

December 30, 2016

Mary Erickson, Forest Supervisor
Custer Gallatin National Forest
10 East Babcock Ave
Bozeman, MT 59771

JAN 03 2017

Supervisor Erickson:

Please see the attached recent Facebook post written by District Ranger Alex Sienkiewicz.

While Mr. Sienkiewicz may have a law degree, a search of the State Bar of Montana website reveals that he is not licensed to practice law in Montana. Yet, as you can see on the post, he is continuing to provide legal advice, in the name of the Forest Service (by sending it as District Ranger), to members of the litigious Public Lands and Water Access Association, urging them to target numerous specific landowners within the ranger district he oversees, and trespass on their private land. By his actions, he has alienated landowners in and near the Custer Gallatin National Forest in the Crazy Mountains as well as in other areas of this District and this state. By implicitly, if not explicitly, inviting vigilante action against landowners in the District he is responsible for, he cannot be seen or respected as an effective, level-headed and fair public lands manager. Given these extremely unprofessional actions, we strongly suggest that he should be reprimanded and required to engage directly and professionally with landowners in this district, and cease his covert and heavy-handed attempts to undermine property rights. If he is unwilling or unable, we would ask that you find someone else who is capable of acting in a more professional manner regarding these issues.

In addition, we believe that the access routes he describes, whether roads or trails, were never Forest Service "public" access routes. Many of the "trails" he describes-- if they ever even existed as Forest Service administrative trails-- have been abandoned by the Forest Service for well over a half a century and any use of them on the private lands they cross has been on a permissive basis by the owners of the properties. In many cases, the "trail" locations can no longer even be found on the ground. In some cases they can't even be accessed from a public road without trespassing across private land. Likewise, the private ranch roads he refers to have only been used on a permissive basis by the landowners for many decades. Mr. Sienkiewicz's aggressive attitude and actions are unacceptable.

Sincerely,

Lorents Grosfield

Chuck Rein

Ned Zimmerman

Encl: Facebook post by the USFS Livingston District Ranger and 4 Resolutions

cc: Leanne Marten, Regional Forester, USFS
Senator Jon Tester
Senator Steve Daines
Representative Ryan Zinke

Montana Stockgrowers Association (MSGA) resolution

WHEREAS the District Ranger in the Yellowstone Ranger District of the Custer Gallatin National Forest has been aggressively pursuing public access to the Crazy Mountains across private lands within Sweet Grass and Park Counties; and

WHEREAS Forest Service maps show roads and trails both on and off Forest Service lands generally without distinction as to whether these roads or trails are legally established public roads or trails, leading to much confusion for the public; and

WHEREAS the use of most of the roads and trails that occur on private land in this area has long been on a permissive basis by the landowners; and

WHEREAS this District Ranger wrote a memo that appeared on the Facebook page of the litigious Public Land and Water Access Association urging among other things that people "NEVER ask permission to access the national Forest Service through a traditional route shown on our maps EVEN if that route crosses private land";

THEREFORE BE IT RESOLVED MSGA express its adamant opposition to the action of government employees that act within their employment to negatively affect the property rights of landowners and

BE IT FURTHER RESOLVED THAT MSGA express opposition to these kinds of actions to authorities both on the state and national level.

Crazy Mountain Stockgrowers (CMSGA) resolution

WHEREAS private property law is a function of state law including issues of trespass, permissive use (of private property or of activities allowed on private property), prescriptive or other easements, etc.; and

WHEREAS Montana law allows landowners to post their lands against specific uses or all uses; and

WHEREAS US Forest Service policy toward securing additional public access to Forest Service public lands seems to be both to try to legitimize long-abandoned trails and roads that cross private lands, and to carefully avoid doing anything that might jeopardize future public use of trails or roads shown on private lands on Forest Service maps that might have had public historic use in the past; and

WHEREAS the Forest Service does not clarify and indicate on its public maps which trails and roads, or portions thereof, are claimed as "traditional public routes" which causes much confusion for the public and can lead to trespass; and

WHEREAS no definition of "traditional public route" is given by the Forest Service; and

WHEREAS some old Forest Service trails were routed for administrative purposes, such as "fire trails", and not for public purposes;

THEREFORE BE IT RESOLVED that CMSGA urge MSGA to support legislation that will define "traditional public route" in a manner that distinguishes it from private or administrative routes; and

BE IT FURTHER RESOLVED that CMSGA urge MSGA to encourage the Forest Service to either delete all trails and roads, or portions thereof, that are not "traditional public routes" from all future USFS published maps, or to label them as private roads or trails on all future USFS published maps; and

BE IT FURTHER RESOLVED that CMSGA urge MSGA to encourage the Forest Service to include prominently displayed notation on its maps that private roads or trails are available for public use only with permission of the landowner, and that the rights of private property owners are to be respected.

