

This is the first of two supplements to my comments regarding the South Crazy Mountains Land Exchange Preliminary Environmental Assessment (PEA) #56687. It primarily gives background information that shows the needs listed for the exchange either

- a) Are not satisfied by the CMR part of the exchange, or;
- b) Are *created* by the CMR part of the exchange, or;
- c) Are satisfied but not in the public’s interest.

As such, the exchange is not justified if the CMR part is included.

There are three main parts.

Part 1 (Section 1) gives relevant details of the exchange details so it won’t have to be repeated elsewhere.

Part 2 (Section 2) explains in detail why the CMR part of the exchange doesn’t satisfy the reasons the PEA claims the exchange is needed.

Part 3 (Sections 3-8) provides information to support Part 2 when it doesn’t exist in the PEA.

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1. Background Info and Exchange Summary

This section gives relevant details of the exchange details so it won't have to be repeated elsewhere. See map on page 19 of the PEA for the locations of the exchanged sections of land.

The Rock Creek Ranch (RCR) part of the exchange moves sections 31 and 33 from RCR ownership to Federal ownership. It also transfers sections 2 and 12 from Federal ownership to RCR ownership. S2 can be accessed by the public and in fact is a popular spot for elk hunters. However, S12 cannot be accessed by the public because of its checkerboard relationship with S2. Even though access to S2 is lost, when

you consider that acquiring S31 and S33 resolves some checkerboard issues I think the RCR part of the exchange is a reasonably fair trade.

The Wild Eagle Ranch part of the exchange changes ownership of section 1 to public and ownership of section 8 to private. Since section 8 is isolated by checkerboard it has minimal value to the public so trading it for section 1 is a reasonable deal since section 1 will now be accessible to the public. Therefore, I would support the WER part of the exchange because it is a reasonably fair trade.

The Crazy Mountain Ranch part of the exchange basically boils down to this:

The public will LOSE access to:

- 1) ALL fishing less than eight miles from the trailhead;*
- 2) ALL fishing for naturally occurring fish in the ENTIRE Rock Creek drainage;*
- 3) ALL elk hunting less than five miles from the trailhead;*
- 4) ALL elk hunting opportunities in the ENTIRE Rock Creek drainage accessible without an overnight stay (unless you are super human or have horses), and;*
- 5) The BEST elk hunting in the ENTIRE Rock Creek drainage.*

In return the public will GAIN:

- 1) Secured access to a pair of lakes with artificial fisheries and no hunting opportunities (unless you beat the 150 to 1 odds and would rather hunt non-native mountain goats attracted to backpacker's urine instead of where they aren't acclimated to humans).*
- 2) An inholding which has minuscule benefit to the public because it is extremely difficult to get to and offers no remarkable recreation opportunities.*

While it is desirable to acquire inholdings, especially if they have lakes, nobody in their right mind would give away so much to do so! This is why CMR part of the exchange is decidedly not in the public interest and should be rejected.

2. Debunking the needs asserted in the PEA

Page 3 of the Preliminary Environmental Analysis (PEA) lists 7 “needs” for the land exchange. If these needs aren’t satisfied obviously the exchange isn’t worth pursuing. This section will show why a) those needs aren’t satisfied by the CMR part of the exchange, or b) those needs are *created* by the CMR part of the exchange, or c) the needs are not in the public’s interest.

The discussion of each “need” will reference other sections containing supporting information if needed.

a) Need 1: To provide for more effective and efficient management of consolidated lands

The RCR and WER parts of this exchange help satisfy this need. On the other hand S4 and S8 are far more accessible and easier to manage than CMR’s S11, S13, and S21 so the CMR part of the exchange fails to provide to more effective and efficient management of consolidated lands.

The CMR would benefit financially from land consolidation, but the public would gain little more than a prettier map from the CMR part. Unlike most consolidations, there is no corner crossing issue to be resolved but the Forest Service map obscures this fact. I’m sure the Forest Service would never consider a lopsided exchange like this if the sections didn’t look like they were landlocked.

b) Need 2: The relocation [of trail 272 to access consolidated lands]

This “need” is only needed because of the CMR part of the exchange. It is not a “need” but rather an inadequate attempt to compensate for the losses suffered by the public because of the CMR part of the exchange. The relocation is vastly inferior to other options for a variety of reasons and **thus not in the public’s interest**. (For an overview of the area see section 7.c)

Key points showing it is not in the public’s interest are:

- a) **Figure 11 and Figure 12** show the profiles of the existing Trail 272 and the proposed rerouted Trail 272. The loss to the public is manifest just to access public land. While it is understood that trail 272 is not protected by an easement, access to S8 using Road 199 is.
- b) As the profile shows the reroute adds an additional two miles and 1300’ elevation gain (10% grade) just to get to public land. The total mileage to public land is five miles using the rerouted trail, but only 3 miles using the existing trail. Access to public land is already secured using trail 272 and a few dozen yards of Road 199.
- c) A five mile hike with a 1300’ 10% grade before you can even start hunting is beyond the ability of most hunters. In addition, the usable portion of this land is at a lower elevation so hunters will have to pack elk uphill to get back to the trailhead. The loss to the public access due to these realities can’t be overstated and it alone is grounds to reject this proposal.
- d) A far more acceptable reroute of trail 272 to Cottonwood can be constructed entirely on public land if S4 and S8 are kept. The route would go north on S8 and S4 after accessing S8 on Road 199. The terrain is friendly enough that it supports roads so trail building will be easier.

