listening carefully, advocating thoughtfully, and helping ensure that public access remains a living legacy for future generations."

Why is it important for everyone to be involved in the fight to protect access?

"I think it's critical for everyone to be involved in protecting access in Montana because those lands and waters belong to all of us. Public access is a cornerstone of life here, but it doesn't defend itself—it takes all of us, from rural communities to city residents, newcomers to lifelong Montanans, working together to ensure our public lands stay truly public. If we're not out there advocating and telling our own stories, someone else will—and they might not be speaking in our best interest. When access is lost, it rarely comes back. We are the beneficiaries of past generations who fought for these rights, and now it's our turn to carry that responsibility forward for those who come after us."

Upcoming Events & Tidbits

Join us at these events throughout the state!

June 13-15



Join PLWA and thousands of other public lands and outdoor enthusiasts at the University of Montana.

June 19th



Join PLWA and Big Sky Anglers for a Pint Night at the Yellowstone Beer Company in West Yellowstone on June 19th from 6-8pm. See some baby wildlife in the Park and support public lands at the same time!

September 5-6



PLWA is honored to be invited to this year's Wretched Mess Festival in West Yellowstone spearheaded by the prestigious PLWA member Joe Moore. Save the date for reel on this one. This is **GUARANTEED** to be a good time.

Don't forget to pickup the **BEST** license plate in the **Last Best Place!!**



Interested in helping organize an event or pint night in your town?
Contact plwa@plwa.org.



You commented during strategic planning and we are listening!!

Are you tired of receiving snail mail from PLWA?

Would you like to OPT OUT from our printed newsletters?

If you answered YES to either or both of these questions email plwa@plwa.org and tell us you'd like to OPT OUT of the printed mailings from PLWA!



Membership *by the numbers*

Word is spreading about PLWA! We have attended SIX successful events already this year which has really increased awareness and brought in some new members.



78 New Members in 2025!



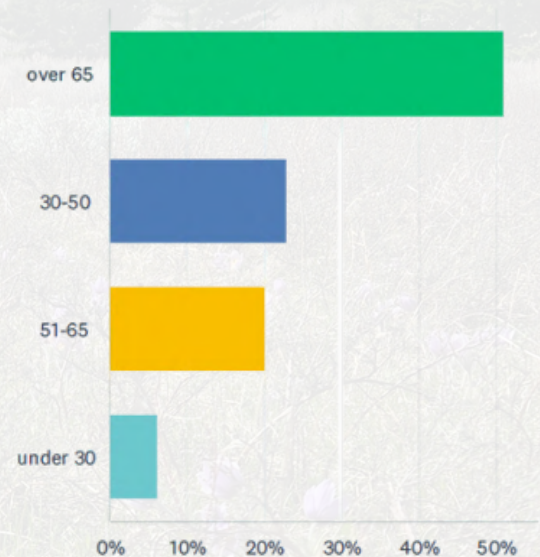
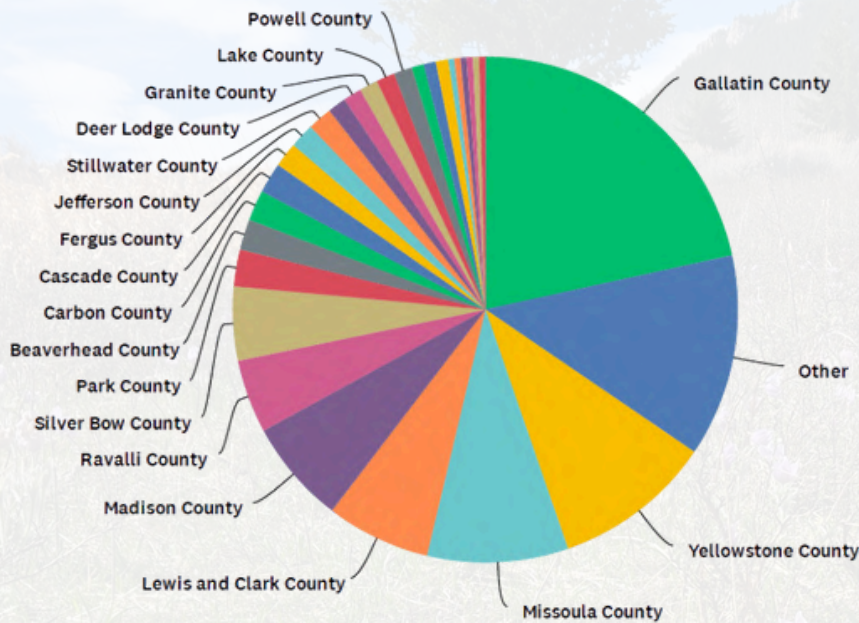
66 New Followers in last month

If you joined PLWA at one of our events - THANK YOU and WELCOME!!

