

Texas Representative Pete Sessions' Letter to Secretary of Agriculture Sonny Purdue

On June 7, 2017, US Representative Pete Sessions from Dallas (R-TX) wrote to the Secretary of Agriculture Sonny Purdue, carbon copying the Department of Interior Secretary Ryan Zinke (Montana) – letter attached below.

In Sessions' letter he states that Chris Hudson (Dallas), owner of the Wonder Ranch in Montana is one of his Texas constituents. There is more to this though, than a federal legislator from another state, weighing in on behalf of a voting constituent.

Sessions requests Sec. Purdue issue a directive precluding the Forest Service from acquiring prescriptive easements and disavowing the Federal agency that manages our public trust lands and resources, from filing Statements of Interest for public access to our federally managed public lands. We have a growing problem, here in Montana and in the West, of public access to our public lands increasingly being cut off. Sessions did not request Sec. Purdue look into the one issue at the Wonder Ranch, nor the current issue in the Crazy Mountains (MT). He does not directly the Crazy Mountain, but references it by the “District Ranger” issue and his forwarding of a Facebook post in question. The post is by the Public Land/Water Access Association, a Montana organization, founded by retired Gallatin National Forest Supervisor Lewis (Gene) Hawkes, whose mission is to maintain, restore, and perpetuate public access to the boundaries of all Montana public land and waters.

Under Montana law, the elements of a prescriptive easement claim are open, notorious, exclusive, adverse, continuous, and uninterrupted use for the statutory period. The public, in a variety of ways, has been utilizing trails and roads throughout the Crazy Mountains for over a 100 years. The USFS Statement of Interest asserts that it has and claims easements for the National Forest Trails over and across real property.

Rep. Sessions did not investigate [the false allegation against Alex Sienkiewicz](#). Sienkiewicz is a dedicated public trust Forest Service employee, who until recently held the position of the Yellowstone District Ranger. The YDR administrates our public lands in the Crazy Mountains, in the northern part of the Custer Gallatin National Forest. If Sessions had investigated the false allegation that Sienkiewicz posted, “in an official capacity” to PLWA’s Facebook page, before he passed it on in his official capacity, he might have easily found out that former [FS District Ranger Sienkiewicz did not make the post](#). It appears, the individuals and groups utilizing this Facebook post, are simply using what they thought, was a “gottcha” moment to springboard to their real objectives involving our public lands.

Sessions also alleges that USFS Region 1 went rogue during the Obama administration, calling it a “war on private property owners conducted by the Obama administration”. This is simply a dog whistle, having nothing to do with Obama or his administration.

Enhancing Montana's Wildlife & Habitat Forest Service FOIA documents ([1](#), [2](#), [3](#)) show that prescriptive easements and Statements of Interest have been used by our Federal land agencies for decades, well before Obama became President in 2008.

So why is Rep. Pete Sessions getting involved with some public land access issues here in Montana? And why is Sessions requesting newly appointed Secretary of Agriculture Sonny Purdue take such drastic nationwide actions as precluding the Forest Service from acquiring prescriptive easements and disavowing the Federal agency from filing Statements of Interest for public access?

Could it be because another land owner, with private land adjacent to our FS Crazy Mountains public lands, Monzer Hourani from Houston, TX, is a major contributor of his? Hourani, a real estate developer who specializes in medical, biotech and pharmaceutical design and construction, owns the Montana Eagle Ranch (Montana Ranch Corp., I did a search with Montana Cadastral), on the northwest side of the Crazy Mountains. Hourani is not just a contributor to Rep. Pete Sessions (R-TX), but a major contributor, supporter and friend of Sen. Orrin Hatch (R-UT). In fact, Hourani (CEO

Medistar Corporation) broke Federal election laws contributing to Hatch. Hourani was [fined \\$10,000](#), “Hourani next caused Hatch headaches when he broke federal election law to benefit his friend. After Hourani had given the maximum personal donations to Hatch allowed by law, he gave more money to employees and asked them to donate it to Hatch in their own names.”

Hatch is listed as #3 in a [Top "Public Lands Enemies" in Congress](#) report: Fifteen Federal Lawmakers From Eight Western States Plotting to Seize, Dismantle, Destroy and Privatize America's Public Lands. “Between 2011 and 2016, Senator Orrin Hatch sponsored or cosponsored 19 of the 48 anti-public lands bills we identified, making him Public Lands Enemy #3.” Sen. Hatch's [website states](#), “The Federal Government owns most of the land in Utah – making decisions without even consulting state and local officials. This is an outrage...” Hatch is part of the movement to transfer or sell our public lands to the States, boasting, “As a leader in the Sagebrush Rebellion, I've been fighting to turn federal lands in our state over to Utahns to own and control.” What Sen. Hatch does not understand is that the American public owns those lands, our public trust, which the Federal government manages on our behalf.

Senator Orrin Hatch knows our Crazy Mountains up close and personal, having been a guest at Monzer Hourani's property there. To experience all that the Crazy Mountains has to offer, has become limited by certain landowner efforts to close public access to the FS public lands. No one should have to rely on a landowner's hospitality or have to pay as a client, just to access these public lands. Perhaps Texas Rep. Pete Sessions received more than just campaign contributions from Hourani, but also enjoyed his Montana Eagle Ranch hospitality, adjacent our public lands?

Texas has less than 2% Federal lands, and not all of that 2% is publicly accessible, [part belonging to the Department of Defense and Native American Reservations](#).

Montana, however, enjoys and benefits from about 30% Federally managed public lands, which contribute greatly to our way of life and abundant and growing outdoor recreation economy.