- e) The relocation does not, in spite of the PEA indicating otherwise, provide connectivity to Cottonwood.
- f) It should be noted that of the three obvious options 1) doing nothing, 2) implementing the proposal in full, or 3) excluding the CMR part of the proposal but going forward with the RCR and WER parts, only (3) advances the satisfaction of this need while remaining in the public's interest.

c) Need 3: Secure Rock and Smeller Lakes to provide for quality recreational opportunity including fishing, hiking, hunting, camping, and scenic viewing;

Securing Rock and Smeller Lakes are not needed to satisfy this need. In fact doing so reduces the quality of the listed items. To be satisfied this need would have to be rewritten as "Secure Rock and Smeller Lakes to provide for recreational opportunity of inferior quality including fishing, hiking, hunting, camping and scenic viewing." Alternatively the words "to the Crazy Mountain Ranch" could be appended to the need as it appears in the PEA. This is fact, not sarcasm.

This sub-section will address each item and show how the recreational opportunities acquired by the public are inferior to the ones that would be lost.

1. Fishing:

The public would give up access to the only self-sustaining trout fishery in the Rock Creek drainage. In exchange the public would acquire two alpine lakes with such poor habitat that they require to be stocked. (See section 4 "Background information on fisheries...")

It is well known that the need for the public to preserve or acquire access to self-sustaining trout streams is far greater than the need to acquire alpine lakes. In fact, there are more than 300 alpine lakes with similar or better fishing potential in the area (source: *Montana Fish Wildlife and Parks "2019 Mountain Lakes Guide" online: <http://fwp.mt.gov/fwpDoc.html?id=85971>, page 2).*

The PEA gives the impression that the need is genuine by incorrectly showing that YCT are widely distributed in the area streams. The artificial nature of the lake fishery is also not disclosed in the PEA. In fact, the words "hatchery" or "stocked" don't occur in the PEA even though those words are required to accurately assess how the exchange addresses the asserted need.

When the complete set of facts is evaluated it is clear that the transfer of fisheries in the CMR part of the exchange is not in the public's interest.

2. Hunting

The proposal offers no information to indicate how the CMR part of the exchange would satisfy this need, and the full set of facts indicates otherwise.

See section 5 “Background information on hunting opportunities,” section 6 “Background information on access and terrain” and section 7 “Information on area trails including hiking quality” for information related to this need.

When the full set of facts are considered it is clear that the CMR part exchange does not serve the public interest if the need is to provide quality hunting to the public. Indeed, the CMR part of the exchange provides the quality (and lucrative) hunting opportunities to the CMR, not the public.

The CMR part of the exchange also negates the benefits of the RCR exchange **and in fact it causes the loss of all public lands reasonably accessible to foot hunters containing elk: S2, S4, and S8.** The fact of the matter is that S31 and S33 are only reasonably accessible for foot hunters by a route through S8 and S4 (see section 6 “Background information on access and terrain”). It is for these reasons the CMR part of the exchange is detrimental to the public’s hunting interests.

The exchange would secure three sections that could be used to hunt introduced mountain goats, but as Figure 4 shows there are already plenty of goat hunting opportunities so it isn’t needed. A very small number of permits are issued for goat hunters each year (20 hunters in 2019) so the provided hunting opportunities are only for a tiny fraction of the hunting public. Finally, goats are attracted to the urine of the backpackers who will concentrate around the lakeshores creating a situation where even hunting goats on these lands is of questionable ethic.

The fact of the matter is the CMR part of the exchange drastically reduces valuable hunting opportunities when considered by itself, or when considered as part of the entire exchange; it negates the gains obtained by the lands acquired from the RCR RCR. **The end result of including CMR is removing the best elk hunting opportunities (S2, S4, and S8) in exchange for lands inaccessible to anyone that doesn’t have horses or superhuman abilities.**

The public’s hunting interests are severely negatively impacted on many fronts because of the CMR part of the exchange.

3. Hiking, camping, and scenic viewing:

Section 7 “Information on area trails including hiking quality” shows that the hiking, camping, fishing, and scenic viewing opportunities are very poor for at least five miles on the route to Rock and Smeller Lakes. They are also very poor on the rerouted trail 272.

On the other hand, hiking, camping and scenic viewing (and fishing) opportunities abound after an easy three mile hike to S8, but these higher quality opportunities would be lost unless the CMR part of the exchange is stopped.

It is true that securing camping at Rock and Smeller Lakes is desirable, but there are literally hundreds of similar opportunities nearby whereas the opportunities available on S4 and S8 are very few. When the facts are objectively considered the public's interests in hiking, camping and scenic viewing are affected negatively by the CMR part of the exchange.

d) Need 4: Acquire access on the Robinson Bench Road No. 193 through sections 20, 21, and 22 to the Rock Creek Trailhead.

