



Big Hole Watershed Committee

Monthly Meeting Minutes

March 15, 2023 – 7:00 pm at the Divide Grange

Zoom option also provided

In Attendance

In-person: Pedro Marques, BHWC; Tana Nulph, BHWC; Ben LaPorte, BHWC; Tom Bowler, Resident; Betty Bowler, Resident; Charlie Ivor, Elkhorn Ranch; Jenna Dohman, MBMG; Ann Hanson, MBMG; Jim Hagenbarth, Rancher/BHWC; Craig Fellin, Big Hole Lodge; Jim Dennehy, Resident; Jim Keenan, BSB Water/BHWC; Lacy Decker, BLM; Brandy Janzen, BLM; Katie Stevens, BLM; Art Mangels, Big Hole River Retreat; Nell Mangels, Big Hole River Retreat; Valerie Manne, Resident; Jim Olsen, MFWP; Gary Ouldhouse, Anaconda Sportsmen’s Club; Jim Bjornenc, Anaconda Sportsmen’s Club; Haley Sir, Public Land Water Access Association; Peter Frick, Rancher/BHWC; Matt Lacey, USFS- Beaverhead-Deerlodge NF; and Randy Smith, Rancher/BHWC.

Zoom: Anna Cline; Baskin; Lisa Anderson; Michael Gatlin, USFS- Beaverhead-Deerlodge NF; Mike Geary, Healing Waters Lodge; Roy Morris, GGTU/BHWC; and Sean Lewis, NRCS.

Meeting Minutes

BHWC monthly meetings are held at the Divide Grange with a virtual (Zoom) option provided thanks to Southern Montana Telephone Company, who donated the internet service. Meeting minutes and recordings are available at <https://bhwc.org/monthly-meetings/> (scroll down for meeting minutes archive). Printed copies are available during in-person meetings. Contact Tana Nulph, BHWC Associate Director, at tnulph@bhwc.org or (406) 267-3421 to suggest additions or corrections.

