

Matthew K. Bishop  
Western Environmental Law Center  
103 Reeder's Alley  
Helena, Montana 59603  
406-324-8011  
[bishop@westernlaw.org](mailto:bishop@westernlaw.org)

Michael A. Kauffman  
DRAKE LAW FIRM, P.C.  
111 North Last Chance Gulch  
Suite 3J, Arcade Building  
Helena, MT 59601  
406-502-1668  
[michael@drakemt.com](mailto:michael@drakemt.com)

*Counsel for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FRIENDS OF THE CRAZY  
MOUNTAINS, *et al.*,

Plaintiffs,

vs.

MARY ERICKSON, in her capacity  
as Forest Supervisor for the Custer-  
Gallatin National Forest, M  
HANGING LAZY 3, LLC, HENRY  
GUTH, INCORPORATED, *et al.*,

Defendants.

CV-19-66-BLG-SPW-TJC

DECLARATION OF  
KATHRYN QANNAYAHU  
KERN

I Kathryn QannaYahu Kern declare as follows:

1. I reside in Helena, Montana. I am over 18 years of age and competent to testify. I have personal knowledge of each of the facts setforth below.

2. I am the founder of Enhancing Montana's Wildlife & Habitat (EMWH). I created EMWH because I saw a need to put information into the hands of the public. EMWH's mission is to put the "public" back in public trust. EMWH advocates for the Montana citizen's right to participate and right to know; empowers the Montana public with the tools of public process; and provides oversight to public agencies to ensure transparency and accountability. EMWH advocates for public access to our public lands and the management of land for the benefit of the public and future generations. In service of these goals, I maintain a research website and publish a public trust blog and newsletter. I am also a member and supporter of Friends of the Crazy Mountains. The U.S. Forest Service's (USFS's) actions challenged in this case – including the USFS's failure to protect public access on our Forest Service trails – undermines and directly frustrates the mission and purpose of EMWH and Friends of the Crazy Mountains. This is why these two organizations are involved in and compelled to bring this civil action.

3. When I founded EMWH in 2013, I was a Bozeman resident, spending much time in the Custer Gallatin National Forest, including the Bridger Mountains. Having researched public access, I was contacted by a hunter, in 2015, who had access obstructed in the east

Bridgers, by an out-of-state landowner who purchased the only parcel without a USFS easement, then placed a lock on the gate. After researching, I contacted the USFS, suggesting a trail relocation to the adjacent Forest Service land to restore public access. In October 2016, the USFS began the Middle Fork Sixteen Mile Road Relocation Project Environmental Assessment. In June 2017, the USFS published their Decision Notice and Finding of No Significant Impact. I networked and supported the public scoping process. The public supported restoring access, and the USFS rerouted FS Road #642, restoring public access. This was a good example of a CGNF NEPA process and beneficial trail relocation. The current Porcupine Ibex Trail Project in the west-side of the Crazy Mountains could not be more different and has not been a proper process, nor is it beneficial to the public.

4. I am intimately familiar with the USFS's proposed Porcupine Ibex Trail Project. The Project involves, building about 8 miles of new trail on National Forest land, securing a permanent easement from a private landowner for a small portion of the new trail, closing and obliterating portions of two existing National Forest System trails in the area, the Porcupine Lowline trail (No. 267) and Elk Creek trail (No.195), and giving up the public's easement interests to use and access portions of the Porcupine Lowline trail and Elk Creek trail. I believe that the project has harmed and continues to harm my personal interests and the organization's mission. The new trail and easement exchange are particularly a concern and undermine my ability to use and enjoy these trails and my dedication to protecting

public access rights on our public lands and trails. The project also sets a dangerous precedent by rewarding private landowners for their illegal activity and efforts to obstruct public access.

