



# Locked Out

TEN MILLION ACRES OF PUBLIC LAND ARE INACCESSIBLE IN THE AMERICAN WEST, BUT UNCOMMON ALLIES ARE FIGHTING TO OPEN THEM



BY GLORIA DICKIE





On a winter's day in 2015, Kevin Creager and Renae Haug were skiing in the backcountry of northern Washington, hundreds of feet above the Methow River that channels water out of the eastern North Cascades toward the Columbia. The hills here, dotted with alder, larch, and spruce, were some of Haug's favorite. They felt historic; ancient Native American trails crisscrossed the landscape, while others marked the passage of early pioneers. It was an easy choice, then, to skin up and over to a friend's place on the snowpacked French Creek Road running northeast of their property. This backcountry shortcut eliminated the need to drive down to the valley bottom and out to the circuitous highway in order to reach the other side of the Methow. But 45 minutes into their skin they came across what Creager called "a grandiose gate in the middle of nowhere." The upper stretch of French Creek Road dead-ended in a barrier.

Creager had lived in Okanogan County for nine years and a gate like this wasn't an unfamiliar sight, but it was definitely an unwelcome one. Accessing public land in the lower Methow Valley, the residential heart of the region, had been growing more difficult since the 2000s. One by one, private landowners have been illegally cutting off the county's dusty arteries, leaving thousands of acres inaccessible to hikers, hunters, skiers, bikers, and anyone else who doesn't have permission to pass. The lower section of French Creek Road near their cabin had already been closed, necessitating the use of skis or mountain bikes to reach the eastern portion of the road.

It's at their modest cabin, near the road's lower gate, that I meet Creager and Haug. Their home was spared by the wildfires that have ravaged this county in recent years. Swallows swoosh past us, too close for comfort, and bury themselves in the corners of the woodshed. It's early April and snow still lingers in the high country.

The three of us embark down the wider road that runs past their property to check out the older, lower chokehold of French Creek. By their driveway, Creager has built a kind of crow's nest in two old burnt pine trees, affixed with surveillance cameras. Trespassing disputes have become rife in this neck of the woods, and he's been confronted by an armed neighbor in the past. The road we're walking on is technically a county road, but it's surrounded by private land. After about a mile, the public county road merges with

French Creek. The Gebbers, one of northern Washington's largest private landowners—they made their millions in the agriculture industry and are the largest exporter of cherries in the world—and other landowners petitioned the county to end public use of this portion of dirt road nearly a decade ago, alleging it had always belonged to them. County officials eventually conceded, either too scared or too poor (or both) to fight back.

We're quiet as we plod along, unsure who could be watching or listening. A crude sign nailed to a ponderosa pine reads, "Locked Gate Ahead 1/4 Mile. No Thru Traffic," but we keep walking until we see another rectangular metal sign that marks the end of the county road. The gate itself isn't much—five iron bars with a chain between two trees—but the path beyond is clogged by downed timber and brush. Although the land to either side is privately owned, the road eventually leads to around 4,000 acres of public lands—including U.S. Forest Service and state land. By blocking off dirt roads in the county, the Gebbers have essentially folded 10,000 acres into their other private land holdings, they allege.

"It's really special back there," Creager says. "It has a different character than a lot of other public land that is available to people." The Loup Loup wolf pack roams these hills, along with elk, moose, and mule deer. It's flecked with pristine lakes and running water. Still, it's never drawn big crowds from the other side of the Cascades, he notes, though it's popular with local hunters and dirt bikers. Creager used to run sled dogs from his cabin all the way to the Canadian border, 115 miles one way, by traveling on snow-covered public roads. The gates make that impossible. In the summer, he and Haug enjoyed mountain biking on the trails that threaded through the hillside. Now, with the Gebbers installing surveillance cameras, the couple can only hike on state land, far above the closed road, guided by local knowledge of where safe passage exists. Outsiders wouldn't know such alternate routes. "Everyone should have freedom to access this area," says Haug.

