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**BEFORE THE MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION**

STEPHEN McDONNEL, JOHN
MCDONNEL, and KELSEY VALLEY
RANCH, LP,)
Petitioners.)
) PETITION FOR PERMANENT
) CLOSURE OF STATE TRUST LAND
)
) All of Sections 1, 2, and 12 of Township
) 1 North, Range 2 East, and a portion of
) Section 36 of Township 2 North, Range 2
) East, P.M.M., Gallatin County, Montana
)

Petitioners Stephen McDonnel, John McDonnel, and Kelsey Valley Ranch, through the undersigned counsel, submit this petition to the Montana Department of Natural Resources and Conservation (“Department”) pursuant to Admin. R. Mont. (ARM) 36.25.152. Petitioners request the Department permanently close the following state trust land from use as a public shooting range and from use for recreational shooting:

All of Sections 1, 2, and 12 of Township 1 North, Range 2 East, and the portion of Section 36 of Township 2 North, Range 2 East, P.M.M., Gallatin County, Montana, that is located south of Interstate 90.

This real property is referred to below as the “State Trust Land.”

Petitioners seek the permanent closure of the State Trust Land due to the threat to public safety and the imminent threat of immediate, irreparable property damage and bodily injury. The

closure also is necessary to preserve the income-generating potential of the State Trust Land.

THE STATE TRUST LAND

The State Trust Land is located near the unincorporated town of Logan, Montana. The land is south of Interstate 90 and directly west of the Gallatin County landfill. Petitioners own real property surrounding the State Trust Land, as described below. The State Trust Land is shaded in blue on the aerial map attached as **Exhibit 1**.

The public uses the State Trust Land as a public shooting range and for recreational shooting. The shooting range is located on Section 36, south of Interstate 90. Aerial imagery from Google Earth, attached as **Exhibit 2**, depicts the shooting range, with at least five separate shooting lane areas, extending south of Interstate 90 and Two Dog Road. The public also uses the remainder of Section 36 and Sections 1, 2, and 12 for recreational shooting. Significant public use occurs in Section 2, along Buffalo Jump Road.

PETITIONERS

Petitioners own real property adjacent to the State Trust Land, to the direct west, southwest, south, and southeast. Petitioners farm and graze horses on their properties.

Petitioner Stephen McDonnel owns real property surrounding the western portion of the State Trust Land. Stephen owns a 138.5-acre parcel to the immediate west of Buffalo Jump Road, and a 14.52-acre parcel described as Parcel 2 of C.O.S. 2313 located to the immediate south of Interstate 90, both located in the southwest quarter of Section 35, Township 2 North, Range 2 East, P.M.M. Stephen also owns the majority of Section 34, lying south of Interstate 90, located in Township 2 North, Range 2 East, P.M.M.; and a triangular shaped parcel to the immediate west in the SE1/4SE1/4 of Section 28 and portion of the E1/2NE1/4 of Section 33, Township 2 North, Range 2 East, P.M.M. Last, Stephen owns the majority of

Section 3 and the 38.92-acre parcel to the immediate west of Buffalo Jump Road and the State Trust Land, located in Section 2, Township 1 North, Range 2 East, P.M.M. These properties are outlined in red on **Exhibit 1**.

Petitioner John McDonnel owns a 160-acre parcel to the west of the State Trust Land and Buffalo Jump Road, located in the S1/2S1/2 of Section 3, Township 1 North, Range 2 East, P.M.M. John also owns the 200.88-acre parcel to the immediate south, identified as Parcel A on Certificate of Survey 2828, located in Section 10, Township 1 North, Range 2 East, P.M.M. Buffalo Jump Road extends along the eastern edge of this parcel. These properties are outlined in green on **Exhibit 1**.

Petitioner Kelsey Valley Ranch owns real property surrounding the southern portion of the State Trust Land. The Kelsey Valley Ranch owns Sections 11, 13 and 14 in Township 1 North, Range 2 East, and the west half of Section 7 in Township 1 North, Range 3 East, P.M.M. The Kelsey Property is outlined in orange on **Exhibit 1**.

Due to the adjacency of their properties, Petitioners have personally faced safety concerns and threats of bodily injury as a result of the use of the State Trust Land as a shooting range and for recreational shooting. Their properties also have been damaged as described below.

REGULATORY AUTHORITY FOR CLOSURE

State trust lands are open to general recreational use. General recreational use includes “noncommercial and nonconcentrated hunting, fishing, and other activities determined by the board to be compatible with the use of State Trust Lands.” § 77-1-101(5)(a), MCA. However, the general recreational use is subject to closure and restrictions per the rules established by the State Board of Land Commissioners and administered by the Department. § 77-1-203(3), MCA; ARM 36.25.144(1). These rules, specifically ARM 36.25.152, delineate the circumstances under which

state trust lands can be closed to recreational use. § 77-1-804(2), MCA.

