



# Finding a Way In

Millions of acres of public hunting land in Montana appear inaccessible. How hunters and others are figuring out ways to get there. **By Paul Queneau**

**L**ewistown bowhunter Kevin Kepler is a map-reading whiz. Twenty-one years as a U.S. Army pilot will do that to a fellow. So it's perhaps not surprising that, of all the hunters looking for ways to access portions of the nearby Big Snowy Mountains isolated by surrounding private land, it was Kepler who figured out a way to open up 18,000 acres of prime elk country to himself.

And, eventually, to everyone else. For years the retired military aviator had been eyeing a vast tract of national forest—prime elk, mule deer, and black bear habitat cloaked in pines, aspens, and mountain meadows—tucked back in the Lewis and Clark National Forest. But after scouting the area on foot, Kepler knew that a cliff-faced canyon created a nearly impenetrable barrier.

Then, a few years ago, he spotted on a land ownership map what appeared to be a “back door” into that all-but-inaccessible U.S. Forest Service land. An oddity in the township grid caused a tiny 40-acre private tract along Red Hill Road, south of Lewistown, to overlap, for a mere 10 yards at one misaligned corner, with the national forest beyond. Parcels that meet at an exact corner can't be legally crossed without permission from all adjoining landowners, so the overlap proved crucial. It meant that Kepler would need permission from just one.

He called the parcel's owners, Marshall and Leslie Long, Montana natives living out of state. He struck up a conversation and eventually popped the access question. “No problem,” the Longs told Kepler. They didn't ask for a trespass fee, just an over-the-phone handshake. Kepler spent the next two seasons hunting above the Longs' property.

He pretty much had the entire 18,000-acre tract of national forest to himself and his family members.

Then he learned that the Longs had put the land up for sale. With the asking price well out of his price

**UNOBTAINABLE NO MORE** Thanks to a savvy hunter and a fast-acting elk conservation group, this 18,000-acre tract of the Big Snowy Mountains is now open to public access. Many other parcels across Montana, seemingly off-limits, may actually be accessible to hunters who possess new land ownership smartphone apps or the gumption to knock on a few doors.

PHOTO BY PAUL QUENEAU

range, Kepler contacted the Rocky Mountain Elk Foundation (RMEF), of which he is a member. The Missoula-based organization, which has secured public access to more than 700,000 acres of elk country across the United States over the past 30 years, jumped at the opportunity, partnering with Fish, Wildlife & Parks and the Forest Service on the project. RMEF paid the \$190,000 asking price, then sold the land to FWP for \$50,000. Acquisition by the department ensured that the 40 acres, now called the Red Hill Wildlife Management Area, is open to hunting and year-round recreation access. Even more important, it provides a gateway to the national forest lands. “This gives the public access to some of the most incredible country in central Montana,” says David Allen, RMEF president and CEO. For their part, the Longs say they were pleased to know their land would be protected and, along with the adjacent national forest block, open to all.

#### FINDING THE STRANDED LANDS

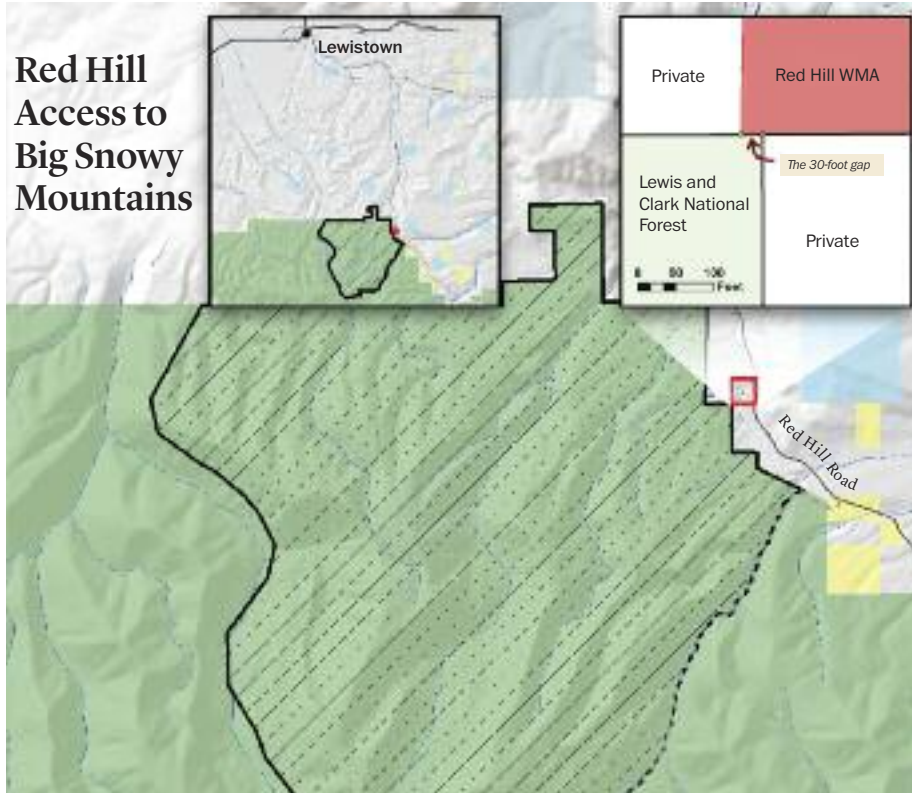
The Red Hill project represents just one way that hunters, conservation groups, and public agencies help the public reach seemingly inaccessible public lands. Though Montana contains more than 30 million acres of state and federal land, much of it sees little use by hunters. Some isolated or apparently inaccessible parcels are stranded by cliffs, rivers, or other natural barriers. Many are unmarked and unknown to most hunters. Others appear too small or out of the way to make hunting worth the effort. And a growing amount of public land, like much of the Snowy Mountains, is surrounded or otherwise blocked by private property and requires landowner permission for access.