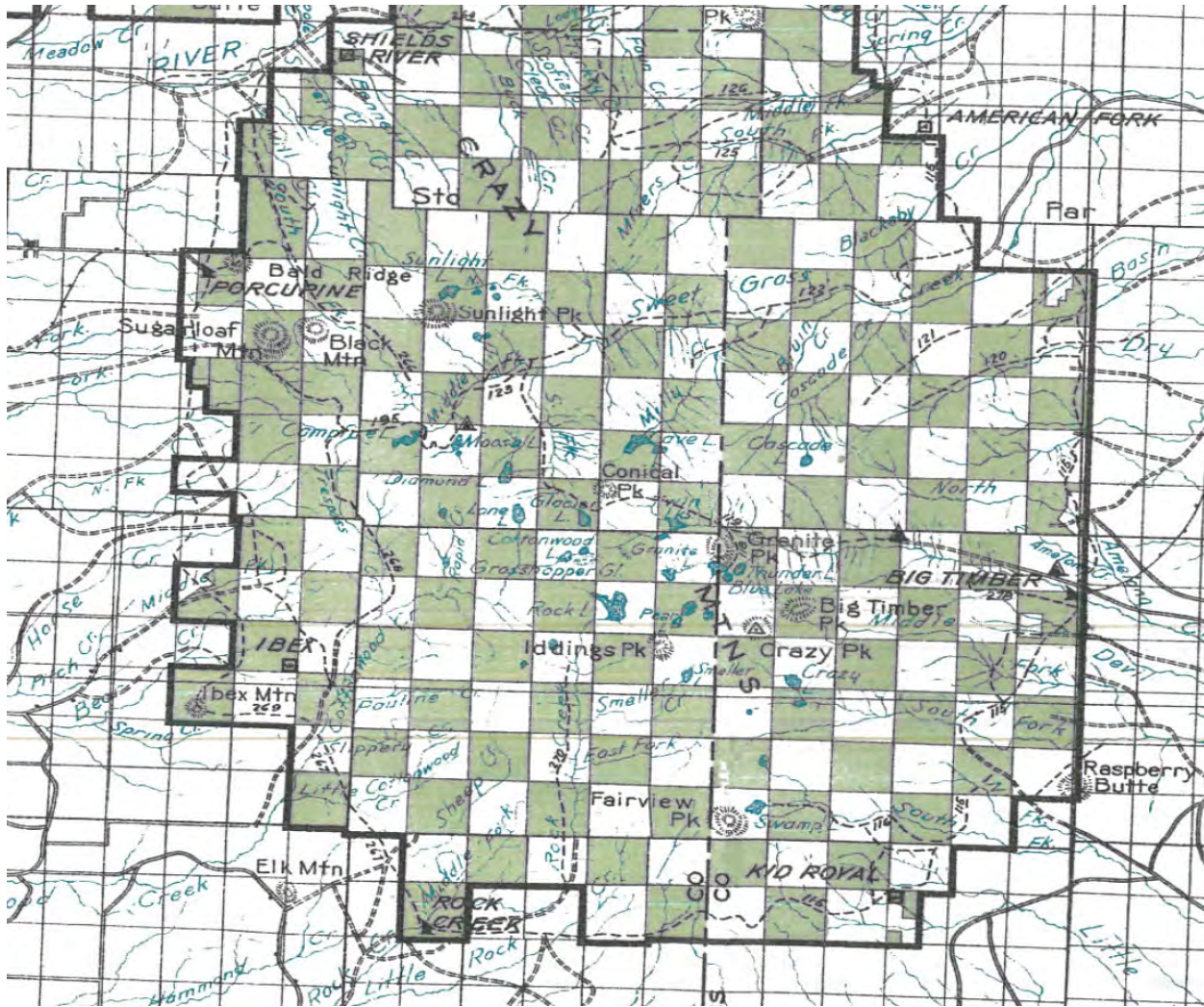
5. I first became aware of public access issues in the Crazy Mountains at an access meeting in the early fall of 2014, where I gave a guest talk on a public access issue in another part of Montana. After my presentation, Forest Service District Ranger Alex Sienkiewicz introduced himself and invited me to visit his Livingston office. During that visit, Alex used maps to show me access obstructions private landowners had created, blocking public access to trails in the Crazy Mountains. This includes the Porcupine Lowline trail (#267), Elk Creek trail (#195), the Sweet Grass trail (#122), the East Trunk trail (#115/#136) and others. The District Ranger was later removed from his post in June, 2017 and reassigned in October, 2017 (and later restored) for basically doing his job and protecting and defending public access rights on these trails in the Crazy Mountains. An article about the removal was published in the Bozeman Chronicle: [https://www.bozemandailychronicle.com/news/environment/advocates-outraged-over-reassignment-of-forest-service-ranger/article\\_f00e5393-2b37-5585-8c63-1a36dbee9a0.html](https://www.bozemandailychronicle.com/news/environment/advocates-outraged-over-reassignment-of-forest-service-ranger/article_f00e5393-2b37-5585-8c63-1a36dbee9a0.html) (last visited April 23, 2021).

6. After my 2014 visit with the District Ranger, I was motivated to conduct my own independent research. Since 2014, I have sent numerous FOIA requests, undertaken historical research on roads and trails in the Crazy Mountains, and made a number of trips to the

area (both in a professional and personal capacity) to visit the Crazy Mountains, use the National Forest System trails, and see firsthand the on-the-ground obstructions.

7. After reading the 1948 Crazy Mountain Big Timber Canyon Road public access case and injunction, based on a Northern Pacific Railroad Grant Deed, with “easement in the public” language, I understood the importance of the railroad grant deeds. Through title research, I discovered railroad grant deeds that provide deeded easements to use and access portions of the Porcupine Lowline, Elk Creek, Sweet Grass, East Trunk, and other trails. I provided a copy of some of these deeds to the USFS in my scoping comments on the Porcupine Ibex Trail Project but the USFS never responded. During my research, I also acquired a number of historic maps, including a 1937 map of the Crazy Mountains which shows the checkboard land ownership pattern (and the four National Forest System trails at issue in this case). A true and correct copy of a photo of this map is pasted below:





On my website, I have also copied and made available other historic maps from the Crazy Mountains:

<https://www.emwh.org/public%20access/Crazy%20Mountains/Crazy%20Mountains%20Maps.html> (last visited April 23, 2021).

8. As part of my research for EMWH and for my own personal interest, I visited Sections 10 and 15 on Trail #267 on July 17, 2017, on August 16, 2017, and in July 2018 for the purpose of documenting and communicating access issues to the USFS so that they could rectify them. I walked on portions of the trails and took a number of photos. I also communicated my concerns about obstruction efforts and conveyed

those concerns to various levels and divisions of the USFS. The USFS never responded. Pasted below are some images from one of my on-the-ground documentation trips, Porcupine Lowline Trail #267, border between Sections 10 & 15 of 4N 10E. The landowner has locked the gate and removed the Forest Service's signs and tried to cover up the trail (we also found "no trespassing" signs). We eventually climbed the gate and continued hiking and documenting.











9. During my research and in response to various FOIA requests, I obtained and copied this photo of the District Ranger replacing many of the Forest Service signs in this area. Pasted below is a true and correct copy of this photo that I now have on my website (compare this photo to the ones above and you can see where the signs were removed):



10. On July 23, 2019, with several friends, I hiked from the Ibex cabin (where I stayed overnight) on Trail 267, visiting Sections 14, 11, and 2. Our purpose was to explore the southern area where the new trail is proposed to rejoin the current Trail #267. Because of an old shin fracture and the steeper terrain, I was only able to make it partway through Section 2.

