

Data Submitted (UTC 11): 12/22/2022 7:00:00 AM

First name: Elise

Last name: Otto

Organization:

Title:

Comments: RE: East Crazy Inspiration Divide Land Exchange #63115 Public Comment

To Whom It May Concern:

Greetings, thank you for the opportunity to comment on the Easy Crazy Inspiration Divide Land Exchange #63115. I am writing to oppose this exchange. In its current form, I believe this exchange does not provide the maximum public interest for two reasons:

1. Any exchange involving Egliese Peak and the Yellowstone Club should include improved public access in the vicinity of Big Sky or Bozeman. Improved access in the Crazies is not enough. In addition, the proposed collateral for the Yellowstone Club and Cross Harbor Capital Partners (CHCP) privileges private profit at the expense of public interest.

2. Without secured easements and public access and first right of purchasing refusal for nonprofits that can transfer private land in the Crazies into public hands on all exchanged lands in the East Crazies deal, the Forest Service leaves the Crazies vulnerable to rapid amenity development, similar to the Big Sky area's transformation following exchanges in the 1960s, 70s, and 90s. The proposed plan removes safeguards for public access both now and in the future.

I am a Montana State University graduate and social science researcher who studies property and labor dynamics in resort communities in the Intermountain West. My comments below draw two years of in-depth research on amenity development in Big Sky, MT.

Opposition to the Madison portion of the exchange: High-end real estate development in the Bozeman and Big Sky area has narrowed access to public lands. Wealthy landowners have cut off historic access across timber and agricultural lands. While land exchanges in the Bangtail, Gallatin, and Madison consolidated important resources and enhanced wildlife connectivity, they also removed existing access to public lands.

Our region's growing population and concurrent demand for recreation necessitate strategic investment by land management agencies in access to public lands. In this case, for the USFS, the public value of this exchange rests on new access in Big Sky or Bozeman. The YC's continued interest in owning land on Egliese Peak presents a unique opportunity to improve public access within the area. The Yellowstone Club, Cross Harbor

Capital Partners (CHCP) and their subsidiaries and partners own multiple areas where easements or exchanges could create new access points in the vicinity of Yellowstone Club or Moonlight Basin. Any exchange should provide something of equal value to the public—a new public land access point, NOT simply land that already has a public access easement.

In addition, the YC project has profited from a significant loss of public access via initial exchanges executed by Tim Blixseth, which eliminated access on the South Fork of the West Fork of the Gallatin, along Jack Creek Road, and in the Bangtail. However, we cannot allow continued profit at public expense. The Forest Service and the public will not have another opportunity like this in our lifetime. We cannot waste it on the Inspiration Divide land where public access is already assured through easement.

Opposition to the Crazies portion of the exchange without easements for access on exchanged land. Big Sky and the surrounding private clubs provide a historical example of how land exchanges can shape a landscape and drive regional economic change relevant to the future of the Crazies. Big Sky is characterized by two periods of land exchanges: The first set of exchanges was the 1960s and 70s between the Forest Service and Burlington Railroad. Burlington and its partners in Big Sky Inc. consolidated land to develop Big Sky resort and the Meadow Village. A second set of exchanges occurred in the 1990s between Big Sky Timber and the US Forest Service. YC co-founder Tim Blixseth acquired land to build the Yellowstone Club and sold other holdings to Spanish Peaks Mountain Club and Moonlight Basin developers.

During the initial set of exchanges in the 1970s, the public and FS representatives weighed the opportunity to consolidate wildlife corridors with the potential of industrial amenity development in the valley and headwaters to the West Fork of the Gallatin River. Big Sky Inc.'s Master Plan promised that "Big Sky will develop no more than a fraction (60/1920) of (the exchanged) acres" and that "every attempt shall be made to preserve and protect the environment indigenous to the area. Disturbance, destruction or damage to all plant life, all animal life and their natural habitats, streams, ponds, springs, underground aquifers, soils and rocks is strictly forbidden except where absolutely necessary" [1]

While tradeoffs between conservation and development are inherent to any planning process, we should not expect corporate promises to be kept. Almost all the exchanged land obtained by Big Sky Inc. is now developed, and while that development project brought recreational and economic benefits for some, it has come at the cost of considerable environmental harm—take, for example, the continued sewage effluent outputs into the Gallatin River. [2]

Once public land is private, landowners and corporations have no legal obligation to assurances proposed in the exchange process unless they are sealed in an easement. One commenter on the 1971 exchange proposal, Franklin D. Culver astutely noted, "(The FS) cannot guarantee the management policy on the selected lands once they are placed in private ownership." [3] Today this remains true for the Crazies as well.

