



Public Land/Water Access Association
PO Box 80987
Billings, MT 59108
www.plwa.org

Secretary of Agriculture Sonny Perdue, USFS Chief Thomas Tidwell, Region 1, Regional Forester Leanne Marten, Custer Gallatin National Forest Supervisor Mary Erickson, Senator Jon Tester, Senator Steve Daines, Representative Greg Gianforte

Ladies and Gentlemen,

There have been long running, unresolved public access issues in the Crazy Mountains, in Sweet Grass County, Montana for decades. Our organization, Public Land/Water Access Association, was thankful to have a public trust employee, Yellowstone District Ranger Alex Sienkiewicz, managing our public lands and access there.

PLWA is concerned and disappointed with the recent removal of Alex Sienkiewicz, as the Yellowstone District Ranger and encourages his restoration; our refutations against the false allegations follow below.

The following is a statement by Custer Gallatin National Forest Supervisor Mary Erickson in the Billings Gazette, [District ranger faces internal investigation over Crazy Mountain access dispute](#), June 19, 2017:

“The reassignment was made to 'create some separation between Alex as district ranger and allegations raised concerning access issues in the Crazies,' said Mary Erickson, forest supervisor.

Erickson said allegations from an assortment of landowners in the Big Timber area were 'raised to the level' of the Secretary of Agriculture, Sonny Perdue, and Sen. Steve Daines, R-Mont.”

Refutation 1. Attached is a PDF of a string of communications beginning with a letter from the Montana Farm Bureau Federation on January 30, 2017 to Senator Steve Daines, making a false allegation that District Ranger Alex Sienkiewicz posted “this kind of statement on a private land access organization's website using his official title and authority”.

About four months later, Senator Daines (sits on the following subcommittees: Conservation, Forestry, and Natural Resources; Livestock, Marketing, and Agriculture Security; and Public Lands, Forests, and Mining) then wrote to USFS Chief Thomas Tidwell on May 26, 2017, one month after Sonny Perdue was sworn in as the new Secretary of Agriculture, including the MFBF communication (PDF page 3) and screenshot of the post in question from PLWA's Facebook page (PDF page 8). Sen. Daines carbon copied the Secretary of Agriculture Sonny Perdue and Region 1 Regional Forester Leann Marten, addressing the attached message originating from District Ranger Alex Sienkiewicz.

At no time has anyone contacted PLWA to investigate who the Facebook poster in question was. No due diligence has been exercised in this matter, yet the post is contributory to a public employee being removed from his position.

Alex Sienkiewicz did not post his Forest Service employee email on PLWA's Facebook site.

The attached PDF screenshot shows the Public Land/Water Access Association Facebook page, from July 7, 2016 (referenced in the MFBF letter). Obviously, the post header was not from the Forest Service Facebook page, nor a share from an official Forest Service Facebook page; the header originated with PLWA.

Only a few authorized PLWA members may post content to PLWA's Facebook page. Former District Ranger Alex Sienkiewicz is not, nor has he ever been, an authorized poster for PLWA. While logged in as a PLWA administrator, you can see from the screenshot that the authorized poster, circled in red on the screenshot, was PLWA member Lee Gustafson.

The following pages show the originating email (PDF pgs. 9, 10): then Yellowstone District Ranger Alex Sienkiewicz emailed his staff with the yearly summer work message on June 28, 2016. On July 7, 2016, Lee Gustafson, copied all of Sienkiewicz's email text, posting the content to PLWA's account, but in a different order, – placing District Ranger Alex Sienkiewicz's closing contact information at the top of the post.

Contrary to the Montana Farm Bureau Federation's question to Sen. Daines on Jan. 30, 2017, “Is it proper for Mr. Sienkiewicz to post this kind of statement on a private land access organization's website using his official title and authority?”, it is neither PLWA's website, but a social media platform they do not own; nor did District Ranger Sienkiewicz post it or have the authorization to post it.