You might have noticed a fresh new look on PLWA's social media channels - Kayla Mann has kindly volunteered to help PLWA and her work shows! We have had 66 new follows on Instagram in the last month, bringing total followers to 3.3K!!!

2025 Strategic Planning Survey Results

A huge thank you to everyone that participated in PLWA's strategic planning survey! We had over 250 individuals participate and the organization received some invaluable feedback. As we continue to process all of your thoughtful responses and comments there have been some fascinating results, including some that we'd like to share here. You can see a more detailed report by following this [link](https://www.plwa.org/s/250507-PLWA-Constituent-Summary.pdf). <https://www.plwa.org/s/250507-PLWA-Constituent-Summary.pdf>



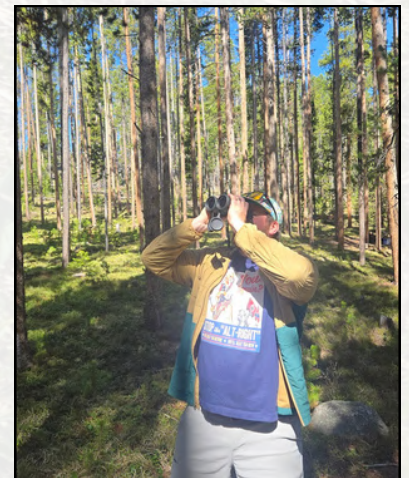
The chart above represents surveys responses from over half the counties of MT plus folks spread over 17 other states.

Over 99+% of survey respondents think *public lands are at risk in Montana.*

Approximatley half our constituents are aged 65 or over, followed by 23% 30-50 yrs., 20% 51-65 yrs & 6% under 30 years old.

And the winner of the \$300 gift card is.....

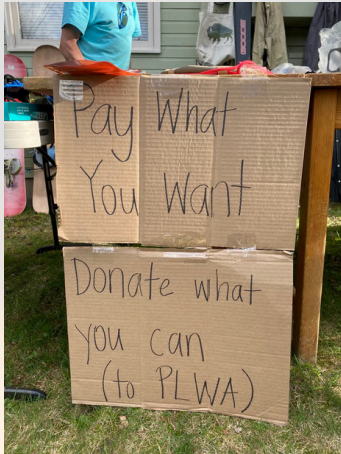
As an incentive to get folks to fill out PLWA's strategic planning survey we offered up a \$300 giftcard for one lucky constituent. Using a sophisticated random number generator, PLWA's trusty strategic planning consultants tabulated a winner from the 240+ PLWA'ers that participated. **New PLWA member Bo Walker (submitted photo at right) from Butte was selected as the lucky winner but that's not the end of the story.** When we called to congratulate Bo, he decided to turn the gift card back around and offered it up to PLWA as a donation! No, it wasn't because of REI's controversial stances in the past, but out of Bo's desire to protect access to public lands for future generations. A HUGE thank you to Bo for becoming a member of PLWA this year and the donation.





Reflections on my time with PLWA

Katie Reams (Director of Member Services)



As I reflect on my time with PLWA, I'm filled with deep gratitude and pride. The momentum behind this organization is stronger than ever—we have seen significant membership growth, thoughtful strategic planning, the addition of a new Access Manager, and, of course, Alex's boundless energy driving us all forward. It's truly an exciting time for PLWA.

With all this energy and progress, I've come to the decision that now is the right time to expand the Membership and Administrative position. I'll be working with a new person who can bring fresh energy and devote the time and attention that this role requires as PLWA continues to grow. Alex and I have been conducting interviews of highly passionate and skilled candidates for the Membership and Administrative Coordinator position. PLWA is attracting some impressive people! I look forward to joining you in welcoming PLWA's next Membership and Administrative Coordinator soon.