Texas Representative Pete Sessions might want to consider that not everyone wants be like “No Trespassing” Texas.

What the Texas Representative is requesting from the Secretary of Agriculture, is a “taking” from the US

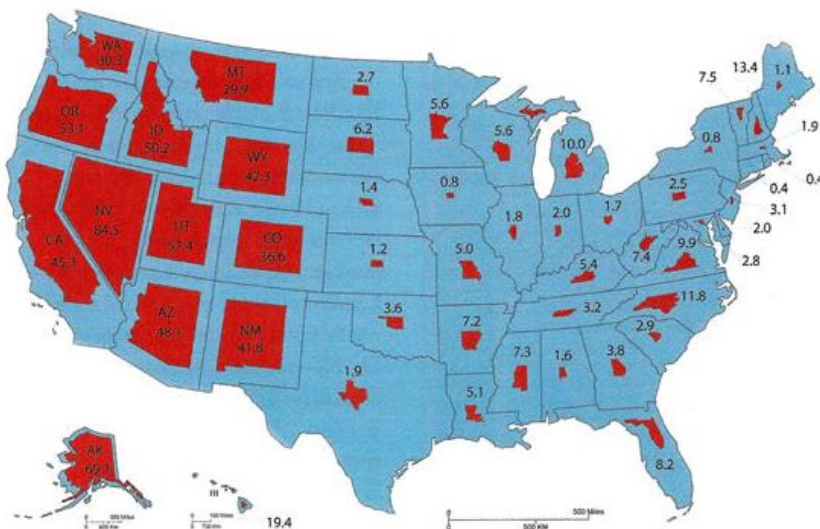
Public – historic public prescriptive rights and access, especially in the West. Sessions' suggestion of legislation to achieve this theft from the public and would hinder the Federal agencies who manage our various public lands. It is also, yet another attempt to chip away at the public trust and legislative special interests over our public lands. This just might earn Sessions a notorious spot on the “Public Lands Enemies” list.

[Click for more information on the Crazy Mountain Public Access situation](#)

Kathryn QannaYahu, Enhancing Montana's Wildlife & Habitat, www.emwh.org
406-579-7748, Bozeman, MT

WHO OWNS THE WEST?

Federal Land as a Percentage of Total State Land Area



Data source: U.S. General Services Administration, *Federal Real Property Profile 2004*, excludes trust properties.

PETE SESSIONS
32ND DISTRICT, TEXAS

CHAIRMAN
COMMITTEE ON RULES

COMMITTEE ON
FINANCIAL SERVICES
(ON LEAVE)



Congress of the United States
House of Representatives

2233 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4332
TELEPHONE: 202.225.2231
FAX: 202.225.5878

LAKESIDE SQUARE
12377 MERIT DRIVE
SUITE 750
DALLAS, TEXAS 75251-2224
TELEPHONE: 972.392.0505
FAX: 972.392.0615
sessions.house.gov

June 7, 2017

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1440 Independence Ave, SW
Washington, D.C. 20250-0001

Dear Secretary Perdue,

I am writing to request the U.S. Forest Service ("Service") honor Congress' intent, as expressed in F.L.P.M.A. (43 U.S.C. 1715(a)), and issue a directive precluding the Service from acquiring interests in lands by prescription and disavowing the use of so-called Statements of Interest. Under the Obama Administration, Region 1 went rogue and, without any statutory or rule-making authority, created so-called Statements of Interest in order to circumvent Congressional intent and the Takings Clause of the U.S. Constitution. This has resulted in a distorted relationship between the federal government and its citizenry that, unless reversed, will result in the loss of untold points of public access as private landowners end historic permissive access arrangements because of the fear of loss of valuable property rights.

Failing such a corrective instruction, presumably by the Chief of the Forest, private landowner relations with the Service will deteriorate and the goal of increased public access to the forest will be frustrated. In the face of District Rangers actively encouraging members of the public to trespass and not ask permission to cross private property (as illustrated in the attached Facebook post), the response will be quick and widespread – the end of permissive access. A far better policy, and a political winner in the west, would be to declare increased public access to the Forest as priority one for the Department and to (i) order a top down review of the Forest road closures undertaken in the last twenty years with an eye to re-opening many, and (ii) encourage permissive access across private lands by removing the risk posed by the Wonder Ranch precedent, i.e. that as a reward for having cooperated with the federal government to provide greater public access to public lands a landowner will have to sue the U.S. Government in order to defend his or her property rights. Additional documentation regarding the Wonder Ranch precedent is attached.

Additionally, I request an in-person meeting to discuss the need for such a directive and whether legislative action is needed to achieve this restoration of private property rights. I respectfully would propose June 13-16, 2017 for a meeting and would like to extend an invitation to join such a meeting to my constituent and the owner of Wonder Ranch, Mr. Chris Hudson. Mr. Hudson

unfortunately has extensive, firsthand experience with the war on private property owners conducted by the Obama Administration. I request that your staff notify my Legislative Director, Jennifer Lackey, if you are willing to issue the directive described above, and your availability for a meeting, at Jennifer.Lackey@mail.house.gov or 202.225.2231.

Please know that I greatly appreciate your willingness to serve our nation as Secretary of Agriculture. Your leadership, expertise, and commitment to freedom are critical to restoring the damage inflicted on private property owners by the previous Administration. I look forward to hearing from you in the days ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Sessions", with a long horizontal flourish extending to the right.

Pete Sessions
Chairman
House Committee on Rules

CC: The Honorable Ryan Zinke, Secretary, U.S. Department of the Interior

Enclosures