11. As someone who has carefully reviewed and evaluated the USFS plans and the history of the trails, as well as someone who has visited the area on number of occasions (and plans to go back), I am concerned about the Porcupine Ibex Trail Project on many levels and believe it has harmed and continues to harm my interests and those the EMWH and Friends of the Crazy Mountains.

12. First, as a conservationist hunter, I am concerned that the new mountain bike trail will compromise habitat security. I follow studies that show the detriment to elk and other ungulate habitat security from recreation. A January 2018 study from the Forest Service – Wisdom (2018) – involving radio-collared elk revealed the real-time effect of various types of recreation. The study showed that horse traffic has the least impact, followed closely by foot traffic. Mountain bikes, which the Porcupine Ibex Trail will be designed for, cause almost the same level of ungulate dispersal as ATVs—about a mile. None of this information was considered or evaluated by the Forest Service because they chose to forgo doing a NEPA analysis for the Project.

13. Due to the lack of USFS's responses and forgoing a NEPA analysis for the Project, and our growing concern, Brad Wilson (Friends of the Crazy Mountains) and I (EMWH), decided to hold a public meeting in Livingston, on March 13, 2018, since the USFS would not, and to provide the public with various documentation (including Railroad grant deeds, best available science and USFS NEPA process) and hold a public discussion. We invited the USFS to attend to answer any of the public's questions, but they declined. The meeting was attended by about 85 various officials, media, members of organizations and general public. We recorded the meeting, then placed the video and documentation on the EMWH website for those that could not attend. This meeting helped to inform the public scoping process, which the majority of the public commented against the



Project relocation. Pasted below is an image from the March 13, 2018 public meeting on the Porcupine Ibx Project and the Livingstone Enterprise article.



## Questions raised about proposed trail

Published on Wed, 02/21/2018 - 12:00am

By Liz Kearney



Bernard Lee, a former Forest Service realty specialist and now the president of the Public Land/Water-Access Association speaks to the audience, encouraging all parties involved to work together to avoid litigation. (Enterprise photo by Nate Howard)

### Crazy Mountains

Opponents of a proposed compromise on a Crazy Mountain trail dispute argue that the trail in question has a history of public use, even if there were never any official easements granted by the private landowners whose land the trail crosses.

Those opponents, including representatives of a newly formed advocacy group, Friends of the Crazy Mountains and another organization, Enhancing Montana's Wildlife & Habitat, held a meeting March 13 in Livingston to share their concerns.

Brad Wilson and Kathryn QannaYahu hosted the meeting at the Yellowstone Pioneer Lodge. Wilson is a lifelong resident of the Shields Valley and QannaYahu is a self-professed private citizen with a strong interest in public lands access, she told the assemblage of about 80 people.

Earlier this month, the Custer Gallatin National Forest, in conjunction with the Crazy Mountain Working Group, a group of landowners and public lands users, announced a trail proposal that would abandon much of the Porcupine Lowline Trail, known as #267 on maps. The trails in question access public lands in the Crazyes from the west side, off roads that lead off of U.S. Highway 89 North.

In exchange for abandoning the lowline trail, the Forest Service proposed building approximately 8 miles of new trail that roughly parallels the lowline trail, but at higher elevation. The new trail also crosses private land, but landowner Ned Zimmerman has agreed to a permanent, official, recorded easement.

QannaYahu said she is concerned about the public giving up access to public lands and that federal officials follow established policies when proposing new trails, especially in habitat that may contain sensitive or endangered wildlife. She pointed out that the Porcupine Lowline Trail:

- Has appeared on Forest Service maps since the 1930s.
- Has allowed motorized access on the original trail, but the proposed trail will not.
- Includes sensitive habitat for Yellowstone cutthroat trout and wolverines

And QannaYahu said the proposed trail is 1,500 feet higher in elevation.

The Forest Service estimates the new trail will be about 8 miles long, but QannaYahu says the trail will require switchbacks, which could make the trail longer.

QannaYahu urged that the public not abandon a longstanding easement even if there is scant paperwork to back it up. But landowner Zimmerman asked if private access was always public access.

"If I built a stretch of road, the public has the right to use it because you can see it from a satellite?" he asked.

Proponents of the proposal applaud the compromise because it establishes access without the need for litigation, which can easily drag on years, attorney Tim Callahan said at last week's Livingston meeting.

The scoping document is available here on the web: <https://www.fs.usda.gov/project/?project=53388> or by contacting the Custer Gallatin National Forest Supervisor's Office at 10 East Babcock, Bozeman, MT 59715. Comments may be submitted through the website.

Written comments must be submitted via mail, fax or in person to: Mary Erickson, Forest Supervisor, ATTN: Chad Benson, P.O. Box 130, Bozeman, MT 59771. Electronic comments including attachments may be submitted to: <https://cara.ecosystem-management.org/Public/commentInput?project=53388>

The comment period deadline is March 31.

14. In addition to disrupting habitat security, the new trail is also going to cause water quality degradation. I understand that the new trail will cross and damage four creeks that contain Yellowstone Cutthroat Trout, Species of Concern by the State of Montana and a Sensitive Species by the USFS. But again, because no NEPA analysis was conducted, the USFS never considered and evaluated these potential impacts.