As shown in section 8 "Robinson Bench Road" this road has had an easement across the CMR section for more than 50 years so the CMR part of the exchange can be excluded without jeopardizing access. The only remaining section without an unperfected easement is owned by RCR, which gives incentive to proceed with that part of the exchange.

e) Need 5: Secure Administrative road access on Rock Creek Rock No. 199 and North Hammond Creek Road No. 1958 to access NFS lands for weed treatment, vegetation restoration, permit administration, and fire protection.

I have a hard time believing easements for these roads can't be proven to exist by prescription or necessity, or that landowners would block access to achieve these goals that largely benefit them. I'm told many years ago Rock Creek Road 199 was used by the public to drive all the way to S34 where there was a campground.

f) Need 6: To provide habitat at Rock and Smeller Lake for Yellowstone cutthroat trout.

More than anything else in the PEA, I struggle with the idea that someone had the audacity to claim this "need" existed. It is well documented that the acquired habitat is so poor that stocking is required, and acquiring it will come at the cost of losing the only high quality YCT habitat in the area. I have already covered the disparate losses the public will suffer to meet this alleged "need" so I won't repeat myself here, although later I will comment on the additional issues created by the fisheries related material added to the project web page on Oct 25, 2019. Suffice to say, this "need" has been thoroughly debunked and satisfying it is not in the public's interest.

g) Need 7: To conserve wildlife habitat by eliminating the potential for development of private interior undeveloped sections.

Rock Lake has already been developed into a holding tank for irrigation water and the exchange does nothing to undo that. It also doesn't require minimum flows that would allow fish to exist in Rock Creek above section 8.

Similar in spirit to Need 6, the USFS would be "conserving" very low productivity habitat at the expense of losing the ability to conserve very high productivity habitat. The conservation easement that might

voluntarily be placed on section 4 and 8 do not protect the land or Rock Creek from being seriously degraded by unsustainable logging practices, grazing practices, and road building. The CE even allows the building of a recreational cabin without restrictions on size.

3. Background information on access to area public lands S4 and S8

a) Routes to S8

Secured access to S8 is obtained by using trail 270 from the trailhead to access Road 199. From there the user turns west and travels Road 199 to section 8. The U.S. owns an easement on this route.

Nonetheless the 2006 USFS map does not indicate Road 199 is a public travel route after it diverges from Trail 272.

S8 can also be accessed using trail 272, but this route is not protected by an easement.

There is no signage along either route to indicate it is public. In fact, signage is conspicuously missing at the junction of Trail 270 and it actually directs one away from using this route. Nor are there signs at the Forest Service boundary indicating the land behind it is public. Furthermore, the trail is actually a road across private land and CMR is notoriously against public access. Although Trail 272 is shown on the 2006 USFS map, it is well known that recently people have been forced to spend thousands of dollars defending themselves for using trails similarly shown on the same map. When experienced together these things create an intimidating barrier to using the route. When I visited the area about 2016 to investigate the fishing the lack of signage made me assume it was private or I would have investigated Rock Creek in S8. Even after being advised by the USFS that this route was secure, when I traveled it I found myself constantly checking my hiking app to make sure I was on the correct route.

b) Route to S4 (overlap with S8)

S4 can be accessed from S8 because there is an overlap. This cannot be discerned from the 2006 USFS map because a thick National Forest boundary line obscures the overlapping corner. The overlap is slightly less obscured in the 1984 version of the Forest map, but it is still not immediately obvious. This leads the public to believe S4 is inaccessible like most checkerboard in the area.

While the thick forest service boundary may be necessary on maps requiring the boundary to be shown, it is unnecessary on the map on page 15 of the PEA. In fact the legend doesn't even indicate what it is.

This issue of the Forest Service boundary obscuring the overlap may seem minor, but it is very important because land exchanges are typically done with lands that are inaccessible because of checkerboard. This is not the case here but all information presented supporting this exchange obscures that fact.

4. Background information on fisheries proposed to be exchanged

This section will describe the Rock Creek fishery that will no longer be accessible if the CMR part of the exchange goes through. It will also cover the fisheries that will be acquired. It will also address errors in the PEA describing fish distribution.

a) Rock Creek wild trout fishery in section 8

Rock Creek is the only viable wild trout fishery accessible by the Rock Creek trail system (Road 199, Trail 270, and trail 272). Access is obtained by walking three miles to the section 8 boundary using trail 270 and Road 199, which are secured by public easements. The area is very suitable for overnight camping.

Rock Creek in S8 is a high quality fishery containing self-sustaining populations of eastern brook trout (EB) and YCT. They are generally less than 12" long but larger fish could be expected if fish passage was obtained past the irrigation diversion immediately downstream of the S8 boundary. Rock Creek is a relatively large creek with lots of structure to hold fish (see Figure 1, note dog and angler on far bank).

My wife Ann and I fished about 0.6 miles of Rock Creek on 9/13/2013. We started at the west end of S8 and fished upstream. I caught 15 fish in the first 45 minutes. I stopped counting after 26 fish, but the fishing remained consistent as I continued to fish. My wife's results were similar. Fish were caught in any suitable holding water. The fish were a 50/50 mix of YCT (Figure 2) and EB (Figure 3), with YCT becoming more prevalent the farther upstream we went. Between us, the total catch easily exceeded 60 fish.