Additionally, This yearly reminder was sent other years to Forest Service employees:

July 11, 2013, “Gang – I am again emphasizing to the District that no one should be signing in to access Sweet Grass Creek or other sites on the District. With the one exception of Cherry Creek – which is close to being 'resolved' (i.e. clarified as to legal rights...) You should not be signing in ANYWHERE to access NFS lands. Furthermore, the PUBLIC should not be signing in to access YRD-NFS lands either. Please ignore any existing or new sign-in-stations at traditional NFS access sites. These are deliberate efforts by private individuals to extinguish public rights. I am CC-ing the FLT as an FYI. I am happy to provide my business cards and or letters for any USFS personnel carry should landowners request that one sign in.” (PDF pg. 10)

July 24, 2014, “Dear Colleagues, Attached is a photo of the sign at one of the gates at the Carrocia property along Sweetgrass Creek Road (Chuck Rein call this Road Rein Road). This road runs west of Melville and passes through the Rein and Carrocia properties. I was there on Monday. I was able to drive through all gates and access the forest without encountering anyone. Come elk hunting season, however, all of these gates will be locked in order to keep the public from hunting the national forest. In the past, there was a Forest Service trailhead kiosk which they ripped down. This is still demarcated on older USFS maps. (PDF pg. 11)

I am herein emphasizing AS I DO EVERY YEAR that you DO NOT SIGN IN to access the National Forest as the sign demands. Never. As the legalese in the sign indicates, this is a deliberate effort upon advice of their attorneys to extinguish public access rights based on a 100 year history of use, maintenance, and historic access that is now 'adverse' (adversarial).

Obviously, if you encounter conflict, just turn around and leave. But if anyone asks, please note the agency's position that there is indeed legal access. Please refer all questions to me. Again, your own safety takes priority over your work, so please, walk away from prescriptive conflicts.”

Refutation 2. To address the following questions brought up in the MFBF, Landowners and Daines letters:

- Questions brought up at the January 2016 MOGA meeting (PDF pg. 3)
- the Montana Farm Bureau Federation - Is it now the policy of the National Forest Service to abandon negotiating access to Forest Service property and proceed to encouraging trespassing in order to gain prescriptive easements? Does Mr. Sienkiewicz statement reflect the policy of the U.S. Forest Service? (PDF pg. 3)
- Landowners Open Letter to the Secretary of Agriculture & Sen. Daines - We would request that you use the full power and authority of your offices to investigate and determine whether

the FS Ranger has been acting in congruence with FS policy and his job duties when he has been instigating conflict and encouraging criminal actions by members of the public against private property owners in order to try to establish public access across private land. (PDF pg. 5)

2. If an access point is disputed, what are USFS management guidelines for continued engagement with landowners and the public? (PDF pg. 2)
3. Is the attached message a proper reflection of USFS policy concerning unresolved access points with private landowners?(PDF pg. 2)

PLWA submits the following quotes from the USDA USFS Gallatin National Forest, August 2002 Briefing Paper on National Forest System Trails across Private Land (13-16 PDF pages following Sienkiewicz email, text in bold is by the Forest Service):

“The growing demand for dispersed recreation on public lands, and the changes and trends in private landownership, have brought considerable attention to the trails issue on this Forest. At an increasing rate, landowners are questioning the status of trails across private land. Private land within and adjacent to this Forest continues to be sold. New owners may or may not recognize the existing public access through their lands. Some trails on private land are being lost through subdivision, closure or obliteration.

As a result, it is critical for the Gallatin NF to continue to have a strong and consistent policy and presence in: (a) signing and maintaining our trail system across private lands; (b) defending historic trail access rights if challenged; and (c) perfecting trail access rights across private lands whenever that opportunity exists.”

In the Direction and Policy section they wrote, “Under FLPMA and FSM 5460 direction...**In situation where an existing NFS trail crosses private lands, and no deeded easement exist, the Forest Service position is as follows: The United States has acquired a right-of-way from the trail through development, maintenance and continuous use of the trail. As a matter of law, the Forest Service believes that there is a public access easement for the trail. The Forest Service is a beneficiary of this public right of access, will continue its efforts to defend the public's right of access.**

(1) Protect and maintain historic evidence, including trail blazes, signs, maps, photos and maintenance records.