The Methow Valley backcountry is just one of hundreds

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**Signs of the times in the Methow Valley of Washington.**  
**Previous: French Creek Road, Washington**



GLORIA DICKIE | PREVIOUS : GLORIA DICKIE

## In 2018, “No Trespassing” signs popped up at Zion National Park’s northern border, blocking top-down hiking access to the famed Narrows.

of areas where adventurers face restricted access to lands that are technically open to the public. More than 9.5 million acres of public lands are inaccessible in 13 western states, according to a 2018 report by the Theodore Roosevelt Conservation Partnership. Inadequate entry points in these areas have created “landlocked” inholdings of public lands amid vast swaths of private. Among the most high profile are the Crazy Mountains in Montana and the North Fork Wilderness Study Area in Wyoming, both notable for their conflicts between curmudgeonly landowners and the public.

Often, these lands have no majestic peaks or sandstone desert towers, no endangered sage grouse or American bison. And yet they belong to the American people, of all shades—dirt bikers and mountain bikers, hunters and hikers, red and blue. The same sportsmen who denounce national park protection and who advocate for mining in national monuments also fight for access to nearby public lands, giving rise to a kind of collaboration rarely seen among conservation movements.

Picture a checkerboard. In the American West, the black spaces represent parcels of federal or state land. The red spaces are privately owned. In such a game, the players—in this case, people who want to romp around on public wilderness—must pass through private property to do so. This troublesome mix-and-match division is due, in large part, to the railroad. In the 1800s, the federal government wanted to encourage the construction of rail lines and did so by giving every other square mile of land along rail corridors to a railroad company. The thought was companies could then sell the parcels to finance the railroad’s construction.

“There was an idea that we [didn’t] want these railways companies to become huge land barons, so they put that land into a checkerboard,” explains Brian Steed, deputy director of programs and policy at the Bureau of Land Management. The federal government held onto the alternating parcels in hopes they could later sell them for a higher price to other private entities. But while this worked in the water-rich eastern U.S., it faltered in the arid West. The government parcels never sold and today much of that land is presided over by the Bureau of Land Management, the U.S. Forest

Service, and the National Park Service—all of which “creates a unique set of complications,” according to Steed.

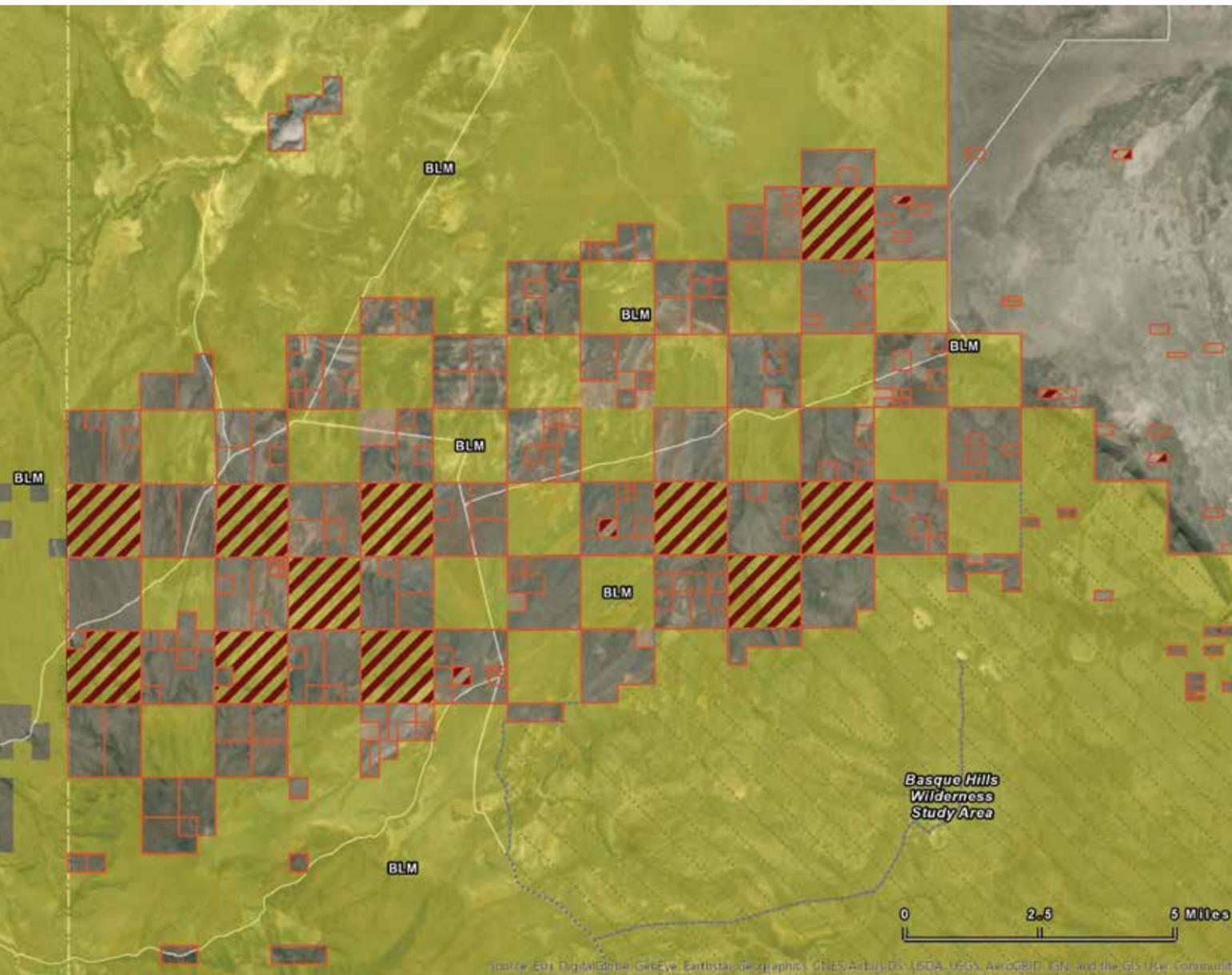
In the early 2010s, when the Denver-based Center for Western Priorities first began compiling the numbers on just how much designated public land was off limits, nothing like it had ever been done before. To this day, the government doesn’t keep a national inventory of this information.