Reports

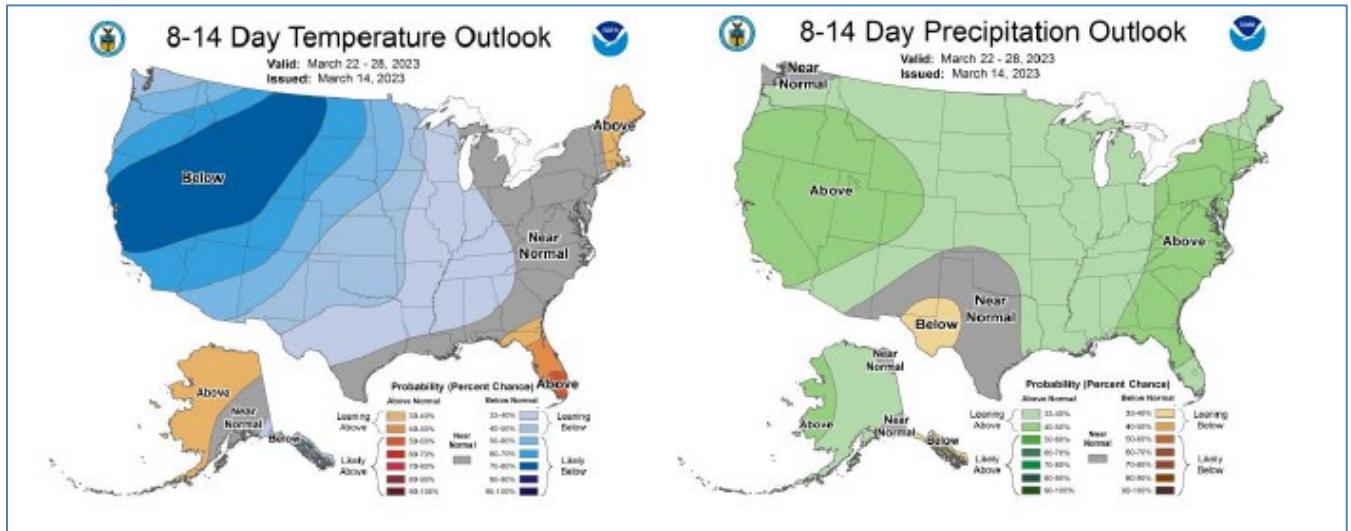
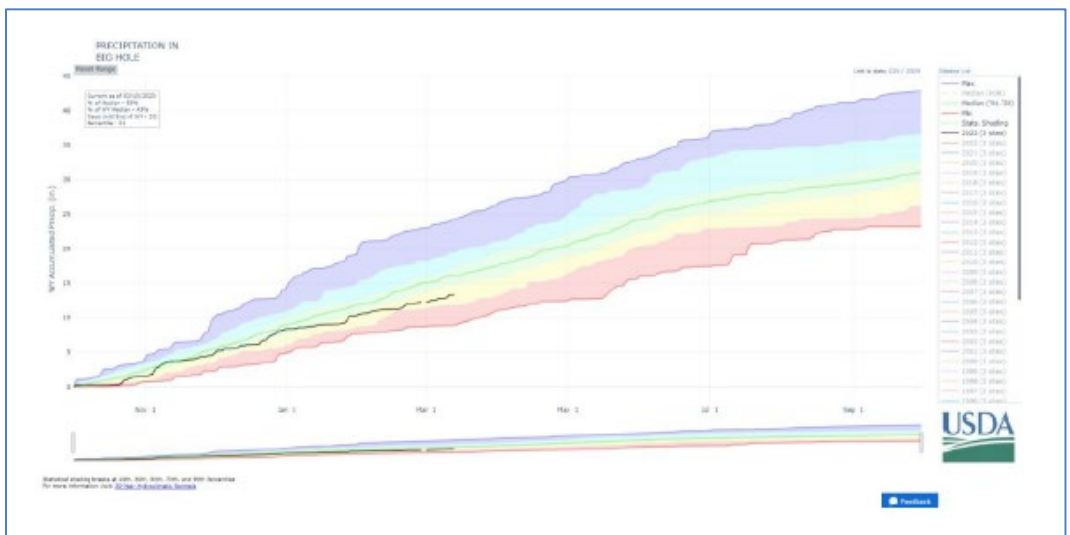
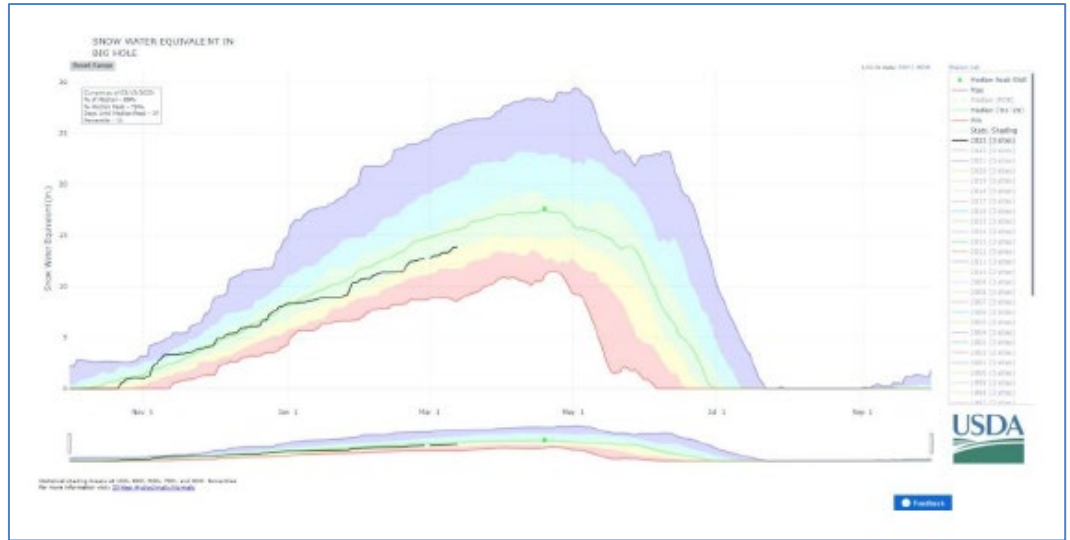
Streamflow and Snowpack Report – Matt Norberg and Kaitlin Boren, Department of Natural Resources and Conservation