Per ARM 36.25.152(3)(a), any person, corporation, and organization can petition to close a specific tract of state trust land. A “closure” means the “prohibition of all general recreational use.” ARM 36.25.145(3). The closure can be seasonal, temporary, or permanent. ARM 36.25.152(2).

The reasons for which the closure can be granted are listed at ARM 36.25.152(1), which states in full:

- (1) The department may close specific tracts of State Trust Land pursuant to this rule for any of the following reasons:
 - (a) damage attributable to recreational use diminishes the income generating potential of the State Trust Lands;
 - (b) damage to surface improvements of lessee or mineral lessee;
 - (c) the presence of threatened, endangered, or sensitive species or plant communities;
 - (d) the presence of unique or special natural or cultural features;
 - (e) wildlife protection;
 - (f) noxious weed control;
 - (g) the presence of buildings, structures, or facilities;
 - (h) protection of public safety;
 - (i) prevention of significant environmental impact;
 - (j) disruption of calving, lambing, or shipping activities or substantial disruption of livestock use;
 - (k) an imminent threat, caused by potential substantial public use, of immediate, irreparable property damage or bodily injury on the state tract or adjacent land; or
 - (l) comparable public general recreational use has been made available pursuant to (13).

Petitioners submit this petition pursuant to subsections (a), (h), and (k). Use of the State Trust Land for a public shooting range and for recreational shooting is causing damage that diminishes the income generating potential of the State Trust Land, derogates public safety, and creates an imminent threat of immediate, irreparable property damage and bodily injury.

GROUND FOR CLOSURE

Until approximately fifteen years ago, minimal firearm use occurred on the State Trust

Land. Due to the closure of other shooting ranges in Gallatin County, the use of the State Trust Land as a public shooting range and for recreational shooting has significantly increased. This has caused increasingly negative impacts to the Petitioners. These impacts have increased to the point where Petitioners now fear for the safety of themselves and their livestock while on their properties.

Persons engaged in general recreational use of state trust land are required to abide by the rules adopted by the Department. ARM 36.25.146(4). Unfortunately, this has not been the case on the State Trust Land subject to this petition. Firearms are negligently fired towards Petitioners and their properties, the State Trust Land is abused, litter is prolific, and Petitioners' fences and personal property are routinely used as targets.

As the Department is aware, the Petitioners have made repeated requests the Department properly control the use of the State Trust Land. This has not occurred. Petitioners now request the Department permanently close the State Trust Land to protect public safety, to protect Petitioners and their property from bodily injury and damage, and to prevent the continued diminution of value of the State Trust Land.

1. The closure is necessary to protect public safety and because there is an imminent threat of immediate, irreparable property damage and bodily injury.

The closure is necessary per ARM 36.25.152(1)(h) and (k). The Department must close the State Trust Land to protect public safety. The closure also is required due to the imminent threat of immediate, irreparable property damage and bodily injury caused by the substantial public use of the State Trust Land as a public shooting range and for recreational shooting. This threat exists both on the State Trust Land and on Petitioners' adjacent properties.

Recreationists are supposed to use their firearms in a "careful and prudent manner." ARM 36.25.149(1)(c). This is routinely not the case on the State Trust Land. The statements of

Petitioners Konnor Kelsey and Kameron Kelsey, the Partners of Kelsey Valley Ranch, L.P., are attached as **Exhibits 3 and 4**, respectively. These statements demonstrate the serious public safety threat caused to those on or near the State Trust Land, as well as the continued threat of bodily injury and property damage to the Petitioners and their property.

There can be over thirty people on any given day using the State Trust Land for recreational shooting. This is apparent to any motorist driving on Interstate 90 and passing by the shooting range. Users shoot in all directions without guidance. There are no directions provided for users as to which way to shoot. Unless someone is using the shooting range, there also is no way to know if others are using the remainder of the State Trust Land for recreational shooting and where they are located. This is dangerous to the public using the State Trust Land.

This also is a serious safety threat to Petitioners. They have had to leave their properties because individuals shooting on the State Trust Land are unaware of their presence and they can see or hear bullets flying near them. Kameron Kelsey attests to this occurrence in his statement. He states, “I could see and hear bullets flying past me.” **Exhibit 3**. Konnor Kelsey echoes these sentiments. He believes it is “not safe to be out there working on our property when people are shooting[,] as we are worried about stray bullets.” **Exhibit 4**.

Petitioners also have had gates and fences on their properties destroyed multiple times. The public often bring old pallets, beer cans, and other items to shoot at, and hang these items on Petitioners’ fence lines. The fence posts end up with bullet holes, indicating the individuals are shooting towards Petitioners’ properties. Kameron Kelsey describes that “nearly every fence post for several hundred yards has a[t] least one bullet hole in them.” **Exhibit 4**. This means individuals shooting on the State Trust Land are shooting towards Petitioners’ property, and potentially directly towards Petitioners and their horses.

