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Comments: Please accept the following comments in the attachment for they represent the views of the Gallatin Wildlife Association and the Gallatin Yellowstone Wilderness Alliance. As much as we would like to support this land exchange, we feel we cannot do so at this time. There is much that seems to be unknown and much perhaps, where information seems to be omitted. We represent many who look to both organizations as being an honest broker for both wildlife and wilderness. Please read our comments for more precise and detailed explanation of our concerns. Thank you.

From:

November 16, 2019

Gallatin Wildlife Association

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And the

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To:

Custer Gallatin National Forest

US Forest Supervisor Mary Erickson

P.O. Box 130, Bozeman, MT 59971

Project 56687 - South Crazy Mountains Land Exchange Public Comment

Dear Supervisor Erickson:

On October 3, 2019, the Custer Gallatin National Forest released the Preliminary Environmental Assessment for the South Crazy Mountains Land Exchange. According to page 1 of the Introduction, it states the purpose of this document is to disclose any and all [ldquo]anticipated environmental effects[rdquo] resulting from the exchange. The proposed action entails the approval of three independent land exchanges of National Forest Service (NFS) land in the Crazy Mountains with three private landowners having land withholdings bordering or surrounding said NFS lands. These three separate private entities are: Philip Morris USA, Inc. (Crazy Mountain Ranch (CMR)), Rock Creek Ranch I, Ltd. (RCR), and Wild Eagle Mountain Ranch LLC (WEMR). As a result, if approved, 3,797 acres of private land will be exchanged for 3,225 of NFS lands; all lands located in the South Crazy Mountains of south-central Montana. The Forest Service only allowed a 45 day public comment period for a proposal which much of the public may be unaware of or uninformed about.

The Gallatin Wildlife Association and the Gallatin Yellowstone Wilderness Alliance would like to pool our comments together during this comment period. Together we represent like minded interests of hundreds of contributors, members and activists who are concerned about the future of lands within the CGNF. The Gallatin Yellowstone Wilderness Alliance (GYWA) is a recently established 501-c3 non-profit organization whose mission is to protect and restore wildlands of the Custer Gallatin National Forest, and other lands of the Northern Greater Yellowstone Ecosystem. The Gallatin Wildlife Association (GWA) is a 501-c3 non-profit volunteer wildlife conservation organization representing hunters, anglers and other wildlife advocates in Southwest Montana and elsewhere. Our mission is to protect habitat and conserve fish and wildlife.

Extend the Comment Period:

Our organizations feel obligated to comment on the proposed exchange, but we think the public needs to have the comment period extended in order to allow greater participation and more well-informed comments. As the CGNF knows, much of the lands within the Crazy Mountains are not well accessible by the public. This in and of itself limits the public[rsquo]s knowledge and familiarity with much of the area.

Perhaps the statement on page 2, under Section 1.2 entitled [ldquo]Background[rdquo] of the Assessment, states it best.

[ldquo]Given the checkerboard ownership pattern, public and administrative access to NFS lands is currently limited into the Crazy Mountains. There is (generally) no public road access to the NFS lands in the southern part of the Crazy Mountains with the exception of Cottonwood Road No.198 on the west side and Big Timber Canyon Road No.197 on the east side. It is feasible, although difficult, for people to access the NFS lands in the southern parts by foot or stock by starting from either Cottonwood Road, Big Timber Canyon Road, or the Rock Creek Trail No. 270 in Township 2 North, Range 11 East, section 15.[rdquo]

Our hope would be that an extension would allow more time to gain and share available and valuable information. It would have been wise if the Forest Service would have timed this action to allow some possible tours conducted by the Forest Service for the public, so our membership and public could have a better familiarity

with the proposal. Now due to the lateness of the season and the timeliness of such action, that possibility seems remote unless done this coming spring and/or summer. Some individuals within our respective organizations are familiar with the area, but even that is limited in scope and detail. At the moment, just in the process of writing these comments, the more we have learned, the more questions arise. This rush to judgement is not in the public's interest.

Wilderness:

We would like to bring a couple of points to the forefront as it relates to the proposed land swap. Under Section 3.6 entitled Wilderness on page 29, there is this statement.

[Idquo]No lands included within this proposal are within designated Wilderness or within any Wilderness Study area boundaries. There will be no direct, indirect or cumulative effects to designated Wilderness or Wilderness Study areas, for either alternative.[rdquo]

This seems confusing as the three sections of land owned by CMR, lands which are proposed for the exchange either border or are surrounded by lands recommended as wilderness designation under Alternative D in the CGNF Draft Revised Forest Plan. With that presumption, it would seem likely that these sections of land could benefit the likelihood of wilderness designation for the Crazy Mountains. Yet we also understand that CMR wants to operate and maintain access to Rock Lake Dam and the outlet tunnel as they maintain their water rights. On page 8 of the assessment, there is this statement.