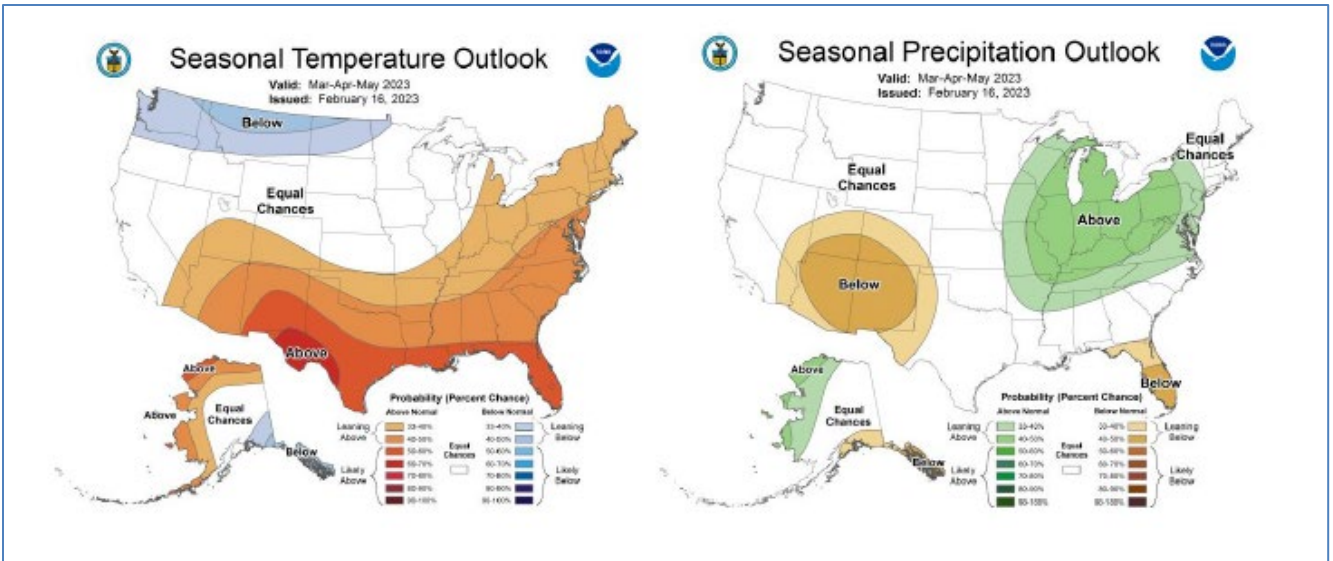
- *Snowpack:* Snowpack in the Big Hole is currently 88% of NRCS median values, however the modeled Hypsome-SWE value is 109% (2004-2023). The modeled snowpack for the basin indicates that the lower elevation snowpack is well

Station	Network	Elev. (ft.)	Obs	NRCS Median	% NRCS Median
Barker Lakes	SNOTEL	8250	9.6	10.9	88%
Basin Creek	SNOTEL	7180	7	6.2	113%
Bloody Dick	SNOTEL	7600	8.4	10	84%
Calvert Creek	SNOTEL	6430	6.8	7.3	93%
Darkhorse Lake	SNOTEL	8945	21	24.7	87%
Moose Creek	SNOTEL	6200	12	14.1	83%
Mule Creek	SNOTEL	8300	10	12.5	80%
Saddle Mtn.	SNOTEL	7940	16	19.8	80%
Slagmelt Lakes	SNOTEL	8620	19		
Basin Index					88%

above average, the mid-range snowpack is slightly below average, and the high elevation snowpack is at average.

- **Precipitation:** Total precipitation in the Big Hole is currently below median values (81%).
- **Outlook:** The 8-14-day outlook predicts below average temperatures and leaning above average precipitation.
- **Seasonal Outlook:** The three-month outlook (Mar/Apr/May) predicts below normal temperatures to equal chances and equal chances for average precipitation. ENSO Alert System Status (from NOAA): La Niña Advisory.





- *Synopsis:* ENSO-La-Nina has ended, and ENSO-neutral conditions are expected to continue through the Northern Hemisphere into the spring and summer.

