

- In 1864 President Lincoln, who was a lawyer for the railroads, signs the Northern Pacific land grant on July 2, 1864. The odd numbered granted sections were, "Known as 'indemnity strips,' these lands were distributed in alternating square sections that resulted in a 'checkerboard pattern' of public and private landownership. In the Crazies, this led to the transferring of more than 50,000 acres of public lands to private ownership."
- In 1868 a new treaty was signed with the Awatixa Indians/Crow Nation that reduced the Crow territory, giving jurisdiction of the Crazy Mountains to the federal government.
- The Crazy Mountain Forest Reserve was established in Montana by the U.S. Forest Service on August 10, 1906. It became a National Forest on March 4, 1907. On July 1, 1908 it was combined with part Yellowstone National Forest to re-establish Absaroka National Forest and its name was discontinued. Currently the Crazy Mountains are on the Custer Gallatin National Forest maps (North) and administered by the Yellowstone Ranger District. The Crazy Mountains are Montana's third highest mountain range.
- The 1925, 1930 and 1937 Absaroka National Forest maps show a well developed trail system into the interior and along the Crazy Mountain periphery, including a number of FS Ranger and Guard stations which encircled the Crazy Mountain Range.
- Lazy K Bar Ranch, a Dude Ranch, owned by the Van Cleves, were the first landowners to begin blocking public access, in the 1940s, to the historic public trails and roads with locked gates and signs, "preventing the free and unimpeded use and maintenance of said road and trail". At first it was just during hunting season, then continued year round.
- Forest Service Supervisor G. E. Martin wrote, detailing the variety of uses documented in the historic Crazy Mountains, including mining, timber, grazing, trappers, hunters and recreation, "At no time was travel over the roads and trails restricted until October 1940 when Van Cleve locked the gate during the hunting season. In 1941 this was done again. In 1942 the gate was again locked before the opening of the hunting season and was still locked on April 24, 1943."
- Big Timber Canyon Road - October 29, 1948, the US Attorney filed a suit, U.S. v. Paul L. Van Cleve, et al., "This is an action to obtain a declaratory judgment to establish the existence of a public road and trail through and upon the lands owned by the defendants." The action was brought by the US, "both on behalf of the general public and also on behalf of the Government's officials and employees." The foundation of the suit and the injunction was based on the Railroad grant public access. "That the United States has a special right, title and interest in said highway and trail and all parts thereof, including the parts thereof situated upon lands now owned by the defendants, amounting to an easement and right-of-way for said purposes by reason of the facts that said road and trail were established upon said land when it was in part public land of the United States of America and in part in the ownership of the Northern Pacific Railroad Company, and its successor in interest, the Northern Pacific Railway Company, which said railroad company and railway company dedicated the same as a public highway, which was appropriated by the United States and the general public prior to the issuance of any patents therefor, thereby reserving unto itself and the general public said public highway, road and trail, and by reason of the fact that the United States and its permittees and the public have for more than 50 years used said road and trail for said purposes..."
- A deed dated December 10, 1953, was recorded in Book '43' of Deeds, at page 435." The case involving a "right-of-way was settled out of court with the execution of a deed by the Van Cleves to the government," securing the Big Timber Canyon Road public access. The Motion to Dismiss was filed Sept. 10, 1954.
- Between 1940 and 1993, over 42,000 acres of private land were transferred to public ownership in successful land exchanges and sales, by private landowners, the Nature Conservancy and the Northern Pacific Railroad, reducing the checkerboard landownership difficulty.
- 1940 – present, ongoing public access conflicts; Forest Service efforts against private landowner public access obstructions; including pursuing filing Statements of Interest and legal action towards securing perfected prescriptive easements.
- 2002 - "9. In the Gallatin National Forest's Motor Vehicle Use Map, the Forest Service has chosen to identify the Porcupine-Lowline trail system, as well as several other trail systems crossing private lands, because the Forest Service believes the United States has an 'easement interest' in this trail system, and the Forest Service has a responsibility to manage this trail system under the Forest's Travel Management Plan."
- 2002 a Hunt Club is created on the west side of the Crazy Mountains. This leads to the blocking of access to a number of trails, including the Porcupine Lowline Trail # 267.
- Yellowstone District Ranger Ron Archuleta, December 20, 2004, "These trails are National Forest System Trails, by virtue of historic construction, maintenance and signing, and by public and agency use over many years."
- 2007 Robert Dennee, USFS Gallatin National Forest Lands Program Manager provides a sworn affidavit in the US District Court case CV 07-39-M-DWM (Montana Wilderness Association vs. USFS Chief Thomas Tidwell et

al). The affidavit addresses the Porcupine Lowline trail system, including Trails #195, #258, #267 and #272, their history and the 2004-2007 efforts to work with the Guths and Zimmermans to restore public access. "It is the Forest Service position that the United States, on behalf of the public, has an easement interest in these roads and trails due to the historic and ongoing public and administrative use and maintenance. The public is the beneficiary of this right of access and the Forest Service defends and maintains that right."

- 2013 Yellowstone District Ranger Alex Sienkiewicz communications with the Zimmermans, "We have public national forest maps approximately a century old that indicate the Porcupine Lowline trail has been continuously and openly used by the public for many decades... the Government maintains that a valid public easement exists for the Porcupine Lowline Trail... There appears to be consensus that you (or your agents) have attempted to deter public use of the Porcupine Lowline Trail, some say to create an exclusive benefit to hunting outfitters leasing your property... When citizens call, I emphasize that the Porcupine-Lowline and Campfire Lake Trails are legally-valid public rights of way that have existed for more than a century; and that their closure is illegal. I am emphasizing that there is a hunting lease on your private land abutting the National Forest and that there are multiple stakeholders in your party with 'monetary incentives' to prevent public access. These trails predate -by far- your parents purchase of your property in 1955. Please know that I will persist in my fight to restore and protect these public rights that have existed for more than a century."
- 2015 Custer Gallatin Forest Service Supervisor Mary Erickson to Senator Steve Daines on the East Trunk Trail (Trail #115/136), "The Forest Service maintains that it holds unperfected prescriptive rights on this trail system as well as up Sweet Grass Creek to the north based on a history of maintenance with public funds and historic and continued public and administrative use."
- June 28, 2016, District Ranger Sienkiewicz sends out his yearly reminder to the leadership teams for seasonal work, "to 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." This message is picked up and posted by a PLWA member on the PLWA Facebook page. Certain Crazy Mountain landowners that block public access, did not like District Ranger Sienkiewicz doing his job, according to Forest Service Policy, managing for multiple use, which includes public access, on our historical prescriptive access trails and roads, to our federally managed public lands. These landowners leveraged their organization positions and connections to Senator Steve Daines, US FS Chief Thomas Tidwell, Region 1 Regional Forester Leanne Marten and newly appointed Secretary of Agriculture Sonny Perdue, writing letters of complaint, including false allegations that Ranger Sienkiewicz had made the PLWA Facebook post. The letters sought Sienkiewicz termination; the removal of all unperfected prescriptive easement trails from all future USFS publications; and the end of the prescriptive easement process.
- Shortly after Ag Sec. Sonny Perdue was in Montana for an Ag Summit in May, Alex Sienkiewicz was removed from his position as the Yellowstone District Ranger, on June 16, 2017.
- October 2017, Sienkiewicz was restored as Yellowstone District Ranger.