[Idquo]CMR will permanently reserve rights to operate and maintain the Rock Lake dam and outlet tunnel in the deed through which CMR conveys Section 11 to the Forest Service. This deed reservation would be subject to the applicable federal regulations (36 CFR 251.17 and 36 CFR 251.19). CMR will continue to be fully responsible to operate and maintain the reserved facilities on NFS lands and pay for any associated costs. The Forest Service and CMR would develop and enter into a detailed Operation and Maintenance Plan for these facilities. CMR would retain its water rights for the volume of water from full pool to the bottom of the outlet tunnel.[rdquo]

From what we understand, there is also an unimproved road on this property to operate and maintain this infrastructure. This possibility leads to several potential questions, all of which certainly proves the point that this exchange deserves more scrutiny by the public. For instance, would CMR be able to drive motor vehicles to Rock Lake even if the area is designated Wilderness? How much development and disturbance can we expect at Rock Lake if it becomes public land?

Another issue of concern is talk or rumors of mine drainage wastes or hazardous waste in the area. If this is true, this portends to place the burden of hazardous waste cleanup once again upon the taxpayer. In spite of what is stated on page 8 of the document, citizens of Montana need to be aware of such potential. We would like to see the Forest Service conduct a more detailed Environmental Assessment (EA) on this proposal. All that is provided

is a preliminary assessment. If land exchanges do not legally mandate such a detailed assessment, perhaps they should. The public would be better off if the Forest Service would complete a full EA and meet NEPA requirements as this land exchange has been met with confusion and controversy among the public.

Information has been relayed to us that CMR has a conservation easement with an exclusion or exception that they could build one new recreational cabin on land protected by the conservation easement. What kind of activities would be promoted or conducted on this property? This conservation easement is of concern as well. On page 12, there is this lengthy pronouncement.

[ldquo]At closing of the exchange, each of the three landowners (CMR, RCR, and WEMR) have agreed to voluntarily place a Conservation Easement on the Federal lands to be conveyed into private ownership. The Conservation Easement (CE) would need to be held by a qualified non-profit conservation organization in the state of Montana.

The CE would continue to provide for traditional land uses including recreation, livestock grazing, and timber management. The CE would preclude all mineral development and mining (hard rock and oil/gas) and preclude residential, industrial, or commercial development, except one new recreation cabin which may be built and maintained on the land protected by the CE. The executed CEs would be filed for the record with the Clerk and Recorder in Park County, and Sweet Grass County, Montana.[rdquo]

There is much reason for concern here. How would this easement with all its exceptions affect future Wilderness designation or Recommended Wilderness management? These types of issues and questions need to be asked and answered if this transfer of public to private land (and vice-versa) would be in the public[rsquo]s as well as the wildland[rsquo]s best interest. The past actions by CMR and what they can or may legally do in the future may affect the quality of any potential wilderness designation as it is likely these reserved rights will diminish the wilderness character of nearby lands. Again, these are open questions, all of which certainly proves the point that this exchange deserves more scrutiny by the public.

#### Wildlife and Fisheries:

It has also come to the attention of our organizations that some of the National Forest Service lands proposed for the land exchange are a valued wildlife and fisheries resource. This is one area of main concern where more information and evaluation would be helpful. It is stated on page 17 of Aquatic Resources, the following.

[ldquo]The Yellowstone cutthroat trout, (*Onchorynchus clarkii bouvieri*) (YCT) is considered a Species of Special Concern by the MFWP and a Sensitive Species by the Region 1 of the U.S. Forest Service. There are a total of 1.4 miles of occupied YCT habitat on Federal lands proposed for conveyance to private (Figure 3). About one mile of main stem Rock Creek (79% of all YCT habitat on Federal parcels) occurs on lower elevation land proposed for conveyance to CMR. There is 0.3 mile of occupied YCT habitat on Little Timber Creek proposed for

conveyance to WEMR.[rdquo]

The potential loss of Yellowstone cutthroat trout and its respective habitat is of concern. But then again, threats to the habitat of any species designated as a Species of Conservation Concern should not be taken lightly. What is the likelihood that this native trout fisheries resource will be harmed if this action were to proceed? What protections will there be for Yellowstone cutthroat trout on those portions of Rock Creek (lands within this conveyance) if this process wins approval? Will they be impacted by increased grazing or other riparian activities? The assessment on page 18 states that these riparian areas will be protected by a conservation easement. What assurances do we or will we have in compliance of this agreement? You also state in your assessment that 1.4 miles of Yellowstone cutthroat trout habitat is contained in this transaction, 79% of which is contained within this conveyance with the CMR. How does this fisheries habitat compare overall in size and scope with the totality of Yellowstone cutthroat trout habitat in the Crazies? The Yellowstone Cutthroat trout habitat that is to be gained in this transaction (habitat that is currently on private land) is described as marginal (page 17).