(2) Maintain and sign the trail on a regular basis, and keep records and photos of this maintenance, and

(3) Take prompt action in the event that landowners threaten or take action to close or obliterate the trail.”

Additionally, the **USFS's Rights by Prescription/Protecting United States Interests** document, providing the process for prescription, including establishing documented historical use, maintenance records, maps, photographs, records and plats, trail logs, etc. These steps Yellowstone District Ranger Sienkiewicz was doing.

Refutation 3. To refute the implication that Alex Sienkiewicz (Ranger from 2011 to 2017) was somehow rogue or singular in his direction to not seek landowner's permission or sign in, the following citations are from previous years Forest Service supervisors, the OGC (Office of General Council), Custer Gallatin National Forest Supervisor Mary Erickson and a FS Law Enforcement Officer directing no permission or signing in from EMWH FOIA documents:

- FS Documentation Overview of Sweet Grass Access to NFS Lands, 4/23/02: **“Summer 2000:**

District Resource Assistant attempts to enter Sweet Grass through the Carroccias on the trail/road. Assistant was stopped at the gate by Pat Dringman and passage refused until the US personnel signed in. After discussing the situation with Page and Pat Dringman for a couple hours, and because the Forest had been closed and was in extreme fire danger, the FS employee consented to sign in. After discussing this situation with Forest Lands Staff and OGC (Office of General Council), OGC advised the District not to sign in. **6/2001**: D-1 seasonal employees refuse to sign in at Carroccia Ranch (OGC had advised us not to sign in). These employees were threatened with arrest for criminal trespass. One employee was 'banned forever' by Page Carroccia from going up Sweetgrass. They were just doing what they were told by their supervisor." (PDF pg. 17)

- Employee or volunteer written note of incident with Page Carroccia: "On **6/18/01**, Myself (Donelle Lovely) and Kris Norris parked our vehicle at the trailhead of Sweet Grass Creek. We did not stop and talk to the landowners; as per directions from our supervisors." (PDF pg. 18)
- **August 22, 2016** meeting notes from Yellowstone District Ranger Alex Sienkiewicz and Custer Gallatin National Forest Supervisor Mary Erickson with Montana Outfitters and Guides Association leaders Chuck Rein and Mac Minard: "Both Mac Minard and Chuck Rein asked Mary Erickson if she agreed with my (Alex's) position regarding never signing-in and never asking permission of private landowners at traditional forest access point, and Mary stated that she did support this position." (PDF pg. 20)
- **October 26, 2015**, Law Enforcement Officer Shawn Tripp, in reference to members of the public calling about hunting, "Please provide anyone with questions or comments on the Crazy Mtn North Ranger – Trail 136 to me and Alex. And don't refer folks to the landowner for permission." (PDF pg. 21)

In conclusion, we believe you should recognize that Ranger Sienkiewicz was removed based on erroneous claims by special interest groups. His management was consistent with existing Forest Service and Office of General Council policy direction. Therefore, we believe it is your responsibility to reinstate Ranger Sienkiewicz, as soon as possible, and allow him to continue his work, including to protect public access to National Forests, which by the way, is favored by over seventy percent of the citizens of Montana.

Thank you,

Public Land/Water Access Association (PLWA) Board of Directors
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Please see online [PDF Refutation Documents](http://www.emwh.org/public%20access/Crazy%20Mountains/Sienkiewicz/Refutation%20Documents%20Defending%20Alex%20Sienkiewicz%20as%20Yellowstone%20District%20Ranger.pdf) referenced
<http://www.emwh.org/public%20access/Crazy%20Mountains/Sienkiewicz/Refutation%20Documents%20Defending%20Alex%20Sienkiewicz%20as%20Yellowstone%20District%20Ranger.pdf>