“People had raised this issue. They knew there were places they couldn’t get to, but no one had taken a look across the West at how big this problem actually is,” says Greg Zimmerman, the center’s former deputy director. “We were able to show it’s a problem in every [western] state and it’s something that the managers of these public lands should have a better handle on.”

Instead, many of these conflicts over access are pitting neighbor against neighbor when federal and state agencies won’t intervene. Over in the Crazy Mountains, only one established public trailhead exists along the range’s 35-mile eastern front. And in the last decade, public entry to the state’s famed Yellowstone District has been challenged or blocked outright at ten separate access points, primarily by private landowners staking out roads as their own. In 2018, “No Trespassing” signs popped up at Zion National Park’s northern border, blocking top-down hiking access to the famed Narrows. Part of that route runs through private land. A “For Sale” sign advertising the opportunity to own over one mile of the Zion Narrows was affixed to a canyon wall. “They’re coming in and shutting it down and claiming public lands for private use,” says Zimmerman. “They have them all to themselves.”

That leaves the federal government in a tricky spot. When Ryan Zinke took over as U.S. Interior Secretary in 2017, he promoted an anti-conservation agenda. But he had to tiptoe around public land issues, because it’s not just North Face and Patagonia dirtbags who want access, but customers of Cabela’s and Carhartt, too. “He knew it was important for his political future to support increasing access to public lands,” says Zimmerman. “They’re an equalizing factor no matter where you come from.”

With conservationists waging wars over such things as the designation of Bears Ears National Monument, the size



-  PRIVATE LAND
-  LANDLOCKED
-  BLM

The checkerboard pattern of land ownership is common in the American West, but it is a nightmare for access. Even though two parcels of public land might touch at the corner, crossing there is illegal. Basque Hills, Oregon.

ONX



of Grand Staircase-Escalante Monument, and oil drilling in the national parks and wildlife refuges, it begs the questions: What public lands are worth fighting for? Who should lead the fight? And shouldn't public lands be available to, you know, the public?

Leaf Seaburg's home burned in the Carlton Complex Fire. It was one of 353.