There also is a disregard for the Petitioners' land and continued damage to their personal property. Their gates and fences are repeatedly knocked over and require repair. Examples of the property damage are depicted in the photos at **Exhibits 5 and 6**. The photos in **Exhibit 5** were taken from the McDonnel property adjacent to Section 2 along Buffalo Jump Road. The photos in **Exhibit 6** were taken from the Kelsey Valley Ranch property. The photos depict knocked down fence posts, broken barbed wire, fence posts and a "no trespassing" sign damaged with bullet holes, and various refuse left on Petitioners' property, including broken pallets and targets.

Even the State Trust Land is abused and disregarded with proliferant littering. Recreationists are prohibited from littering on State Trust Lands and are supposed to pack out their litter. ARM 36.25.149(1)(j). This rule also is ignored and not enforced. Konnor Kelsey attests there is "rampant littering and trash left behind by the shooters in the form of targets, target holders, beer cans, and other shooting paraphernalia." **Exhibit 3**. Examples of the litter and refuse left on the State Trust Land are depicted in the photos at **Exhibit 7**.

Use of the State Trust Land as a public shooting range and for recreational shooting is a serious safety concern for Petitioners, their employees, guests, and livestock. There is an imminent threat of immediate, irreparable property damage and bodily injury. Petitioners are concerned their livestock will be injured or killed by stray bullets from the State Trust Land. Petitioners feel unsafe to work on their properties due to the potential for stray bullets. Petitioners genuinely believe it is only a matter of time until their livestock is injured or killed or, even worse, someone is injured.

The validity of Petitioners' concerns is reflected in the Department's own comments. After repeated complaints from the State Trust Land's lessee, the Department instituted temporary restrictions in Section 2. As described below, the Department temporarily closed Section 2 during the winter of 2022 and has seasonally closed Section 2 from April 15 to June 30, commencing in

2023. In the press releases noticing those temporary closures, the Department explained the basis as “[d]ue to ongoing misuse of State Trust Land associated with recreational shooting – including public safety concerns, shooting debris left on site, and concerns that private property will be further damaged” **Exhibit 8.** The DNRC’s acting Bozeman Unit Manager further explained, “restrictions on recreational activity are sometimes necessary when the situation becomes unsafe or lessees are no longer able to use the land in accordance with the terms of the lease.” *Id.*

The situation remains unsafe. The temporary restrictions have proven inadequate to fully mitigate the very real safety threats to the public using the State Trust Land and to Petitioners. The temporary restrictions also have failed to mitigate or prevent further damage to Petitioners’ property. The Department should permanently close the State Trust Land to protect public safety and to abate the imminent threat, caused by substantial public use, of irreparable property damage and bodily injury both on the State Trust Land and Petitioners’ adjacent land.

2. Damage attributable to the recreational use diminishes the income generating potential of the State Trust Lands.

Petitioners also submit this Petition pursuant to ARM 36.25.152(1)(a). Petitioners, full-time residents of Montana, are concerned the misuse of the State Trust Land is diminishing its income generating potential. The State holds the State Trust Land in trust for the people of Montana. One of the reasons the Board of Land Commissioners (“Board”) and the DNRC are granted the authority to promulgate and administer restrictions and closures of State Trust Land is to protect the financial viability of the land.

The State owns state trust land in trust for the people and for the benefit of the public schools in Montana. Mont. Const., Article X, §§ 2, 11. The revenue received from leasing state trust land is used to fund K-12 public education. Mont. Const. Article X, §§ 2-3. The Board “has the authority to direct, control, lease, exchange, and sell school lands,” including the State Trust

Land at issue, for the support and benefit of state educational institutions. Mont. Const. Article X, § 4.

Accordingly, per § 77-1-202(1), MCA, the Board’s “guiding principle is that these lands and funds are held in trust for the support of education and for the attainment of other worthy objects helpful to the well-being of the people of this state as provided in the Enabling Act.” This “guiding principle” requires the Board to administer the trust to “(a) secure the largest measure of legitimate and reasonable advantage to the state; and (b) provide for the long-term financial support of education.” *Id.* While “the people are entitled to general recreational use of state lands,” such use is “to the extent that the trusts are compensated for the value of the recreation.” § 76-1-202(2), MCA.