USDA USFS Gallatin National Forest, August 2002 Briefing Paper on National Forest System Trails across Private Land

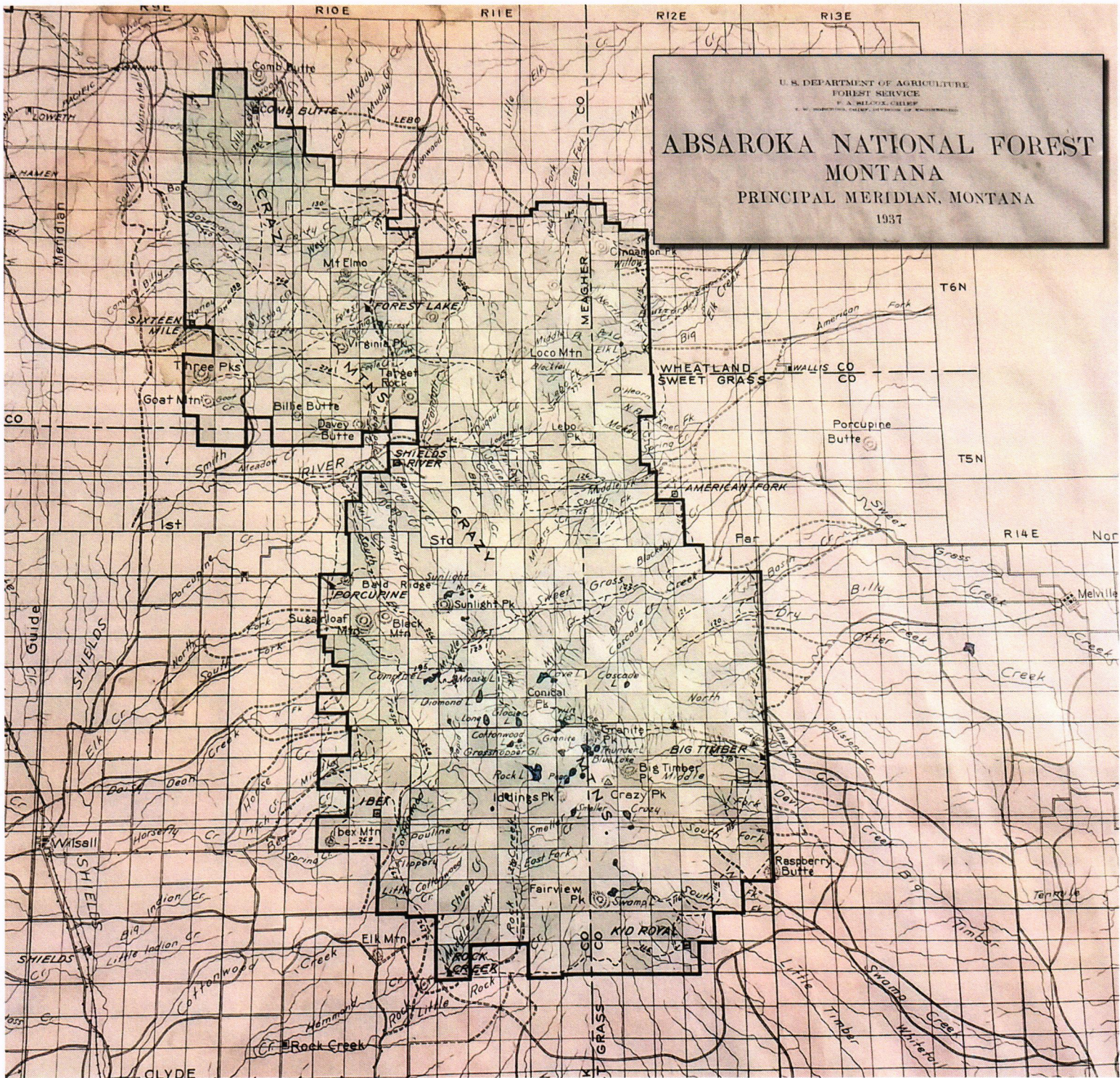
"The growing demand for dispersed recreation on public lands, and the changes and trends in private landownership, have brought considerable attention to the trails issue on this Forest. At an increasing rate, landowners are questioning the status of trails across private land. Private land within and 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.

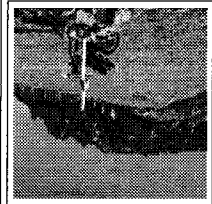
As a result, it is critical for the Gallatin NF to continue to have a strong and consistent policy and presence in: (a) signing and maintaining our trail system across private lands; (b) defending historic trail access rights if challenged; and (c) perfecting trail access rights across private lands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

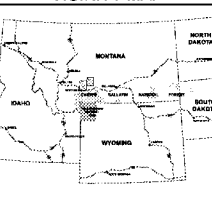
Crazy Mountains 1937 Absaroka National Forest Map





Motor Vehicle Use Map
Custer Gallatin National Forest
Crazy Mountains (Front)
Bridger/Bangtail
Mountains (Back)

VICINITY MAP



INFORMATION SOURCES

- CUSTER GALLATIN NATIONAL FOREST SUPERVISOR'S OFFICE
P.O. Box 130, 10 E. Babcock Street
Bozeman, MT 59711
Phone: (406) 542-6733
(406) 581-5801 (Telephone Device for the Deaf-TDD)
Website: www.fs.usda.gov/cginfo/ghis.htm
- BOZEMAN RANGER DISTRICT
3710 Falcon Street, Suite C
Bozeman, MT 59718
Phone: (406) 222-2520 (Voice & TDD)
- YELLOWSTONE RANGER DISTRICT
5242 Highway 89 South
Livingston, MT 59047
Phone: (406) 222-1882 (Voice & TDD)
- GARDNER RANGER DISTRICT
P.O. Box 5, Highway 89 South
Gardner, MT 59030
Phone: (406) 488-7375 (Voice & TDD)
- HESSBURG RANGER DISTRICT
P.O. Box 220, 331 Highway 331 North
West Yellowstone, MT 59729
Phone: (406) 623-6961 (Voice & TDD)

PURPOSE AND CONTENTS OF THIS MAP

The designations shown on this motor vehicle use map (MVMU) were made by the responsible official pursuant to 36 CFR 212.51, are effective as of the date on the front cover of the MVMU, and will remain in effect until superseded by next year's MVMU.

