



United States  
Department of  
Agriculture

Forest  
Service

Gallatin National Forest

Big Timber Ranger District  
P.O. Box 1130  
Big Timber, MT 59011-0196

**File Code:** 5460  
**Route To:** Bob Dennee

**Date:** July 5, 2001

**Subject:** Telephone conversation regarding Sweet Grass access

**To:** Files

Ralph Cosgriff called me Monday, July 2, 2001 and again on the 3<sup>rd</sup> in regard to a copy of a letter he got from Page Carroccia Dringman. The letter was addressed to the Big Timber Acting District Ranger (copy attached). Mr. Cosgriff apparently owns several parcels within the Forest boundary in the Sweet Grass Creek drainage. Mr. Cosgriff was rather upset with the letter he had received and stated the Carroccias had gone "too far". The Carroccias are limiting public access across their property, which resulted in a confrontation with a Forest Service employee and a volunteer on or about June 21, 2001. I personally don't know Mr. Cosgriff, but he apparently is elderly. He and his wife acquired the property in question from Mrs. Cosgriff's father C.R. Ward. Mr. Cosgriff asked me many historical type questions that I could not answer, for instance, what happened to the sign at Eagle Park in 1962?

Mr. Cosgriff stated he had proof that the County and Forest Service had maintained portions of the road/trail across his father-in-law's private land in the Sweet Grass Creek drainage within the National Forest. Mr. Cosgriff immediately provided me with some documentation from 1930, 1936, and 1945 (enclosed). I asked who had maintained the roads outside the NFS boundary to the County Road and he stated primarily Lloyd Rein (a downstream neighbor below the Carroccias). We discussed the Northern Pacific deeds to private individuals and how at least some of them reserved public right-of-way through those sections. I asked Mr. Cosgriff if he would be willing to exchange easements across his property for the trail/road for the same from the Forest Service. He stated there was no need since it was a "public road" through both. He went on to state he also had some sort of agreement with the FS from c. 1935 which also provided such access. I've never seen the historic documents he has referenced or provided me. This is not surprising, since this segment of the Gallatin NF was part of the Absaroka NF and administered out of Livingston until 1945.

Mr. Cosgriff also seemed interested in what type of authorizations the Carroccias have on the National Forest. I explained they had an outfitter permit valid for 35 service days and a grazing permit that I really couldn't address due to my limited knowledge of range authorizations. Mr. Cosgriff implied that he thought the Carroccias were using more than the allotted 35 days on the Forest and were using non-system trails across NFS lands and through his property without authorization. He also stated the cows on the Carroccias allotment in NFS section 8 were always on his property.

Both Mr. and Mrs. Cosgriff sound fairly adamant that the Sweet Grass Road is a "public road." I asked if they would be willing to make a statement to that effect, and it sounded like they would. I apologized for asking them to put themselves in that position if necessary, but they felt it was time to clean this up.

Frank Cifala  
Resource Assistant

Enclosures: 4 total

cc: Gordon Schofield  
Alan Campbell  
Bob Dennee  
Fred Haas



**William Avey**

01/11/02 03:16 PM

To: Frank Cifala/R1/USDAFS@FSNOTES

cc:

Subject: Cosgriff

Ralph and Betty Cosgriff stopped by - really nice folks - they got our letter to Page and wanted to know what was going on - I filled them in best I could, that I was new and learning but that we were planning to start talking to Corricia's this fall - we wanted to protect public access, etc. They feel, as you know, very strongly that Sweetgrass Canyon is public access and has been - also told me that there was a public school in Sec 10 and that the WPA built a bridge in section 10 - also that Barbara VC's father built the road in Section 8 under a SUP in the mid-30's and the permit had a condition that the road would be open to the public - they said they would be willing to sign affidavits attesting to what they know about public access in Sweet Grass canyon.

MAY 20 2003

# COSGRIFF RANCH

1029 Otter Creek Road  
Big Timber, MT 59011  
932-4104

932-4170 } John + George (owners) <sup>now</sup>  
              } Ralph (sons)

_____	District Ranger	BA
✓ _____	Res Asst - Rec/Wild/Lands	FC
_____	Forestry Tech	
_____	Suprv Range Mgr	
_____	Range Tech	
_____	Range Con	
_____	Res Asst - Min/Timbr/Wild	
_____	Minerals	
_____	ES Mine Admin	
_____	Timbr/Wild	
_____	SSS	
_____	EMA	
_____	Info Recep	
_____	Fire	

May 18, 2003

Chuck and Pam Rein  
Rein Anchor Ranch  
HC 87, Box 2174  
Big Timber, MT 59011

Dear Chuck and Pam:

The Cosgriff Ranch is finally taking the time to respond to your letter of March 6, 1999. We could hardly believe this much time has elapsed since receiving your letter. The delay in part results because we are friends and neighbors and these types of matters are somewhat unpleasant to address.

The issues contained in your letter resurfaced recently when the Forest Service on April 29, 2003, forwarded a letter along with a proposed Memorandum of Agreement.

Our fundamental desire is to maintain our friendship and neighborly relationship while also preserving our right to free and unrestricted access to our properties along Sweet Grass Creek and the general area. For many years dating back to 1916 my family has used the road and improvements for a variety of commercial uses. Some, of course, relating to our ranching activities, but also including commercial logging. In the future we may want to expand our commercial use to include hunting and fishing, a dude ranch operation or other related uses. Also, if we ever decide to sell, we wouldn't want to limit the new buyer's access or use of the roadway.

Whether or not this roadway is a public road is a matter of conjecture. We have records dating to 1936 indicating cost sharing with Lloyd Rein in the rebuilding of the bridge east of your home. Our records indicate that in subsequent years we continued to cost share with Lloyd and others to maintain the bridges and roadway. We also have records showing payment to Sweet Grass County to maintain the road and for snow removal.

During the Roosevelt era, the CCC with material provided by our family, Sweet Grass County and the Federal Government, constructed a bridge on the road

south of your home crossing the Sweet Grass. During that era and until recently we all assumed the road in question to be a public road to Eagle Park.

For many years Anita Ward, Barbara Cosgriff's mother, rented hunting cabins to the public. Those cabins remain standing on Section 9. This may well be a use we would once again utilize.

We don't intend by this letter to take any action with regard to your sign or Carroccia's sign, but we don't necessarily agree that the road is not public and certainly don't intend to restrict our future use of this road.

The Memorandum of Agreement prepared by the Forest Service seems to me to be a way of preserving the uncertain status quo. Again to the extent that the proposed agreement is inconsistent with our position set forth herein, we will object. Further, if it is going to be necessary to litigate this matter then perhaps we should confront the issues at this time rather than later. On the other hand, if we have an agreement that no one intends to restrict our future commercial or other use of the road, then perhaps litigation is not inevitable.

I hope you understand that we are not trying to be difficult but rather want to preserve our right to unrestricted commercial use of this road for future generations and future owners.

Regards,

  
Ralph and Barbara Cosgriff

Cc: Victor Tronrud  
Charles P. Anderson  
William Carroccia  
Rebecca Heath, USFS