The misuse of the State Trust Land is trampling on these principles and diminishing the potential income that can be generated from leases of the land. Petitioners are aware that several former lessees have retired their leases and others have declined to lease the State Trust Land due to the dangers associated with the public shooting range and recreational shooting. For instance, Kameron Kelsey is always looking for more grazing land but has decided not to lease the State Trust Land because of the risks created by the recreational shooting. As he explained, “There is no way I could put livestock on those sections and feel remotely good about their safety on it.” **Exhibit 4.**

The current lessee of the State Trust Land, Geoff Martell, provided the statement attached as **Exhibit 9** explaining his frustration with the use of the State Trust Land. He describes how, when he first took over the lease in April 2022, the land had not been grazed for a couple years “due to the destruction of both the owned fencing as well as the solar panels on the property from people misusing the property.” Like Petitioners, his fences are continuously cut and knocked

down, and there are bullet holes in his solar panels.

After repeated complaints, the Department finally agreed to temporarily close Section 2, along Buffalo Jump Road, so he could access the State Trust Land “without the fear of being shot at while out on the ground . . .” **Exhibit 9**. The Department also agreed to annual closures from April 15th to June 30th, so lessee can graze cattle on the State Trust Land. However, the public continues to use the State Trust Land during these periods of closure. Mr. Martell attested that, during the temporary closures in November 2022 and spring 2023, “people repeatedly shot during both those timeframes, numerous times while myself or the rancher I work with were out repairing either fencing or the well/watering tanks.” *Id.*

Mr. Martell also reports that, during the spring of 2023, he and another rancher “spent over 100 hours over the span of two months fixing the fencing and repairing the well/watering station” that had been damaged on the State Trust Land. He had to personally invest over \$5,000 to bring the property to a suitable condition to run cattle. Shortly following the temporary closure, in the summer of July 2023, Mr. Martel’s fences already were torn down again and destroyed. He has even witnessed the public using bolt cutters on his fences and gates to make access easier. Despite continued reports to the Department and law enforcement, this misuse and vandalism of both the State Trust Land and the lessee’s personal property continues.

Mr. Martel’s story further demonstrates the continued use of the State Trust Land as a shooting range and for recreational shooting is dangerous and a public safety concern. The use actively creates a threat to adjacent landowners, to the lessee of the State Trust Land, and to anyone else on or in the vicinity. Property damage and disregard persists. It is apparent the shooting use diminishes the income generating potential of the State Trust Lands, contrary to the constitutional and statutory requirements for its management.

When the Department issued a second press release noticing the temporary closures, the reasoning for the closures is telling. The statement recognized the State Trust Land is a “vital component of Montana’s farming, ranching, forest products, and energy industries,” and “[w]hen the revenue generating ability of the land is impeded by the actions of a few, the ramifications are felt by all Montanans.” **Exhibit 10.** The Department also acknowledged the State Trust Land’s “ongoing misuse,” which included “public safety concerns, shooting debris left on site, and damage to private property.” *Id.* The DNRC Bozeman Unit Manager wisely stated: “The situation on the ground here has become unsafe, the land is degraded, and the lessees [sic] is unable to use the land according to the terms of the lease, so it is important for the Department to take action.”

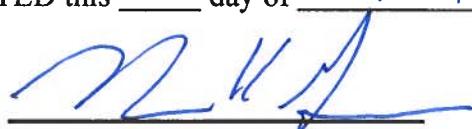
Id.

These statements remain valid and necessitate permanent action by the Department. The seasonal closure of Section 2 is inadequate to protect the public safety, prevent irreparable property damage and bodily injury, and to protect the income generating potential of the State Land. The Department should grant the petition and permanently closure the State Trust Land from continued use as a public shooting range and from use for recreational shooting.

CONCLUSION

For the foregoing reasons, Petitioners request the Department grant the Petition and permanently close the State Trust Land.

RESPECTFULLY SUBMITTED this 1 day of April, 2025.

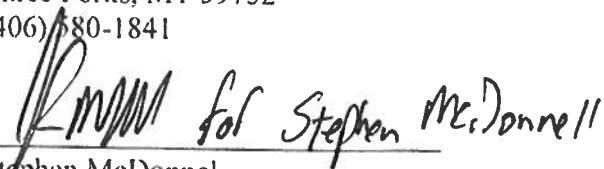


Brian K. Gallik
Attorney for Petitioners

SIGNATURES OF PETITIONERS

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(406) 580-1841

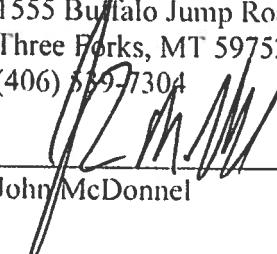

Stephen McDonnel

3/31/25

Date

JOHN MCDONNEL

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John McDonnel

3/31/25

Date

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(406) 579-4533

By: Kameron Kelsey, Partner


By: Kameron Kelsey, Partner

Date

3/28/25

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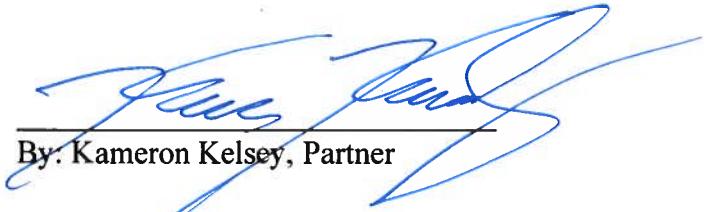
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By: Konnor Kelsey, Partner