Forest Supervisor, Custer Gallatin National Forest
It is the responsibility of the user to acquire the current MVMU. The MVMU shows the National Forest System roads, trails and areas on National Forest System lands in the Yellowstone and Bozeman Ranger Districts that are designated for motor vehicle use pursuant to 36 CFR 212.51. This MVMU also identifies the vehicle classes allowed on each route and in each area, and any seasonal restrictions that apply on those routes and in those areas.

Designation of a road, trail, or area for motor vehicle use by a particular class of vehicle under 36 CFR 212.51 should not be interpreted as encouraging or inviting use, or implying that the road, trail, or area is passable, actively maintained, or safe for travel. Motor vehicle designations include parking along designated routes and at facilities associated with designated routes when it is safe to do so and when not causing damage to National Forest System resources. Seasonal weather conditions and natural events may render designated roads and trails responsible for extended periods. Designated areas may contain dangerous or impassable terrain. Many designated roads and trails may be passable only by high-clearance vehicles or four-wheel drive vehicles. Maintenance of designated roads and trails will depend on available resources, and many may receive little maintenance.

This motor vehicle use map identifies those roads, trails, and areas designated for motor vehicle use under 36 CFR 212.51. This is a limited purpose. The other public roads are shown for information and navigability purposes only and are not subject to designation under the Forest Service travel management regulation.

These designations apply only to National Forest System roads, National Forest System trails, and areas on National Forest System lands.

PROHIBITIONS

It is prohibited to access or operate a motor vehicle on National Forest System lands on the CUSTER GALLATIN NATIONAL FOREST other than in accordance with these designations (36 CFR 212.13).

Violations of 36 CFR 261.13 are subject to a fine of up to \$5,000 or imprisonment for up to 6 months or both (18 U.S.C. 3571(b)). This prohibition applies regardless of the presence or absence of signs.

This map does not display nonmotorized uses, over-snow uses, or other facilities and attractions on the CUSTER GALLATIN NATIONAL FOREST. Obtain forest visitor information from the local National Forest office. Designated roads, trails, and areas may also be subject to temporary, emergency closure. As a visitor, you must comply with signs notifying you of such restrictions. A national forest may issue an order to close a road, trail, or area on a temporary basis to protect the life, health or safety of forest visitors or the natural or cultural resources in these areas. Such a temporary and/or emergency closure is consistent with the Travel Management Rule (36 CFR 212.52 (b)), 36 CFR 261 subpart B.

The designation "road or trail open to all motor vehicles" does not supersede State traffic law.

OPERATOR RESPONSIBILITIES

Operating a motor vehicle on National Forest System roads, National Forest System trails, and in areas on National Forest System lands carries a greater responsibility than operating that vehicle in a city or other developed setting. Not only must you know and follow all applicable traffic laws, you need to show concern for the environment, as well as other forest users. The misuse of motor vehicles can lead to the temporary or permanent closure of any designated road, trail or area. As a motor vehicle operator, you are also subject to State traffic law, including State requirements for licensing, registration, and operation of the vehicle in question.

Motor vehicle use, especially off-highway vehicle use, involves inherent risks that may cause property damage, serious injury, and possibly death to participants. Drive cautiously and anticipate rough surfaces and features, such as snow, mud, vegetation, and water crossings common to remote driving conditions. By your participation, you voluntarily assume full responsibility for these damages, risks, and dangers. Take care of all attempts to protect yourself and those under your responsibility.

Much of the Custer Gallatin National Forest is remote. Medical assistance may not be readily available. Cellular telephones do not work in many areas of the Custer Gallatin National Forest. Take adequate food, water, first-aid supplies, and other equipment appropriate for the conditions and expected weather.

ALWAYS REMEMBER TO RESPECT PRIVATE LAND! PROTECT YOUR PRIVILEGE. STAY ON DESIGNATED ROADS AND TRAILS AND IN DESIGNATED AREAS.

Read and understand this map in its entirety. If you have questions please contact the Custer Gallatin National Forest for clarification.

As a motor vehicle operator on a National Forest System road, trail, or area, you must comply with this map, as well as all Federal, State, and local laws and regulations. Compliance with these rules is your responsibility.

Legend

- Roads Open to Highway Legal Vehicles
- Roads Open to All Vehicles
- Trails Open to Motorcycles Only
- Trails Open to Wheeled Vehicles 50" or Less in Width
- Dispersed Camping (Use along with road and trail symbols above)
- Seasonal Designation (See Table) (Use along with road and trail symbols above)
- Interstate
- Other Public Roads
- Other Public Trails
- Motorized Trailhead
- F-S Campground
- WATER
- Forest or Unit Boundary
- National Forest System Lands
- Non-National Forest System Lands within the National Forest
- Township and Range Lines
- Section Lines
- Lakes and Rivers

EXPLANATION OF LEGEND ITEMS

Roads Open to Highway Legal Vehicle Only

These roads are open only to motor vehicles licensed under State law for general operation on all public roads within the State.

Roads Open to All Vehicles

These roads are open to all motor vehicles, including smaller off-highway vehicles that may not be licensed for highway use (but not to over-size or overweight vehicles under State traffic law).

Trails Open to Motorcycles Only

These trails are open only to motorcycles. Siders are not permitted.

Trails Open to Wheeled Vehicles 50 inches or Less in Width

These trails are open only to wheeled, motor vehicles less than 50 inches in width at the widest point on the vehicle.

Seasonal Designation

This symbol, used in conjunction with one of the other road or trail symbols, indicates that the road or trail is open only during certain portions of the year. Refer to the Seasonal and Special Designation Table for further instructions.