Let's take a moment to imagine one possible future of the Crazies. Indeed the connections between the Big Sky area and the Crazies go well beyond the Yellowstone Clubs' special interest in brokering an exchange there: David Leuschen, Yellowstone Club member and a partner in Big Sky Investment Holdings, which is "the major owner of real estate within the four mountain ski area complex of Big Sky, Moonlight Basin, Spanish Peaks, and the Yellowstone Club" has significant holdings within the Crazies including Crazy Peak where he has built up infrastructure for a personal Heli skiing operation. [4] It is relevant here to recall that the YC also allegedly began as Tim Blixseth's private skiing operation. Though CHCP initially reported that their stake in the exchange was for ski terrain in the Madison, their growing presence as property owners in the Crazies is hard to ignore. In 2021, CHCP purchased the Marlboro Ranch as a "conservation property" currently run as the Crazy Ranch, a members-only guest ranch complete with golf and tennis courts. It seems reasonable that CHCP will seek a separate property to develop real estate. Without easements, there is no guarantee that there won't be luxury amenity developments on exchanged land soon.

In this imagined future, it is hard to blame CHCP for the future of the Crazies. They are a company accountable to its shareholders-including pension funds and college endowments-and private land in the Crazies is an obvious opportunity. Though some level of 'conservation' will undoubtedly be part of that opportunity, so will exclusivity. The responsibility for the Crazies and the future lies with the public. We get the laws, bureaucrats, and government that we deserve. If we want a public future for the Crazies the first step is to say no to this exchange without easements-we shouldn't leave it to anyone else.

While some Montanans see luxury amenity development as necessary to conserve open land within this spectacular state, my two years of research on Big Sky laborers' experiences have led me to think otherwise. Amenity development comes with significant environmental and social costs. Construction and amenities for luxury developments have extremely high labor needs for relatively few tourists. Furthermore, these projects drive high land prices, and construction costs drive an economy where laborers can only find housing provided by their employers. Construction and labor regimes for luxury properties are also characterized by high environmental and infrastructure costs where workers and materials drive long distances on public roads to build giant houses that will be empty all but two weeks a year. This development pattern's environmental, social, and public costs are numerous. The Crazies and Montanans deserve better than luxury amenity development and the actual social and environmental costs it entails.

It is tempting to focus on what is gained in a land exchange scenario like this. However, I urge the USFS to consider also what might be lost. The lands in question, the parcels in the Crazies and the Madisons, and indeed all of the lands in Montana, were Indigenous lands, unlawfully seized by the US government and checkerboarded into tracts for homesteaders and railroads. This exchange sets in motion a set of conditions that will forever shape this region. It will determine if these lands can be a place of reconciliation and healing or will be closed off as a "prize" to the wealthiest. We have a responsibility to fight for each centimeter of dirt in the Crazies. Without easements, without the first right of purchasing refusal for nonprofits that can transfer private land in the Crazies into public hands, we are not fighting hard enough.

Sincerely,

Elise Otto

[1] Gallatin National Forest (N.F.), land exchanges: environmental impact statement. (1971). Excerpts from the Big Sky Master Plan (p. 204) and from the original Meadow Covenants (pg. 236).

[2] Ring, Ray (1997) Big Sky, Big Mess. High Country News.

[3] Gallatin National Forest (N.F.), land exchanges: environmental impact statement. (1971). Comments by Franklin Culver. (p. 258).

[4]<https://www.david-leuschen.com/>

Eggert, A (2021). The Crazy Mountains' next act. Montana Free Press. Reprinted in the Bozeman Daily Chronicle. https://www.bozemandailychronicle.com/townnews/commerce/the-crazy-mountains-next-act/article_edd276e5-4276-5214-ad42-2f846e73d21f.html