Director’s Report – Pedro Marques, Executive Director

- Building Capacity to match the demand
 - Conservation fellow (hire pending)
 - Social media contractor – Peyton Butler
 - Line of credit (application in progress)
- Proposal season
 - BoR WaterSMART EWRP \$ (4 alternatives at Pennington Bridge)
 - Support from GGTU, Skyline and Anaconda Sportsmen, DNRC, FWP, local landowners/irrigators
 - BoR Small Scale Water Efficiency projects (Wise River, Jerry Creek, Kalsta?)
 - NFWF America the Beautiful Challenge – Watershed Restoration Academy
 - NFWF America the Beautiful Challenge – Forest Resilience
- Conservation Fund
 - 7 framed maps delivered to partners: Sunrise, Sportsman Lodge, Hitching Post, Wise River Merc, Big Hole Ranch, GGTU Auction, Enchantment Ranch

Steering Committee Report – Randy Smith, Chair; Jim Hagenbarth, Vice-Chair; Roy Morris, Secretary

- The steering committee had nothing to report. They are happy with the progress BHCW is making.

Communications and Wildlife Report – Tana Nulph, Associate Director

- Outreach and communications

- Spring 2023 newsletter – in the works
- 2023 monthly meetings
 - April – weeds
 - May – Restoring grassland health using Edaphix
 - June – Fishery update
 - August – Farm-to-Market with Old Salt Coop.
- Wildlife Speaker Series
 - Macroinvertebrates
 - June 14th, 6-8 pm
 - Melrose Bar
 - Clark Fork Watershed Education Program
- Wildlife
 - 2023 carcass removal
 - Season: March? – May
 - Available to all Big Hole Valley ranches/residents
 - Refuge dump truck snowed in at Red Rocks
 - But FWP dump trailer will be available soon! Carcass removal will be available as soon as we get the trailer – FWP is getting a winch, ramp, and rails put on it.
 - Carcasses hauled to BHWC compost site outside of Wisdom
 - Purpose is to keep carnivores like wolves and bears from being attracted to local ranches, where they may have conflicts with healthy livestock and/or endanger people and pets.
 - Contributions:
 - Dump trailer (FWP)
 - Tractor (John Jackson)
 - Wood Chips (Tash T. Diamond Post & Pole)
- Maternity Leave
 - Tana will be on maternity leave starting April 20 – end of April. Limited hours in May.
 - It's a boy!

Restoration Report – Ben LaPorte, Program Manager

- Project planning and grant writing
 - East Pioneer Riparian Conifer Encroachment – Browns Gulch 502
 - 23 acres of riparian conifer removal
 - Out to bid now. Closes on 3/21/23
 - Permitting in for riparian component
 - Smith Sage Springs
 - Bids closed on 3/1/23
 - Reviewing bids
 - Will award by week's end
 - BoR WaterSMART
 - Pennington Bridge projects
 - MCC Conservation Fellow!

New Business

- Jim Hagenbarth: not going to the Legislature for cloud seeding this year. Trying to work within the law and do a pilot either in the Centennial of the Big Hole because of the work Idaho Power is doing.

- Craig Fellin concerned about continued decrease in precipitation and the pressure it's going to put on the river and the on outfitters. Trying to increase the amount of flow to meet the needs of grayling. BHWC looking at natural water storage projects in the upper Big Hole. Looking into options and trying to understand the law.
- Lacy Decker, BLM: 30 days is over for decision record for the BLM Maidenrock project. Received one comment – and it was positive!
- Brandy Janzen, BLM: RAC starting up in Western District BLM. Submitted proposal to do more restoration work in Dillon area through the bipartisan infrastructure bill. Ramp improvements at Jerry Creek and Divide through may. Looking at ways to help outfitting community, private fishermen, boaters. Migration corridors – recreation focus groups coming up in June.