If the CMR part of the exchange is implemented, there would be no realistic way to access a wild trout fishery from the Rock Creek trail system. Smeller Lake is the next closest option, but it is 3000' higher in elevation, requires an 8 mile hike, and can't support a wild trout fishery. Losing Rock Creek would be a major loss to the public and nothing in the exchange comes close to mitigating that loss.



Figure 1. Structure on Rock Creek. For scale, note the dog and angler (landing a fish) in the background.



Figure 2. Representative Yellowstone cutthroat trout caught from Rock Creek in S8 by author.



Figure 3. Brook trout caught from Rock Creek in S8 by author. Several comparable brook trout were caught.

b) Rock Creek fishery upstream of section 8 (barren)

According to MFWP biologist Scott Opitz, Montana Fish, Wildlife, and Parks electro-fished reaches of Rock Creek upstream of S8 in 2008. The surveys were done in sections 3, 27, and 22. They found no fish. I personally fished this stream in section 3 in about 2016, and in section 27 on 9/17/2019 and also found no fish. Based on those five samples, it is safe to conclude that the reaches of Rock Creek on public land upstream of section 8 do not have a viable fishery if they have fish at all. An exception is a short reach below Rock Lake that contains hatchery fish from Rock Lake.

I don't know the location where the fishery stops but it is probably near the boundary of sections 9 and 10. A possible reason for the lack of fish is that Rock Creek is often dry in sections 3 and 34. Nobody I've talked to claims to know the reason it goes dry, but CMR owns (and will retain) water rights on Rock Lake from full pool to the bottom of the outlet tunnel (PEA, page 8) so it is reasonable to assume CMR drains the lake to the bottom of the outlet tunnel, shutting off flow to Rock Creek. The PEA does not indicate minimum flows will be required for the outlet of Rock Lake.

c) Fish distribution map errors in PEA

The fishery distribution map on page 19 of the PEA grossly overstates fish distribution in the area of the exchange. This is extremely relevant because the PEA gives the impression that fish, especially Yellowstone cutthroat trout (YCT), are common in the area of interest. This would lead one to the false conclusion that the impact of losing access to Rock Creek is minimal.

The PEA claims all of Rock Creek contains YCT. This is wrong and hides the fact that S8 is the only public land with YCT. See the previous subsection on Rock Creek upstream of S8.

The PEA claims all of Sheep Creek contains YCT, but that is also surely incorrect. In September of 2019 I fished at the confluence of Sheep and Rock Creeks. Sheep Creek was so small it never even occurred to me that it might be a viable fishery at that point, much less in sections 33 and 21 which are three and five miles upstream respectively. This is important because the PEA claims the segments of Sheep Creek in S33 and S21 will offset the loss of Rock Creek. The fact of the matter is satellite images show the stream to be dry in S21, and too small in S33 to support a viable fishery. If the USFS is going to claim these section mitigate the loss of Rock Creek they need to prove it with hard data.

The PEA claims the West Fork of Duck Creek contains fish all the way up into section 36, and that the acquisition of 1.28 miles of fishery in section 1 will partially offset the loss of Rock Creek. Similar to Sheep Creek, satellite images indicate the creek is dry in section 36 and too small to support a viable fishery in S1. Again, hard data is necessary to prove this is a viable fishery because all available evidence suggests otherwise. Truthfully, the inaccessibility of WF Duck Creek should exclude it from be considered as a mitigation for the loss of Rock Creek.

d) Rock and Smeller Lakes

Access to Rock and Smeller Lakes will be secured by the CMR part of the exchange. People, including myself, would love to secure access to these lakes, but the truth is that there are more than 300 similar lakes in the Crazy and Absaroka-Beartooth Mountain Ranges (source: Montana Fish Wildlife and Parks “2019 Mountain Lakes Guide” online: <http://fwp.mt.gov/fwpDoc.html?id=85971>, page 2). On the other hand, wild trout fisheries on public lands like section 8 are very rare.

The PEA claims that Rock and Smeller Lakes’ combined 2.17 miles of shoreline will offset the loss of the 1.13 mile segment of Rock Creek, but that is absurd since the fisheries aren’t comparable. Rock Creek is a self-sustaining river fishery, whereas Rock and Smeller are artificial fisheries reliant on regular stocking. Rock Creek is at 6200’ elevation, whereas Rock and Smeller Lakes are at 8800 and 9200 feet respectively.

5. Background information on hunting opportunities

a) Elk, deer, and other wildlife hunting in sections 4 and 8

The very high quality of big game hunting in S4 and S8 is a local secret and has been articulated well enough by Greg Scheeler, whose comments and supporting documents I'd like to include by reference.

I would like to add that during my September 2019 visit to S8 I saw plentiful elk and deer sign and flushed a covey of grouse. The habitat for these animals is extra-ordinary for public land.

b) Sections 11, 13 and 21 (mountain goat hunting)

One of the needs expressed in the PEA is acquiring Rock and Smeller Lakes to provide hunting (need 3). The only huntable game up there would be non-native mountain goats. The number of people who can take advantage of this opportunity is very small; in 2018 only 20 mountain goat permits are given out for the Crazy Mountain range. In addition, an August 2016 mountain goat survey conducted by Montana Fish, Wildlife, and Parks showed that goats are spread out over the majority of the Crazy Mountains (Figure 4). It follows that Rock and Smeller Lakes are not needed to provide hunting opportunities like the PEA says. Also, the additional hunting opportunities could only be taken advantage of by roughly 20 people (depending on the quota decided on that year) and the 8-9 mile hike required to access the acquired sections is longer than necessary to find a mountain goat.