This organization—and all the people who make it what it is—mean a great deal to me. It's been an honor to play a small role behind the scenes and to be a small part of PLWA's rich history. Though I'll be stepping aside from this position, I won't be stepping away. Access is everything. I will continue to support PLWA's mission in new ways and remain part of the fight for our public lands and waters.

PLWA Member Spotlight: John Rich

We are fortunate at PLWA to have a cadre of long time members and supporters. John Rich out of Divide, Montana has been supporting PLWA for years and other conservation causes in Montana for decades. John moved to Montana via North Carolina after graduating Forestry School from the University of Georgia in the 1970's. John immediately fell in love with the Big Hole Valley, where he spent much of his formative years. In addition to working on bridges across the State, he became an adept outdoorsman and trapper. John worked as the first “guide” at the Complete Fly Fisher on the Big Hole River in 1972 and was one of the early members of the Rocky Mountain River Rats in the 1970's. As John recalls, “the first boats we used weren’t much more than modified fiberglass tubs”.

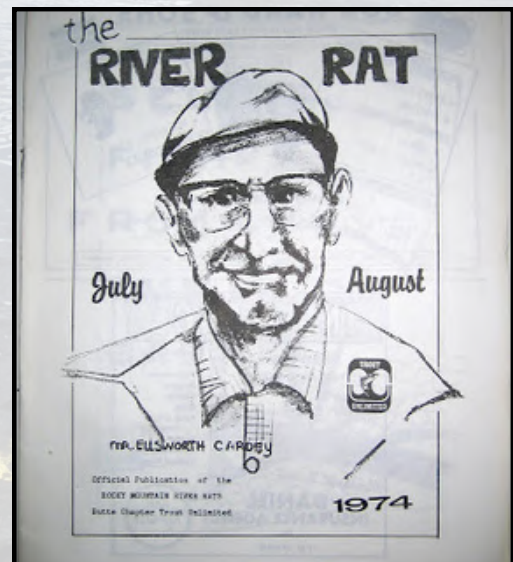
While living in Wise River, John decided to become more active in the burgeoning river conservation movement to the chagrin of the ranchers in the area. As John remembers, fisherman like himself were shunned by landowners for using “their river”. “Some of those landowners thought we were there to steal their sheep”. John vividly remembers the first edition of the influential newsletter that helped fuel what would become the George Grant Chapter of Trout Unlimited. George Grant, one of Montana’s conservation giants, was a known curmudgeon and also an incredibly skilled writer and activist. The inaugural edition of the River Rat (authored by Grant) included a picture of a local rancher in the middle of the Big Hole River riding a bulldozer. The headline read “Death of a River” and featured a skull and crossbones.

John also recalls the grassroots activism that led to Montana’s stream access law that we all cherish today. “It took nearly a decade of effort and busloads of folks to get that over the finish line. All it takes is one bad bill or lawsuit and it could be gone.” With Montana and the conservation community at a critical moment in our State’s history John stressed that it’s

