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Wildlife Federation wants access to Lusby lawsuit

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Members of the Wyoming Wildlife Federation fish, hunt and enjoy the North Platte River 25 miles west of Casper at the Lusby access area.

So the federation wants to join the lawsuit involving four Lusby-area landowners who sued the Wyoming Game and Fish Commission and Department last year for not enforcing the 45-year-old lease, which they say does not allow public access when the river is down.

According to the Wyoming Wildlife Federation, the landowners don't represent the sportsmen.

The government doesn't represent the sportsmen, either, because the department's interest is for "the general public good" and not individuals, according to the application to intervene filed by WWF attorney James Salisbury of the Cheyenne firm of Riske, Salisbury & Kelly P.C. "The Court's determination as to the existence scope, nature and allowable uses of the easement directly impact Applicant and its members."

Judge David Park will hear the federation's request during a conference call at 9:30 a.m. Friday at the Natrona County Courthouse.

Access to the river has been in dispute since last year when the landowners -- Corey and Kathryn Davison, Ronald and Stacey Richner, Michael Rempe, and Marton Ranch Inc. -- posted "No Trespassing" signs.

The Wyoming Game and Fish Department responded with a sign of its own and a press release stating the area was still open.

The landowners claim the 1964 Lusby easement grants access to the river 100 feet from the river's high water mark and only at the high water mark, according to their attorney, Harriet Hageman of the firm Hageman & Brighton P.C. When the river is down, the land between the high water mark and the middle of the river is the landowners' private property and cannot be trespassed upon, she argues.

The Game and Fish Commission and Department, however, believe the easement does not specifically describe the streamside boundary -- it describes a line and not an easement area -- but

it does indicate that it was given to permit fishing and hunting, in the easement's words, "on the North Platte River," according to Wyoming Assistant Attorney General Levi Martin.

The Wyoming Wildlife Federation asserts it shares the same issues about the law and facts of the case as the commission and department.

But it has a more specific interest, too, according to its request to intervene in the case.

"A number of Applicant's individual members make specific use of the easement at issue and have used the same since at least the 1970s," according to the Wyoming Wildlife Federation. "It is those specific interests of its individual members that Applicant seeks to protect by this intervention."

The state agrees that the federation has a right to intervene, Martin said Wednesday.

The landowners do not, and want the court to deny the federation's request to intervene, Hageman said Wednesday.

"This is an easement granted to the Game and Fish Commission and not to the Wyoming Wildlife Federation," she said.

While the federation's members may use the Lusby access, the federation as an organization does not, Hageman said. "They don't have standing."

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