Mountain goat hunting around lakes commonly used by overnight campers is of questionable ethic because the goats are attracted to human urine and also become acclimated to humans. Most hunters are not interested tame goats over "bait."

In summary, the mountain goat hunting opportunities gained are of very low value.

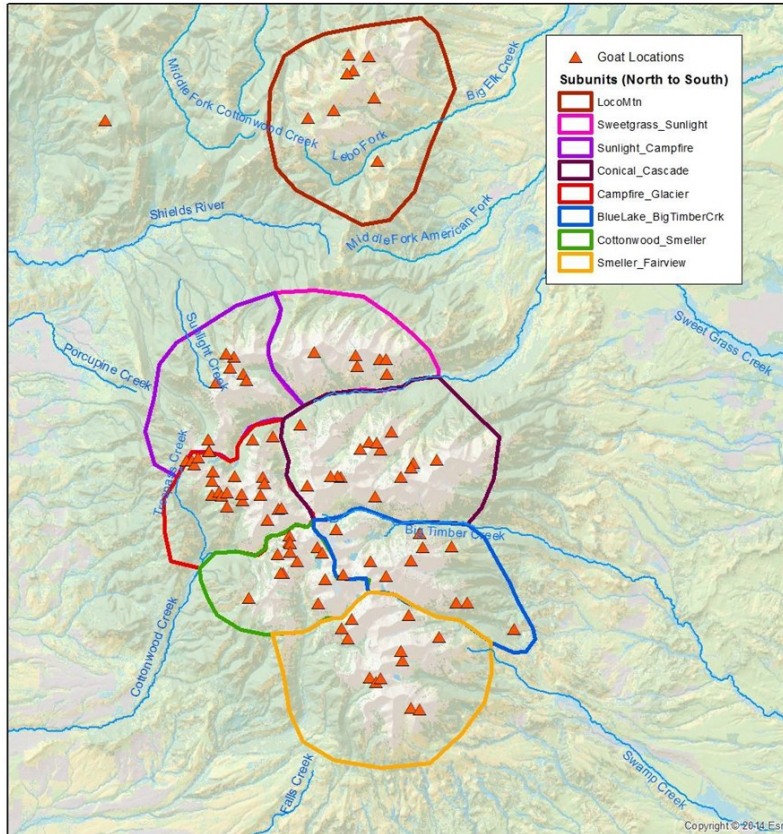


Figure 4. Goat locations recorded by MFPW as seen in an August 2016 helicopter survey.

6. Background information on access and terrain

a) Section 4 and 8 (Fed to CMR)

S4 and S8s are easily accessible with a 3 mile hike of gentle grade. The elevation is 6300' at the S8 Road 199 access and the vast majority of the terrain is less than 7000' although the northern boundary is around 7500'. Once S8 is accessed the majority of the hunting is uphill with grades typically on the order of 25%. What this means is that an elk pack out would be downhill with a relatively gentle grade. In addition, there are two-tracks in the area making pack out even easier.

b) Sections 31 and 33 (RCR to Fed)

The elk hunting lands S31 and S33 that would be acquired from RCR in exchange for S2 and S12 are reportedly lesser quality, but suitable. Topo and satellite maps indicates the terrain consists of valleys and forested mountains with grades of 20 to 40% or more to climb out of the valleys most of the time. Side hilling off trail on mountains this steep is very tiring and risk of injury from slipping is high. Hunting would be very physical, especially compared to S4 and S8.

I think S31 and S33 are a fair exchange for S2 and S12 if access through S4 is retained (as opposed to the rerouted trail 272). However, it in no way compensates for the loss of S4 and S8 due to the extreme terrain and much harder access using the rerouted trail instead of S8 => S4 => S33.

c) Sections 11, 13, and 21 (CMR to Fed)

Access to S21 is obviously very difficult and physical. It offers no remarkable recreational opportunities that are not available with less effort so I don't think it will be utilized much.

While one could conceivably hunt mountain goat at the acquired locations after an 8-9 walk, they aren't a native animal and very few people draw a permit. In addition, human urine attracts them to the lake so the hunt would be of questionable ethic. Section 21 doesn't have the urine problem, but it is inaccessible to most people. Finally, if there is one thing the Crazy Mountains do have in excess, it is easy access to mountain goat habitat.

I'm not knocking hunting mountain goat hunting. Rather I'm saying that the hunting opportunities gained by acquiring these lands is miniscule compared to what is lost.

d) Effects of implementing entire exchange

If the CMR part of the exchange is implemented, access to these lands would be from a new trail that enters public land a little more than 5 miles from the trailhead at an altitude over 7700'. An ascent of 1300' on a 10% grade is required. The first real opportunity for hunting is about a mile further on the trail where the grade is "only" 30% or so.

7700' is nearly the highest point amongst the sections to the west. This means nearly all hunting accessed from this point would be downhill, and to return one would need to climb up gradients of 30-40% hauling 50 to 100 pounds to get to the edge of public land. Getting to the trailhead would require an additional 35-65 total miles across private lands.