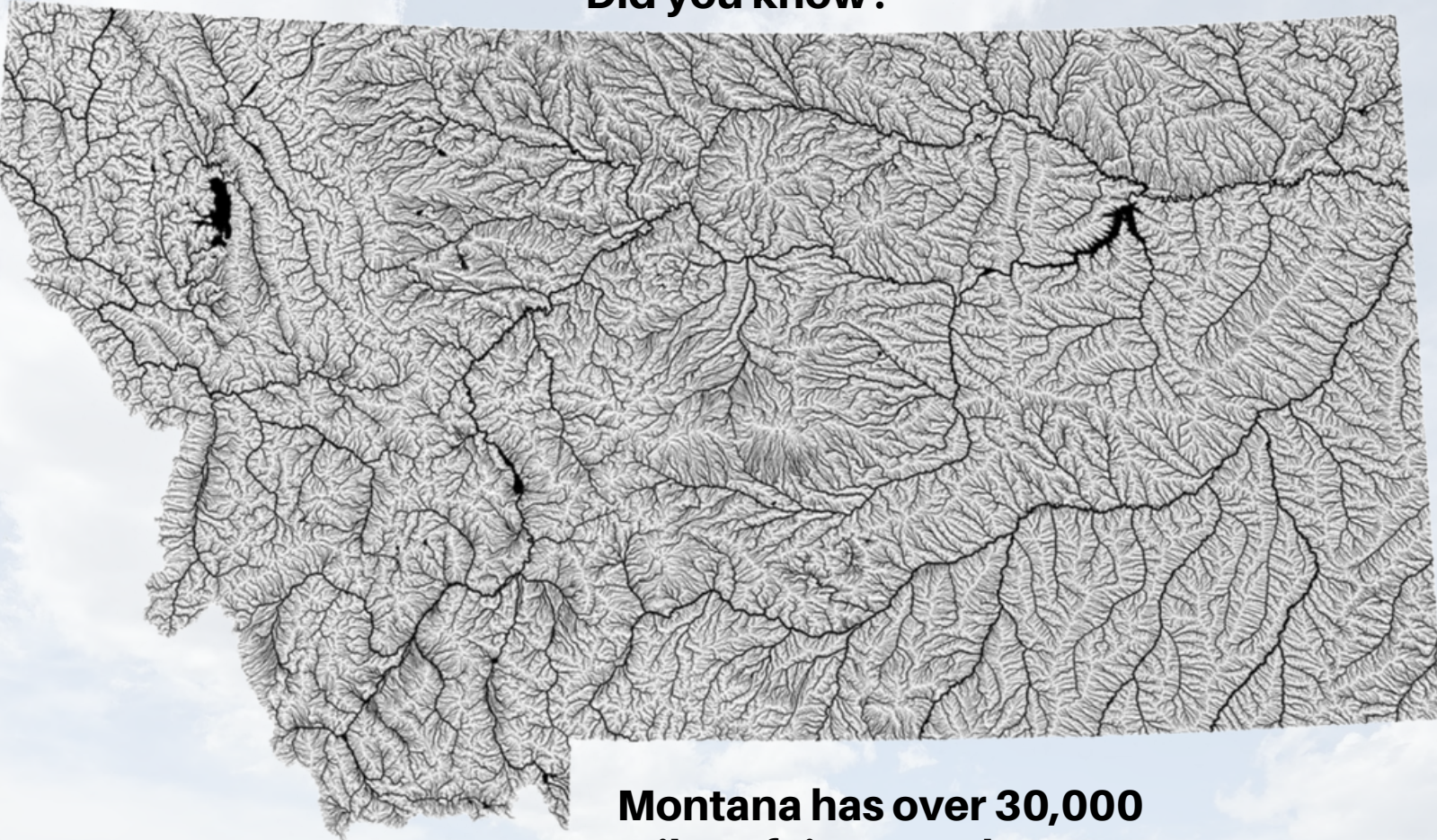


more important now than ever before to work together to protect what makes Montana so special. The big wins of the past were the result of a shared vision and values for how we as Montanans should be able to access our public trust resources. As John mentioned, **“we need to value the resource over our egos”**.

Although John is now in his 80's he still remembers the battles of the past and how important it is to maintain what those that came before us have built. As John relayed, Montana Conservation legend “Jack Acheson was actually run off public State Trust land in the late 1980's.” With threats to access and the very existence of public lands coming under threat, John related the need to remain vigilant and that **“we’re going to need to fight to just hang on with what we have”**.



Did you know?



Montana has over 30,000 miles of rivers and streams!!

Kayla Mann & Wild Horse Espresso

**PLWA
PARTNER:
Wild Horse
Espresso**

We are excited to feature a small business that is owned and managed by a PLWA member and volunteer. Kayla Mann of Wild Horse Espresso based in Red Lodge has supported PLWA directly via a “Dollar a Cup” fundraiser and as a member for 3 years. Kayla’s coffee and treats are top notch but her commitment to helping PLWA relay our mission to the masses is even more impressive. For those of you that are technologically savvy, you may have noticed a fresh voice and exponential increase in emoji’s and interaction on our social media channels. This is all due to Kayla’s keen social media chops and competitive desire to win out over the social media algorithms! We can’t thank Kayla enough for helping PLWA reach out to a younger audience. Next time you are in Red Lodge, stop by and grab a coffee & treat at her new Hidden Basin Coffee Post!



