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|---|--|------------------------------------|---------------|---------------|--|---------------------------------------|------------------------|--|----------------------------|
| INCIDENT REPORT | | | | | INCIDENT NUMBER M01L02O | | REPORT TYPE Initial | | |
| PRIVACY ACT STATEMENT This document is for OFFICIAL USE ONLY. It and its contents are not to be distributed outside your Agency, nor duplicated, without prior approval of the USDA, Forest Service, Law Enforcement and Investigations. | | | | | | | | | |
| SECTION I. ADMINISTRATIVE | | | | | | | | | |
| DATE REC'D (MM/DD/YYYY) 01/21/2023 | | | | | FOREST DISPATCH NO. | | | | |
| INCIDENT TYPE OCCUPANCY USE | | | INCIDENT NAME | | | | WARNING ISSUED No | | |
| NATIONAL IRC 00 | | | | | REGIONAL IRC 168 | | | | |
| REGION 01 | | FOREST 11 | | DISTRICT 6 | | STATE MT | | COUNTY 31 | |
| INCIDENT LOCATION COORDINATE (LATITUDE/LONGITUDE) 45 : 4 : 12 / -110 : 46 : 43 | | | | | FEDERAL JUDICIAL DISTRICT Montana | | | | |
| SECTION II. SUBJECT | | | | | | | | | |
| SUBJECT NUMBER 1 | | SUBJECT RELATED TO OFFENSE 1 | | | | ARRESTED No | | | |
| LAST NAME (b) (6), | | | | FIRST (b) | | | MIDDLE (b) | | |
| EMPLOYER | | | | | IDENTIFICATION DRIVER'S LICENSE - (b) (6), (b) (7)(C) | | | | |
| HOME ADDRESS (b) (6), (b) (7) | | | | | | CITY (b) | | | |
| STATE (b) (6), | | | ZIP (b) | | | HOME PHONE NUMBER (b) (6), (b) (7) | | | |
| WORK ADDRESS | | | | | | CITY | | | |
| STATE | | | ZIP | | | WORK PHONE NUMBER | | | |
| HAIR COLOR | | EYE COLOR | | HEIGHT (b) | | WEIGHT (b) | | DATE OF BIRTH OR AGE RANGE (b) (6), (b) | PLACE OF BIRTH |
| ALIAS/MAIDEN NAME | | | | SEX (b) | | RACE (b) | | ETHNICITY | |
| HAIR | | HAIR STYLE | | FACIAL HAIR | | COMPLEXION | | APPEARANCE | |
| IDENTIFYING MARKS | | DRESS | | SPEECH | | DEMEANOR | | DEXTERITY | |
| TYPE OF ARREST | | | | | | | | | |
| SECTION III. OFFENSE | | | | | | | | | |
| OFFENSE NUMBER 1 | | DATE/TIME FROM 01/17/2023 08:00 | | | DATE/TIME TO | | STATUS Completed | | STATUTORY BASIS Federal |
| OFFENSE DESCRIPTION 36 CFR 261.10D - DISCHARGE FIREARM | | | | | | SEVERITY MISDEMEANOR | | | |
| OFFENSE DETAIL | | | | | | | | | |
| LOCATION/ADDRESS | | | | | | LAND STATUS NFS | | | |
| TYPE OF WEAPON/FORCE USED Rifle | | | | | TYPE OF CRIMINAL ACTIVITY Using/Consuming | | | | |
| SECTION III. OFFENSE | | | | | | | | | |

Disclosure of any record, which is contained in a system of records (including LEIRS) by any means of communication to any person, or to another agency, is prohibited except as described in 5 USC 552a.