Demand to reach isolated and oft-ignored public hunting land is growing. Reduced hunter access to private property has created a cascade effect, putting more pressure on public lands. That forces hunters to be more creative in finding overlooked parcels that might hold game. It has also spurred FWP and private groups to devise new ways for hunters to find their

*Paul Queneau is conservation editor of Bugle, the magazine of the Rocky Mountain Elk Foundation. He lives in Missoula.*



**30 FEET TO PARADISE** Right and below: Lewistown bowhunter Kevin Kepler was the first to figure out that a 30-foot gap between misaligned corners of a 40-acre tract of private land could, with permission to cross the property, allow him to reach 18,000 acres of Lewis and Clark National Forest. He later instigated a lengthy acquisition process by the Rocky Mountain Elk Foundation and then FWP that resulted in the tract becoming the Red Hill Wildlife Management Area south of Lewistown (above) and opening up thousands of acres of public national forest land. “As sportsmen, we must make sure we have a voice,” says Kepler. “We have the ability to make a positive impact on access. All we have to do is look around and have the situational awareness to see these opportunities.”



way onto the nearly 2 million acres of public lands surrounded by private holdings without guaranteed access (see sidebar, page 14).

Most of these isolated public parcels are state school trust lands, managed by the Montana Department of Natural Resources and Conservation. In 1889, Congress granted to Montana more than 5 million acres of federal land comprising 1-square-mile sections for the state to lease for grazing, mining, and logging. The revenue Montana generates from leasing school trust lands, often identifiable as blue squares marked 16 and 36 on township grids, goes to college and K-12 education.

It's hard to hunt these and other public holdings if you don't know they're there. Fortunately, GPS devices and smartphone apps loaded with land ownership maps make locating public land and staying inside legal boundaries easy. At least two Montana companies sell electronic maps that display property boundaries, landowner names, game management and hunting units, as well as topography, roads, trails, waterways, and other geographic features. The digital maps work in PCs and Macs, many Garmin GPS

handheld units, and Apple and Android phones and tablets using a designated app, which costs \$30 to \$100.

A less expensive option is to use the Montana State Library's Cadastral, an online land ownership map available at [svc.mt.gov/msl/mtcadastral](http://svc.mt.gov/msl/mtcadastral). Hunters can print the site's maps and use them with low-cost built-in GPS base maps or a smartphone app, such as the GPS Topo USA, to avoid inadvertently trespassing even in areas with no cell phone coverage.

Also helping hunters find public lands are people like Dwayne Andrews, a retired FWP employee in Miles City. For more than a decade, Andrews and several colleagues at state and federal land management agencies

**HUNT HERE** Another way to open up public land is to identify it as such. Many state school trust and BLM tracts in eastern Montana lack boundary signs, which people like retired FWP employee Dwayne Andrews have been installing over the past decade.



ALL PHOTOS PAGE 12: ROCKY MOUNTAIN ELK FOUNDATION; PAGE 13: MONTANA OUTDOORS

public lands. Some have even resorted to hiring helicopter services to drop them into remote or isolated areas and pick them up later. Though legal and cheaper than some private-land trespass fees, renting a chopper is hardly feasible for most hunters. An easier way to reach many stranded lands is to obtain permission from an adjacent landowner.

That's an approach highly recommended by Alan Charles, FWP landowner/sportsman relations coordinator. As manager of Montana's Block Management Program, Charles has spent 18 years helping hunters gain and maintain access to public and private lands. As an avid big game and bird hunter himself, he is always on the lookout for unmarked or isolated public parcels. Charles says that every time he plans an outing, he searches for remote public lands surrounded by private property. When he spots an interesting one, he approaches the surrounding landowners with a smile and a handshake.

"Some of my best hunting experiences have been on places that glowed orange with 'No Trespassing' signs," Charles says. "We still have many landowners in Montana who appreciate that hunters need a place to go. Many may be traditional ranchers and farmers who know that not everyone is as blessed with land as they are. So even if they might not want you hunting on their own property, many will say, 'Sure, you can go up and access that public land—you bet.'"

