

This is the second and final supplement to my comments regarding the South Crazy Mountains Land Exchange Preliminary Environmental Assessment (PEA) #56687.

This document is a partial list of the mistakes and omissions in

- 1) the PEA;
- 2) The Fisheries Poster uploaded to the project site on Oct. 25, and;
- 3) How the “Factors to be Considered,” when considered, do not support including the CMR in this exchange.

The mistakes and omissions make the exchange appear to be much more desirable than it really is. As a result the Forest Service needs to weigh any positive comments with the fact they may have been influenced by a partial disclosure of the whole set of facts and circumstances. I also feel these mistakes and omissions need to be entered into the record so the proposal can be evaluated fairly by anyone who reads it.

Contents

1. Additional issues with PEA.....	2
2. Issues with “Fisheries Summary Poster South Crazy Land Exchange” added to project web site on Oct. 25, 2019:.....	4
3. Considerations required for land exchanges	5
a) Opportunity to achieve better management of Federal lands and resources.	5
b) Secure fish and wildlife habitat.....	5
c) Secure watersheds.....	5
a) Enhancement of recreational opportunities and public access	6
b) Consolidation of lands,.....	6
c) More logical and efficient management and development	6
d) Promotion of multiple use values	6
e) Implementation of the Forest Plan.....	6
f) Fulfillment of public needs.....	7

1. Additional issues with PEA

A partial list of other issues with the PEA I have noticed includes:

1. On page 5 the PEA claims the proposed action is consistent with Forest Plan objectives. This may be true for the RCR and WER parts of the exchange, but my previous comments debunk these claims when applied to the CMR part of the exchange.
2. On pages 9-10 the PEA claims that the reroute “[provides] a reasonable connection for public access between Cottonwood Creek and Rock Creek Trail No. 270.” This is not true because the proposal doesn’t include securing an easement through S25 or routing around it. Section 25 isn’t even mentioned in the proposal.
3. The value of the “voluntary” conservation easement described on page 12 is minimal. The mineral report referenced on page 31 of the PEA states that “The Federal parcels for exchange have limited potential for an economic mineral deposit of locatable, leasable or salable value.” Thus precluding mineral development and mining does not protect from a realistic threat. The CE allows for a recreational cabin, but no restrictions are given. Most importantly, it gives the CMR full rights to graze, log, and build roads as they see fit even if they choose damaging ways to do so. These threats to habitat are much more credible than a housing or commercial development concentrated on a fraction of the 18,000 acres owned by CMR.
4. The claim is made on page 12 that “No other alternatives were considered, since the Proposed Action fully addresses the purpose and need for action.” As shown in my first supplement to my comments, the CMR part of the exchange fails to meet the purpose and need for action. In addition, there is no reason given why CMR can’t be excluded, which a very obvious alternative that would make this exchange supportable.
5. Most land exchanges are justified because they trade inaccessible checkerboard for private inholdings. S4 and S8 are fully accessible so they do not meet that criteria, but references that would disclose this fact are omitted or buried in text which gives the impression that the exchange is typical. Examples include:
 - a) No obvious reference to the fact that access to S8 is currently secured and would be lost.
 - b) No obvious reference to the fact that access to S4 is currently secured through the overlap and would be lost.
 - c) The maps are drawn so the National Forest boundary obscures the overlap between S8 and S4. While this may be necessary for the typical map handed out to the public, it is not necessary for maps in the PEA such as those shown on page 15. In fact, the legend doesn’t even explain what the line represents.

- d) Table 1 on page 14 does not include Road 199, once again obscuring the importance of this road as it pertains to accessing S8.
 - e) The text on page 13 and 14 doesn't describe the road as an access to S8 that would be lost, nor does the map on page 15.
 - f) On page 16 it isn't mentioned that Road 199 would still provide access to S8 for Alternative A, but that it would be lost in Alternative B.
-
- 6. The claim, on page 18, that the CE "would restrict activities in floodplains, wetlands, and riparian areas that have potential to affect aquatic life" is not entirely true since grazing, logging, and road building would no longer be regulated and, when done improperly, these things can have greater impacts than what the CE restricts.
 - 7. The irrigation ditch referred to as Big Ditch by some maps starts in the eastern part of S8. It is not mentioned in the PEA. What are the impacts from privatizing it? Will this affect stream quality upstream of the other diversion?
 - 8. The aquatic resources section starting on page 17 has significant errors that I have outlined in the first supplement.
 - 9. As mentioned earlier, any deal with CMR should include fish passage over the diversion dam immediately below S8 and access to the section of Rock Creek containing fish.
 - 10. The Forest Service omits on-the-ground signage that would inform the public that Road 199 is public and indistinguishable from Trail 272. An example is at the junction of Trail 270 and Road 199 where signage for Trail 272 is conspicuously missing as well as any indication that route is public. At the S8 boundary there are no signs indicating the property is USFS. While it is not directly an issue with the PEA, this issue is consistent with the omissions that obscure the fact that this is an easily accessible public resource.