As with many mountain towns, summer heat waves and drought make the Methow exceptionally flammable. The valley has burned more than a dozen times in the past 20 years, with two megafires in back-to-back years. In 2014, the Carlton Complex Fire burned more than 250,000 acres between the towns of Pateros, Brewster, and Twisp. While the valley was still cleaning up the charred wreckage, the Okanogan Complex Fire swept through, burning an additional 300,000 acres and taking the lives of three young firefighters. Years later, fire remains on everyone's mind.

Seaburg, a former state fisheries biologist who now runs Methow Fishing Adventures, has since relocated from the backcountry to a small one-floor house in Twisp, north of Creager and Haug's property. As an avid angler and lifelong Methow Valley resident, he worries about the road closures for several reasons. About half of the areas he once fished are now inaccessible. And only two main roads connect the valley to the outside world. (After the fires, a mudslide cascaded across one of the highways and brought that number down to one for a time.) In an emergency, dirt roads serve as critical escape routes for those living in the backcountry, funneling traffic out of the hills.

In 2017, Seaburg joined forces with Lorah Super, an outfitter in the North Cascades, to create the Okanogan Open Roads Coalition. He acts as president while Super, with her independent, can-do attitude, serves as the loudest voice in the Methow against privatization. Together, they're working to unite all the citizens of the valley—whether, as Seaburg poetically puts it, they're bible-thumpers, motorheads, cowboys, hippies, or snowboarders.

"We need to get people to connect the dots that it's more than just a not-in-my-backyard issue. It's all the backyards that are at risk at the same time," he says from his Twisp living room, while his two boys bounce on the trampoline out front, watched over by their dog, Blue.

Though the battle over places like Utah's Bears Ears National Monument—which the Trump Administration famously reduced in size by 85 percent to allow for uranium mining and fossil fuel development—may seem a world away, the underlying message is the same: American public lands of all stripes and sizes are under threat.

Many of the roads that thread through the Okanogan backcountry are remnants of old Native American trails and settlers' stagecoach routes. Others were constructed by locals and are long recognized by the county or state as public. French Creek Road was presumably built by pioneers who had cattle and homesteads at the end of the valley. As the decades passed, more locals began using these dusty roads to travel through the hills and mountains. In 1945, Washington State passed a law that said if a road had been used by the public for more than 10 years, it became a county road. By this time, French Creek had been used continuously by the public for nearly a century. But in the 2000s, big private landowners began challenging the public nature of roads bisecting their properties. "They've been trying to put [the principle underlying the law] on trial, because they have other roads they want to close," Super says.