Montana Stockgrower Association (MSGA) resolution

WHEREAS private property law is a function of state law including issues of trespass, permissive use (of private property or of activities allowed on private property), prescriptive or other easements, etc.; and

WHEREAS Montana law allows landowners to post their lands against specific uses or all uses; and

WHEREAS state and federal land management agency policies toward securing additional public access to public lands seems to be both to try to legitimize long-abandoned trails and roads that cross private lands, and to carefully avoid doing anything that might jeopardize future public use of trails or roads shown on private lands on public land maps that might have had public historic use in the past; and

WHEREAS the state and federal land management agencies do not clarify and indicate on its public maps which trails and roads, or portions thereof, are claimed as "traditional public routes" which causes much confusion for the public and can lead to trespass; and

WHEREAS no definition of "traditional public route" is given by state and federal agencies; and

WHEREAS some old public lands trails were routed for administrative purposes, such as "fire trails", and not for public purposes;

THEREFORE BE IT RESOLVED MSGA supports legislation that will define "traditional public route" in a manner that distinguishes it from private or administrative routes; and

BE IT FURTHER RESOLVED that MSGA encourages the state and federal land management agencies to either delete all trails and roads, or portions thereof, that are not "traditional public routes" from all future published maps, or to label them as private roads or trails on all future published maps; and

BE IT FURTHER RESOLVED that MSGA encourages these state and federal land management agencies to include prominently displayed notation on its maps that private roads or trails are available for public use only with permission of the landowner, and that the rights of private property owners are to be respected.

Montana Public Lands Council (PLC) resolution

WHEREAS there is ever increasing public pressure for convenient access to public lands; and

WHEREAS there is at least one Forest Service District Ranger in Montana that is encouraging people to try to get public prescriptive easements to public lands by trespassing across private land; and

WHEREAS it is unclear whether this constitutes District policy, Custer Gallatin National Forest policy, Forest Service Northern Region policy, or National Forest policy from Washington D.C.; and

WHEREAS it is also unclear whether this policy might exist within the BLM as well;

THEREFORE BE IT RESOLVED that the Montana PLC investigate this issue and urge the National PLC to do the same;

BE IT FURTHER RESOLVED that to the extent that this might be Forest Service or BLM policy, the Montana and National PLC should:

1. protest to state and federal authorities this kind of aggressive and unprofessional approach to negatively affect the property rights of landowners;
2. urge the agencies to distinguish between private and public roads and trails on all their published maps;
3. consider options for legislative relief from this kind of intrusion; and
4. immediately notify all their members of this approach to public access so these members can take appropriate action to try to protect their property rights.



PLWA

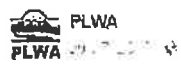
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All—This is my regular reminder:
 NEVER ask permission to access the national Forest Service through a traditional route shown on our maps EVEN if that route crosses private land.
 NEVER ASK PERMISSION. NEVER SIGN IN (concerns—come see me)
 This includes BUT IS NOT LIMITED TO:
 -Sweet Grass Creek (Carrotia Rehn attempting to extinguish public access)
 -Anywhere on the Lowline Trail (east and west Crazyes) (Zimmerman Guth, Groff, Langhuls and others trying to extinguish public access).
 -Swamp Creek (Grosfield trying to extinguish public access)
 -16 Mile north crazyes
 Whatever past ORs or colleagues have said, I am making it clear, DO NOT ASK permission and DO NOT ADVISE publics to ask permission. These are historic public access routes.. By asking permission, one undermines public access rights and plays into their lawyers' trap of establishing a history of permissive access.
 Again, questions, concerns, come see me.



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