

# Landowners craft land trade on east side of Crazy Mountains

- By Brett French Billings Gazette
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Cows graze in a field against a backdrop of the Crazy Mountains on July 16, 2019.  
Rachel Leathe/Chronicle

A group of landowners is developing a land swap proposal for the east side of the Crazy Mountains that would provide easier public access to forest lands while also connecting private landowners' scattered acreage.

“We’re just trying to find a unique, out-of-the-box solution,” said Nathan Anderson, a Melville rancher and member of the Crazy Mountain Working Group.

The group — comprised of landowners, state and federal government representatives and several conservation organization members — was formed about two years ago with the hope that the diverse participants could overlook past disagreements and unite on solutions.

### **Assistance**

An unusual twist to the land exchange is that the Yellowstone Club, an exclusive luxury ski and golf community in Big Sky, is offering to pay for construction of a 22-mile trail in the Crazies in return for its own land swap. The club stepped into the transaction at the suggestion of Custer-Gallatin National Forest Supervisor Mary Erickson.

The Yellowstone Club is seeking about “500 acres of high-elevation expert ski terrain adjacent to existing Yellowstone Club ski lifts,” Anderson wrote in an email. “Lands would be restricted by conservation easement to ski uses only, with no subdivision, residential or non-ski development permitted.”

In exchange, the Forest Service would “acquire roughly 550 acres of mid-elevation private land already under conservation easement east of Cedar Mountain,” he wrote. “These lands bisect Inspiration Divide Trail #8,” improving backcountry access and hunting opportunities in the area.

Details of the land exchanges came to light after Anderson made a presentation to the Sweet Grass County Commission earlier this month. The commission has since drafted a letter of support for the land exchange, writing in part: “This proposal has been a

collaborative effort that will solve a lot of the current, well publicized issues in the Crazy Mountains.”

## **Trail**

Public lands on the east side of the Crazy Mountains have long been difficult to reach. The only drive-up access along their 30-mile long east side is via Big Timber Canyon. Although Forest Service maps show a trailhead and trail leading up Sweet Grass Creek — which is about five miles north of Big Timber Creek — access has been limited by the landowners, the Carroccia Ranch Limited Partnership, which operates a ranch at the mouth of the canyon.

Under the current version of the land swap the two canyons would be connected via a 22-mile trail. The route would snake across the east side of the Crazies, starting at Half Moon Campground, which is along Big Timber Creek.

“It’s not our first choice, it’s not ideal,” said Dale Sexton, a Livingston business owner and working group member. “But from an access perspective the connection between Big Timber and Sweet Grass is good.”

Sexton lamented that there was no drive-up access to Sweet Grass Creek via Rein Lane, which the commission’s letter said “is a private road where no recorded public easements exist.”

The commission also supported the idea that the new trail would be paid for by the Yellowstone Club, “eliminating any burden on the taxpayers.”

The Yellowstone Club is “willing to step up to the plate” to finance the trail “in hopes that their deal works too,” Anderson said. “I think they’re a major asset in what’s going on over here.”

Mike DuCuennois, the Yellowstone Club’s director of development, said in an email, "This larger effort is an exciting opportunity to increase quality public access to land and habitat, while creating certainty and clarity."

“Yellowstone Club is one of many stakeholders who have been at the table trying to find a solution that would help consolidate public land, guarantee access, enhance outdoor recreation, and create certainty for landowners,” Erica Lighthiser, a Crazy Mountain Working Group member who represents the Park County Environmental Council, wrote in an email. “They have been diligently working with local landowners, conservationists, and other stakeholders near the Crazy Mountains because this is an opportunity for everyone to come together and package two land consolidation agreements together into one stronger proposal. Yellowstone Club would also commit to finance a new public trail as part of the exchange which would be a huge public benefit."

## **Swap**

Under a recent version of the land swap, which could still be changed, landowners would trade about eight sections of land inside the Custer Gallatin National Forest’s eastern border, roughly 5,200 acres. In exchange, the agency would be asked to give up about six sections of lower elevation lands (3,600 acres) that are surrounded by private property, along with two sections that provide access to Sweet Grass Creek.

“We’re not a group that’s used to giving up land,” said John Salazar, a Livingston working group member affiliated with the Montana Wildlife Federation.

Yet he also said that as a hiker, hunter, angler and father he wants access to the range and would rather have it now for his children to enjoy instead of years down the road if the issue winds up in court.

“When you compromise, not everyone gets everything,” Salazar said.

Ideally, it would be nice if the landowners placed conservation easements on traded forest lands to ensure they aren’t developed and to maintain wildlife habitat, he said.

“If everything is carved up, it doesn’t work so well,” he said.

## **Background**

Public access to the Crazy Mountains has long been complicated by its checkerboard land ownership, where private and federal lands are intermixed. It’s a relic of the late 1800s when the federal government deeded 50,000 acres in the Crazy Mountains to the Northern Pacific Railroad in exchange for laying tracks out West.

The Northern Pacific eventually sold its holdings in the Crazy Mountains to area landowners, some of whom have posted "no trespassing" signs on roads and trails once used by the public and Forest Service staff.

In recent years hikers and hunters have clashed with private landowners claiming the trail closures were illegal. In some cases the Forest Service has stepped in to assert a

public right to use the routes, in other instances it has backed away from confrontation in hopes of finding a negotiated solution or alternate route.

## **Advances**

After struggling for years to make headway on the trail and checkerboard land issues in the Crazy Mountains, last year the Forest Service started work on three new projects.

In July the agency began building a trail on the west side of the Crazies following an agreement with a landowner. That action has been contested in a lawsuit filed in June by a coalition of access and hunting groups who argued the Forest Service had no authority to relinquish public access to the old Porcupine Lowline Trail in the same area. Work on the second phase of the trail could begin this summer.

In August an agreement between the Helena-Lewis and Clark National Forest and a landowner on the northeast side of the Crazies was crafted that would provide nonmotorized public access up Big Elk Creek in exchange for reciprocal access to the landowner's forest inholdings. Public access could be available by this fall.

In October the Custer Gallatin National Forest took public comment on a proposed swap of more than 3,200 acres on the south side of the Crazy Mountains. Public comments on that plan are still under review, with the main contention being that the Forest Service is giving up good lowland wildlife habitat for high elevation rock and ice.

## **What now?**

The east side Crazy Mountain landowners are still shopping their proposal around to a variety of groups for feedback and will attempt to incorporate suggestions into the final offer, Anderson said.

“There are some things that will work and others that won’t,” he said.

Consequently, Anderson was hesitant to say when the proposal would be ready for submission to the Forest Service.

“After what’s happened this last week it’s hard to say,” he said, referring to the coronavirus outbreak. “Everything may come to a screeching halt.”

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