Dispersed Camping

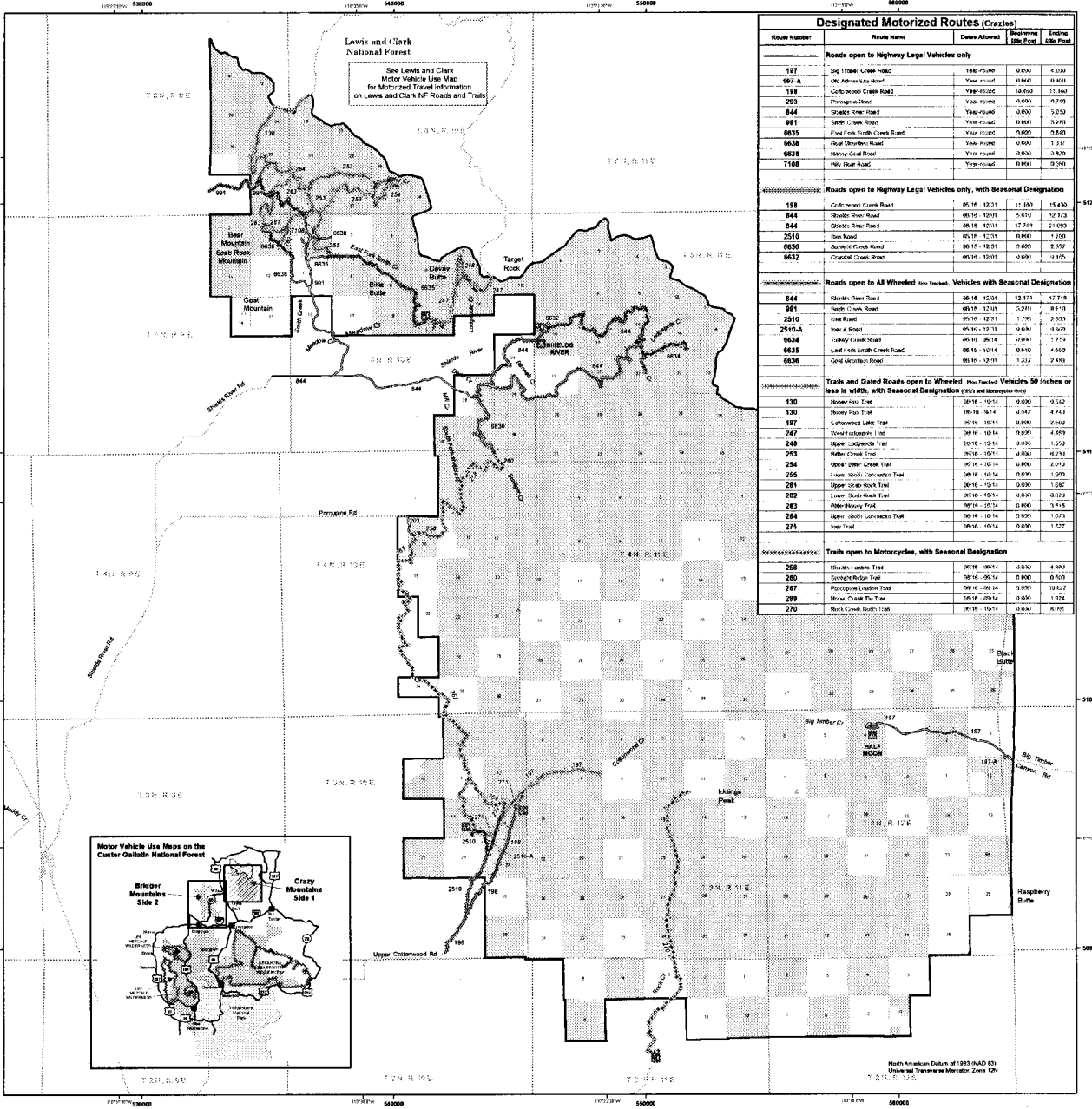
This symbol is used along with a designated road or trail to indicate that limited cross-country motor vehicle use is allowed within 300 feet of that route, solely for the purpose of dispersed camping.

Motorized Trail Access

This symbol indicates a trail head for access to a motorized route. Not all motorized routes have trail heads and those that do may range from primitive to developed.

BLANKET STATEMENTS FOR TRAVEL MANAGEMENT.

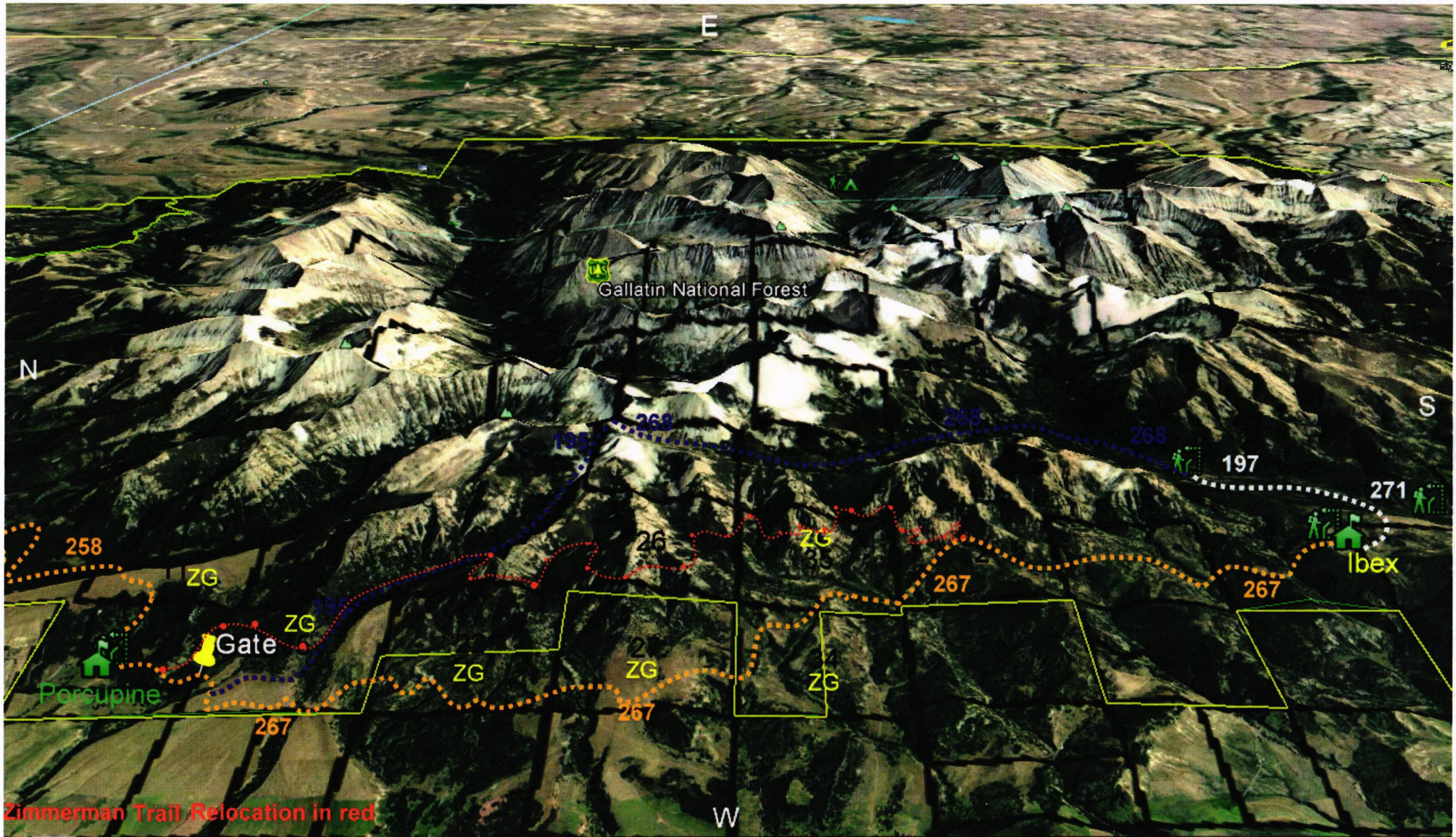
- In areas along designated motor vehicle routes where general dispersed camping with motor vehicles is not allowed, a small number of designated dispersed campsites have been marked on the ground. In these designated dispersed camp areas, the access road to the site and the site itself are only open to motor vehicles during the same season of use indicated for the adjacent road or trail.
- There are numerous short designated motor vehicle routes around the forest that are sometimes too small to display. These routes are signed on the ground with route numbers that are too small to display on the MVMU. They are not referenced on the route table. The seasonal restriction for the short spur is the same as its adjacent primary access route.
- On the Custer Gallatin National Forest, designated motorized TRAILS open to wheeled vehicles less than 50 inches in width, are ONLY open to OHVs and MOTORCYCLES that meet the following criteria:
 - OHVs are defined as motorized, wheeled trail vehicles that are less than 50 inches in width at the widest point on the vehicle.
 - Motorcycles are defined as motorized, wheeled trail vehicles that are less than 50 inches in width at the widest point on the vehicle, with a maximum of two wheels in-line with the direction of travel.



