

March 13, 2023

Jim T. McAbee

Michael D. Feiger
District Ranger
Cabinet Ranger Station
2693 Mt. Hwy. 200
Trout Creek, MT 59874

To: Michael D. Feiger and Other Interested Officials and Parties

As a follow-up to my objection letter mailed in November, 2022, I am writing Michael D. Feiger, District Ranger, to *again* express my most strenuous objection to the proposed road closures/limitations proposed under the **BMU 4 Access Project**.

I am a citizen and resident deeded landowner in Sanders County. My paid-in-full ranch property, at 1260 Bull River Road, is directly opposite the Dry Creek Access Road. That is one of the roads that is slated for closure, and conversion to mere parking-lot-and-trailhead status.

My specific objections are as follows:

- 1.) The proposed road closures/limitations violate my own and the general public's **proscriptive easement** on the roads in question. We, The People, have "openly and notoriously" used these roads, ever since their construction. These roads were constructed either directly at taxpayer expense, or indirectly, via USFS timber sales. To close them off diminishes our long-standing motorized access rights.
- 2.) Your vague description of the specific road closures/limitations, stated only in terms of Township and Range, rather than by road name or road number is disingenuous and cunningly deceptive, and appears to be designed to minimize the numbers of objections that you will receive.
- 3.) Your limiting objections to only those of us who have previously commented is disingenuous and cunningly dismissive, and appears to be designed to minimize the numbers of objections that you will receive.
- 4.) Your publishing the public notice in *The Missoulian* – a newspaper that is **NOT** in Sanders County, and in fact is +/- 170 miles away from the farthest proposed road closure/limitation. The public notices should have been much more widely circulated in a variety of newspapers in Sanders County and Lincoln County.
- 5.) You are ignoring the Public Accommodation needs of older citizens and those with disabilities to access USFS lands for hunting, firewood cutting, hunting, and fishing, via their motorized vehicles. This is a gross violation of the Americans with Disabilities Act (ADA) See: 28 CFR Part 36, with Effective Date: March 15, 2011.

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- 6.) By closing off public lands, the proposed road closures/limitations will diminish the value of my property. One of the main reasons that I purchased my ranch in 2006 was because it is directly opposite the Dry Creek Access Road. And surely, that would be one of the main selling points, if I were to re-sell my ranch. Diminishing my property value in this way is in effect an Uncompensated Taking. The takings clause of the Fifth Amendment to the U.S. Constitution bars uncompensated takings of private property. (See: *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337. **and** *KNICK v. TOWNSHIP OF SCOTT, PENNSYLVANIA, ET AL* --Decided June 21, 2019.)
- 7.) You have not conclusively demonstrated that the needs of wildlife (i.e. a few *Ursus Horribilus* grizzly bears) outweighs the legitimate, long-standing rights and needs of thousands of *de jure* Preamble ("We, The People") Citizens.

Note: If any of the aforementioned objections are deemed unqualified for any reason, then I reserve my right to have the others still be heard.

Therefore, **I hereby demand fully remedy and recourse** to the proposed road closures/limitations proposed under the BMU 4 Access Project, namely:

- A.) An extension of the time allowed for objections for another 180 days.
- B.) Opening up the ability to accept comments and objections from those who have not previously commented or objected.
- C.) Well-publicized public hearings, with a permanent and full record kept, giving the opportunity to object and protest.
- D.) That real estate professionals be consulted, to study and assess the diminishment of private property values of land parcels that are within 10 road miles of any of the road junctions of the proposed road closures/limitations.
- E.) And, that if these road closures/limitations proceed, over our stated objections, that recompense be paid, proportionately.

Sincerely,



Jim Taylor McAbee