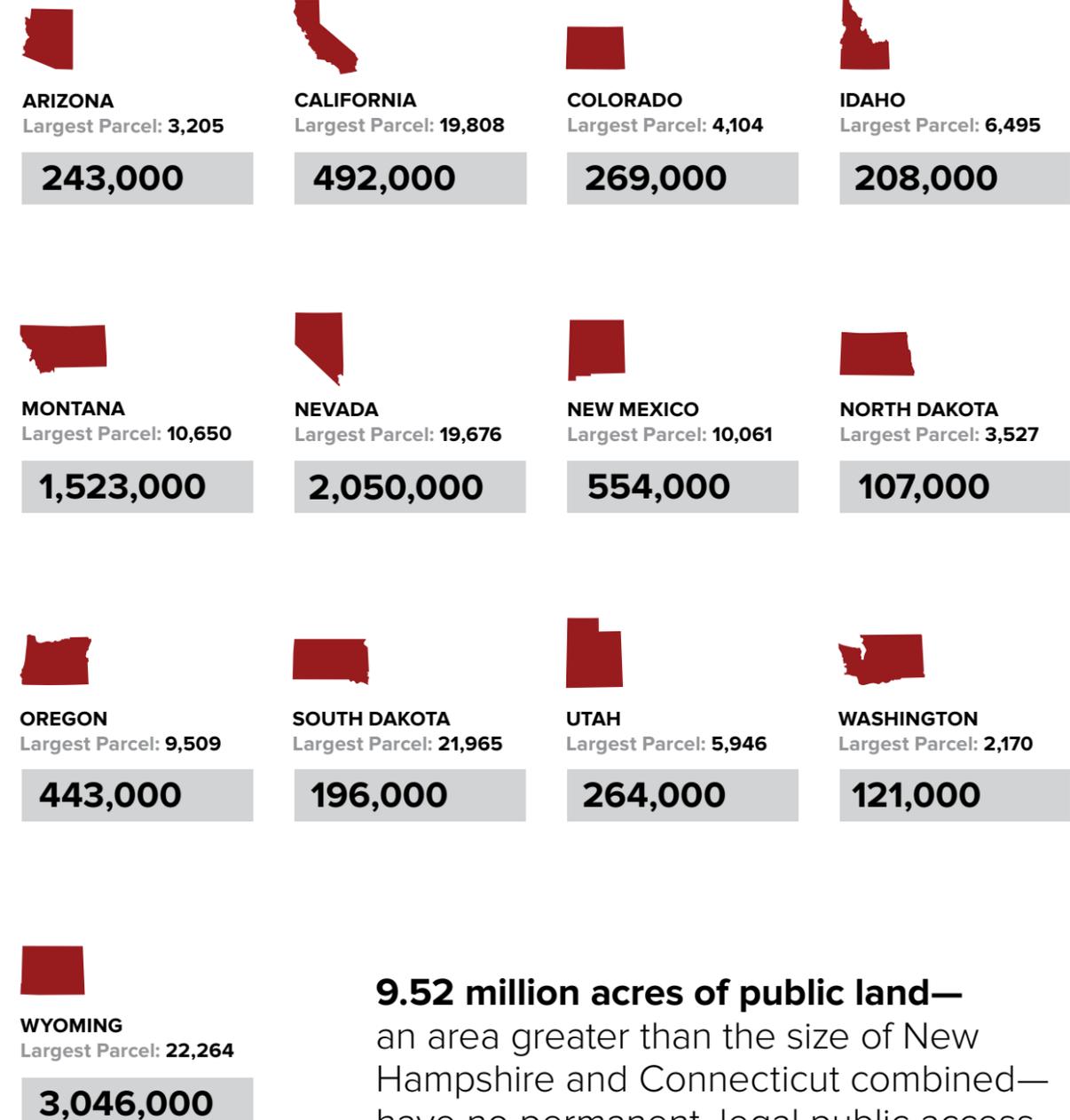
She's desperate to avoid a road-by-road fight in the valley, knowing that the coalition, which raises money in part through bake sales, could never afford the legal costs. She's hopeful that if the county can win in an upcoming court case stopping efforts to pass the title of French Creek Road to the Gebbers, it will set the precedent for the rest of the state. But it's been challenging to find the financial support. Big conservation groups usually fight people who leverage public road laws to prevent wilderness designations, and the OORC is using similar arguments to keep such roads open. But the 10,000 acres now rendered inaccessible in the Methow aren't wilderness in its purest form. There's water and wildlife, sure, but there are dirt-biking trails and roads, too. To locals, the area feels more like an extended backyard than a national monument. "It's hard for conservation groups to come out in favor of roads," Super says.

That's not to say Super and Seaburg lack allies. Those lands the Gebbers blocked off serve as some of the largest mule deer winter feeding grounds in the state, and in these parts that counts for something. (The Gebbers did not respond to requests for comment). In the stretch of Highway 20 that runs between Twisp and Winthrop, I pass at least half a dozen angling and hunting outfitters, wedged between health food shops peddling protein bowls and microbreweries with Hooligan Stout on tap. The local chapter of Backcountry Hunters and Anglers has dozens of active members in the Okanogan, and they're none too happy with the closures. "Hunters and anglers in Okanogan County make up a huge component of the public land user base," says Ryan Los, a board member of BHA's Washington chapter. "We value these lands as traditional hunting grounds, habitat for fish and wildlife, and as areas we are free to enjoy."

Across the United States, hunting groups have done



## US Landlocked Acres



**9.52 million acres of public land—**  
an area greater than the size of New Hampshire and Connecticut combined—  
have no permanent, legal public access

DATA COMPILED BY THEODORE ROOSEVELT CONSERVATION PARTNERSHIP, ONX | PREVIOUS: GLORIA DICKIE



DAVE JENSEN/WESTERN RIVERS CONSERVANCY

some of the most extensive work to open public lands. Part of that motivation comes from reports of private landowners blocking roads to create what are de facto private hunting grounds for elk, with hunting tags sold at a premium. The Rocky Mountain Elk Foundation says it has opened, improved, or provided access to 1.2 million acres across the country. Much of that work has been done by purchasing private parcels of land in the West’s infamous checkerboard and handing them over to state and federal land management agencies.