Date

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing was sent by U.S. First Class Mail and by email to the following

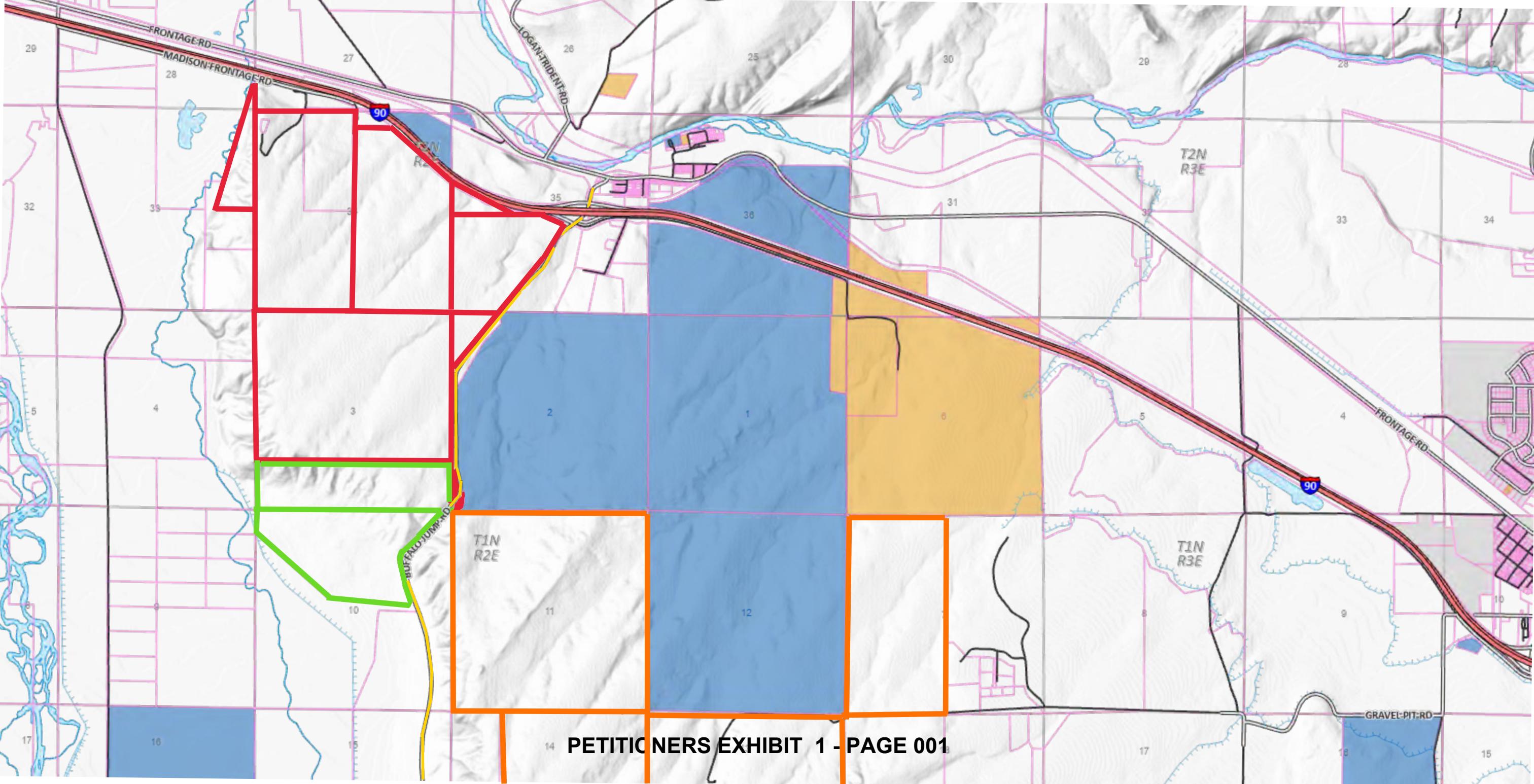
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Corrie Larson



Shooting Range

Legend

N

Image © 2025 Airbus

Google Earth

PETITIONERS EXHIBIT 2 - PAGE 001

700 ft

90

Shooting Range

Legend



Google Earth

Image © 2025 Airbus

PETITIONERS EXHIBIT 2 - PAGE 002

N

300 ft

3/26/25

To Whom it May Concern,

This letter is in concern to the public shooting on the state lands located at 1N, 2E section 2 and 2N, 2 E Section 36.