For practical purposes implementing the entire exchange would eliminate all foot access to public land elk hunting in the Rock Creek Drainage. S2, S4, and S8 would be lost, and to access and hunt the acquired lands S31 and S33 on foot would require endurance abilities beyond the vast majority of backcountry hunters.

e) Effects of excluding CMR from exchange

The high quality elk hunting in S2 would be lost, but partially compensated by the acquisition of S31 and S33 which would become accessible from the NW corner of S4 at 7200 feet. In addition the high quality hunting in S4 and S8 would remain accessible for the average back country hunter. The net effect would be a win

7. Information on area trails including hiking quality

a) Trail 270

1) Private section

I have hiked trail 270 more than once and I am not aware of any less enjoyable Forest Service trail in a mountainous environment. The first 3.5 miles are on private land so you are required to stay on it. After 1.5 miles the trail turns into a maintained gravel road with noxious weeds such as musk thistle on the edges. Walking on a hot dusty road is miserable enough, but it is torture having the privileged drive by you in air conditioned cars to their cabins when you are forced to walk. I suppose it isn't so bad for the motorcyclists and mountain bikers, but for hikers the road section is a very low quality experience.

After 3 miles a legitimate trail starts as a spur to the road. It crosses Rock Creek offering a first access to fisherman. Unfortunately this section of creek has no fish, even during the times when it has water. This stream segment is so messed up I couldn't even find insect life clinging to the bottoms of river rock.

2) Public land section

The trail enters public land and a cattle grazing allotment simultaneously. After hiking 5 miles from the trailhead I was still seeing significant impacts from cattle. Musk thistle, houndstongue, and cowpies would prevent this area from being a desirable camping spot even if that part of Rock Creek had fish. See Figure 5 - Figure 8. While I did not hike farther, the cattle allotment continues about another mile and a half.

The take-home point is that the first 5 miles (probably 6.5 miles) of trail 270 are a very low quality hiking experience.



Figure 5. Musk thistle and houndstongue alongside trail 270 on public land about 5 miles from trailhead. (Trail on far left).



Figure 6. Musk thistle along Rock Creek near the East Fork confluence about 5.2 miles from trailhead. This was one of the few places I found suitable for a campsite, but cattle impacts (feces, mud trails, denuded landscapes, houndstongue and thistle) severely affected the desirability of camping even if the creek had contained fish.



Figure 7. Cow pie and trampled landscape on the bank of Rock Creek near the East Fork confluence.



Figure 8. Cow pies, thistles, and trampled landscape on the bank of Rock Creek near the East Fork confluence. Who would want to camp here?

b) Trail 272/Road 199 to S8

Trail 272 and Road 199 both access S8. The access via Road 199 is protected by a recorded easement and is the most direct route. Trail 272 is coincident with Road 199 for more than a mile, but diverges north and enters S8 after crossing Rock Creek.

The route to S8 is on Road 199, thus the hiking experience is no better than trail 270. The real difference is after one enters section 8, about 3 miles from the trailhead. When I visited I was treated to semi-open old growth Douglas fir growing amongst tall grass. While this land is grazed, it is obviously able to handle it. See Figure 9 - Figure 10.

The important point is that high quality hiking is obtainable with a three mile hike to S8, whereas it is necessary to hike on Trail 270 at least five miles (probably 6.5 miles) before one could expect a quality experience. Even so, the PEA says S8 needs to be given up to provide quality hiking experiences.



Figure 9. Typical landscape in S8 after about a 3 mile hike from trailhead.



Figure 10. Typical landscape in S8 after a ~3 mile hike from trailhead.

c) Existing Trail 272 compared to proposed reroute

Key points:

- a) Figure 11 and Figure 12 show the profiles of the existing Trail 272 vs. the proposed rerouted Trail 272. While it is understood that trail 272 is not protected by an easement, access to S8 and beyond using Road 199 is.
- b) As the profile shows the reroute adds an additional two miles and 1300' elevation gain (10% grade) just to get to public land. The total mileage to public land is five miles using the rerouted trail, but only 3 miles using the existing trail.
- c) A five mile hike with a 1300' 10% grade before you can even start hunting is beyond the ability of most hunters. In addition, the usable portion of this land is at a lower elevation so hunters will have to pack elk uphill to get back to the trailhead. The loss to the public access due to these realities can't be overstated and it alone is grounds to reject this proposal.
- d) A far more acceptable reroute of trail 272 to Cottonwood can be constructed entirely on public land **if S4 and S8 are kept**. The route would go north on S8 and S4 after accessing S8 on Road 199. The terrain is friendly enough that it supports roads so trail building will be easier.