15. I am also a believer in having predators on the landscape and am very concerned about the impact of the new trail on wolverine (which are currently proposed for federal protections under the Endangered Species Act) and threatened Canada lynx. From a

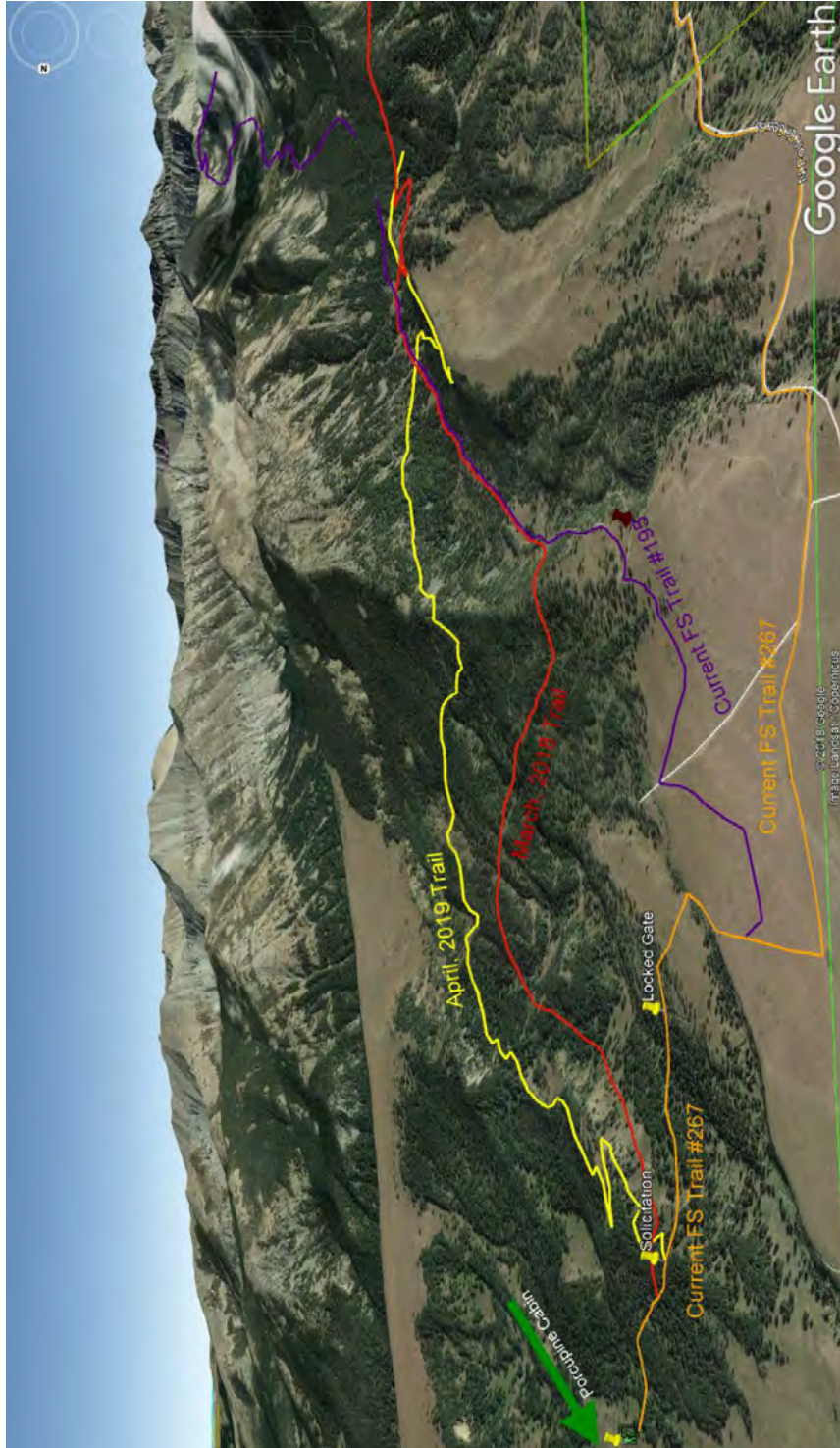
wildlife conservation perspective, I do not see the need, nor any benefit to relocating this trail.

16. I am also concerned—both personally and as an advocate for public use—about the usability of the trail for hiking. Besides my time on the ground, I've spent numerous hours viewing the trail on Google Earth Pro, and I know the rerouted trail would be located on steeper terrain at high elevations. It's not going to be accessible for families with young children, elderly, or people with handicaps or limitations. The trails that will be closed are currently located in an easily accessible area with minor elevation changes. On the current trail, one of the lower points is approx. 6430 ft, reaching 7040 ft around the point where they are proposing the southern part of the reroute in 3N 10E Sec. 2. At the beginning of the reroute, elevation is approx. 6510 ft increasing to approx. 8020 at the highest point. The bulk of the current trail averages 6500 ft. The relocation is going to be much higher and steeper and will limit users.

17. When I found the USFS Solicitation request online, I noticed a very different reroute map on page 53, than the USFS March 2018 Scoping map. I took the route, added it to my Google Earth Pro program to note the differences between the current Trail #267 and the 2018 proposed reroute. Immediately, I began to question the beginning of the reroute, all the zigzagging. No matter the 3D tilt or view direction of the satellite image, there was no logical reason for it. Pasted below (on the following page) is a map I generated on Google Earth Pro on June 25, 2019, which depicts all the trails: orange is the



current Porcupine Lowline Trail #267, purple is the current Elk Creek Trail #195, red is the March 2018 F.S. proposed project reroute and yellow is the map from the May 1, 2019 F.S. Solicitation package.



18. When I saw the contract for the new trail construction was awarded to Bo Trails, Inc., the next day, I began researching the company and found that Bo Trails, Inc began as a landscaping company, eventually shifting to trail creation and maintenance, especially mountain bike and BMX parks. At the Jan.31, 2018, first selective meeting, on the reroute proposal, which was stacked with mountain bike advocates, I recall one of the major reroute advocates, Dale Sexton, owner of a Livingston business, Timber Trails, an outdoor gear shop, which deals with mountain bikes, stating this reroute, “would be a world class mountain bike trail.” I believe the zigzagging contours are specifically to create a downhill mountain bike course.