Break – 10 minutes

Meeting Topic:

Public Land Water Access Association

Presented by: Haley Sir, Public Access Investigator

- Protecting Public Access in Montana since 1985:
 - “All Montanans are ranchers. 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.” – Ron Stevens, Former PLAAI President
 - 29% of Montana land is public
- What we do: safeguard your access!
 - Maintain, restore, and perpetuate public access to MT’s lands & waters
 - Educate and inform the public about their ownership and public access rights
 - Identify and monitor access issues
 - Work with the public to investigate access issues
 - Complaints via phone, email, and form
 - Research is key
 - Gather evidence
 - Initiate legal action when necessary
 - Less than 10% of cases go to litigation
 - Monitor public land sales, exchanges, and purchases
 - Support laws and policies that benefit public access
- When it comes to access:
 - County Road Right of Way
 - Stream Access Law
 - Bridge Access Law
 - Illegal Obstructions
 - Illegal Posting
 - Prescriptive Use
 - Recreational Use of State Lands
 - Hunter & Angler Harassment
- Who we work with:

- Recreating Public
- Concerned Citizens
- National Forest Service
- Bureau of Land Management
- Fish, Wildlife, & Parks
- Counties
 - Road Maintenance
 - Road Review Committees
 - Commissioners
- Property Owners
- Other State Agencies (DNRC, MT DEQ, etc.)
- Other Federal Agencies (NPS, USDA, etc.)
- What we don't do:
 - Promote or encourage trespassing
 - Create, own, buy, or have authority for public ROW
 - Have authority to declare a road open to the public
 - Accept responsibility for an access site's maintenance or legal enforcement
 - Address agency management or travel plans (which do allow for road closures)
- Loch Leven Fishing Access, Park County:
 - Received: Dec. 2020
 - Access includes a 50ft perfected easement encroached by electric fence
 - Through written conversations with FWP, the electric fence was moved back some of the way, but access is still steep
 - PLWA has asked for the full 50ft w/ additional signage
 - No further resolution at this time from Region 3 Supervisor or Recreation Manager
- Public Access Investigator:
 - Engage with individuals to investigate and oversee access complaints
 - Undertake the initial interface works of complaints
 - Oversee data management of access investigations
 - Carry out research and outreach involved in investigations
 - Communicate access highlights to the community
 - Grassroots advocacy and engagement in MT communities
 - Champion public access rights
- Summary of Access Issues:
 - Open Access Issues: 37 in 18 counties
 - Actively Working On: 16
 - Still Needing Verification: 9
 - Oldest Complaint: Feb. 2020
 - Closed Complaints in 2022: 27
 - Closed Complaints This Year: 5
- The 1985 Stream Access Law:
 - The MT Coalition for Stream Access paved the way for MT's Stream Access Law
 - Allows the public to move freely up and down all navigable waters below the mean high water mark
 - Has been challenged in district courts, the state supreme court, and even appealed at a federal level
 - PLWA has defended multiple challenges to the law

- A case for MT's stream access:
 - Late 1970s, reports of angler harassment on Dearborn and Beaverhead Rivers
 - 1979, two Butte fishermen (Jerry Manley & Tom Bugni) stepped forward and met with a young Bozeman lawyer, Jim Goetz, in Three Forks
 - Goetz suggested they form a statewide organization dedicated to expanding stream access with his representation (at half the going rate)
 - Tony Schoonen joined shortly thereafter, and the Montana Coalition for Stream Access was born.
 - Two legal victories in 1984 laid the groundwork for stream access in MT: Montana Coalition for Stream Access, Inc. v. Curran and Montana Coalition for Stream Access, Inc. v. Hildreth.
 - Within months of the Curran and Hildreth decisions, nine bills concerning stream access were introduced to the 1985 Legislature.
 - Tony Schoonen & Jerry Manley (future long-time members of the PLWA Board of Directors) were assigned to a sub-committee to draft the law.
 - Legislators, landowners, stockmen, farmers, recreationalists, hunters, anglers, and many other organizations worked together to develop House Bill 265 - which became the Stream Access Law we know today.
 - The next year, Gene Hawks, a former Gallatin USFS Supervisor, founded PLAAI. Membership with the Stream Access Coalition overlapped
- Ruby River case: The forefront of stream access conflict:
 - Involved barriers and illegal fences that blocked access at several bridges for two decades
 - Landowner advertising "private water... lease[d] for the exclusive use of our guests"
 - 2004 - PLWA filed suit
 - 2005 - Nearly 200 anglers and recreationalists turned out to float the contested stretch of the Ruby River (Stream Access Celebration Day Float)
 - 2008 - the District Court ruled in favor of PLWA, a decision that was affirmed on appeal to the MT Supreme Court
 - Precedent setting case defending public access against well-funded, aggressive challenges
- 2009 Bridge Access Law:
 - Hundreds of river miles in MT flow through private property, with the only access point sometimes being a public bridge crossing (also causing them to be a battleground for stream access).
 - Up until 2000, went off Attorney General opinion stating a bridge and its abutments are part of that public highway.
 - Ruby River case provided the impetus in the legislature to push for 2009 Bridge Access Law, allowing stream access at public bridges for legal recreation.
- Other notable wins:
 - STATE SCHOOL TRUST LANDS
 - Prior to 1988, permission was needed to recreate. PLWA filed suit against the State Public Land Department to open lands to the public
 - BOADLE ROAD/JONES BRIDGE
 - Area currently provides access to Pishkun Lake Wildlife Refuge, 918k acre Rocky Mountain Front Conservation Area, Tunnel Lake, and several MT State sections
 - SALMOND RANCH ROAD
 - Thousands of acres were opened up allowing you to walk from Rocky Mtn Front to Flathead Lake on public lands.
 - PROTECT HABITAT MONTANA