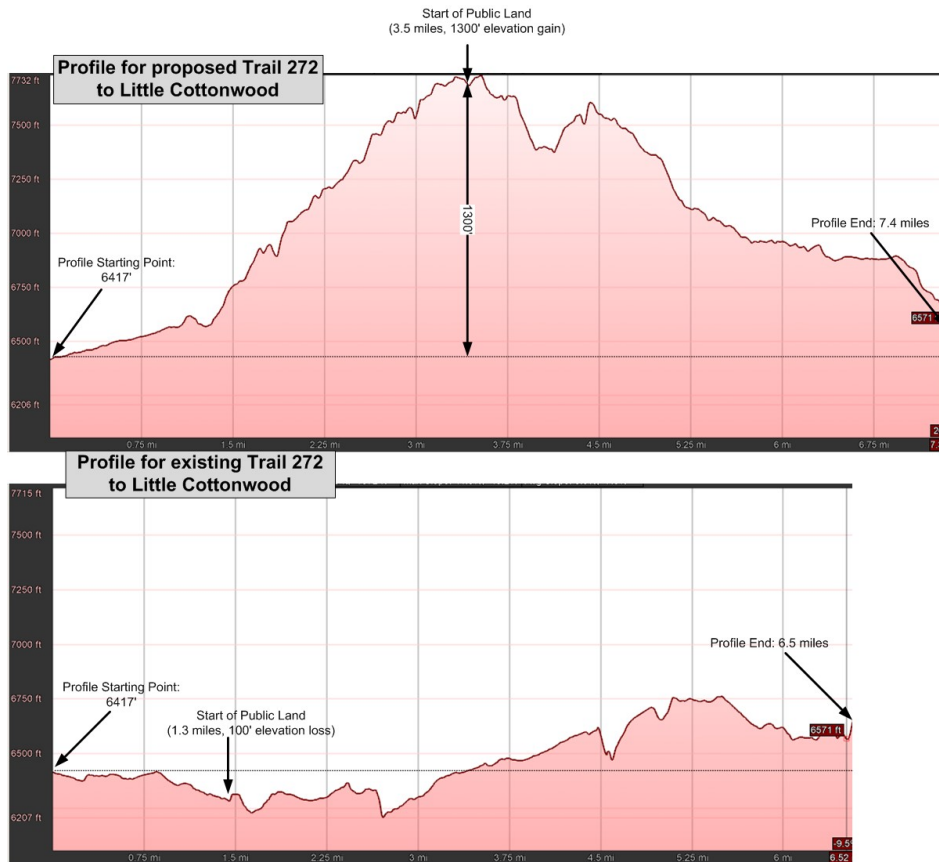


Figure 11. Profile of proposed reroute of trail 272 (top) compared to existing trail 272. The starting and ending point of the comparison are where they diverge in S10 and where they converge in S31 (see Error! Reference source not found.). The rock Creek Trail head is 1.5 miles from where the trails diverge. (It is understood that the existing trail 272 has no easement, but a route through S8 and S4 would still be considerably better than the proposed reroute.)

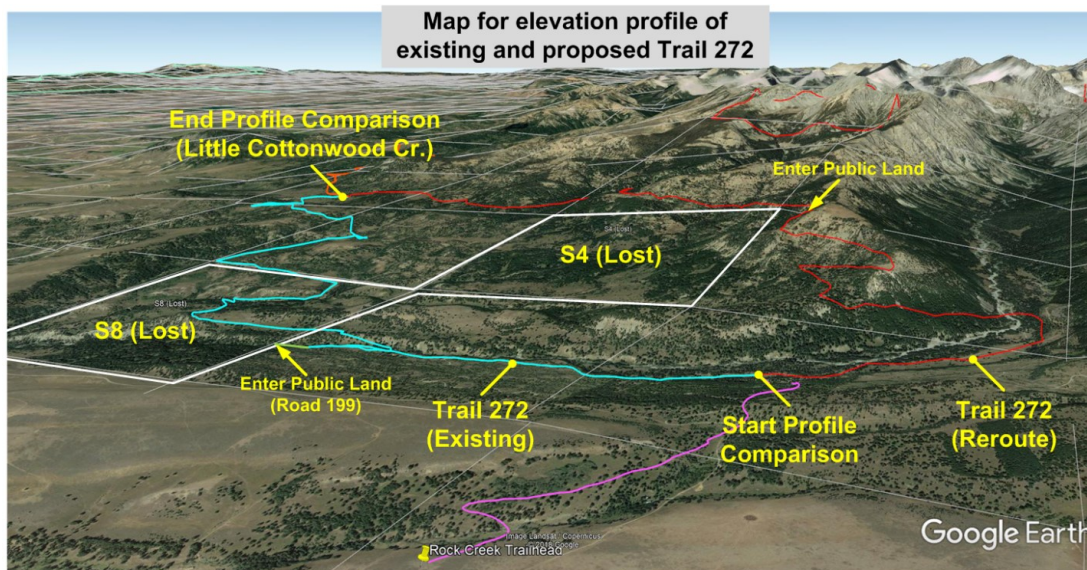


Figure 12. A view derived from Google Earth showing the location and terrain of the existing trail (cyan) and the proposed trail (red).

8. Robinson Bench Road

At the time the PEA was released the Park County website showed that they maintain Robinson Bench Road. The webpage does not mark it as “non-public” even though there is a category for “non-public” (Figure 13). The condition of the road on and off the segment is identical indicating the county is actively managing it. (Figure 14 and Figure 15)

These obvious indicators that the road is already considered public prompted Max Hjortsberg at PCEC to ask appropriate people why a land swap is needed to obtain an easement on this segment. He was pointed to a 1968 court case (Charles F. Urschel Jr v. Park County et. al.) that determined there was an easement.

