

Data Submitted (UTC 11): 12/23/2022 7:00:00 AM

First name: Joel

Last name: Ellefson

Organization:

Title:

Comments: Introduction: Anyone who has seen photos of the Crazy Mountains or journeyed through them has to be amazed by the splendor of their peaks, alpine lakes and ice fields, mountain forests and streams, the lush meadows, and abundant wildlife. The east side of the Crazy Mountains is largely roadless and has been proposed as a wilderness study area. It is an area that the Crow People hold sacred. It is this area the Custer-Gallatin National Forest proposes a land trade involving nearly 10,000 acres. The largest land trade ever proposed in the Crazy Mountain range.

After reviewing the Environmental Assessment (EA) the Forest Service (FS) has proposed, it is apparent that the scale of the potential impacts on the area are far beyond the scope of an EA. This EA proposes no alternative actions or mitigations to these important issues: 1) maintaining or maximizing current historic public access, 2) any of the parcels to be traded, the EA proposes accepting all or nothing, 3) any alterations to the design or footprint of the proposed new trail, 4) a guarantee to preserve the right of the Crow tribe to access sacred areas, and preserving existing [ldquo] fasting beds[rldquo] or other structures the Crow have created. and 5) for preserving or creating any easements, covenants, deed restrictions, to current public land to be conveyed to private parties in order to preserve the natural character and the natural resources there in. Lack of these actions puts these resources in danger to development or exploitation.

In addition, the EA provides very cursory discussion about biological impacts the project could have. And it makes no significant inventory of flora and fauna within the project area. Nor does it consider any impacts the proposed action would have on the ecological health of the entirety of Crazy Mountain range. Lastly, the EA does not adequately address impacts on wetlands, water resources, and mineral rights of proposed land to be traded. What the EA the FS has proposed is inadequate to quantify or mitigate impacts the project would have on the entire Crazy Mountain ecosystem. The trade will deed to private ownership 4000+/- acres. Depending on how much development occurs on these lands, the impacts could extend farther up the Sweetgrass drainage, and along Big Timber creek. It would have private land encroach westerly on the NF for a one mile by 5 mile segment along the current east boundary of the NF. Together these actions could create an impact over perhaps several thousand other acres.

To best fulfill the FS obligation to National Environmental Policy Act (NEPA), the FS should withdraw this EA proposal and instead initiate the creation of an Environmental Impact Statement (EIS) for this project. The complexity of the project requires it.

Public access issues: The EA planning document should not have been proposed while there is an appeal pending, of a lawsuit regarding public access to Sweetgrass creek. With little investigation, it is apparent that Rein Lane is a Sweetgrass county road approximately to the center of section 2, T4N R12E. This road then extends SW through the Custer-Gallatin National Forest Boundary into sections 3 and 10. The road and trail (#122) along Sweetgrass Creek has been shown as a public access on many FS maps since the 1920[rsquo]s. Investigation of a General Land Office (GLO) plat of T5N R12E approved in 1893 shows a road going south through section 35 that exits into unsurveyed section 2 T4N R12E. The original GLO plat from 1916 of T4N R12E, shows the above-mentioned road and a trail extending from the north boundary of section 2 of T4N R12E southwesterly all the way to the middle of section 9. The plat also shows two cabins, a house, and a sawmill in sections 9, 11, and 2. It is obvious that a road has existed along this area of Sweetgrass creek probably from 1893 and for certain since 1916. In addition to regular historic access to the National Forest in this area, there was a sawmill in the NF that harvested trees from private and FS land since at least 1916. That presence indicates commercial activity there. No action should be taken until all options have been explored to verify the historic public access to Sweetgrass Creek within the NF. The FS violates its obligation to the public by

abandoning the public access here.

The EA and accompanying maps do not identify ownership of any of the private parcels to be traded. Thereby making it difficult to determine who owns what throughout the project area.

Alternatives for lands to be traded: The EA offers no options for deleting, modifying, or adding parcels to be traded. The FS should have offered to the public, the Crow people, and the interested private parties, alternative land parcel alignments to be traded, to make the overall proposal amenable to compromise.

