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hunting & fishing heritage for future generations.

December 17, 2022

Mary Erickson, Forest Supervisor
Custer Gallatin National Forest
PO Box 130
Bozeman, Montana 59771

Re: Environmental Assessment for the East Crazy Inspiration Divide Land Exchange

Comments submitted electronically via:

Dear Supervisor Erickson:

I write to you on behalf of the Montana Wildlife Federation (MWF). We are Montana's oldest and largest statewide conservation organization, founded in 1936 by dedicated hunters, anglers, conservationists, and landowners. Today we represent a diverse group of public land users and advocates who regularly and actively use the lands encompassed by the Custer Gallatin National Forest. We appreciate the opportunity to comment on the proposed Environmental Assessment (EA) for the East Crazy Inspiration Divide Land Exchange.

I. Background and Purpose for Proposal

The MWF Board and affiliate organizations have worked towards a balanced and comprehensive proposal to resolve the long-standing access issues on the east side of the Crazy Mountains for well over four years. The long-term goal of MWF within the Custer Gallatin National Forest boundary of the Crazy Mountains is to remove or significantly reduce the checkerboard ownership pattern. Over time we envision a consolidated land pattern in public ownership that would ensure key wildlife habitat and important corridors are protected, provide for public access and recreation, and also allow multiple use opportunities where appropriate. While achieving this may be many years off, MWF supports opportunities that ensure these lands are maintained in ways to align with this goal.

Our letter dated June 3rd, 2020, provided measures to enhance this vision and a letter dated February 2021, to the the Crazy Mountain Access Project, a coalition of landowners, local public land supporters and recreationists, provided our baseline asks for a proposal moving forward. Both letters enumerated conditions to minimize development on exchanged parcels, keep the area in a "backcountry" recreational setting, and consider a first right of refusal favorable to the Forest Service should a property become available. Along with ongoing efforts to resolve access issues on the east side of the Crazies, as well as trade or purchase of parcels that benefit public access and use, we emphasized the placement of either conservation easements or deed restrictions on all private lands involved in the exchange. MWF sees this proposal as a significant and important step to protect key wildlife habitat by limiting subdivision and development.

Along with these two letters, MWF has further participated through our Board Member, John Salazar, who has been a member of the Crazy Mountain Access Project since its inception and has been intimately involved with finding solutions through collaboration, discussion, and thoughtful negotiation. It is this approach to issue resolution that we find encouraging - where relationships are built, a willingness to listen and understand other points of view are sought and commitment to solution-based ideas encouraged. We appreciate the Custer Gallatin's acknowledgement and support of this diverse collaborative group and the intention for a proposal to emerge through this effort.

The cultural significance and importance of the Crazy Mountains to the Apsáalooke (Crow) people has long been recognized. We vigorously support their wishes to ensure the Crazy Mountains maintain characteristics important for traditional practices of the Crow along with unencumbered access to culturally significant sites within the mountain range.

We recognize the commitment the Forest Service has made to move forward with this proposal. We recognize the complexity and complicating factors with multiple landowners that make up this assembled land exchange as well as the added nuance of the Inspiration Divide Trial proposal. As has been said so many times, if there was an easy solution for access within the eastside of the Crazy Mountains, this would have been solved long ago.

We broadly agree with the overall purpose and need of this proposal, but we point out the following purposes as particularly cogent relative to this assembled land exchange and will want to see these are evaluated and fully met:

- To resolve long standing public access and use disputes.
- To improve recreational opportunities and provide for perpetual public access in the East Crazies, Smeller Lake, and along Inspiration Divide.
- To secure and protect roadless characteristics and provide a quiet, recreation opportunity consistent with the Crazy Mountain Backcountry Area and South Crazy Mountain Recommended Wilderness Area.
- To conserve the existing traditional uses and landscape character of the Crazy Mountains by reducing the potential for development of private lands interior to and comingled with NFS lands.
- To conserve wildlife connectivity and protect key habitat.
- To increase protection of high elevation lands in the Crazy Mountain Range, an important traditional cultural area identified by the Crow Tribe.

Along with these purposes, our aim is to ensure balance and equity in the proposal and not just the rearrangement of parcels for purposes of better management or to narrowly address access. The quality of the access is important in this proposal, and we look to ensure that intrinsic values and real values and any concessions that go with them are accounted for.

For instance, we would all likely agree that the proposed new East Trunk Trail, Trail 136, will provide access, but it will also likely eliminate use by those not able to negotiate a significantly more arduous trail as compared to the historic trail. A qualitative assessment between the two in terms of relief and difficulty would display the concession that is inherent because of the topography of the new trail location. A portion of public land trail users will undoubtedly be unable to use this new trail. While this will not be resolved on the proposed new East Trunk Trail, it should be noted and carried forward to be either applied as an enhancement in another area of the proposal or aggregated, so that the total quality of the proposal is accounted for and addressed

II. Sweetgrass Canyon

While MWF has been open to a variety of scenarios that address access to and within the east side of the Crazy Mountains, we find the Sweetgrass drainage portion of the proposal troubling. As we stepped back and took a hard look at the proposed parcel reconfiguration, we could agree the parcel swap would tidy up a very complex land pattern and facilitate management within the drainage. But outside of that, we struggled to find much affirmation of balance and opportunity for public land users other than the acre-by-acre exchange. Our concern is that the alignment of parcels out of the current checkerboard pattern cannot favor one side with the easiest travel, exclusive access to streams, enhanced hunting opportunity and other recreational benefits while the public is pushed up a steep side hill with limited access to the values that make the Crazy Mountains special.