19. The Porcupine Ibex Trail Project is fiscally irresponsible, harms users who currently enjoy using and accessing the trails covered by the 2006 Travel Plan and grossly mismanages our current trail system. The current trails, which the project will obliterate and “relinquish” as part of the easement exchange, provide access for multiple use, including motorized use, around the periphery of important wildlife habitat – a benefit for both stakeholder issues. The new trail, by contrast, will reduce usability but also compromise key wildlife habitat. I do not see the need for the relocation. It makes more fiscal, managerial and policy sense to maintain the trails we already have and use the railroad grant access we already have.

20. If the Porcupine Ibex Trail Project goes forward, my interest in using trails 267 and 195 as they currently exist and my interests in conserving the big game habitat in the area and ensuring

USFS transparency (and compliance with the law) will be irreparably harmed. I'm 56 and have an older injury that causes some impairment. I will not be able to traverse the new trail with its steep vertical ascent. Moreover, if the Porcupine Ibex Trail Project goes forward, my interests in preserving these wild, undisturbed forested lands for ungulates, predators, and native fish will also be irreparably harmed.

21. As part of my research for EMWH and in my personal interests in using and researching the National Forest System trails in the Crazy Mountains and efforts by private landowners to restrict and block public access, I have also made trips to the east-side of the Crazy Mountains and the Sweet Grass trail (#122) and East Trunk trail (#115/136) and researched some of the issues regarding management of these trails. I have also submitted various Montana Open Records requests for information regarding these two trails and FOIA requests regarding the same.

22. As part of my research on how the USFS is failing to manage the East Trunk trail (#115/136) I have reviewed numerous public complaints about the private landowners' obstruction efforts on the trail and acquired a number of photographs depicting some of these efforts. True and accurate copies of these photos are pasted below (all are from East Trunk):









23. I know from my research and personal communications with the District Ranger and others (including Lou Goosey) that during the summer of 2016, the Forest Service did some trail improvement work and maintenance work on East Trunk and removed a number of private landowner signs and fencing and installed new Forest Service markers. A true



and accurate photo from that trip is pasted below (that is Lou Goosey – a fellow Plaintiff in this case on the far left, next to the District Ranger):



24. As part of my research, I heard about an incident involving alleged criminal trespass from a hunter using the East Trunk trail (#115/136) in November, 2016 – the fall after the USFS did its trail work. It turns out the hunter had likely walked off of East Trunk (the public Forest System trail) and onto private property and was cited for criminal trespass for this reason (not because he walked on the Forest Service



trail). The criminal trespass case was eventually settled and resolved. After the fact, however, I was curious to know more about the incident so in April, 2018 I sent an open records request to the Sweet Grass County Sheriff's office to get the incident report and related documents/photos from the file. A true and accurate copy of my request and the Sheriff's response to this request are attached as Exhibit A to this Declaration.

25. The Sheriff's report reveals that the hunter likely did walk off the East Trunk trail and that the private landowners have installed a trail camera on the trail to document use and intimate members of the public (just like the photo provided above states). *See* Exhibit A. The Sheriff also walked the East Trunk trail on April 10, 2017 to document the area and noticed a new sign and that the trail markers that had previously been there (in September, 2016) had been removed. He also noticed that the trail was harder to find and no longer "established." The Sheriff and private landowners completed a "reenactment" of the incident to try and prove that the hunter left the East Trunk trail and committed trespass (which proves the point that the trail has a different status for the public than the rest of the private land)

26. In June, 2017, Lou Goosey and I took a documentation trip to the east side of the Crazy Mountains, including Trail 115/136 because I wanted to visit the area and I had heard the land owner

was obliterating the beginning of the trail with grass. My GPS shot (pasted below) is from the X on the first image, orange line is Trail #115/136. GPS is 2nd and the 3rd is when I turned around to come back. You can see the arch of the Big Timber Canyon Road on the right side road and the left road is the turn off to the picnic area, what used to be the Ranger Station. I did not go beyond the jack leg fence, however, which shows up on satellite photos between 2011-2013. My trip was after the hunter got his citation, with all that controversy, and I did not want to inflame an already contentious situation. Notice how the fence stops just after the FS eastern property boundary line ends, like it was put up just to obstruct trail users. But for the private landowners' obstruction efforts, I would have enjoyed this hike on the East Trunk trail and gone further and I know other members and supporters of EMWH and Friends of the Crazy Mountains would do the same. It is really unfortunate the landowners have taken over this trail.







27. In June, 2015 I traveled to the Sweet Grass trail #122 with the hopes of enjoying the area, hiking along the Creek, and documenting the situation with landowners at the trailhead and along the trail.

28. On my trip to the Sweet Grass trail, I came to a gate and private property sign on the road to the trailhead (see photos from this trip pasted below). I called the number on the sign, not for permission, but to find out if the road to the right of the archway was the public road. Chuck Rein answered the phone. When I explained what road I was looking for and the trail I intended to use, he asked me to come down to his house, show him the maps I was referencing, which I did.

Rein stated there were no public roads to the Forest Service lands. I left his house and continued on the road to the Sweet Grass Trail #122 until encountering the first gate with a lock. The lock was not on the chain, but having been told, by a hunter, when he went through the gate one trip, the gate was not locked. But after he was returning, he found they had locked the gate behind him. Since he had bolt cutters in his vehicle, he was able to cut the lock and leave the Sweet Grass. Since I was returning from a trip, no one knew I would be going to the Trail #122, there was no cell service, I had my dog in the car and no supplies (including no water), I decided not to get locked in risking the long walk out, possible vandalism to my truck, or risk a ticket - I decided to take photos, turn around drive back out to the highway. I was thus unable to enjoy the Sweet Grass trail and am unlikely to go back unless and until the situation for the public improves. During my trip to this area – including the trailhead – I did not see a single Forest Service sign (even though I know they were there before but have since been removed and never replaced). Below are some photos I took from that trip.









