

## Exhibit B

File Code: 5460  
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Mr. Joseph T. Swindlehurst, Esquire  
Huppert, Swindlehurst, & Woodruff, P.C.  
420 South Second Street  
Livingston, Montana  
59047

Dear Joe,

Thank you for your letter of 25 March, on behalf of your client Lee Langhuis and his family. I hope this letter finds you and Mr. Langhuis doing well and having a good spring. I put in more than half a dozen calls to Mr. Langhuis over the last six months due to complaints of blocked access on a century-old trail (to/through checkerboard national forest/private lands and prime elk hunting) from Montana public lands sportsmen and women. None of my messages were returned by Mr. Langhuis. Most recently, I have been told that your client has installed a trail camera on Trail 136, in his effort to intimidate users and ultimately extinguish public access rights that date back many decades.

Joe, as you know through your considerable tenure as a successful attorney here in Montana, many of these property disputes can de-escalate—and with creativity and diplomacy—find resolution if only they could begin with a conversation and a cup of coffee. Two people looking at one another eye to eye accomplish a whole lot more than do unreturned calls and communication through lawyers (no offense intended). Simply having a conversation with your client has been an objective of mine, to exchange perspectives, listen to one another respectfully, and see if we might make medicine. I have been disappointed he does not see fit to meet with me or return my calls. Of course I respect his and any citizen's right to obtain legal counsel.

As far as the trail at issue, it is a century-old trail, part of a century-old trail system that circumnavigates the Crazy Mountains, and connected historic U.S. Forest Service guard stations (many of which are now rental cabins). Indeed a Forest Guard Station once existed upon the trail at issue at its juncture in Big Timber Canyon. Historically, forest rangers rode their work hitches on this trail system, administering public lands grazing allotments to private ranchers, managing mineral activity, putting up timber sales, fighting fire, and maintaining access for hunting and fishing for all Americans who might seek to use their national forests. The public trail running through your client's ranch—and the public's use thereof—predates your client's tenure on the land by at least half a century. The Trail was historically known as Trail 115, and today holds the Trail number 136. It has always been on official forest maps and was vetted in such legally-mandated public processes as the 2006 Gallatin Forest Travel Plan. Over the last year, many sportsmen have contacted me and complained of a locked gate across Trail 136. The Forest Service has never relinquished any claim to this trail, and indeed our position is that this is an official system trail to which the agency and the public hold legal rights.

I acknowledge that in many cases, frontier rangers of yore did not secure recorded easements.



Perhaps as you suggest, this is one of those cases. Nonetheless, as you know, this does not then support the legal conclusion that public and its public land management agency have no legal claim on this trail. I have had reports of ATV patrolling and intimidation of hikers and hunters by your client and his agents. It has been related to me that your client asserts the public may only use Trail 136 by paying an \$800.00 fee to your client. Unfortunately, this sort of intimidation and bullying of those using century-old trails to public lands has become commonplace. It is typically done to prevent the public from accessing bull elk that outfitted ranches such as your client's seek to sell to wealthy hunters. It is sobering to note that these cases of land owners trying to shut-down traditional access to public lands (and the game animals thereupon) can lead to violence, and that a recent State of Montana murder prosecution was based on a dispute over a longstanding route to national forest lands, through private lands.

As the local Line Officer for the U.S. Forest Service, I work for the public at large. I never offer citizens recommendations of action or inaction, but merely state the Forest Service's position on various matters. In this case, when frustrated inquiries come in regarding Trail 136, indeed I do convey our position that this is a century-old public trail, and the public has every right to the continued use and enjoyment of this trail (subject to Travel Plan restrictions) as has always been the case. I would urge landowners to consider that there is a whole body of law that protects legal rights of access that may not find expression in a recorded easement. Your client's efforts to adversely extinguish public use have not been successful. Open and notorious public use continues as your client has articulated to you.

I do understand your client's position Joe, and would love to discuss matters further with either of you at any time. Perhaps there is a non-adversarial resolution to be found. There almost always is. We will never know unless we can have a conversation. My objective here is to get the public to their public lands via traditional routes, not to create an access out of thin air. It is an important matter. For most kids in Montana and in our Nation, the national forest is the only "ranch" they'll ever own. I take the duty of protecting traditional public access points very seriously.

Respectfully,



Alex Sienkiewicz

Thanks Joe.  
Nice talking to  
you the other day.  
- Alex