New trail location: The proposed [ldquo]Sweet Trunk Trail[rdquo] would create 22 miles of new disturbances of untrammled forest land, adversely affecting biologic resources, creeks, and perhaps cultural resources. along the route. The proposed trail is not an equal trade for the potential loss of use of the East Trunk and Sweetgrass trails. It would be a trail through medium to higher elevation for 22 miles. The length and ruggedness of the Sweet Trunk Trail will make it inaccessible to many people. It would also make hunting far more difficult, especially for the Sweetgrass drainage where wildlife winter. It would be a long and convoluted way to access the Sweetgrass valley compared to what already exists

Cultural Resource issues: The Crazy mountains are a vital part of the Crow people[rsquo]s traditions. The Crow tribe should be brought in as full participants in this EA or EIS process. The EA is deficient in that only a mention is made of a possible easement to Crazy peak, (section 7, T3N R12E) for the Crow people. The current owner of section 7 is a participant in the proposed land trade and has a vested interest. Yet, section 7 is not part of the proposed trade. Perhaps acquiring section 7 by trade or purchase by the FS should be a proposed alternative in this land trade. I know there are Crow fasting beds in the area that are not in section 7 but are in the vicinity. This land is also not part of the proposed trade. In the mid 1980[rsquo]s when I was on a Forest Service surveying crew working in this area, we came upon two fasting beds I believe were on private property. Perhaps this land should also be up for trade or purchase. The Crow people[rsquo]s vital interest should not have to be dependent on a questionable easement process. They should have full standing in the EA or EIS process. Another option is having the FS designate some of this land, with consultation with the Crow tribe as an [ldquo]Area of Tribal Importance[rdquo]. All the above-mentioned areas as well as the other proposed parcels to be traded, along the Sweetgrass Trunk Trail, need a full cultural analysis.

Guarantees for easements or deed restrictions: The EA provides no evidence of creating any easements or deed restrictions on any FS land proposed in the trade. This is unlike other recent trades in the Crazy Mountains where easements helped protect public access and natural resources of the area. The FS needs to have a combination of conservation easements, deed restrictions, and road and trail easements to protect the traded land from development or exploitation. This action needs to be taken to protect: riparian areas, other water resources, cultural resources, other biological resources, and to prevent mineral extraction on any of the FS traded land to private parties, and also land conveyed to the FS.

Biological resources: The EA stated that the land exchange would not affect any[rdquo] known[rdquo] threatened, endangered, or animal species of concern. However, they could not definitely state these species could not be affected. The Biological Assessment to be done by the Fish and Wildlife Service has not been completed. A determination of impact on the fauna is a moot point until that occurs. It is very concerning that the EA does not even mention the existence or status of the Mountain Goat. The mountain goat population in the Crazy Mountain is one of the largest in the State.

Regarding botanical resources the EA cannot state unequivocally that sensitive species will not be adversely affected. It is presumptive to make that statement at this time. The white bark pine could be affected especially in the [ldquo]Inspiration[rdquo] segment of the EA. The FS awaits an analysis by the Montana Heritage Program (MHP) report on areas of wetlands. Will (MHP) also provide a report on botanical Species of Concern? Therefore, the true impact on botanical resources cannot be determined.

Water resources: The public will lose access to the fisheries and wetland resources along the lower Sweetgrass Creek. The FS must at minimum ensure that existing water resources or hydrological resources will not be put at risk in this trade.

Summary: The Forest Service [ldquo]East Crazy Inspiration Divide[rdquo] land exchange is incomplete on many levels. The most disturbing is that the FS has proposed giving up public access to Sweetgrass creek. There is much evidence it has been used by the public and maintained by the FS since at least the late 1800[rsquo]s, certainly the early 1900[rsquo]s. Abandoning this access would deprive the public of a long held right. In addition, it would create a legal precedent that will have a negative impact on public access not only in Montana but nationwide. The public cannot afford to lose these rights. Considering the scope of this overall project an EIS should be completed for this exchange. An EIS allows for project alternatives to be presented. It also provides for mitigation plans to be offered. The Crow people need to be fully consulted in the EA or EIS process to protect their long-held rights to this area. They should not have to rely on a verbal proposal for an easement to their sacred land. Especially when the landowner has a vested interest in this exchange. Verbal promises and assurances have proved a bane to Native Peoples many times in our history.

I worked for the Ashley NF for two years and the Gallatin National Forest for 13 years. During that time, I always found the FS was diligent at protecting public access rights and the cultural and natural resources under their domain. This proposed project makes me doubt now they are following this mission. The East Crazy Mountains are largely a roadless jewel unlike any other place in Montana. I am against the proposed East Crazy Inspiration Divide Land Exchange.