Over the past decade the amount of shooting on these pieces of land has exploded into problem for the local residents, land owners and the state land lessees. There is no government control or regulation of the area so what is going on there is out of control. We are the land owners directly south of Section 2 on Buffalo Jump Road. We have had out private property destroyed multiple times in the form of gates and fencing. We are also very worried about our livestock being injured or killed. There is no control of how and when people are shooting and when the authorities are called they usually rather argue with the caller than do anything about the shooting. There is rampant littering and trash left behind by the shooters in the form of targets, target holders, beer cans and other shooting paraphernalia. Its not safe to be out there working on our property when people are shooting as we are worried about stray bullets. On any given day there can be as many as 60 people on site shooting in all directions.

We know that other areas in the Gallatin Valley have been shut off to public shooting because of safety factors and trash issues. Hyalite Canyon has been shut down as well as some state land on Axtell-Anceny Road. We would like to see that same process taken here to have a no shooting zone on these state land pieces. There is a shooting range in Logan that is only a couple miles away that is open to the public for a small nominal fee so the public would still be able to shoot there. If something is not done it is just a matter of time until livestock is injured or killed or even worse a person is harmed.

For the damage to our private property the state has never offered or provided any financial assistance to remedy the problem that they have created by allowing this wide-open shooting to go on. We are not asking for that compensation but we are asking for shooting to be shut down on these state pieces. We believe that the state also has a problem in the form of leasing the ground for agricultural needs. The state is required by state law to lease the land out and the money goes into the school fund. By allowing this shooting to continue the state is in violation of that law by not allowing lessees to use the land to its full potential for grazing or farming. When it is unsafe to be onsite to care for livestock and farm the ground then the state will lose that revenue as no one will want to lease that ground. Multiple people in the past have either retired that lease or not taken it in the first place as they know the dangers that are associated with these pieces of ground.

Overall, we are requesting that the state shut shooting down on these pieces of state ground

Sincerely,

Konnor Kelsey

Partner in Kelsey Valley Ranch.

To Whom it May Concern,

This letter is in concern to the public shooting on the state lands located at 1N, 2E section 2 and 2N, 2 E Section 36.

Our family has owned the property to the south of the state sections of land since the mid 1970's. Up until about 15 years ago, there was minimal shooting happening on these sections. However, in the recent years, due to closures on other state sections in the greater Gallatin valley there has been a large up tic in the numbers of people shooting on these specific sections we are talking about. It has gotten to a point that it's a miracle no one has been shot. On any given weekend there can be upwards of 30-40 people shooting simultaneously, with no clear rules or guidance on which directions to shoot or who is out there. The shooters often bring old pallets and beer cans and other items to shoot at and often hang them on our fence line that separates the state section from our private property. I'm not exaggerating when I say that nearly every fence post for several hundred yards has a least one bullet hole in them. Which means they are shooting at our property, which usually has horses on it, grazing. I have had to leave our property several times because people were unaware of my presence and I could see and hear bullets flying past me. It is honestly a huge safety concern of mine for myself, my employees and my horses. We use our land adjacent to the state land for grazing of our horses and I am always looking for more land to graze and I have looked into these state section grazing leases but each time I decide not to pursue the lease because of the risks associated with the shooting. There is no way I could put livestock on those sections and feel remotely good about their safety on it. There are simply too many people shooting in too many different directions on the state land. I genially feel for the lessees currently leasing the sections as they are constantly dealing with the shooting, trash left behind and general lack of attention this area is experiencing from law enforcement.

It is our hope that some changes need to happen before someone is injured or killed out here. We would like to see the shooting on these sections of state land shut down. I know this has happened on other state sectional around the valley, due to safety concerns and this area is no different.

Sincerely,

Kameron Kelsey

Kelsey Valley Ranch Partner



PETITIONERS EXHIBIT 5 - PAGE 001



PETITIONERS EXHIBIT 5 - PAGE 002



PETITIONERS EXHIBIT 5 - PAGE 003



PETITIONERS EXHIBIT 5 - PAGE 004





PETITIONERS EXHIBIT 6 - PAGE 001



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PETITIONERS EXHIBIT 7 - PAGE 001





PETITIONERS EXHIBIT 7 - PAGE 003



PETITIONERS EXHIBIT 7 - PAGE 004



PETITIONERS EXHIBIT 7 - PAGE 005

Continued Misuse Prompts Shooting Restrictions on State Trust Lands in Gallatin County

Due to ongoing misuse of State Trust Land associated with recreational shooting – including public safety concerns, shooting debris left on site, and concerns that private property will be further damaged – the Department of Natural Resources and Conservation announced that two new firearm restrictions will be implemented on the affected lands in Gallatin County.

