

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, July 24, 2014 1:31 PM
To: Oswald, Lauren M -FS
Subject: Call regarding Sweetgrass Creek Access

Lauren—I am writing you to document an adverse interaction between Tony Carrocia and National Forest User Kyle Newmiller of Billings. Kyle called me on 10 July, and I was able to return his call for a conversation on 24 July, 2014. I had spoken

with Kyle previously in March of 2014, and he inquired as to the status of public access up Sweetgrass Creek because he hopes to take his wife and child elk hunting by horseback in that part of the Crazyes this fall. Kyle's phone# is 406-860-3413.

I told him at that time (per our company line and advice from OGC), that access is disputed, but that it is the formal position of the Forest Service that the agency, and hence the public has unperfected legal interests in the road and trail up Sweetgrass Creek by virtue of a longshistory of use, maintenance, and access. I mentioned that the landowners there would likely argue differently and that they would either ask him to sign in or tell him to leave. I noted that they had signage with lots of legalise about permissive access and revocability that appeared designed To intimidate the public and the agency personnel and ultimately extinguish pre-existing public rights of access.

When I spoke with Kyle this morning, he mentioned that 2 weeks ago, he drove up Sweetgrass Creek Road (which Chuck Rein calls Rein Road)

In order to scout the national forest for a hunt this fall. At the Carrocia property gate, he encountered Tony Carrocia. Kyle said

he inquired as to Tony's opinion on public access in an exceedingly polite fashion. When Tony Carrocia said there was no access after September, Kyle politely mentioned The USFS position that indeed the public did have rights to access the national forest through Sweetgrass Creek Road. Kyle then Noted that Tony Carrocia became exceedingly angry and told him: "Get the fuck off my land." Kyle then sat in his car for an hour and watched

Tony Carrocia pull out a satellite phone. Whether he actually used it is unclear. No one else showed up, and nothing more happened.

/s/ Alex Sienkiewicz 7-24-2014

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