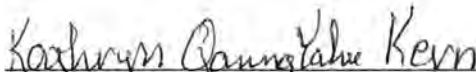
29. Because of private landowners' obstruction efforts and intimidation tactics, I was unable to really enjoy our National Forest System trails in the Crazy Mountains (even when I made it to the trail and was able to walk on it). This is true for the Porcupine Lowline trail (267) and certainly true for the Sweet Grass (122) and East Trunk trails (115/136). This has harmed and continues to harm my interests. I would go back to these trails and use them if I felt the USFS had more of presence on the trails and they were signed and well-marked (and I did not have to deal with the landowners).

30. I believe that if the USFS did its job and managed these trails (East Trunk, Sweet Grass, Porcupine Lowline, and Elk Creek Trails) the way the USFS said it would in the 1987 Forest Plan and 2006 Travel Management Plan, that I and other members of the public we be able to use and enjoy these trails and not run the risk losing them, perhaps permanently. There are very few areas on the east-side of the Crazy Mountains that provide public access or our National Forest lands so losing East Trunk and Sweet Grass – both century old Forest Service trails - would be significant.

31. I believe if the USFS took the necessary steps to sign, mark, maintain, and improve these trails and remove the illegal signs and gates then the harm to my interests in these trails would be alleviated and I would use the trails more often. This is remedy we are requesting in this case, and if granted, it would redress my harms and the harms to other members and supports of EMWH and Friends of the Crazy Mountains who value and use these trails in the Crazy Mountains.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of April, 2021.

  
Kathryn QannaYahu Kern



## SG Dispatch

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**From:** Kathryn QannaYahu <kathryn@emwh.org>  
**Sent:** Friday, April 20, 2018 12:44 PM  
**To:** sgdispatch@itstriangle.com  
**Cc:** sgsheriff@mtintouch.net  
**Subject:** Public Information Request

Sweet Grass County Law and Justice Center  
Sheriff's Office  
200 West First Avenue  
P.O. Box 0567  
Big Timber, Montana 59011

Dispatch/Sheriff's Office,

The Montana Constitution, Article II, Part II, Section 9 states, "Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure."

I am requesting copies of the following documents:

- November 23, 2016 dispatch about criminal trespass on Hailstone Ranch
- Statement/interview by/of Lt. Ronneberg and Bernard Robert Gregoire about criminal trespass on Hailstone Ranch
- Primary Narrative by Alan Ronneberg 12/27/2016
- hi resolution color photos from Hailstone Ranch trail cams submitted concerning criminal trespass
- Ronneberg Supplemental Reports recounting April 10 and 18, 2017 conversations and plans for re-enactment and after re-enactment, with Sweet Grass County Attorney Pat Dringman and the Langhus'.
- Case report by Lt. Ronneberg concerning Gregoire criminal trespass

For the purposes of this request the word "document" includes, but is not limited to, all agreements, memorandum, reports, maps, notes, diaries, calendars, telephone, records, internal communications, interoffice communications, e-mails, text messages, facsimiles, letters, directives, books, brochures, manuals, bulletins, worksheets, minutes and summaries of meetings, conversations and communications of any type, including telephone conversations. "Document" also includes all copies not identical to the original. Please include a search of back up servers, not just current inboxes.

Electronic PDF copies sent to this email address would be preferable or larger files uploaded to Montana File Transfer Service, I have a Montana E-pass account associated with this email address. I will print any documents I would like onto hard copies.

MCA 2-6-1006. "Public information requests -- fees. (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons. (2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by: (a) making the public information maintained by the public



agency available for inspection and copying by the requesting person; or (b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3). (3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information. (4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person. (5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency. (6)(a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance."

If there are any fees for searching or copying these records, please inform me of these costs. However, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of and transparency of MT public access and/or trespass cases. This information is not being sought for commercial purposes.

If access to the records I am requesting will take longer than a 'reasonable' amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records. As I am making this request as a concerned public citizen and researcher, and this information is of a timely value, I would appreciate your communicating with me by telephone (406-579-7748) or email ([kathryn@emwh.org](mailto:kathryn@emwh.org)), rather than by postal mail, if you have questions regarding this request.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for processing my request.

Thank you,  
Kathryn QannaYahu

Enhancing Montana's Wildlife & Habitat  
406-579-7748  
1007 N. Warren St.  
Helena, MT 59601

# Sweet Grass County Sheriff's Office

Case P16-01082 - UNAPPROVED DRAFT

Printed on January 24, 2017

<b>Status</b>	Active
<b>Report Type</b>	Patrol
<b>Primary Officer</b>	Alan Ronneberg
<b>Investigator</b>	None
<b>Reported At</b>	11/23/16 11:46
<b>Incident Date</b>	11/23/16 11:46
<b>Incident Code</b>	TRESPASS : Trespass
<b>Location</b>	BIG TIMBER CANYON RD, BIG TIMBER, MT 59011
<b>Beat</b>	Sweet Grass County
<b>Disposition</b>	Case Report Created
<b>Disposition Date/Time</b>	11/23/16 15:21
<b>Disposition Comments</b>	

## Case Comments

## Offense Information

**Offense** Criminal Trespass To Property  
**Statute** 45-6-203  
**NIBRS Code** 2622 - Trespass, criminal, to property  
**Counts** 1  
**Include In NIBRS** Yes  
**Completed** Yes  
**Bias Motivation** None (no bias)  
**Location** Fields/Woods  
**Entry Forced** No

## Arrestee

**GREGOIRE, BERNARD ROBERT, JR**  
 Male, DOB [REDACTED] 45-6-203 - Criminal Trespass To Property  
 1105 WOODLAND DR  
 BOZEMAN, MT 59718

## Cited

**GREGOIRE, BERNARD ROBERT, JR**  
 Male, DOB [REDACTED] 45-6-203 - Criminal Trespass To Property  
 1105 WOODLAND DR  
 BOZEMAN, MT 59718