October 12 2022



NEWS, EVENTS, & UPDATES

HELENA, Mont. – Due to ongoing misuse of State Trust Land associated with recreational shooting – including public safety concerns, shooting debris left on site, and concerns that private property will be further damaged – the Department of Natural Resources and Conservation announced that two new firearm restrictions will be implemented on the affected lands in Gallatin County.

Restrictions go into place on November 12 of this year, with an additional seasonal restriction going into place in the spring of 2023. The mix of temporary and year-round firearm restrictions are intended to allow the surface lessees to utilize their lease while maintaining access for dispersed recreational activities.

"While nearly all accessible State Trust Lands are open to the public for recreation with the required license, restrictions on recreational activity are sometimes necessary when the situation becomes unsafe or lessees are no longer able to use the land in accordance with the terms of the lease," said Erik Eneboe, acting Bozeman Unit Manager.

Restrictions are being implemented on two tracts of State Trust Land, one along Axtell Anceney Road and the other on land south of Logan, MT, approximately one-half mile south of the interstate on Buffalo Jump Road.

Axtell Anceney Road – State Trust Land, Section 6 of Township 3 South, Range 4 East: Effective November 12, 2022, Firearms will be restricted year-round on all state trust land located south and east of Axtell Anceney Road.

South of Logan, East of Buffalo Jump Road – State Trust Land, Section 2 of Township 1 North, Range 2 East: A temporary firearm restriction will be in place November 12 - 25, 2022, for fence, water well, and solar panel repair and lease evaluation. Additionally, firearms will be restricted annually from April 15 - June 30 during the grazing season to allow for active grazing, fence repair, and general lease management activities.

A full legal public notice of the restriction is posted online at <http://dnrc.mt.gov/public-interest/public-notices/2022-scoping-notices/october/recreational-use-restriction>.

In accordance with the statutes for management of State Trust Lands, Department staff have documented ongoing issues and are taking the restrictive actions after posting notices that firearm use on the parcels could be restricted if property damage and safety risk continued.

"Montana State Trust Lands are working lands managed to generate millions of dollars in revenue annually for Montana students and other beneficiaries. The ability to generate income from these lands is being jeopardized by the intense recreational shooting taking place," said Eneboe. "The restrictions allow for the land to generate income through grazing leases, while maintaining access for recreation. However, if additional abuses occur or the current abuse continues, it is the duty of the DNRC to take additional action that could mean further restrictions."

"Each of us has a responsibility to care for State Trust Land and we need the public's help to keep each other accountable. Please report all misuse to Fish, Wildlife and Parks enforcement or the Gallatin County Sheriff's Office," said Eneboe.

Negligent firearm use that creates an immediate threat to public safety, livestock, or private property should be reported to the local sheriff's office by calling 9-1-1. Other recreational use violations or misuse of State Trust Lands should be reported by calling 1-800 TIP-MONT (1-800-847-6668) or submitted online at <https://myfwp.mt.gov/fwpPub/tipmont>.

An interactive map of recreational use closures and restrictions can be found at <http://dnrc.mt.gov/recreation>.

About State Trust Lands: The Trust Lands Management Division of the Department 5.2 million acres of state trust land. Through programs including sustainable forestry, agriculture, grazing and energy leasing, we generate millions of dollars annually for K-12 public education, including school facilities and classroom technology. Montana's Trust Lands are a vital component of local economies and provide recreation opportunities for hunters, anglers, hikers, and horseback riders.

Contact: Erik Eneboe, Acting Bozeman Unit Manager

406-505-6001

eeneboe@mt.gov

Tags:

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1539 Eleventh Ave. Helena, MT 59601

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Careers



Subject: Fw: Buffalo Jump Road DNRC Lease
Date: Friday, March 15, 2024 at 10:22:31 AM Mountain Daylight Time
From: Brian Gallik
To: Erin Arnold

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From: Geoff <gilmartel@gmail.com>
Sent: Friday, March 15, 2024 10:20 AM
To: Brian Gallik <brian@galliklawfirm.com>
Subject: Buffalo Jump Road DNRC Lease