#### THE STATE HELPS OUT

Recognizing that some people might need incentives to get to "You bet," the 2013 Montana Legislature created the Unlocking State Lands Program, which gives landowners an



**HERE'S WHERE I AM** New GPS and smartphone apps loaded with land ownership maps make it easy for hunters and others to know their exact location relative to private property. The apps display property boundaries, landowner names, hunting districts, Block Management Areas, and more. Right: Hunters are quickly figuring out how to access isolated public lands in Montana and reach deer and elk that previously had been considered beyond reach.

annual \$500 tax credit for allowing public access to isolated state parcels. Qualifying large-acreage owners holding multiple state sections within their borders can write off as much as \$2,000 in taxes per year.

Access through the new program is walk-in only but requires no reservations or special fees. It's also not limited to hunting, says Ken McDonald, head of the FWP Wildlife Division. State parcels made accessible may also hold fishing, bird watching, and other recre-

ational opportunities. "One of the many things we like about the program is that it's paid for with state general fund dollars rather than hunting and fishing licenses revenue, typically the case with so much of public access, even when it benefits other recreational users," McDonald says.

Working with willing landowners, FWP has also acquired or is in the process of securing several right-of-way easements across parcels of private land to public hold-

ings. "Some of these 'blockages' are only a quarter-mile to a half-mile wide," says McDonald. "We're working on one right now that will secure access to 40,000 acres of national forest." Funding the easements are license sales from the Come Home to Hunt Program, created by the 2009 Montana Legislature to give previous Montana residents now living out of state the opportunity to secure a deer or elk license.

Another route to public lands that should not be overlooked is through Montana's existing private-land access arrangements. Chinook rancher Richard Stuker allows access to isolated BLM parcels within land he has enrolled in FWP's Block Management Program. "I'm the second generation of my family to own this property," says Stuker, also a member of the Fish and Wildlife Commission. "My dad always allowed hunting and, as long as people obey the rules, I don't mind them out there."

Stuker says that whenever access involves private land, hunters need to employ their best etiquette in order to protect the privilege. As long as landowners feel respected, he says,

“Hunters may not realize that many parcels cut off by private property might be accessible to them right now.”

hunters will be surprised at what gates open up, even—and perhaps especially—in situations like corner crossings.

#### THE CORNER CROSSING DEBATE

Corner crossings are a thorny issue, pitting the public's rights to access public land against landowners' rights over who sets foot on their property. The issue comes up where blocks of public land are intermixed, checkerboard fashion, with blocks of private land. The public parcels often touch each other at the corners, and hunters have long argued that, by literally jumping from one corner to another, they remain on public property and aren't trespassing on adjacent private holdings. The courts have yet to rule on the mat-

ter, but both FWP and the DNRC maintain that corner crossing constitutes trespassing.

A bill introduced in the 2013 legislative session would have made corner crossing legal, but it failed in committee. Stuker says such legislation may be unnecessary because many landowners are open to allowing corner crossings if asked. "If you can catch a landowner and say 'Hey, I know this is your property, do you mind if I cross?'" it's really not a big issue if you cross right in the corner," he says.

John Gibson, president of the Public Land/Water Access Association (PL/WAA), is less optimistic. He says his group regularly goes to court over access issues such as corner crossings, which often puts him at odds with some large landowners looking to restrict entry to public parcels abutting their property. The group is also fighting to maintain the legal status of hundreds of public roads in Montana that cross private land en route to key public ground. What exactly constitutes a public road can be a gray area in state law, says McDonald, adding that "FWP is working with legislators and the PL/WAA and other groups to keep public roads public to maintain public land access."

As for opening up more isolated tracts, FWP's Private Land/Public Wildlife Council—composed of legislators, sportsmen, and landowners—is currently working to enhance the Come Home to Hunt Program so it can fund additional access across private land. That won't completely solve the problem, says Charles, who acts as FWP's liaison with the council. But, like the Unlocking State Lands Program, it would provide additional financial incentives for landowners who allow hunters and others to cross their holdings. "It's a huge challenge trying to balance private property rights with the concept of public wildlife that belongs to everybody," Charles says. "But we've found that there are ways, like with Block Management and other FWP programs, to increase public access to wildlife."

In many cases, hunters already hold the keys to isolated public land in their hand. "They may not realize that many parcels cut off by private property might be accessible to them right now," Charles adds. "Pore over maps. Drive around and investigate. And then consider making that long walk up to the front porch and ringing the doorbell." 🐾



### Montana the top western state in off-limits public land acreage

Recent analysis by the Colorado-based Center for Western Priorities shows that more than 4 million acres of public land in the West is inaccessible to the public. Topping the list is Montana, with nearly 1.96 million acres, followed by Wyoming (758,000 acres) and Colorado (541,000 acres).

In many areas, a quilt of public and private ownership results in state and federal tracts stranded within private holdings. In some cases, public roads that run through

private land to public property are closed off, fenced, or illegally marked "Private."

Montana Senator Jon Tester is one of several members of Congress who have introduced bills, so far with no success, that would direct land managers to identify public property without public access and allocate funds to create permanent entry.

To read a copy of the report, "Landlocked: Measuring Public Land Access in the West," visit [westernpriorities.org](http://westernpriorities.org).



ALL PHOTOS: PAUL QUENEAU