**Offender**

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**GREGOIRE, BERNARD ROBERT, JR**

Male, DOB [REDACTED]

45-6-203 - Criminal Trespass To Property

1105 WOODLAND DR  
BOZEMAN, MT 59718

**Unspecified**

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**LANGHUS, GENE**

Unknown

[REDACTED]  
BIG TIMBER, MT 59011

(406) [REDACTED]

(406) [REDACTED]

**Primary Narrative By Alan Ronneberg, 12/27/16 14:18**

On November 23, 2016 at about 11:46am Dispatched received a call from the Hailstone ranch about someone trespassing on their property. I traveled to Big Timber Canyon and the campground at the old guard station. There I noticed a green Subaru bearing MT BKE 495, but no one was around. I positioned myself in a spot I could observe the hill side to the North and waited.

At about 1:20 pm I noticed a person coming down the hill traveling South toward the campground. I could not tell if he was following a trail or not but seemed to take a fairly direct route down the hill, which would not be on a trail.

I was able to observe the individual come down the hill and into the campground, where I made contact with him. I identified him by his Montana drivers license as Bernard Robert Gregorie from Bozeman Mt. I informed him I had received a complaint from the land owner and I was writing a citation for Criminal trespass to property. Mr. Gregorie was polite and cordial during my contact with him, he did remark that he wondered if they saw him when he went by the cabin and he was afraid the owner was going to confront him at some point.

Sometime after the First of December Gene Langhus stopped by the Sheriff's Office and provided me with trail cam photographs taken on the day he complained of the trespassing, those photo's showed the person I recognized as Mr. Gregorie. copies of the photo's are included in the case file.

The above is true and correct, this ends my report.





03-06-2014 06:05:19



MOULTRIE



39°F 23.80inHg

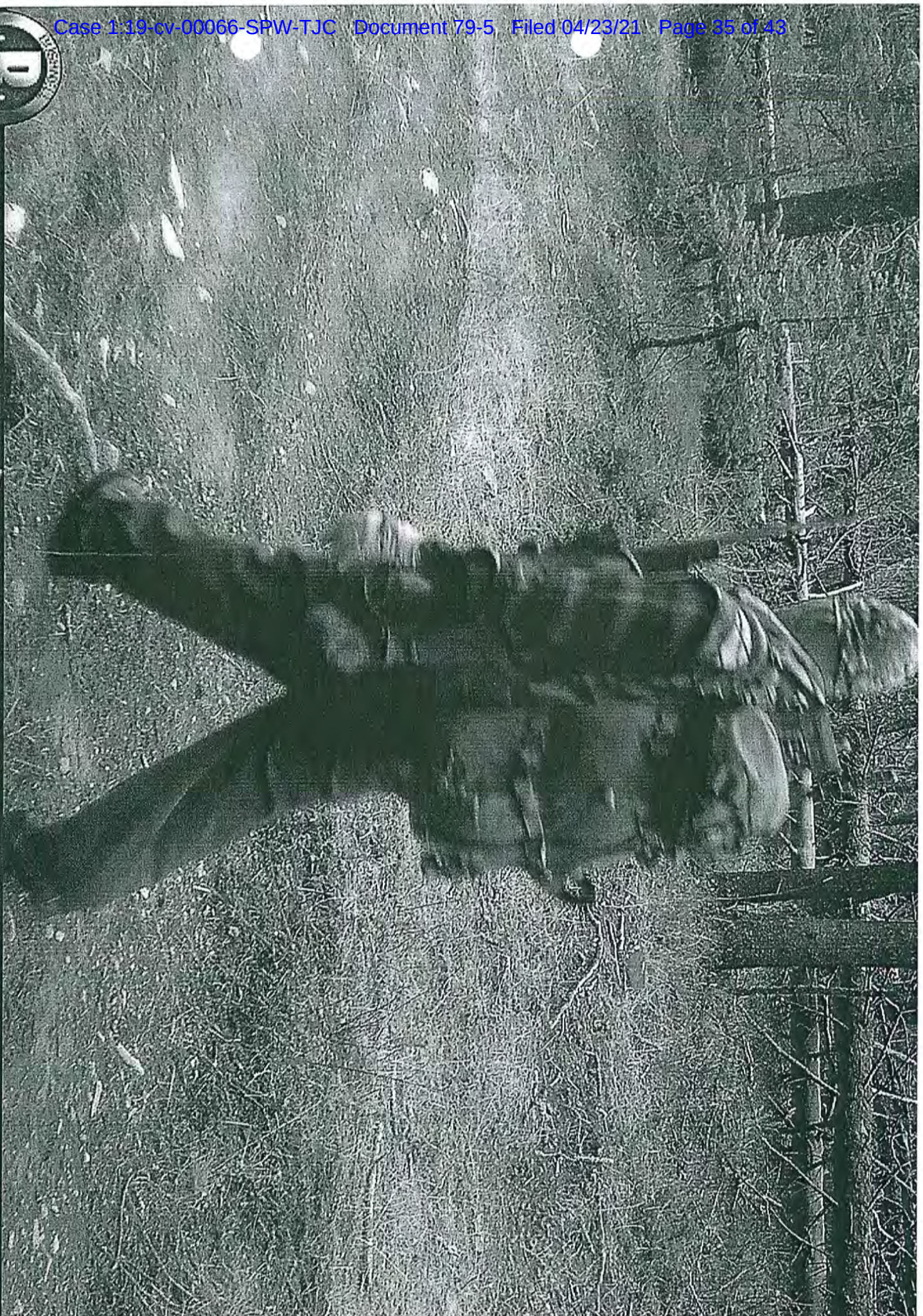
MOULTRIECAM

23 NOV 2016 01:53 pm



12:53 pm





03-06-2014 11:51:57

11-23-16



**SUPPLEMENTAL REPORT**

**16-1080**

**SUSPECT: BERNARD R GREGOIRE**

**DOB:** [REDACTED]

**VICTIM: HAILSTONE RANCH, LEE AND GENE LANGHUS**

**MCA: 45-6-203 CRIMINAL TRESPASS TO PROPERTY**

In following up on case 16-1080 a member of the Langhus family and I were asked by the County attorney to return to the Hailstone property to photograph specifically the area and the location where I saw Mr. Gregoire on the afternoon of November 14, 2016.

