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First name: Clinton

Last name: Nagel

Organization: Gallatin Wildlife Association

Title: President

Comments: Dear Forest Supervisor Mary Erickson:

Please accept the comments in the attached concerning the East Crazy Inspiration Divide Land Exchange.

We understand that these type of arrangements take a lot of manpower and time to put together. We do support the concept of consolidation of federal lands for efficient land management, but we find this falls short as we advocate for wildlife in this proposal.

Attention:

Forest Supervisor: Mary Erickson

Custer Gallatin National Forest

P.O. Box 130

Bozeman, MT. 59771

Dear Mary Erickson:

On November 9 of this year, the Custer Gallatin National Forest (CGNF) released public notice of a land exchange called the East Crazy Inspiration Divide Land Exchange. The preliminary environmental assessment was released simultaneously to disclose and document the possible environmental effects which could arise from the Proposed Action. The Proposed Action is committed to exchange approx. 4,135 acres of National Forest System (NFS) lands for approx. 6,430 acres of non-Federal lands located in the Crazy Mountains of southcentral Montana and the Madison Mountains of southwest Montana.

The Gallatin Wildlife Association would like to comment on this proposal in regards as to the short- and long-term effect on wildlife and wildlife habitat. Gallatin Wildlife Association (GWA) is a local, all volunteer wildlife conservation organization dedicated to the preservation and restoration of wildlife, fisheries, habitat and migration corridors in Southwest Montana and the Greater Yellowstone Ecosystem, using science-based decision making. We are a nonprofit 501 (c) (3) organization founded in 1976. GWA recognizes the intense pressures on our wildlife from habitat loss and climate change, and we advocate for science-based management of public lands for diverse public values, including but not limited to hunting and angling.

Much of the focus on the EA for the Proposed Action centers on access to our public land. Issues such as Sweet Trunk Trail No. 274 in the East Crazy Mountains being rerouted on public land so it would connect with the existing Big Timber Creek Trail No. 119 is an example of recommended action. There are other similar issues at hand that deal with the public's access. On the flip side, the Custer Gallatin National Forest would provide 500 acres of federal land to the Yellowstone Club near Eglise Peak for 605 acres of the club's private property. Here to, there is a plan to relocate sections of the Inspiration Divide Trail No. 8 back onto public land from existing private land.

All of this is a result of checkerboarding, that manifest destiny theory as old as the Civil War. During those times, the Federal Government granted alternate sections of land to the Northern Pacific Railroad, some seeing this as compensation, if you will, for the domestication of the American West. Today, this has eventually led to a demanding public pressuring an already willing National Forest Service (NFS) to consolidate lands, to bring about a cohesion if you will toward land management. GWA supports that concept, but the question is at what price? How and why is it being done? To what end? With habitat fragmentation being one of the major threats to wildlife, we believe that wildlife has paid a stiff price for this type of land-action management over the past 150 years. In our view, within that timeframe, checkerboarding has been an enabler of habitat fragmentation.

It is ironic, but understandable in discussing the wildlife habitat of the Crazy Mountains, the fact this island range has had much of the access controlled by private landowners (a result of checkerboarding) might have been a positive for wildlife. Consequently, the general public access has been limited over the years, compared to other forested areas within the CGNF. Perhaps it has added a sense of protection for wildlife from unrelenting hordes of recreationist, hikers and other users on the landscape. But it has also resulted in conflict between the public who wants more access and landowners who want less.

If this land exchange were to become a reality, some of that conflict would perhaps be lessened. What once was a false sense of security for wildlife, may no longer be so. Then again, times are changing as it is known that Switchback Ranch is already developing one of its inholdings. This proves our statement from above that checkerboarding has been and can be an enabler of habitat fragmentation. So, what is the answer? While property exchanges are a custom practice in our tool box, the NFS should not overlook the almighty option of an outright purchase. At times, this option might be the best available alternative, and more specific to meet the goals of the public and the NFS.

To be blunt, GWA is skeptical of this proposal for a couple of reasons. Partly because of the origination of this effort seems to have been initiated by the Yellowstone Club for a self-serving reason. On page 5 of the East Crazy Mountains and Inspiration Divide Land Exchange Proposal dated July 9, 2021, there is this statement.

"The Non-Federal Party's purpose in acquiring these parcels is to consolidate federal and private lands, to develop skiing opportunities, to facilitate more efficient wildlife management and to improve public access to

public lands along the Inspiration Divide Trail where it crosses intermingled NFS lands and private lands."

This is more than alluded to on page 6 of the EA where it is stated:

"In 2018, YC hired a non-Federal land exchange coordinator, Western Land Group (WLG), to begin working with landowners and stakeholders to develop a proposal for a comprehensive east Crazy Mountains solution. After several years of negotiation, landowners and YC entered into agreements enabling a multi-landowner exchange proposal to consolidate lands and resolve access issues."