Designated Motorized Routes (Crests)

Route Number	Route Name	Date Allowed	Starting Elevation (ft)	Ending Elevation (ft)
Roads open to Highway Legal Vehicles only				
107	Big Timber Creek Road	Year-round	6030	6030
197-A	McClellan Creek Road	Year-round	6040	6040
198	Cottonwood Creek Road	Year-round	5840	5840
203	Pronghorn Road	Year-round	6090	6090
844	Stratos Road	Year-round	6030	6030
941	Smith Creek Road	Year-round	6060	6060
945	Lead Hill South Creek Road	Year-round	6060	6060
963B	Quail Hollow Road	Year-round	6100	6100
963C	Nanny Goat Road	Year-round	6030	6030
7108	WV Loop Road	Year-round	6060	6060
Roads open to Highway Legal Vehicles only, with Seasonal Designation				
199	Cottonwood Creek Road	06-16-10-14	5750	5750
844	Stratos Road	06-16-10-14	5750	5750
844	Stratos Road	06-16-10-14	5750	5750
2510	Iron Road	05-18-10-31	6060	6060
8630	Stoney Creek Road	06-16-10-31	6060	6060
9632	Cottonwood Creek Road	06-16-10-31	6090	6090
Roads open to All Wheeled (non-motorized) Vehicles with Seasonal Designation				
844	Stratos Road	06-16-10-31	5750	5750
941	Smith Creek Road	06-16-10-31	6060	6060
2510	Iron Road	05-18-10-31	6060	6060
2510-A	New A Road	05-18-10-31	6060	6060
9632	Quail Hollow Road	06-16-10-31	6100	6100
9633	Lead Hill South Creek Road	06-16-10-31	6030	6030
9634	Gold Mountain Road	06-16-10-31	5827	5827
Trails and Gated Roads open to Wheeled (non-motorized) Vehicles 50 inches or less in width, with Seasonal Designation (5000 and above elevation)				
130	Honey Run Trail	06-16-10-14	6030	6030
130	Honey Run Trail	06-16-10-14	6030	6030
197	Cottonwood Lake Trail	06-16-10-14	6060	6060
247	Wood Subgrade Trail	06-16-10-14	6030	6030
248	Upper Loggrade Trail	06-16-10-14	6030	6030
253	Miller Creek Trail	06-16-10-14	6030	6030
254	Lower Upper Creek Trail	06-16-10-14	6030	6030
255	Lower Upper Creek Trail	06-16-10-14	6030	6030
261	Upper Upper Creek Trail	06-16-10-14	6030	6030
262	Lower Upper Creek Trail	06-16-10-14	6030	6030
263	Miller Run Trail	06-16-10-14	6030	6030
264	Upper Upper Creek Trail	06-16-10-14	6030	6030
271	Joe Trail	06-16-10-14	6030	6030
Trails open to Motorcycles, with Seasonal Designation				
258	Stoney Creek Trail	05-18-10-14	6030	6030
260	Stoney Ridge Trail	05-18-10-14	6030	6030
267	Pronghorn Loop Trail	06-16-10-14	6090	6090
289	Nanny Goat Trail	06-16-10-14	6030	6030
270	Rock Creek South Trail	06-16-10-14	6030	6030

West Crazy Mountain Forest Service/Zimmerman Trail Obliteration and Relocation Proposal 3D Map



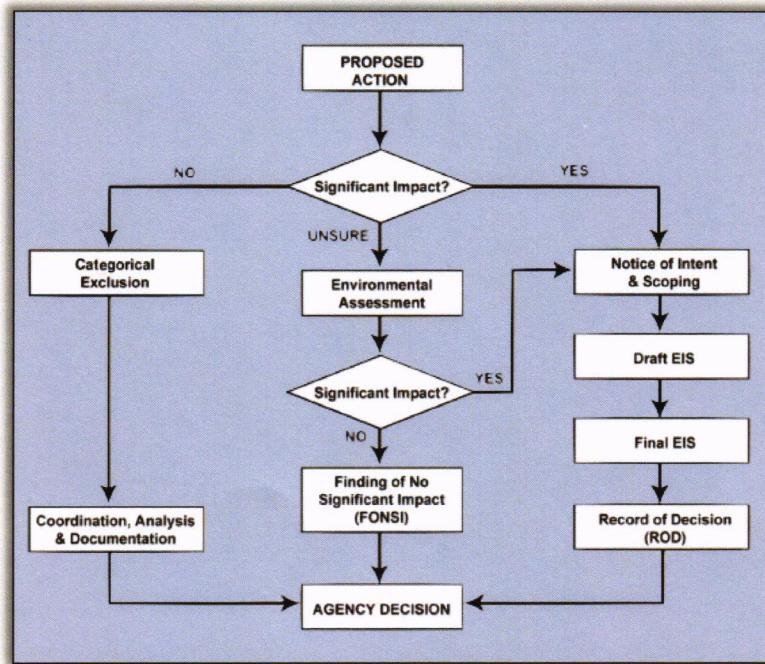
Current FS Trail #267 blocked by the Zimmermans