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|---|--|---------------------------------------|-----------------------|---------------------------|----------------------------------|----------------------------|--------------------------|
| | | | | | | INCIDENT NUMBER M01L02O | |
| OFFENSE NUMBER 2 | | DATE/TIME FROM 01/17/2023 08:00 | | DATE/TIME TO | | STATUS Completed | STATUTORY BASIS FSMHS |
| OFFENSE DESCRIPTION FSMHS - ACCIDENT-OTHER - 670023 - ACCIDENT-OTHER | | | | | | SEVERITY CIVIL | |
| OFFENSE DETAIL | | | | | | | |
| LOCATION/ADDRESS | | | | | | LAND STATUS NFS | |
| TYPE OF WEAPON/FORCE USED | | | | TYPE OF CRIMINAL ACTIVITY | | | |
| SECTION IV. EVIDENCE/PROPERTY | | | | | | | |
| SECTION V. VICTIM | | | | | | | |
| VICTIM NUMBER 1 | | VICTIM RELATED TO OFFENSE NUMBER 1 | | | VICTIM RELATED TO SUBJECT NUMBER | | |
| LAST NAME | | | FIRST | | | MIDDLE | |
| EMPLOYER | | | | IDENTIFICATION | | | |
| HOME ADDRESS | | | | | | CITY | |
| STATE | | ZIP | | | HOME PHONE NUMBER | | |
| WORK ADDRESS | | | | | | CITY | |
| STATE | | ZIP | | | WORK PHONE NUMBER | | |
| DATE OF BIRTH OR AGE RANGE | | PLACE OF BIRTH | | SEX | RACE | | ETHNICITY |
| AGG ASSAULT/HOMICIDE CIRCUMSTANCES | | | | INJURY TYPE | | | |
| RELATIONSHIP OF VICTIM TO SUBJECT | | | | | | | |
| SECTION VI. COMPLAINANT | | | | | | | |
| LAST NAME (b) (6), (b) | | | FIRST (b) (6), (b) | | | MIDDLE | |
| EMPLOYER | | | | IDENTIFICATION | | | |
| HOME ADDRESS (b) (6), (b) (7)(C) | | | | | | CITY (b) (6), | |
| STATE (b) | | ZIP (b) | | | HOME PHONE NUMBER | | |
| WORK ADDRESS | | | | | | CITY | |
| STATE | | ZIP | | | WORK PHONE NUMBER | | |
| SECTION VII. WITNESS | | | | | | | |
| SECTION VIII. ADDITIONAL OFFICERS | | | | | | | |
| SECTION IX. VEHICLE DESCRIPTION | | | | | | | |
| SECTION X. NARRATIVE | | | | | | | |

On January 17th at approximately 0830, I received a report from my Patrol Captain, (b) (6), (b) , that a bison hunter had been struck by a deflected round while hunting in the Beattie Gulch hunt area near Gardiner, MT on Forest Service land. I was then Contacted by Park County Deputy (b) (6), , who advised that he was responding to the incident. We discussed that Park County would be the lead agency in the investigation and that I would assist as the incident occurred on Forest Service lands.

Through these conversations prior to arrival to the scene it was determined that a tribal hunter had been struck in the back by a deflected round that was believed to of come from another hunter shooting at a bison. The hunter that had been struck by the deflected round, reportedly denied any type of medical treatment and was currently continuing with his hunt. It was also reported that law enforcement was on scene trying to keep the two parties separated as they were attempting to become physical. Primarily the party who believed they had been shot at was the most confrontational.

I contacted U.S. Park Ranger (b) (6), who was at the scene of the incident and asked him to make sure both parties remained on scene, until Deputy (b) (6), and I arrived to begin our investigation. U.S. Park Ranger (b) (6), advised that both parties were still on scene and in different locations processing their bison that they had harvested that morning.

When Deputy (b) (6), and I arrived on scene we drove up the Beattie Gulch retrieval road to where we found the individual who was struck by the deflected round. He was identified as (b) (6), (b) (7)(C) a Nez Perce tribal hunter. (b) (6), explained that while hunting that morning he was near the third or fourth safety boundary marker to the north of the retrieval road, when he felt something strike him in the right side of his back.