The other reason of skepticism lies with our perception the of CGNF. GWA doesn't believe the agency has a good track record when it comes to an in-depth concern for the future wildlife management. There seems to be an approach that wildlife will take care of themselves, allowing them to place greater attention onto recreation, vegetative treatments and other anthropogenic uses for society. At some point, we would like to see wildlife become the priority.

Operations of the Yellowstone Club:

Having said all of that, GWA needs to state here that we are involved in a legal complaint against the Department of Environmental Quality (DEQ) over the permitting of the Yellowstone Club to use treated wastewater for snowmaking on Pioneer Mountain. It makes no sense for GWA to support this element of the proposed action, one which allows an increased application of treated wastewater on a larger landscape, an application in which we are opposed. Our opposition to using treated wastewater for this purpose is two-fold. One, it is just a more subtle method for the over application of nitrogen to the area's water resources. This brings to bare an already over abundance of nitrogen to the region. The other reason hinges upon the fact that treated wastewater contains anthropogenic sources of pollution such as pharmaceuticals, oils, heavy metals and other chemicals.¹ <https://www.usgs.gov/special-topics/water-science-school/science/wastewater-treatment-water-use#overview> We oppose the application of treated wastewater upon additional acreage of NFS lands.

Conservation Easements:

The issue of conservation easements seems to be a concern among many, rightfully so. While that concept seems to be in practice on lands near Big Sky, the reference of their use is missing in regard to land transfers in the Crazies. We ask, why is that? Notice the specifics below listed on page 4 of the EA. There are other references within the EA to corroborate this fact.

"Switchback Ranch, LLC has agreed, in conjunction with the land exchange, to grant a conservation easement to the Montana Land Reliance to maintain the open space character of Section 7 to preserve wildlife habitat, quiet enjoyment, and other values that enhance the surrounding character of the forested lands. The proposed conservation easement will prohibit all residential development on the property."

"WLG has committed to continued discussions with land conservation organizations and wildlife conservation groups regarding additional conservation measures that would be accomplished post exchange to include additional voluntary conservation easements."

Yet, it appears no conservation easements are to be found on transfer of lands in the Crazy Mountains. Again, we ask, why is that? This has been done with previous land exchanges in the Crazy Mountains. The easements which are in place provide for livestock grazing, timber management and recreation, yet all of these are contributors to habitat fragmentation. That is bad enough, but how can we guarantee those public lands (soon to become private) won't be developed or utilized for something else which would be even more detrimental for wildlife habitat? Our concern is that much of this land is low-elevation wildlife habitat, prime habitat, valuable for many species. Simply put - what guarantee do we have that these low-elevation lands won't be sold in the future to a developer.

Wildlife Connectivity:

The Crazy Mountains is an island range in south-central Montana, but there is scientific evidence indicating this island range plays a critical role in wildlife connectivity. There are several references throughout the EA that admits the enhancement of wildlife connectivity is a goal of this land exchange, benefitting both regions of Big Sky and the Crazy Mountains.

To be honest, wildlife connectivity could be both harmed and benefited by the actions proposed within this EA. But if the goal is to have greater access for the public, the harm would be obvious. There is a proposal to relocate a 22-mile section of Sweet Trunk Trail No. 274 onto federal land. Until now this section of land has been fairly secure for wildlife. Even though it is stated this will be a non-motorized and non-mechanized trail, it has been shown that hiking trails have an impact upon wildlife. In a scientific on-line paper in Nature Conservation (Applied Ecology) dated May 28, 2021 by Dertien, Jeremy S., Larson, Courtney L., and Reed, Sarah E.,² <https://natureconservation.pensoft.net/article/63270/> the following was found in the introduction of "Recreation effects on wildlife: a review of potential quantitative thresholds".

"Human disturbance is widely recognised for its deleterious effects on the physiology, behaviour and demographics of individuals and populations of wild animals (Steven and Castley 2013; Coetzee and Chown 2016). Sources of disturbance are extremely diverse and include mortality from hunting and roadkill (Scillitani et al. 2010) to non-consumptive sources, such as hiking, boating and wildlife watching (Cowling et al. 2015; Tarjuelo et al. 2015)."

The science is out there and we urge the CGNF and the entire U.S. Forest Service to be mindful of these somewhat perceived, passive intrusions into the backcountry.

The benefits of this proposal may actually improve connectivity to some degree, but those benefits may also be negated by the transfer of current federal land to private landowners. For example, one of the anticipated benefits stated on page 3 of the EA is securing habitat at Smeller Lake, but that might be negated by the transferring of public land to private land from those public land holdings at lower elevations. Those transferred lands are believed to be beneficial for wildlife habitat now, but because of this proposal, they could be subjected to further habitat fragmentation in the future. This fear is driven by the new landowner's willingness to inject livestock grazing, vegetative treatments and even some private development onto existing wildlife habitat. Are these land holdings truly ecologically equal?

In other words, what this proposal gives, it also taketh away. This is why the purchasing of land, while it may be more expensive, could be the better alternative in fulfilling the wishes and intent of achieving truly contiguous NFS lands.

