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Comments: Comment text is below. Original <*.docx> and <*.pdf> files are attached. Printed copy will follow via US Mail.

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Mary Erickson, Forest Supervisor09 Dec 2022

Custer Gallatin National Forest

10 East Babcock Ave.

Bozeman, MT 59715

Dear Ms Erickson,

This letter presents comments on the "East Crazy Inspiration Divide Land Exchange Preliminary Environmental Assessment" (EA). The Land Exchange's goal to ease user conflicts and land owner concerns are admirable, but the EA is deficient in several respects:

- *improper endorsement that Rein Lane landowners can maintain their self-imposed "status quo" and the resulting lack of formal recognition of perpetual public access

- *inadequate consideration of Sweetgrass Creek Road environmental or public access impacts resulting from private takeover of sections 10 and 8 (EA parcels "1" and "2")

- *the EA does not consider the potential for soil erosion, storm water control, civil engineering, or other problems that may arise from construction of the new 22-mile "Sweet Trunk Trail No. 274" (Sweet Trunk Trail)

1. Improper endorsement that Rein Lane landowners can maintain their self-imposed "status quo"

Rein Lane is an essential access point for the entire Sweetgrass Creek area. Without it, this entire land exchange seems pointless. The EA states "... The proposal respects the status quo ... landowners have indicated that they intend to continue allowing permissive seasonal access ..." These statements are inaccurate, misleading, and should be deleted. Rein Lane landowners have neither legal authority nor enforcement powers over public thoroughfares. An EA is not an appropriate venue to endorse concepts that are currently under litigation in the courts.

A way around this while awaiting court decisions would be properly-constructed conservation easements which include public thoroughfare specifications and locations. Easements could, perhaps, include significant land owner property tax relief. This could be a benefit for all stakeholders. We have owned property on the Crazies' west side (T 4 N, R 11 E, Section 31) for many years. The Montana Land Reliance administers our conservation easement. Our experience demonstrates that easements can be crafted to meet any reasonable land management goal. Such easements along Rein Lane would accommodate property owners' concerns while documenting public road easements through the properties as long as users "stay on the road." This approach has met with significant success on, for example, Block Management Land throughout Montana.

2. Inadequate consideration of Sweetgrass Creek Road environmental or public access impacts resulting from private takeover of §10 and §8 (EA parcels "1" and "2")

The EA presents two alternatives: "close off a public road" or "no action". Contrary to the National Environmental Policy Act, Section 102(2)(E), the EA does not consider any constructive alternatives. Similar to Item 1 above, carefully structured conservation easements in conjunction with a land swap could be very effective tools to ensure continuing public access up the Sweetgrass Creek. Lack of such thoroughfares would represent a "taking" without substantive benefit to the Government or the public.

3. Potential soil erosion, storm water control, civil engineering, or other construction problems along the "Sweet Trunk Trail No. 274"

Access along the public throughfares through sections 10 and 8 is the most reasonable route to existing public trails which access the east Crazies mid- and high-country. Construction of the Sweet Trunk Trail will certainly be a public benefit, especially for horse packers and outfitters. However, instead of following natural drainages (as with the Sweetgrass Creek road and trail system), this would be an entirely new trail with problematic construction details. The whole 22-mile trail will be "against the grain" with little contouring, frequent climbs, descents, switchbacks, gulch crossings, etc. I have about 15 years of storm water design and control experience, and this trail will be tough to build. It certainly will be "nice to have", but the EA should provide more informative routing and construction details.

Conclusion

The EA is flawed but it does represent a good basis for future work. However, absent agreement on ensuring perpetual public access along Rein Road and through sections 10 and 8 renders the EA as moot. In this case, the Agency should withdraw the EA.

Here are some additional concerns:

- *EA authors should consider formal consultation with Crow Tribe officials under the National Historic Preservation Act, especially regarding possible pilgrimage routes up the Sweetgrass Creek area to sacred sites

- *The Forest Service should not "cave" in to special interests, especially where public access is concerned.

Certain property owners in the east and north Crazies style themselves as "5th Generation Ranchers" in order to claim some kind of environmental credibility. In our experience, being a so-called "5th Generation Rancher" around Big Timber and White Sulfur Springs is really equivalent to:

- ocontinuanace of their private fiefdom of public land above their closed road gates

- oprovision of little or no accommodation for the public unless you can pay for it

- ono fear of consequences for thuggery, political shenanigans, or other inappropriate actions

- oconnivance with Yellowstone Club billionaires and a demonstrated lack of concern for the general public

Thank you for the opportunity to comment on this important project.

Respectfully,

Robert G. Richards, P.E.