- Streamlined FWP's ability to obtain conservation easements and provide public access to thousands of acres
- How can you help?
 - Instagram - @publiclandwateraccess
 - Facebook - /plwamt
 - Twitter - /plwamt
- Become a member:
 - Receive our digital newsletter (print upon request)
 - Monthly member updates
 - Action alerts
 - News releases
 - Vote in our annual meeting elections
 - Run for positions within the organization
 - Your Membership Fee:
 - Helps to sustain our efforts to protect access to your public lands
 - Supports efforts to investigate access complaints
 - Funds Outreach Events
 - Enhances Partnership Programs
 - Fight Legal Cases
- Quarterly newsletters:
 - Events
 - Access issues
 - Special events or alerts
 - How you can help?
 - Sign up today @ PLWA.org
- Own a business? ... Become a partner!
 - We partner with organizations and businesses that share common goals.
 - Helps to raise awareness & generate excitement about public lands, access, conservation, and wildlife.
 - Helps to pool resources, ideas, and support
 - Our partners:
 - Beartooth Back Country Horsemen
 - Montana Wildlife Federation
 - Montana Outdoor Hall of Fame
 - Bridger Bowmen
 - Friends of the Missouri Breaks
 - Gallatin Valley Back Country Horsemen
 - George Grant Trout Unlimited
 - Fishing Outfitters Association of MT
 - Ravalli County Fish & Wildlife Association
 - Western MT Climbers Coalition
- AIRS Program:
 - First program of its kind to address access issues across MT
 - Provide a central point to register access complaints
 - Collect data to learn about the volume, type, and location of access issues we're facing
 - Track the evolution of access issues
 - Increase efficiency in investigations and resolutions

- Become an access ambassador or volunteer:
 - PLWA’s Access Ambassador program brings the public together to highlight important public land and water issues and connect people with access issues they care about.
- Let people know you’re an access advocate:
 - You can partner with PLWA by putting a public lands license plate on your vehicle, camper, or trailer.
 - Proceeds go to safeguarding public access & protecting MT recreation for generations to come
 - Spread the word!
- Public Access Investigation Certificate Program:
 - 8-hour course to educate volunteers to advocate for public land and water access rights
 - Enable graduates to investigate and successfully address complaints
 - Develop skills required to bridge gaps between public and private landowners while safeguarding & enhancing access
 - Create partnerships between organizations & communities that care about public access
- Final thoughts:
 - 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 the incredible public access we have in Montana remains a reality. We couldn’t do it without you. Thank you!
 - Questions? Contact Haley Sir at haley@plwa.org or 406-285-8684
 - “There are some wild places across our nation’s public lands that physically move you, creating a tightening in the chest, a loss of breath, or a tingling along the spine.” – Mark Kenyon, The Wild Country

Upcoming Meetings

- April 19, 2023: **Invasive Weeds in the Big Hole Watershed**
 - 7:00 pm at the Divide Grange/Zoom

Adjourn