

## **Crazy Mountains Public Access Appeal Press Release**

**For immediate release**

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### **Public land advocates appeal the summary judgment entered in favor of U.S. Forest Service and Landowners**

#### **Coalition of sportsmen-conservationists maintains the Forest Service is abdicating its duty to uphold and defend public access to historical trails and asks the Ninth Circuit to take another look**

HELENA, Mont. - A coalition of conservation and sportsmen's groups, including Friends of the Crazy Mountains, the Montana Chapter of Backcountry Hunters & Anglers, Skyline Sportsmen, and Enhancing Montana's Wildlife and Habitat, filed an appeal of a recent ruling in a lawsuit over public access opportunities in the Crazy Mountains.

"Not surprisingly, we think the judge got this one wrong," said John Sullivan, chair of the Montana Chapter of BHA. "The decision fails to hold the Forest Service accountable to its duty in preserving and protecting the public's interest in many ways. We will fight tooth and nail to protect the public's legal access across Montana, not just in the Crazies.

“The Forest Service flipflopped on these public trails with no notice and no process,” Sullivan continued. “We won’t stand idly by while they fail the citizens of Montana and all Americans by failing to comply with their own regulations.”

While the judge agreed with the Forest Service that five general sentences and a circle on a map of the west side of the Crazies for moving the Porcupine Lowline trail in a 2009 NEPA document is adequate for NEPA, the coalition members disagree. The Forest Service failed to perform the most basic NEPA review of this project.

Brad Wilson of Friends of the Crazy Mountains noted that the Forest Service simply reversed course from its prior written public position on these trails in its travel plan, its legal defense of the same travel plan and its own internal memos. To this day, no formal announcement or documentation of this reversal has been released.

“The attorney representing the Forest Service acknowledged in court that the public had valid prescriptive easements until the Forest Service stopped removing the landowner’s illegal obstructions and suspended the forest ranger protecting the public’s trust,” said Wilson. “Public access should be subject to the law, not the wavering whims of local federal bureaucrats. Someone needs to hold the Forest Service accountable for failing to do their job.”

Kathryn QannaYahu Kern of Enhancing Montana’s Wildlife and Habitat noted that the Forest Service ignored concerns of coalition members and other members of the public when it failed to protect public access to the trails in the Crazies.

“For several years, we consistently pointed out the Forest Service’s glaring abandonment of its own regulations, with supporting documentation, in a public meeting held in Livingston, in objections filed with the Forest Service, and through other means,” said QannaYahu. “We stated that the Forest Service was violating NEPA on the Ibex Project, and we asked for accountability and transparency, but the Forest Service arbitrarily ignored our concerns.”

Sullivan continued, “In addition to the chilling impacts on these trails in the Crazies, landowners looking to remove existing legal public access across the West have been told by the Forest Service that they will stand by while the public has its access stolen. We will continue to push our case in the public sphere, directly with the

Forest Service and in the courts. This is too important not to fight for our members and the public.”

Wilson added, “We are confident that the Forest Service failed to follow its own procedures and in doing so, harmed Montana and American citizens. We likewise are confident that the appellate court will agree with our view and reverse this decision.”

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