Stream Access Rules: Islands

We get calls from folks all across Montana asking us questions about access to our public waters. One of our favorite inquiries is when someone asks about island ownership. The answer to who owns an island in a Montana river can be a complicated and not as straightforward as you would think!

Montana's best in the West Stream Access Law (SAL) provides for recreational access up to the ordinary high water mark. BUT this is recreational access only – NOT ownership. The public only owns the beds of large, navigable rivers. Furthermore, the SAL does not provide for access to islands above the high water mark, which may or may not be owned by the public (via a State or Federal agency).

The following is a brief discussion of some of the laws and regulations involved with island ownership. It is not intended as legal advice. Consult an attorney if you intend to take any legal action!

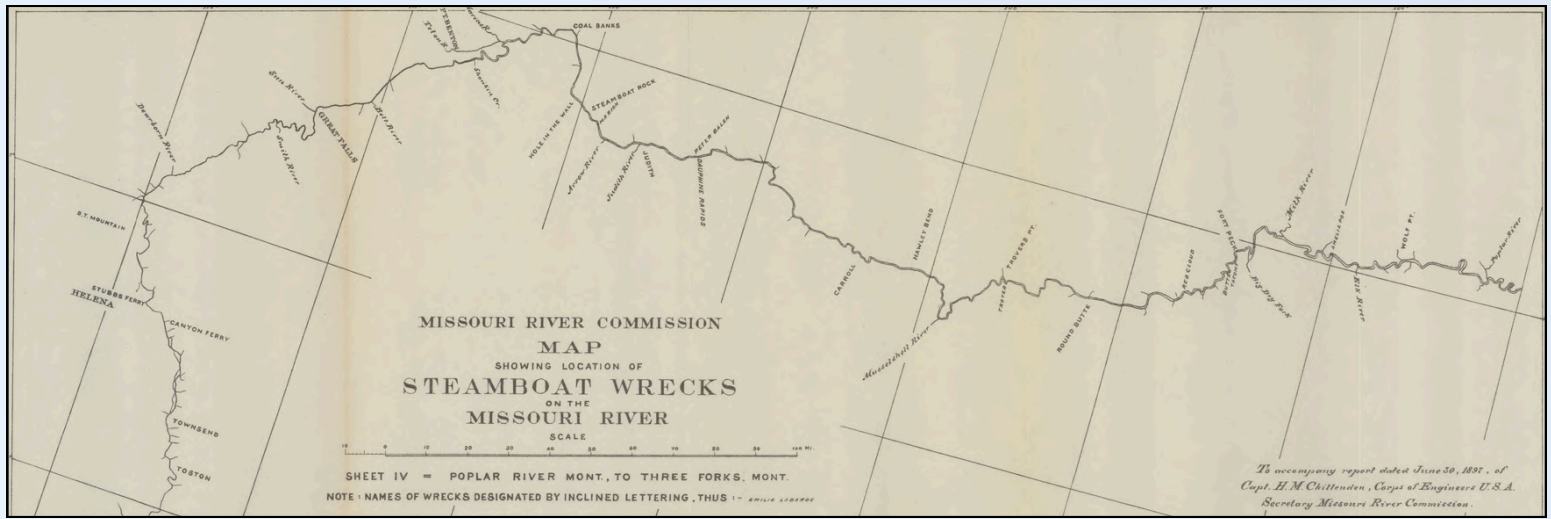
The FIRST STEP in determination of island ownership is to determine if the river is **non-navigable** or **navigable**.

NAVIGABLE RIVERS DEFINED: The Montana Department of Natural Resources and Conservation defines navigable rivers as any stream beds that have a history of commercial use or navigation, and claims State ownership to the beds of these rivers. For purposes of the stream access law a different definition applies.

Navigable rivers in Montana have been researched and are specifically enumerated. See below for the full list. The smaller streams or rivers on the State list may or may not be recognized as navigable by the Federal agencies. They recognize navigability only if it has gone to federal court and so adjudicated.