(b) (6), explained in more detail that he was facing northwest shooting at bison as they were moving from north to south, with his back facing generally south. While there he remembers hearing a single shot fired and then the sound of a ricochet followed by the pain in his back. (b) (6), said at first he didn't know what happened and then that he began walking back towards his truck.

An eyewitness to the event stated they saw the bullet hit the ground when it ricocheted in front of (b) (6), followed by them observing (b) (6), turn to his right walking in circles back to the road and then back to the line. It was during this that (b) (6), announced he had been hit.

People began to yell stop shooting with approximately 5-6 more rounds still being fired after (b) (6), was struck. Prior to this cease fire, it is estimated that approximately 35-50 shots were fired over the course of this event.

Witnesses stated that they did not know exactly where the round had come from but that initially it was believed that the deflected round had come from the location of a hunter approximately .33 of a mile to the south (see map) that was shooting on a parallel line (from south to north) to the rest of the hunters near (b) (6), (b) location. It is estimated through the use of digital mapping tools that the distance between line of hunters to the projected parallel line of the shot fired by the suspected hunter was approximately .10 of a mile.

In seeing this it was my initial belief that in order for a bullet to have traveled that distance at that angle there would have had to been a deflection to alter the bullets flight. Many of the witnesses there accounted for hearing the sound of a ricocheted round prior to (b) (6), being struck.

Once we concluded our interview with (b) (6), Deputy (b) (6), and I went to make contact with the suspected hunter responsible for the round that hit (b) (6),. As we walked up the Beattie Gulch trail from the trailhead to where the hunter was, we were met by Umatilla Game Warden (b) (6), (b) . (b) (6), had been there that morning and was the first law enforcement personnel to interact with the suspected hunter and had kept the two parties separated. (b) (6), showed us where he had found and collected the suspected hunters casing, a 300 Win Short Mag (WSM) casing. It was based off where the casing was found and the location of the animal that I was able to gain perspective as to what the natural flight of the suspected hunters bullet would have been. From that angle there were no indications that any other hunters, specific to the location of (b) (6), would have been in the backdrop of where he was shooting.

Deputy (b) (6), and I identified the hunter as (b) (6)(b) (6), (b) (7) informed us that he had taken two shots that morning at the bison. His first shot was angled more to the west when the bison were further away and approximately 30 yards further west of his second shot, putting this round's trajectory at a greater distance away from the line of hunters down below, where (b) (6), was located. (b) (6), stated he believed that round was a clean miss, as he didn't see the animal he was aiming at react. His second round he stated, was one to two minutes later and when he fired it the bison he shot at, dropped dead right where we were.

Using the location of where the round from the second shot was found and the location of where the bison laid dead, I was able to conceptualize a projected line to the bullet's path, if it maintained a straight trajectory. The trajectory of the bullet based off those two points indicated that the bullet would have traveled parallel

approximately .10 of mile west of the line of hunters where (b) (6), was located. Knowing that rounds often deflect off bison, especially when the head is targeted, causing rounds to deflect and change trajectories, I peeled back the hide on the bison's skull where (b) (6) second round hit. In the process of doing this I was able to see a perfectly symmetrical circle hole in the skull, indicating to me that the entire round fired by (b) (6), went into the bison and did not deflect off the skull. I also observed small blue flecks around the hole which were indicative of the blue polymer tipped bullets (b) (6), was using that day.