Again, on page 3 of the EA, there is this statement concerning another benefit of this proposal in the East Crazy Mountains. We applaud this purported benefit, but have to ask at what costs?

"Conserve the existing character of the Crazy Mountains by reducing the potential for development on 10 sections of private lands interior to and comingled with NFS lands."

The Sweet Grass drainage is of high wildlife habitat and with the transfer, there are no conservation easements within the area to protect wildlife habitat. That would be a severe loss to wildlife. So once again, what the proposal gives, it also taketh away. We question the overall aspect of this proposal as a result.

Wildlife:

In terms of wildlife specifically, GWA questions the analysis in the EA as written because it seems to be in a standard format with standard language that is ambiguous and non-descript. For example, sentences like the one below is found under the grizzly bear writeup on page 47.

"When added to ongoing activities including recreation, livestock grazing, and timber management, cumulative effects to grizzly bear would be negligible."

GWA doesn't even know what this sentence is trying to say. Are we saying no matter the intensity of all of these other activities on the landscape, even when they're considered in accumulation with one another, they would

have no effect on the grizzly bear? How do we know that? Where is the scientific evidence to support that statement?

What's more, that exact same writeup appears on page 46 in addressing the impact on Canadian lynx. GWA would like to see a biological analysis of this proposal. In reading the overall EA, there is no doubt there are some good habitat lands, lands beneficial for wildlife, emanating from this proposal. Yet, there seems to be lacking an honest description of the negative impacts. This has the feel of a sales pitch for the public and that makes GWA uneasy.

GWA views the Crazy Mountains as an island range that has a beneficial role in the corridor movement of predators such as wolverine, Canadian lynx and the grizzly bear from the Northern Continental Divide Ecosystem to the Greater Yellowstone Ecosystem. Again, the habitat improvements toward certain species from proposal actions could be offset by harm to other species by the loss of habitat. It is not easy or productive to try and determine which action will or will not have the greater impact on certain species.

Making statements such as:

"The Proposed Action is not expected to negatively impact the movement or connectivity of grizzly bear individuals or habitat."

does nothing to ensure our actions wouldn't cause harm to the ecological balance and integrity of the landscape. Unexpected impacts happen all the time. Primarily because we either don't understand what it is we're trying to do or we allow our bias to get in the way.

Conclusion:

Basically, there is good and bad in this proposal when it comes to the impacts or benefits on wildlife. The question is, at what price? Is the price to proceed ahead too high? Do we understand enough of the consequences? These are huge questions or unknowns and ones that GWA believes this EA fails to answer. That is a problem.

Yes, it is good this proposal would consolidate 30 sq. miles of checkerboard ownership. That result help meets the overall goal of diminishing this checkerboard nightmare. It is a work in progress as they say, trying to implement a more effective land management policy on NFS lands. But on the flip side, we're willing to install a new trail through previously unfragmented land. Now, that land becomes fragmented for wildlife. That's a loss. The fact that the public will transfer low-elevation and forested lands over to private hands is a loss for wildlife. Another loss will be the impact on wildlife by losing public control of Sweet Grass drainage. There is not even a

conservation easement available to ease our minds on these issues. We ask why? This is a high point of contention among many and one which influences our opinion greatly.

There very well could be a net gain of federal lands that will be added to Inventoried Roadless Areas and Recommended Wilderness Areas. But the question for GWA is what is the overall net gain or loss for wildlife habitat, or is that even the proper question to ask? We've stated at the outset, that GWA comments are going to be based upon the impact on wildlife. What we do know from this EA, is that there will be some benefits, but the EA doesn't seem to detail the harms to wildlife habitat or to wildlife itself.

As a result, GWA believes there needs to be further analysis, whether it be a biological opinion or a full Environmental Impact Statement. GWA has previously stated this part of the transaction pertaining to the Yellowstone Club is a no starter. The development in Big Sky has devoured prime wildlife habitat since the inception of the idea of a ski hill at Big Sky. We wonder how many bites of the apple will be too much? Yes, we get some benefits from this proposal for wildlife, but we also lose some of which we would win. Our claim against the DEQ at this moment is a compelling argument for us; one of increased nutrient and anthropogenic pollution. We can't be enablers of what we oppose.

For this reason and others listed, we oppose this proposal as written and as presented to the public. We are willing to listen and work with those entities to make this transaction more appealing to wildlife. Before we close, we want to specifically say, we are in favor of efforts trying to consolidate public lands to make them more efficient for land-use management applications. GWA believes by doing so it also diminishes the likelihood of habitat fragmentation. That is our goal.

Sincerely,

Clinton Nagel, President

Gallatin Wildlife Association

References:

1.

1. Water Science School, United States Geological Survey website, June 18, 2018.

<https://www.usgs.gov/special-topics/water-science-school/science/wastewater-treatment-water-use#overview>

1.

1. Dertien, Jeremy S., Larson, Courtney L., and Reed, Sarah E., Recreation effects on wildlife: a review of potential quantitative thresholds, Nature Conservation, May 28, 2021.

<https://natureconservation.pensoft.net/article/63270/>