List of Montana Class 1 Navigable Waterways

- | | | |
|---|---|---|
| <ul style="list-style-type: none">• Beaverhead River— from Clark Canyon Dam to its confluence with the Jefferson River• Big Hole River— from Fishtrap FAS to its confluence with the Jefferson River• Bighorn River— from Yellowtail Dam to its confluence with the Yellowstone River• Bitterroot River— from the confluence of the East and West Forks to its confluence with the Clark Fork River• Blackfoot River— from the Cedar Meadows FAS to its confluence with the Clark Fork River• Blackfoot River (North Fork)—from highway 200 east of Ovando to its confluence with the Blackfoot River• Clark Fork River—from Warm Springs Creek to the Idaho border• Dearborn River— from Highway 431 bridge to its confluence with the Missouri River | <ul style="list-style-type: none">• Flathead River (mainstem)— to its confluence with the Clark Fork River• Flathead River Middle Fork— from Shaffer Creek to its confluence with the Flathead River• Flathead River South Fork— from Youngs Creek to Hungry Horse Reservoir• Gallatin River— from Taylors Fork to its confluence with the Missouri River• Judith River— from the confluence of Big Spring Creek to its confluence with the Missouri River• Jefferson River— to its confluence with the Missouri River• Kootenai River— from Libby Dam to the Idaho Border• Lake Creek (Kootenai)— from the Chase cut-off road to its confluence with the Kootenai River• Madison River— from Quake Lake to its confluence with the Missouri River | <ul style="list-style-type: none">• Marías River— from Tiber Dam to its confluence with the Missouri River• Missouri River— from Three Forks to the North Dakota border• Rock Creek of the Clark Fork— from the confluence of the West Fork to its confluence with the Clark Fork River• Smith River— from Camp Baker FAS to its confluence with the Missouri River• Sun River— from Gibson Dam to its confluence with the Missouri River• Tongue River— from Tongue River Dam to its confluence with the Yellowstone River• Yaak River— from Yaak Falls to its confluence with the Kootenai River• Yellowstone River— from Yellowstone National Park to the North Dakota border |
|---|---|---|



Historical map of steamboat wrecks on the Missouri River. Evidence of interstate commerce is a sure sign of navigability. The Mo was deemed Federally “Navigable” when Montana was still a Territory.

NAVIGABLE RIVER ISLANDS IDENTIFIED PRIOR TO STATEHOOD

Unless patented to private parties, islands within meander survey lines of rivers surveyed by the Government Land Office (GLO) are owned by the Federal government, administered by the Bureau of Land Management (BLM), and accessible to the public. The original surveys were completed in the late 19th Century by the GLO, and resurveys can be viewed on microfilm at the Billings Area BLM office (some are available online). In addition “Master Title Plats” showing known federal ownership in and around rivers can be viewed at the same office. The BLM staff includes surveyors that can make ownership determinations based on surveys, aerial photography and other evidence. They do not do this routinely – only on a case-by-case basis (like after a big flood).

Non Navigable Rivers

All rivers other than those listed above are non-navigable. Generally the smaller rivers. On non-navigable rivers, private property lines go to the middle of the river and island ownership is thus determined by property deeds. The following statute applies to islands on non-navigable rivers: MCA (Montana Code Annotated) 70-18-204. **Islands formed in non-navigable stream.** An island or accumulation of land formed in a stream which is not navigable belongs to the owner of the shore on that side where the island or accumulation is formed or, if not formed on one side only, to the owners of the shore on the two sides, divided by an imaginary line drawn through the middle of the river.

ISLAND STATUS DETERMINATION IN NAVIGABLE RIVERS AFTER STATEHOOD

Montana claims ownership of the beds of navigable rivers between the low water marks – not the high water marks. Any islands within these low water marks of navigable rivers, not deemed owned by the Federal government or private parties, are claimed by the State and accessible to the public. DNRC is the state agency responsible for the administration. DNRC does not have a database of State owned islands and do not necessarily attempt to determine island ownership in the beds of navigable rivers. Such work is handled on a case by case basis as the need arises. The DNRC staff working on island ownership issues typically have a geomorphology and river science background.



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2100 Fairway Dr., Suite 211
Bozeman, MT 59715
406-690-0960
www.plwa.org
plwa@plwa.org

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Check payments may also be mailed to the address above using the form below.

☐ I would like to renew my membership or join PLWA with a donation of:
\$20 \$50 \$100 \$200 \$500 Other \$_____

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