My experience with the state lease I hold on Buffalo Jump Road has been incredibly frustrating for many reasons. When I initially took over the lease in April of 2022, there were no firearms restrictions and the ground had not been used for its intended purpose of cattle grazing in a couple years due to the destruction of both the owned fencing as well as the solar panels on the property from people misusing the property. I made initial contact with the DNRC office and asked for them to help me with controlling the misuse and destruction however they all but dismissed me for months. I continued calling and complaining about the further destruction and degradation of the property as my fences kept being cut and knocked down as well as there were new bullet holes in my solar panels. The DNRC had indicated to me that there were limited funds available to help lessees repair or replace damaged personal property however they declined to provide me any financial assistance. After complaining for months I finally was able to get their agreement to close the property to public shooting for two

weeks in November of 2022 so I could assess the property without fear of being shot at while out on the ground as well as an annual closure from 4/15 through 6/30 to use the property for its intended purpose of cattle grazing. Despite the marked closures, people repeatedly shot during both those timeframes, numerous times while myself or the rancher I work with were out repairing either fencing or the well/watering tanks. I have made countless calls to both the DNRC, Fish and Game, as well as the Bozeman police department, at the direction of the DNRC to complain about various unsafe or illegal activities that occur on the property and the majority of the time the response rate is so slow that the people doing said activities are long gone. Additionally, the fish and game officers that have responded and caught people doing illegal activities have consistently let them go with just a warning. In the spring of 2023 myself and the rancher I work with spent over 100 hours over the span of two months fixing the fencing and repairing the well/watering station as well as I invested over \$5,000 of my own money to get the property in a condition where cattle could be run. An outside group, the backcountry hunters and anglers also spent a full day cleaning up the property as the amount of garbage left from people shooting was significant. I was able to run cattle on the property from mid May through the end of June, however I had to make numerous calls every week as people were still out shooting and ignoring the multitude of signs that the DNRC had put up marking the closing during that timeframe. There were at least two instances where myself and the rancher I work with were out on the property and people started shooting with us down range, which is incredibly unsafe. Shortly following the removal of the cows on 6/29/23, the lease was opened back up by the DNRC and within a few weeks my fences were already torn down and destroyed. If one were to drive along Buffalo Jump Road on the northern border you couldn't tell that it had been repaired under a year ago and was in new condition. I have seen people using bolt cutters on my fence and gates to make their access easier and when I have called the report this, the response time is so slow that those that damaged it were long gone. I have seen numerous cars/trucks driving out on the property and have reported them, but again, due to the long response time they were long gone by the time anyone arrived.

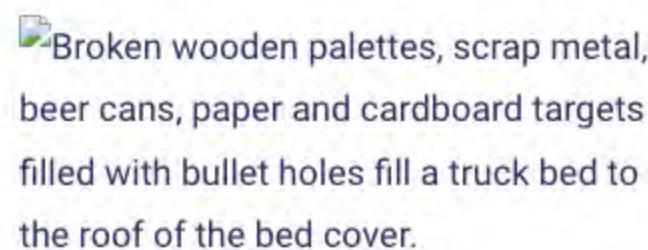
Please let me know if you need additional information.

Geoff Martel
585-259-0723



Seasonal Shooting Restrictions to go into Place on State Trust Lands in Gallatin County

April 04 2023



HELENA, Mont. – A seasonal firearm restriction on a parcel of State Trust Land in Gallatin County will go into effect on April 15 and be in place through June 30 during the grazing season to allow for active grazing, fence repair, and general lease management activities.

Under the temporary restriction, all recreational firearm use on State Trust Land, Section 2 of Township 1 North, Range 2 East is prohibited.

"We all have a responsibility to care for State Trust Land – it is a vital component of Montana's farming, ranching, forest products, and energy industries," said Kara Huyser, Bozeman Unit Manager for the Department of Natural Resources and Conservation. "Trust Lands are working lands that generate revenue to support the funding of K-12 schools and other state institutions. When the revenue generating ability of the land is impeded by the actions of a few, the ramifications are felt by all Montanans."

The ongoing misuse of State Trust Land associated with recreational shooting – including public safety concerns, shooting debris left on site, and damage to private property – prompted the Department to implement the restriction to allow the surface lessee to utilize their lease while maintaining access for dispersed recreational activities.

This marks the second of two seasonal restrictions on the parcel. The first restriction was in place in November of 2022 to allow the lessee to safely access the property to repair fence, a water well, and solar panels and conduct lease evaluation.

"The situation on the ground here has become unsafe, the land is degraded, and the lessees is unable to use the land according to the terms of the lease, so it is important for the Department to take action." said Huyser.

Negligent firearm use that creates an immediate threat to public safety, livestock, or private property should be reported to the local sheriff's office by calling 9-1-1. Other recreational use violations or misuse of State Trust Lands should be reported by calling 1-800 TIP-MONT (1-800-847-6668) or submitted online at <https://myfwp.mt.gov/fwpPub/tipmont>.

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An interactive map of recreational use closures and restrictions can be found at <http://dnrc.mt.gov/recreation>.

About State Trust Lands: The Trust Lands Management Division of the Department 5.2 million acres of state trust land. Through programs including sustainable forestry, agriculture, grazing, and energy leasing, the land generates millions of dollars annually for K-12 public education, including school facilities and classroom technology. Montana's Trust Lands are a vital component of local economies and provide recreation opportunities for hunters, anglers, hikers, and horseback riders.

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