On April 10, 2017, I returned to the guard station campground, I parked my vehicle in approximately the same location as I did on Nov. 14. I photographed my view from the front of my vehicle and from the back of my vehicle.

As I looked North to the Hailstone ranch I was able to recognize the location I first saw Mr. Gregoire as he emerged from the timber in a small bare area and watched him walk South toward my location. I recall seeing him for approximately 10- 20 seconds before he disappeared behind some trees below from where he had emerged.

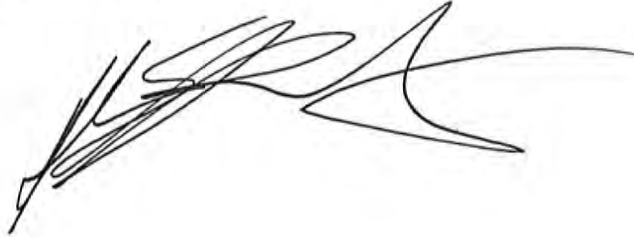
I then walked up the hill from the turn off into the campground. I noticed a new sign on the jack leg fence near the wash, requesting people to please close the gate. As I entered Lazy K Bar property there was no established trail and no trail markers. In September when I was first asked to investigate a trespass complaint I was told and noticed trail markers at the bottom of the wash.

I reached the gate to Hailstone property and went up the trail to the ridge. When I got to the ridge I turned around and noticed I could just see the campground, I took a step and the campground was obscured by trees. I looked at my clock 1402hrs and started to walk down the trail, I could not see the campground as I walked on the trail until I got to the first turn in the switch back. There I came into a small open area to the South at the head of the wash from the gate. I recognized the corner of the switch back was where I saw Mr. Gregoire but, it didn't take long to be in and out of view of the campground, one step to the west, one to the south and one to the east as I went around the corner to travel down the trail. As I recall I saw Mr. Gregoire traveling South down the hill and not change directions as I had on the trail.

As I traveled down the trail there were only two other places further to the East from the first corner that I could see the campground. The camp ground wasn't in view for very long and if I was looking up from the campground I would have only seen a flash of movement. I recall after I lost sight of Mr. Gregoire I didn't see any movement on the hillside until he appeared below the trail on Laxy K Bar property. I recall I was referencing a no trespass sign I could see from the campground and didn't see Mr. Gregoire pass under the sign.

When I got back to my truck I looked at my clock 1428 hrs, I recall after seeing Mr. Gregoire I looked at the time, 1324 hrs and made contact with him at his vehicle in the campground at 1350 hrs, 10 minutes faster that it took me to walk the trail without a pack.

The above is true and correct, this ends my report.

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a stylized name or set of initials. The signature is positioned in the upper right quadrant of the page.



**SUPPLEMENTAL REPORT**

**16-1080**

**SUSPECT: BERNARD R GREGOIRE      DOB: 03/18/1967**

**VICTIM: HAILSTONE RANCH, LEE AND GENE LANGHUS**

**MCA: 45-6-203 CRIMINAL TRESPASS TO PROPERTY**

On April 18, 2017, I returned to the Hailstone ranch with Kevin Langhus per request of the County Attorney's Office. I was to remain at the campground and Kevin was to walk the trail and identify the exact spot where I first saw Mr. Gregoire.

As Kevin walked the trail I noticed a flash of orange as he walked between two trees, I radioed Kevin and asked if he was on the trail. Kevin told me he was. I was able to locate the spot and photograph it. I did not see Kevin again until he radioed me and asked if I could see him, Kevin was further west than I thought but was able to see him clearly above the rocks. Kevin then proceeded up the trail to the ridge. I was unable to see him the rest of the way.

When Kevin reached the ridge line he radioed me and asked if he could see him. I took me a few seconds but was able to just make him out on the ridge line, I then photographed his position and asked Kevin to walk back down the trail and radio me every time he could see me.

When Kevin radioed, I was able to locate and photograph him and asked where he was at on the trail. Kevin told me he was at the first corner of the switch back, I could see Kevin above the rocks and asked him if he was at a head of the wash and if he could go to the east and downhill a little to the area where I first saw Mr. Gregoire. I was able to talk Kevin to the location without trouble. When Kevin reached the location, I asked if he was on the trail, if not, about how far off the trail was he. Kevin told me he was not on the trail and could not see where the trail would be from his location, but was only about 100 yards directly above the gate. I photographed Kevin at the location and asked him to continue down to the gate. I photographed Kevin again just before he went out of site, Similar to the length of time and location where I last saw Mr. Gregoire.

Once Kevin crossed the gate he asked me if he should follow his GPS for the location of the trail on the map. When I saw Kevin on the hillside on the east side of the wash below the gate I asked him if he was on the trail. Kevin told me that his GPS showed him close to the trail on the map. When Kevin reached the road, I told him that I never did see Mr. Gregoire on that hill side and when I first came up with Gene and Lee the markers the Forest Service put up were at the bottom of the wash. Kevin told me there was trail tape hanging in the trees that was new from the last time he was here in the winter.

The above is true and correct, this ends my report.

A handwritten signature in black ink, appearing to be the name of the reporter, written in a cursive style.