We are also perplexed to find that apparently no standard FS Road Easements or reciprocal access agreements are in place on the parcels up the Sweet Grass drainage where the road and trail cross both private and Forest Service land. These easements through reciprocity, ensure a described use and access through intermixed land ownership. Not having easements in place prevents public land user from accessing public land parcels within the Forest while private landowners are not held to the same standard. Further, this situation has historically limited FS personnel in monitoring permitted activities, such as grazing allotments and outfitting uses (hunting and recreational) and effectively has allowed private landowners an exclusive use to leverage access and essentially assert rights on Forest Service lands. It is our position that this situation must be addressed, and we offer two scenarios to do so.

PRIOR TO THE PROSED EXCHANGE

In this option, permanent FS Road and Trail Easements and Reciprocal Access Agreements would be placed on the Sweetgrass Road and Trail 122 from section 10, identified as Parcel 2 through Section 13, identified as Parcel 1 prior to moving forward with the proposal. This would rectify what has essentially been an exclusive use of Sweetgrass Creek Road and FS Trail 122 within the Forest boundary. Further, this action would align and implement FS Lands, Roads, and Trails Policies as well as Travel Management Policies set forth in the USFS 2005 Travel Management Rule. These easements would be perpetual and remain with the parcels should they be exchanged out of federal ownership.

CONCURRENT WITH THE PROPOSED EXCHANGE

This scenario would place Road and Trail Easement through the parcels where Sweetgrass Road is located and a Conservation Easement along Sweet Grass Creek and associated riparian areas including both private and federal parcels as part of the exchange. This would preserve a travel way on Sweetgrass Road for public land users while also limiting development along Sweetgrass Creek. Specifically, the locations for these easements are:

- From the Forest Service boundary at the NE corner of section 10, identified as Parcel 2, through the NW corner of section 13, identified as Parcel 1, an easement which includes the Sweet Grass Creek Road and Trail 122 would be established. This easement would include sections 10, 9, 8, 7 and 13 and allow public use of the transportation system (road or trail).
- Along with this easement, a Conservation Easement along Sweet Grass Creek to extend to associated riparian areas. This would include the same sections and parcels as described above and address FS policies prohibiting exchange out of streams and riparian areas.

- Access to Sweet Grass Creek would not be provided until section 7, identified as Parcel B, but at this juncture, State Stream Access Laws would provide opportunity to fish for those who made the 22-mile-long trek up the newly configured Trail 274.
- We question the approximately 20-acre parcel held privately in section 13, identified as Parcel 1, and the need to hold it in private ownership. It unnecessarily complicates management and public access.

III. General Comments

For the proposal to be successful, we believe the following four points need to be incorporated:

1. All proposed new trail routes have appropriate easements in place for their intended use prior to any exchange.
2. The agreements to give Crow Tribal members access to Crazy Peak by private landowner Dave Lueschen are validated prior to exchange.
3. Any existing easements are held with parcels going out of Federal ownership.
4. Conservation easements are agreed to and in place for federal land parcels traded out of federal ownership in the area of the East Trunk Trail portion of the proposal.

We do not understand or agree with the split-out acreage in section 14, Parcel 4, section 7 Parcel B, or in section 13, Parcel 1.

We suggest funds available from Yellowstone Club be available for procurement of Road and Trail Easements as well as Conservation Easements along with funding for East Trunk Trail, (Trail 136).

IV. Inspiration Divide

Overall, we can support the Inspiration Divide portion of this proposal. Having the entirety of the Divide Trail No.8 located on public land is an improvement and the acquisition of the private land adjacent to inventoried roadless and close to the Lee Metcalf Wilderness is significant in terms of wildlife habitat and connectivity.

V. Conclusion

We think more work is necessary on the Sweetgrass portion of the proposal to rectify long standing access management issues within the Forest boundary. While a broad and contentious public outcry has gone on for years over the lack of public access on Rein Lane, we point out that this action, as currently written, would extend that exclusivity into the National Forest boundary for another 3.5 miles. Should access issues be resolved on Rein Lane, it would be unconscionable to have it end at the Forest boundary as it would with this proposal. It's simply too much; the proposal does not provide long term access solutions and perpetuates the very issues that have been a burr for so long. And equity or balance seems to have gotten dismissed here. The Forest Service parcels that would be exchanged out of public ownership would also

give away all access rights, the rights the public currently holds. We question if this meets Forest Service land policies where rights on public lands put up for exchange are typically held. This basic requirement for Road and Trail Easement on the existing road and trail through public and private land cannot be given away as part of the proposed exchange. Not only would public land users lose but so would the Forest Service because the same access challenges for routine administration would continue and monitoring of Forest Service permitted activities would occur by permission only.

We cannot support any proposal in the Sweetgrass drainage, interior to the Forest Boundary, that does not include full Road and Trail access typical of a FS Road or Trail Easement. We also insist that Conservation Easements are placed on Sweetgrass Creek and the adjacent riparian corridor as we have advocated more broadly in earlier comments.

We recognize the give and take of land exchanges and the willingness of landowners to craft solutions. We feel some of the long-standing tensions and distrust that have angered public land users for years would be alleviated with the ideas that we have presented. We look forward to continuing our engagement and work to find fair and equitable access solutions in the Crazy Mountains. Thank you for this opportunity to comment.

Sincerely,

Christopher Servheen

Christopher Servheen, Ph.D.
President and Board Chair
Montana Wildlife Federation