But that approach requires a willing seller. In their absence, access advocates have to take another road.

“Oh, the old county road it ain’t where it used to be, ain’t where it used to be...” John Gibson sings the jaunty yet mocking melody over the crackling telephone.

For decades, Gibson has been on the front line of the fight for public lands access in Montana. He is a driving force behind the Public Land/Water Access Association, the most notorious state-level public lands access advocacy group in the country. In this capacity, he’s seen and heard it all—including the popular excuse by landowners that the old county road, which the public had access to for decades, is a different road that somehow disappeared off the map. The PLWA hasn’t lost a court case in 30 years.

The group is primarily assembled from passionate Forest Service and BLM retirees, like Gibson, with a lot of expertise surrounding public land law. Though the average person doesn’t have the resources to take billionaire ranch owners to court, the PLWA has a well-funded war chest. Yvon Chouinard of Patagonia is one of its greatest supporters, presumably given the world-class fly-fishing opportunities afforded by Montana, which Super dubs as “the charismatic megafauna of western landscapes.”

Similar to Washington’s 1945 resolution, Montana law says that any road qualifies for a prescriptive easement review if it has been used openly, exclusively, and continuously by the public for five or more years. Whenever someone blocks a road that falls into this category, the PLWA sues

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**Success story: Thirtymile Creek in north-central Oregon is a prime waterway for anglers and hunters, but nine miles of private land on the lower section blocked access. Western Rivers Conservancy purchased 11,148 acres, then transferred 4,083 to the BLM in 2018 using LCWF funds. The remaining acreage is expected to be transferred in 2019, also using LCWF money, and fully opening access.**

them, in some cases taking the case all the way to the state Supreme Court, where the PLWA inevitably wins.

But however successful the PLWA may be in defending access, it’s really not the public’s job—or even the job of well-intended nonprofits—to fight these battles. Rather, such responsibility to ensure public lands are indeed *public* falls to the federal land management agencies who, facing dwindling resources and a myriad of directives, have struggled both to create access and to defend it. Especially when it can be personally beneficial for them not to do so.

“When you’re dealing with millionaires and billionaires and politicians who are accountable to them for campaign contributions, you can get all kinds of distortion,” says Gibson.

Before his departure from the Department of Interior, Zinke claimed to prioritize access as one of the agency’s top agenda items, and the BLM has been reviewing areas with limited passage. “The secretary would like us to deconstruct some of those barriers,” said Steed of the BLM, which manages 245 million acres in the West, before Zinke was ousted in December. Working with the other land agencies, the BLM is hoping to overcome the problematic checkerboard by ensuring that trails between Forest Service, state, and BLM land don’t dead-end at fence lines, and by outlining possible purchases of private acreage to create trails and roads.

One of the biggest successes in battles over public access is the Sabinoso Wilderness in northeastern New Mexico, near the tiny town of Las Vegas. Designated ten years ago, the 16,000 acres of rugged canyons were fully landlocked by privately held land, which meant the public had no legal way in. But in November 2017, the BLM and Wilderness Land Trust finalized an agreement that transferred nearly 3,600 acres of donated land to the feds to guarantee public access in perpetuity.

Despite Zinke’s directive, the money to do this sort of work has been disappearing. Until September 2018, the primary source of funding for federal land acquisitions came from the much-lauded Land and Water Conservation Fund, which drew on up to \$900 million a year in oil and gas royalties paid to the government. But Congress allowed the 53-year-old fund to expire, and it was estimated the nation’s public lands lost more than \$350 million because of it. In February 2019 though, Congress did something it rarely does—reach bipartisan consensus—and overwhelmingly passed the largest public lands protection bill in a decade. The bill was sent to the president for signature, and it included something many have dreamed about for years: permanent funding for the LWCF. Perhaps, public lands watchers hope, it can herald the second opening of the West. **A**