We wonder and worry about other species which may be disrupted if these Federal lands were to be turned into private ownership such as the grizzly bear, wolverine and pine marten. Our hope and wish are that current Federal lands would remain as is and that the sections of land currently owned by Crazy Mountain Ranch would someday be acquired to become NFS land based upon an environmental assessment. There is a value in lower elevation habitat for many species including elk and mule deer. Public lands in the Crazies are mostly a high rock and ice terrain with very little low-elevation forested habitat. This high terrain is obviously more likely to be limiting to many wildlife populations. It is this low-elevation terrain which favors a greater biodiversity of wildlife. Numerous species and their habitat would benefit if these lands were to become protected, ensuring no additional disturbance from unwanted and unwarranted fencing, roads, and grazing of domestic livestock. We suggest there should be an analysis and comparison of the relative abundance of each type of habitat within the south Crazy Mountains.

One main concern of wildlife is making sure they have a healthy and safe corridor in which to move, migrate, search of food and search out protection. There is an established wildlife corridor from the Absaroka Beartooths through the Crazy Mountains north into the Big Belts. This corridor is a science-based fact and is worth preserving. It is this lower elevation land (land such as what is contained in sections 4 and 8 of Township 2 N., Range 11 E.) which contains forests providing protection and a source of food supply that[rsquo]s beneficial for wildlife corridor enhancement. Wildlife that venture across open land only to come into more contact with human influence on their primary habitat could suffer from irreparable stress, injury, if not death. This corridor has been and could be even more so an active pathway for grizzlies and wolverines as well as other large species that require spatial distribution.

Specifically, the low-elevation habitat proposed for release in this transaction (sections 4 and 8) appears to be especially valuable for public hunting, especially for elk. In contrast, converting it to private landholdings would only create another safety zone, attracting elk during the hunting season, creating a harboring zone that would further limit the state[rsquo]s ability to remove elk and meet herd-size objectives. This may further exacerbate elk-landowner conflicts on nearby private lands used to produce hay or winter livestock.

#### Limited Alternatives:

There are only two alternatives for the public to choose from this proposed land exchange; Alternative A, the [Idquo]No Action[rdquo] alternative and Alternative B, the Proposed Land Exchange. Alternative B contains all three proposed land exchanges with the three separate private entities; Crazy Mountain Ranch, Rock Creek Ranch and Wild Eagle Mountain Ranch. In other words, the way the land exchange is written is [Idquo]it is either all or nothing[rdquo]. Both organizations are not so sure this is the best approach. We may be able to support part of the land exchange and oppose other parts, but no middle ground is offered. It has been discussed by many with interest in this action that an outright direct purchase of land be undertaken, but we find the following statement on page 12 interesting.

[Idquo]Forest Service policy for land exchanges requires consideration of a direct purchase alternative (FSH 5409.13). This alternative was considered, but not evaluated in detail. CMR, RCR, and WEMR were not interested in selling land to the Forest Service, only in exchanging the non-Federal lands for the Federal lands located within, and adjacent, to their private lands.[rdquo]

What is there here that we don[rsquo]t know? What discussions took place between Forest Service and these private entities? As far as other possible alternatives, there was this on page 12.

[Idquo]No other alternatives were considered, since the Proposed Action fully addresses the purpose and need for action. Currently no other action is available to the Forest Service to meet the purpose and need.[rdquo]

Surely there could be other alternatives, other land parcels, sections that could be included in a land exchange. Among our ranks, several have mentioned possible other land sections which could be considered. One would hope these other alternatives would still work toward the goal of consolidating NFS land ownership, not raise question over valued wildlife habitat, and yet still be in the interest of private landowners. But as of right now at the time of this writing, the Forest Service is not presenting a [Idquo]reasonable range of alternatives[rdquo].

#### Summary:

With limited alternatives and unanswered questions, there seems to be a lack of public knowledge about the details of this land exchange. To be honest, it appears that the CMR portion of the land exchange is of greatest concern and controversy. Several of our membership have stated two concerns. One, there is much information about this transaction that we don[rsquo]t know, and the other, all known information has not been conveyed in this document. This brings about some skepticism about the intent and future of the land exchange. As is stated on page 2 of the assessment, the Forest Service may have been working with private landowners for the past 85 years on acquiring private inholdings in the Crazy Mountains, but as far as public participation, we are only given 45 days. As you can see, we have doubts. We think our comments could be much more inclusive and accurate if the public were to be given an extension in their comment period. The Forest Service needs to do a better job in

presenting this information to the public. Several members of our organizations attended and witnessed the Forest Service open house which was conducted by the Forest Service in Livingston, MT of Oct. 23. The consensus by many was that this subject matter was not presented informatively and was of little value due to its disorganized content.

We strongly support the need and action to acquire or transfer lands in the Crazy Mountains and elsewhere in order to consolidate Forest Service ownership. Checkerboard ownership is not efficient or easily manageable, so we support and understand the rationale to do so. But we also urge the CGNF to extend the comment period and seek the best option for maintaining and increasing a wide array of public benefits and to assure a sustainable future for the landscape and wildlife of the Crazy Mountains. Until further information is available or until a better exchange is possible, both organizations will support Alternative A, the No Action Alternative. Thank you for allowing us to provide input.

Sincerely,

Clinton Nagel, Vice President for

Gallatin Yellowstone Wilderness Coalition

And board member of

Gallatin Wildlife Association