Current FS Trail # 195 and 268

Zimmerman proposed relocation

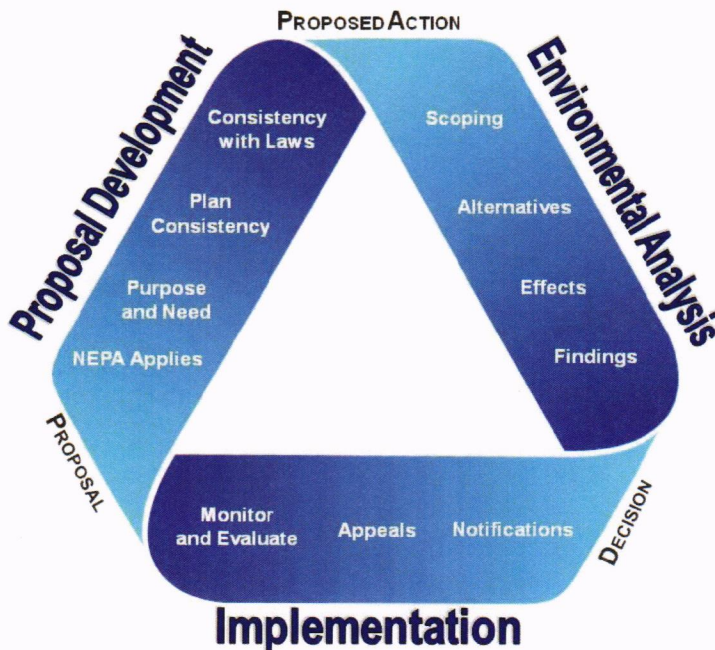
If the proposal is accepted, the Forest Service would, "relinquish interest on the current Porcupine Lowline Trail #267 in sections 15,22,27, 34, 35 and lower portions of Elk Creek Trail #195 in section 15 within Township 4N Range 10E."

Forest Service NEPA Process



The Custer Gallatin National Forest conducted a proper NEPA process for a trail relocation proposal, involving .28 miles (1500 ft), in the Bridgers. They did an Environmental Assessment and filed their Finding of No Significant Impact (FONSI). Why has the Custer Gallatin National Forest ignored this proper NEPA process for this 8+ miles proposed trail relocation, involving up and down steep, high elevation terrain that crosses 4 creeks, has wolverines and genetically pure Yellowstone Cutthroat Trout? The public needs the science. We need the proper NEPA process to be conducted.

In meeting the requirements of the NEPA, the Forest Service seeks to:



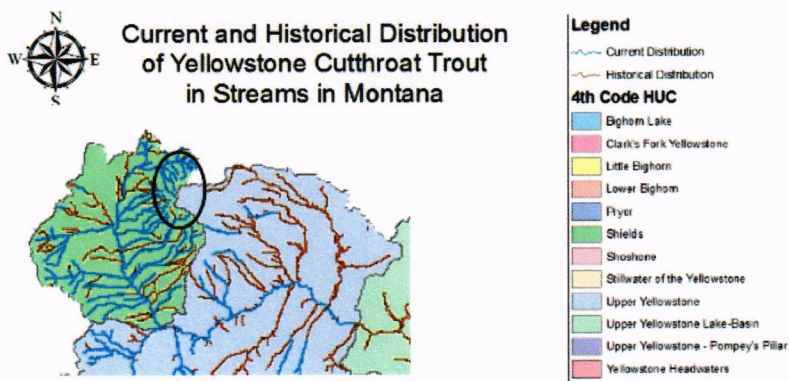
1. Fully integrate NEPA requirements into agency planning and decisionmaking (36 CFR 220.4(c)(2));
2. Use a systematic, interdisciplinary approach to fully consider the impacts of Forest Service proposed actions on the physical, biological, social, and economic aspects of the human environment (40 CFR 1507.2(a), 40 CFR 1508.14);
3. Involve interested and affected agencies, State and local governments, Tribes, Alaska Native corporations, organizations, and individuals in planning and decisionmaking (40 CFR 1500.1(b), 40 CFR 1500.2(b) and (d), 40 CFR 1501.7, 40 CFR 1503.1, 40 CFR 1506.6); and
4. Conduct and document environmental analyses and subsequent decisions appropriately, efficiently, and cost effectively.

[A Citizen's Guide to the NEPA, Having Your Voice Heard](#) - This guide has been developed to help citizens and organizations who are concerned about the environmental effects of federal decisionmaking to

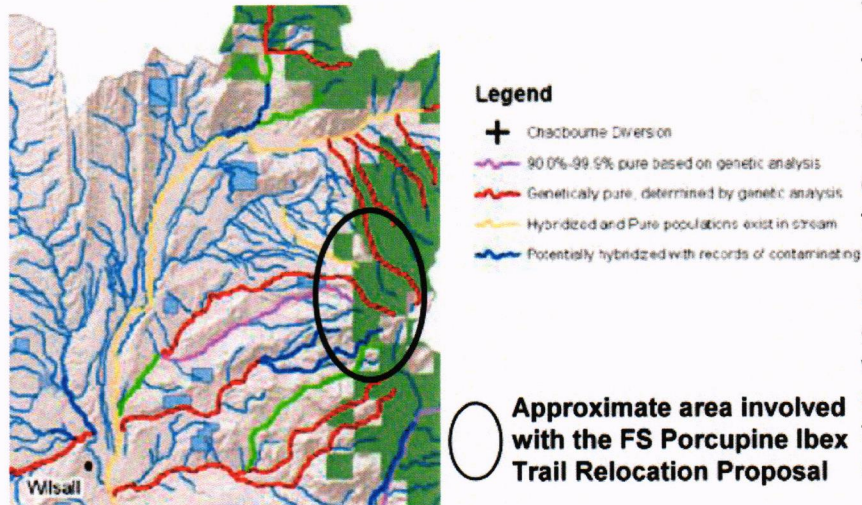
effectively participate in Federal agencies' environmental reviews under the National Environmental Policy Act (NEPA).

Does the Forest Service need to do an Environmental Impact Statement?

Is the Forest Service recent Scoping Process on the Porcupine Trail # 267 obliteration and relocation, initiated for 30 days, beginning March 1st, as a Categorical Exclusion (CE), instead of an EA or EIS, illegal? The below map inserts show the proposed trail relocation area is part of the Yellowstone Cutthroat Trout Conservation Strategy for Montana, which crosses 4 creeks.



Questioning the FS Deputy Supervisor Chad Benson in charge of this proposal, if they had filed their Notice of Intent with the Federal Register and their Schedule of Proposed Actions (SOPA), he stated they are not going to do an Environmental Impact Statement (EIS), they believe that they have a Categorical Exclusion (CE).



The Forest Service NEPA Manual states, "Federal action may be 'categorically excluded' from a detailed environmental analysis if the federal action does not, individually or cumulatively have a significant effect on the human environment" (Physical (land, water, air); Biological (plants and animals); Economic (money passing through society); and Social (the way people live)).

The Montana Memorandum of Understanding and Conservation Agreement between various federal and state agencies on Yellowstone Cuts - YCT are a Species of Concern by the State of Montana and a Sensitive Species by the USFS.

FS NEPA manual - "Resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS are: (1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species; (2) Flood plains, wetlands, or municipal watersheds;"

"Scoping includes refining the proposed action, determining the responsible official and lead and cooperating agencies, identifying preliminary issues, and identifying interested and affected persons." The Region 3 Livingston fisheries biologist and the Region 3 Fisheries Manager Travis Horton had not been contacted by the FS about these creeks or the trail relocation proposal.