2. Issues with “Fisheries Summary Poster South Crazy Land Exchange” added to project web site on Oct. 25, 2019:

The “Fisheries Summary Poster for the South Crazy Land Exchange” from the October 23, 2019 public meeting was uploaded to the project web page on October 25. It expands on the fisheries aspect of the exchange, but it is misleading for several reasons including:

- 1) The Poster still indicates YCT inhabit Rock Creek above section 8, leading the public to think they would still have access to miles of YCT habitat. I am also dubious on the claims that other highlighted streams are fish habitat as claimed because satellite photos of the highlighted segments in S21 and S36 show they don’t even contain water and downstream segments are too small to support fish.
- 2) The Poster claims a 0.72 mile segment of Sheep Creek (YCT) will partially compensate for the loss of Rock Creek in section 8. Having seen this creek first hand I seriously doubt it could support catchable fish at the confluence with Rock Creek, much less miles upstream. Google Earth shows that the public land reaches are so small (or dry) that I challenge the assertion that it even has a viable fishery. The acquisition of this stream won’t offset the loss of Rock Creek.
- 3) The Poster claims a 1.28 mile segment of West Fork Duck Creek (RB, LL, EB) will partially compensate for the loss of Rock Creek in section 8. The creek appears to be dry in S1 in Google Earth satellite pictures. Again, I challenge the assertion that this is a viable fishery (if you could even consider it accessible). The acquisition of this stream won’t offset the loss of Rock Creek.
- 4) The Poster claims the 0.11 mile segment of Rock Creek below Rock Lake will partially compensate for the loss of Rock Creek in section 8. The fish present are obviously hatchery fish from the lake that got trapped below the 200’ high and 700’ long fish barrier consisting of a series of waterfalls and a tunnel. The stream segment that could support fish appears to be 250’ long, not 0.11 miles, and so shallow that fish couldn’t overwinter. Furthermore, this reach could be easily accessed using Montana’s stream access law. This segment is artificial and transient and so short it isn’t a meaningful addition to the fishery.
- 5) The Poster claims the shoreline miles of Rock and Smeller Lakes will partially compensate for the loss of Rock Creek in section 8. While some measure of offsetting value is warranted, it is not a one-to-one ratio to Rock Creek. The public values alpine lakes, but there are more than 300 of them nearby when you include the Absaroka-Beartooth Mountains.
- 6) The Poster strongly suggest that acquiring stream segments and lakes will make this exchange fair in spite of the loss of Rock Creek. Nothing could be farther from the truth and this would be obvious if it was noted the steam don’t have viable fisheries and the lakes’ fisheries are artificial.

- 7) Like the PEA, the Poster does not disclose the fact that Rock and Smeller Lakes are artificial fisheries. The words “hatchery” or “stocked” do not appear in the document.
- 8) Like the PEA, the Poster does not disclose the fact that the quality of fishing and fish habitat in Rock Creek in section 8 far exceeds any that are acquired, even though that fact is very important and obvious to anyone remotely familiar with the area.
- 9) In summary, when the claims in the Poster are scrutinized it is clear that it is not even close to a representation of the actual fishery components of the exchange.

3. Considerations required for land exchanges (Oct 23, FAQ)

The FAQ distributed at the Oct 23, 2019 information meeting in Livingston gives a list of “Factors to consider” when determining if the exchange should be considered. This section will show that, when the necessary considerations are analyzed objectively, the CMR part of the exchange will be found to not be in the public’s interest; thus the CMR part of the exchange should not have even made it to the public comment period.

a) Opportunity to achieve better management of Federal lands and resources.

An unbiased consideration would determine sections 4 and 8 are far easier to access via foot or motorized vehicle than sections 11, 13 and 21 so they are easier to manage.

b) Secure fish and wildlife habitat

An unbiased consideration would conclude the habitat in sections 4 and 8 support far more important native species including Yellowstone cutthroat, elk, deer, grouse, etc. The fish habitat in sections 11 and 13 (and probably 21) is so poor that it cannot support a natural fishery. The only big game in the three sections is mountain goat, which is not a native species. Furthermore, the habitat acquired is similar to the vast majority of the public land in the Crazy Mountain range whereas the type of habitat in sections 4 and 8 is rare in Montana, much less the Crazy Mountain range.

c) Secure watersheds

An unbiased consideration would see that page 8 of the PEA states that CMR will “retain its water rights from full pool to the bottom of the outlet tunnel.” Thus flows are not guaranteed and the watershed not secured. Lack of flow may be the reason that Rock Creek goes dry and is barren above S8. The public would also lose the ability to protect the reach of Rock Creek in S8,

which will be open to unlimited logging, grazing, and road building which could damage the watershed.

It is also stated on page 8 that CMR will accept title to irrigation ditches. Although it is not mentioned in the PEA, there is currently a ditch on S8 (called Big Ditch on some maps). If water is diverted using this ditch instead of the one downstream of S8 a longer segment of Rock Creek would become dewatered. This is not addressed in the PEA; was it considered? (Note I'm using the informal definition of watershed that includes the water inside the true watershed boundaries.)

d) Enhancement of recreational opportunities and public access

This is subjective, but when considering the scarcity of what is lost compared to what is gained there is a disproportionate loss in opportunities. Rock Lake and Smeller lakes are desirable, but similar recreation is common in the area. For example, the Beartooth/Absaroka area has more than 300 similar lakes (source: Montana Fish Wildlife and Parks "2019 Mountain Lakes Guide" online: <http://fwp.mt.gov/fwDoc.html?id=85971>, page 2).

On the other hand, recreational opportunities on land like S4 and S8 are rare so their loss is more significant.

e) Consolidation of lands,

The CMR would benefit financially from land consolidation, but the public would gain little more than a prettier map from the CMR part of the consolidation. Unlike most consolidations, there is no corner crossing issue to be resolved.

f) More logical and efficient management and development

This goal is achieved for the benefit of CMR, but not for the benefit of the public. S4 and S8 are far more accessible and easier to manage than S11, S13, and S21.

g) Promotion of multiple use values

I don't see how these values are expanded by this exchange. In fact, S4 and S8 have more multiple use potential including grazing, logging, motorized use (SPM designation), mountain biking, hiking, wildlife viewing, and fishing and hunting for native species than the properties acquired by CMR.

h) Implementation of the Forest Plan

The CMR part of the exchange largely fails to meet the objectives described on page 5 of the PEA (details in first supplement).

i) Fulfillment of public needs

The first supplement shows that the exchange doesn't meet the "needs" asserted in the PEA.