Based off interviews, on the ground spatial analysis, and the bullet impact site on the animal, Deputy (b) determined that no state crime had been committed and I was able to determine that no violation of 36 CFR 261.10(d) had occurred either. Furthermore, it was also determined that (b) (6), did not discharge his weapon in a negligent manner that put any peoples or property at risk. (refer to map diagram)

Deputy (b) (6), U.S. Forest Service Agent (b) who showed up to assist, and I walked back down to the trailhead while (b) (6), finished processing his bison. We did this as a measure to mitigate confrontation if the upset hunters returned to try and re-engage with (b) (6),. While at the trailhead a group of tribal hunters drove into the trailhead, one with a cell phone out stretched from the front driver's side window, asking what we were going to do. The tribal hunters were yelling at us upset that (b) (6), was going to be able to keep his harvested bison and that they did not like the way things were being handled. They accused (b) (6), of shooting directly at them and called him several names. We did not engage with the upset hunters at this time, as they remained in their vehicles.

Once the vehicle left and drove north, Deputy (b) and I coordinated a plan to drive south through Yellowstone National Park escorting (b) (6), and his cousin, in an effort decrease chances of another confrontation with the upset tribal hunters. Believing that the upset hunters were trying to instigate a confrontation. As we began driving south though the Park, Agent (b) observed what she believed to be the same truck that had just been in the trailhead mirroring our travel on U.S. Highway 89 on the opposite side of the Yellowstone River.

As we drove by the Super 8 hotel parking lot in Gardiner, MT, several tribal hunters were in the parking lot yelling obscenities and making hand gestures as we drove by. Deputy (b) and I escorted (b) (6), to Livingston, MT where we parted.

On January 18, 2023 I went to (b) (6), house with Agent (b) to see if I could retrieve (b) (6), bullet from the inside of the skull of his bison. While examining the head I was able to run a wooden dowel through the head of the bison showing that the bullet had passed all the way through the skull and into the front shoulder of the animal. I took the head as evidence and to have it sent to the wildlife lab in Bozeman for more thorough examination.

Agent (b) and I then went to (b) (6), (b) (7)(C) to examine the rest of the bison as (b) (6), had dropped it off there for processing. During this examination we found what we believed to be a wound channel along the inside of the bison's ribcage, leading us to believe that the bullet could be in the guts of the animal that were dumped out of the animal at the kill site. On January 19th, 2023 I returned to the kill site with a metal detector and Montana Game and Fish Agent (b) (6), (b) (7)(C) to try and find the bullet. Upon examination no bullet was found and no indication in the guts showed trauma induced by a bullet.

On January 26, 2023 (b) (6), (b) from (b) (6), (b) (7) called me and informed me that they had found the bullet in the bison's front shoulder while processing the animal. The bullet was taken into evidence by Deputy (b) who weighed the bullet at 90.8 grains. Approximately half of the initial 180 grains that comprised the bullet used by (b) (6),

A forensic scan performed by Montana Fish and Wildlife lab in Bozeman, MT found several small fragments of the bullet scattered throughout the skull. Due to no exit hole being found and a majority of the bullet intact being found in the bison, it was concluded through my investigation that the bullet fired by (b) (6), entered the bison and never exited the animal.

(b) (6), bison head was returned to him on March 10, 2023.

--End of Report--

| ENCLOSURE(S) | |
|------------------|---------------|
| ENCLOSURE NUMBER | DESCRIPTION |
| 1 | (b) Statement |

| |
|------------------------|
| INCIDENT NUMBER |
| M01L02O |

| | |
|------------------------------|--|
| ENCLOSURE NUMBER 2 | DESCRIPTION Ranger (b) (6), Report |
| ENCLOSURE NUMBER 3 | DESCRIPTION Map of Incident |
| ENCLOSURE NUMBER 4 | DESCRIPTION Forensic Analysis of Bison Skull |

SECTION XI. REPORTING/APPROVING OFFICIALS

| | | |
|---|---------------------------|--|
| REPORTING OFFICER (b) (6), (b) (7)(C) | DATE 04/28/2023 | REPORTING OFFICER SIGNATURE Digitally Signed by: (b) (6), (b) (7)(C) |
| APPROVING OFFICER (b) (6), (b) (7)(C) | DATE 05/02/2023 | APPROVING OFFICER SIGNATURE Digitally Signed by: (b) (6), (b) (7) |