

# Bitterroot River Protection Association

P.O. Box 8, Stevensville MT 59870

Ravalli County Board of Commissioners  
215 S. 4<sup>th</sup> Street, Suite A  
Hamilton MT

September 5, 2013

Dear County Commissioners,

**RECEIVED**

SEP 16 2013

Ravalli County Commissioners

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*New  
Portage  
Request*

The Bitterroot River Protection Association was the lead plaintiff in the court case against the Bitterroot Conservation District which established that Mitchell Slough was a branch of the Bitterroot River and accessible under the state's Stream Access Law. Following that ruling BRPA petitioned for three Portage Routes into the slough. The Board of County Commissioners established those in 2009.

Now we are back asking you to take another look at the Portage Route established at Bell Crossing Road onto property owned by Hugh Craig, also known as Huey Lewis. What was approved at the time has been modified. The alterations are unacceptable and present a significant safety hazard to anyone attempting to proceed down the river channel.

We are aware of the request you are considering from Andy Roubik for portages at all the obstacles that have been placed across the slough by the landowners from Victor to Stevensville. We greatly appreciate the efforts Mr. Roubik has made in bringing these hazards and impediments to our attention. We realize the Board of County Commissioners is faced with a big project clearing the way for public use along this channel of the river and is trying to make the project more manageable by cutting it in half by putting everything north of Bell Crossing on hold.

While we appreciate what you and Mr. Roubik are trying to accomplish, we are greatly concerned that the process is being conducted outside the law, which has certain time restrictions embedded in it. We believe that the time frames were placed in the law for a reason.

One reason would be the need to act in a timely fashion on complaints about a significant safety hazard in a public right of way. Somebody is going to get hurt

trying to get through the “eye of the needle,” little barbed wire lined openings in those fences. And then there are those who have fishing rods, inner tubes, canoes and inflatable kayaks and rafts. What are these people to do?

Attached are a few photographs showing even more dangerous dilapidated barbed wire fences that cross the river channel north of Bell Crossing. It is these safety hazards that need to be addressed as soon as possible.

The bulk of the impassable obstacles for walkers or boaters north of Bell Crossing are bridges. Lots of bridges. The law already allows a person to get out of the water and go around these obstacles. Given that some landowners along the slough have insisted that there is no right for anyone to take even one step on their property, official Portage Routes, and a well defined place to land and a well defined path to follow, are probably in order. But the law allows this already without any official designation. It is the safety hazards that need to be addressed in a timely fashion.

To move these priority sites to the front burner makes sense. So we are asking you, in the interest of public safety, to establish Portage Routes on two properties north of Bell Crossing. At this point in your process with Mr. Roubik, that only means adding two more certified letter recipients to the two you are considering today.

Included with this letter are two separate Portage Route requests, one for portages across the property of Hugh Craig (Huey Lewis) and one for portages across the property of Ken and Judith Siebel.

We ask you to respond to our request within the time frame prescribed by law.

Respectfully,



Ira Holt, Chairman

Bitterroot River Protection Association

**Request for Portage Routes through the property of Hugh Craig along Mitchell Slough at**

**1 – log weighted fence – woven wire, too small an entrance**

**2 – log weighted fence – woven wire, too small an entrance with barbed wire**

**3 – bridge**

**4 – bridge**

**5 – dilapidated barbed wire fence**

**1b – bridge**

**2b – bridge**

**3b – bridge**

**4b – bridge**



Google earth



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