63-200

4 N 10 E S 15 + 23 / public

Document No. 8597
NORTHERN PACIFIC RAILWAY COMPANY,
-TO-
FREDERICK W. McREYNOLDS.

D E E D.

(A)

Contract No. 17241 MONTANA DIVISION. DEED NO. 29082E
NORTHERN PACIFIC RAILWAY COMPANY.

THIS DEED, Made the ninth day of May in the year of our Lord one thousand nine hundred and thirty-four, by the NORTHERN PACIFIC RAILWAY COMPANY, a corporation of the State of Wisconsin, grantor, to

FREDERICK W. McREYNOLDS,

of Washington, D. C., grantees, WITNESSETH :

WHEREAS, by a contract in writing entered into on the second day of January, A. D. 1931 the grantor contracted to sell and convey the premises hereinafter described for the consideration hereinafter expressed, which contract has been duly performed and the grantee has become entitled to a conveyance of the premises.

THEREFORE, the grantor in consideration of the sum of Three thousand nine hundred sixteen and 17/100...(\$3,916.17)...Dollars, unto it paid according to said contract, the receipt whereof is acknowledged, grants, bargains, sells and conveys unto the grantee, his heirs and assigns, the following described tract of land situate in the County of Park, in the state of Montana, to-wit :

All of Section fifteen and all of Section No. twenty-three (23) in Township four (4) North of Range ten (10) East of the Montana Principal Meridian, containing, according to the United States Government Survey one thousand two hundred seventy-seven and 28/100 (1,277.28) acres, more or less; the land hereby conveyed, being subject, however, to an easement in the public for any public roads heretofore laid out or established, and now existing over and across any part of the premises.

Easement ->

4 N 10 E
S 15, 23
P

Together with the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, The said lands and appurtenances, unto the grantee his heirs and assigns, forever.

The grantor will forever WARRANT AND DEFEND the title to the premises, except as against liens, charges and incumbrances originating after the date of the aforesaid contract of sale.

IN WITNESS WHEREOF, The grantor has caused these presents to be sealed with its corporate seal, and signed by its Vice President, the day and year first above written.



NORTHERN PACIFIC RAILWAY COMPANY,

By B. W. Scandreth, Vice President.

Attest : A. M. Gottschald, Assistant Secretary.

Signed, Sealed and Delivered in the Presence of :
E. C. Getnour,
L. R. Fellows.

\$4.00 in Documentary Stamps affixed to deed and cancelled.

STATE OF MINNESOTA, }
County of Ramsey. } ss.

On this 24th day of May, in the year 1934, before me, S. A. Bertelsen, a notary public, personally appeared B. W. Scandreth, to me known to be the Vice President of the Northern Pacific Railway Company, the corporation which executed the foregoing instrument, and who being duly sworn, did say, that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said B. W. Scandreth acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office, in the City of St. Paul, the day and year last aforesaid.

S. A. Bertelsen,
Notary Public, Ramsey County, Minnesota.

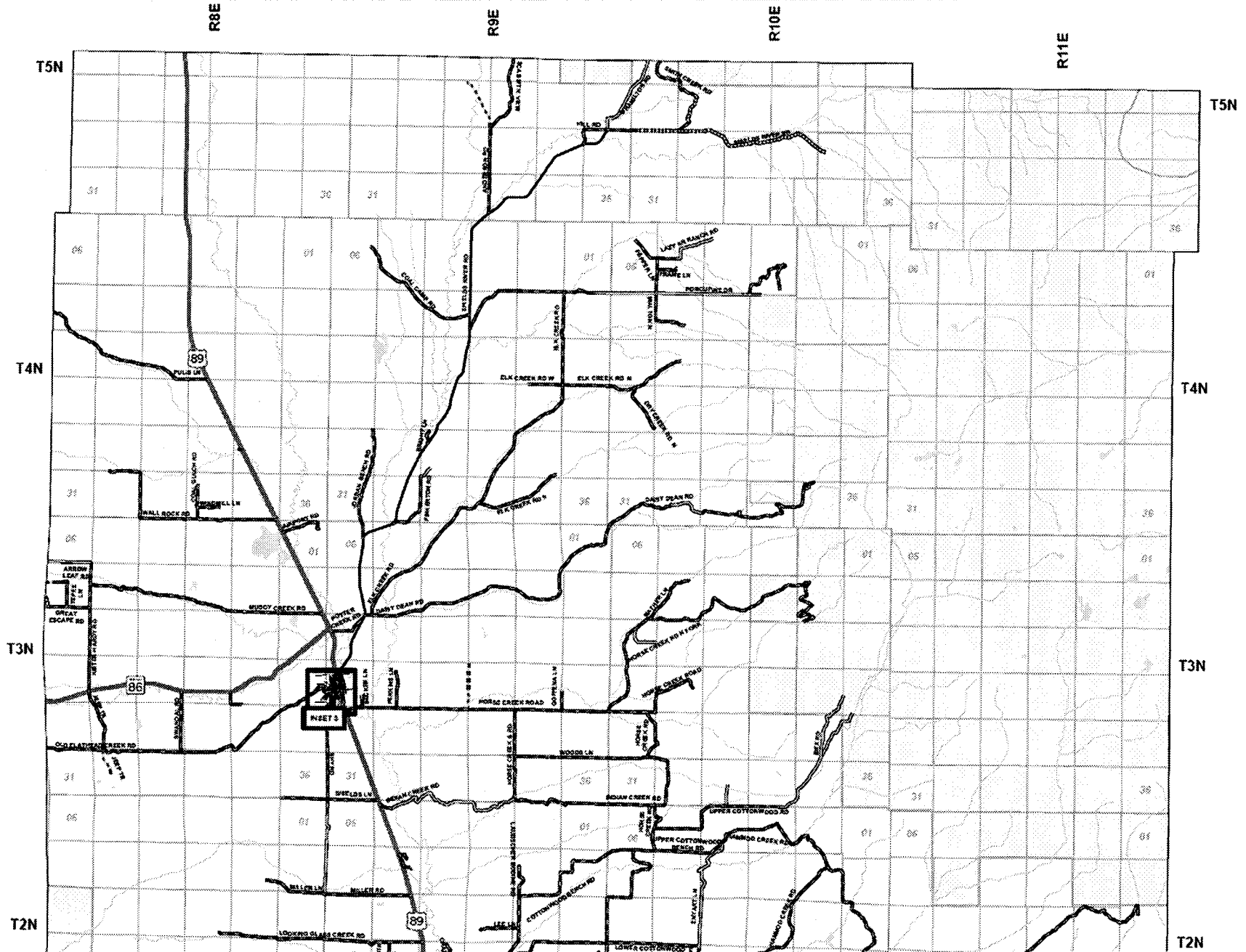
S. A. Bertelsen,
Notary Public, Ramsey County, Minn.,
My Commission expires March 23, 1940.