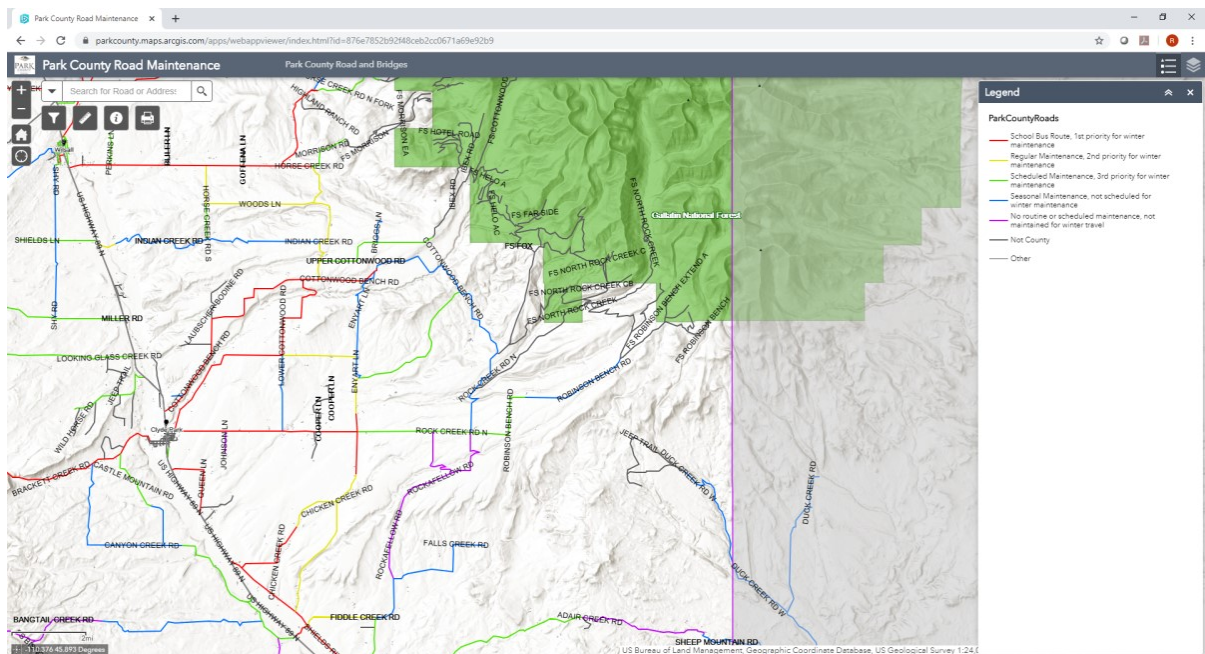


Figure 13. Park County Roads and Bridges website showing seasonal county maintenance on Robinson Bench road on the segments without an easement. (Source: <http://www.parkcounty.org/Government-Departments/Roads-Bridges/>)



Figure 14. Robinson Bench Road at a location with easement in section 30, facing north.

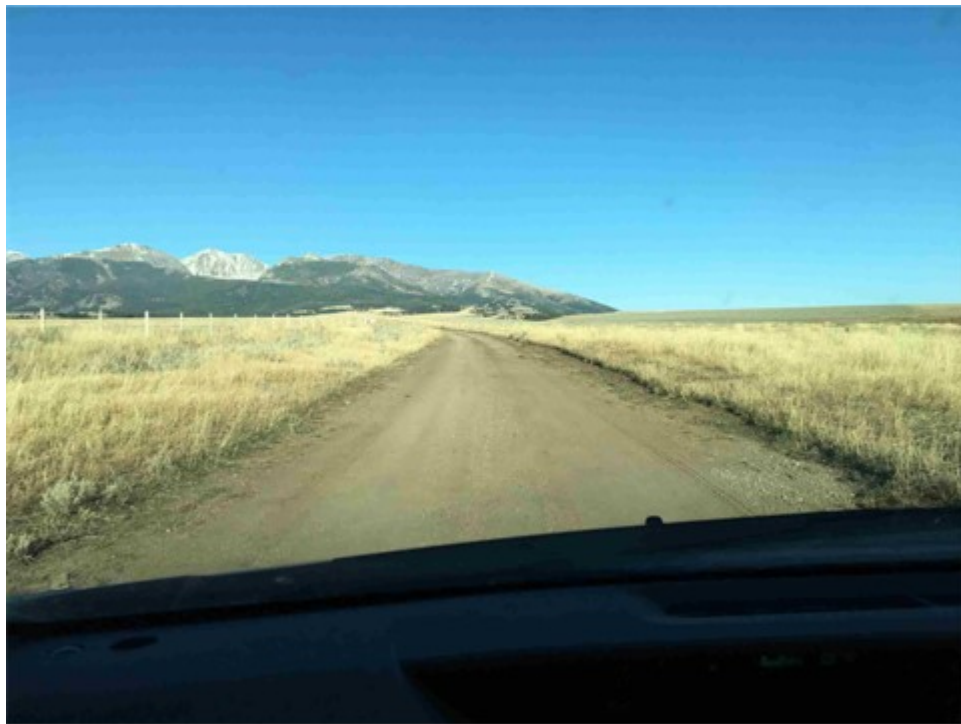


Figure 15. Robinson Bench Road at a location claimed not to have an easement in S21, facing NE. Maintenance is the same suggesting Park County is doing it like their website indicates.