Filed 1934 June 9th 1934
Notary Public



2017 Park County Fuel Tax Map

"Open to Public Travel is defined as a segment of road available for public use except during periods of extreme weather or emergency conditions, passable by a 2-wheel drive passenger car and open to the general public." - Montana Department of Transportation



Montana Laws - Display of unauthorized signs, signals, or markings



The following Montana laws pertain to illegal signs/orange paint that attempts to divert/obstruct legal public access on roads, including county roads. Legal signs placed by the county or state will have a label on the backside. If you have proof that the road is a legal public right-of-way, please contact your County Commissioners with the images, coordinates or location on a map, and the following laws to get the illegal signs or orange paint removed.

In the photo examples above: First sign is a county sign, but a landowner has placed an illegal "No National Forest Access" sign below it. Second sign is a professionally printed metal sign, not placed by the county, where a public right-of-way exists.

61-8-103. Provisions uniform throughout state -- power of local authorities. **The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this chapter** unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter.

61-1-101 (27) Definitions "Highway" or "public highway" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

Montana Code Annotated 61-8-210. Display of unauthorized signs, signals, or markings. (1) **A person may not place, maintain, or display upon or in view of a highway any unauthorized sign, signal, marking, or device that purports to be or is an imitation of or resembles an official traffic control device, that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official traffic control device or flag person.**

(2) A person may not place or maintain and a public authority may not permit commercial advertising on an official traffic control device on a highway, except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department of

transportation.

(3) This section does not prohibit the erection of signs upon private property adjacent to highways that give useful directional information and that are of a type that cannot be mistaken for official signs.

Violation Of Chapter -- Penalty

61-8-711. (1) It is a misdemeanor for a person to violate any of the provisions of this chapter unless the violation is declared to be a felony.

(2) Each person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction be punished by a fine of not less than \$10 or more than \$100. For a second conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500.

Orange Paint

If the landowner has painted orange on a gate, fence or sign, according to MCA 45-6-201 Crimes, indicates it is private property, through which the public has no right-of-way.

Therefore, if the road does have right-of-way, the orange paint from any signs, gates or posts needs to be removed. Please contact your County Commission with the documentation mentioned above.

MCA 45-6-201 Crimes "Definition of enter or remain unlawfully. (1) A person enters or remains unlawfully in or upon any vehicle, occupied structure, or premises when the person is not licensed, invited, or otherwise privileged to do so. Privilege to enter or remain upon land is extended either by the explicit permission of the landowner or other authorized person or by the failure of the landowner or other authorized person to post notice denying entry onto private land. The privilege may be revoked at any time by personal communication of notice by the landowner or other authorized person to the entering person.

(2) To provide for effective posting of private land **through which the public has no right-of-way**, the notice provided for in subsection (1) must satisfy the following requirements:

(a) notice must be placed on a post, structure, or natural object **by marking it with written notice or with not less than 50 square inches of fluorescent orange paint**, except that when metal fenceposts are used, the entire post must be painted; and

(b) the notice described in subsection (2)(a) **must be placed at each outer gate and normal point of access to the property**, including both sides of a water body crossing the property wherever the water body intersects an outer boundary line."

Enhancing Montana's Wildlife & Habitat

www.EMWH.org

Porcupine Lowline Trail Obliteration and Relocation Public Comments

Though the Forest Service has ignored the proper NEPA process for their Proposed Porcupine Ibex Trail, instead claiming a "Categorical Exclusion", please send in a public comment, this gives you standing in the case. Once the Forest Service makes a decision, a suit and injunction can be filed to remedy this situation. We need the proper science, agency/specialist input and legal process to fully weigh and consider the impacts of the Forest Service proposed actions.

<https://www.fs.usda.gov/project/?project=53388>

Written comments must be submitted via mail, fax, or in person (Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays) to: Mary Erickson Forest Supervisor, ATTN: Chad Benson, PO Box 130, Bozeman, MT 59771. Electronic comments including attachments can be submitted to:

<https://cara.ecosystem-management.org/Public//CommentInput?Project=53388>

Formats that will be accepted for electronically submitted comments are: Word, PDF, and/or Excel.

Points to address in your public comment:

- The Project was categorically excluded from preparation of an Environmental Assessment or Impact Statement despite the Forest Service NEPA requirements consulting with cooperating agencies (Montana Fish, Wildlife & Parks was not consulted about ungulate habitat concerns or "Sensitive Species" wolverines/Yellowstone Cutthroat Trout in the area); 8+ miles proposed trail relocation, involving up and down steep, high elevation terrain that crosses 4 creeks. Their manual states - "Resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS are: (1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species; (2) Flood plains, wetlands, or municipal watersheds;" We need the proper EA/EIS process.
- Forest Service documents record numerous complaints, by the public, of landowners obstruction and harassment while on the Porcupine Lowline trails (purchased their land in the 1950s with a pre-existing public trail system). The same documents show the landowners and their agents have been vigorously obstructing public access since the creation of a hunt club: FS investigation of Porcupine Lowline Trail, notes signs and blaze trees, landowners had placed signs "Trail Closed, Private Property, No Trespassing", signs covered over tree blazes, FS signs had been removed. Where is the FS action against the obstruction to our public access?
- During this rushed process for scoping, no discussions of historical prescriptive easements, deeds easements or right-of-ways was questioned, researched or addressed. Enhancing Montana's Wildlife & Habitat (EMWH) has been researching, documenting existing easements and right-of-ways, contacting the proper authorities to see where the public stands on access, a trail providing recreational access for the young and the elderly. Why has this subject been missing from the discussion?
- The Forest Service has been marketing this proposal as a connecting of, "the Porcupine and Ibex Trailheads and the two recreation rental cabins." The cabins are already connected by this historic Porcupine Lowline trail system. The Forest Service just needs to defend the public access we already have, per their policy and the 2005 Final Travel Management Rule. Why has the FS not defended this historic cabin trail system?
- The current Porcupine Trail #267, which connects the Porcupine and Ibex cabins, is motorized access for mountain bike, motor bike and snowmobile. At the meetings, the proposed trail was discussed as having the same motorized rights. Yet the FS released this proposal without motorized rights. Motorized users are demanding the same motorized rights be applied to the proposed trail, which would increase costs of the trail, maintenance and affect habitat security, possible watershed/erosion issues, also requiring the EA/EIS process. Why would the FS abandon an established trail with motorized access?
- Custer Gallatin National Forest Supervisor Mary Erickson stated at a public meeting on the Crazies, August 2017, that there was no money for trails. While FY 2017 funding for trails and roads maintenance remained relatively the same as FY 2016, the current administration has viciously attacked trails maintenance funding. Trails maintenance declined from 77,383 (dollars in thousands) to 12,700, an -84% cut. The Legacy Roads and Trails maintenance dropped from nearly 40,000 to 0, a -100% cut. Why spend money on a new trail, when we can defend the motorized trail we already have and have had for about 100 years?