

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

First name: Shawn

Last name: Tripp

Organization:

Title:

Comments: I am opposed to the Preliminary Environmental Assessment for the East Crazy Inspiration Divide Land Exchange and ask that you select Alternative A, No Action. I ask that the FS deny this proposal which would negatively impact our public lands, public access, and the publics opportunities.

12/23/2022

Custer Gallatin National Forest

Supervisor Mary Erickson and Staff

Mrs. Erickson:

My personal response to the Preliminary Environmental Assessment for the East Crazy Inspiration Divide Land Exchange.

This proposal and process has created more questions than answers as you will notice in my response.

Beginning comments:

I dislike the fact that two separate land areas or mountain ranges are combined in this proposal. Mixing of two mountain ranges and the complex issues within has clouded or rather harmed this proposal.

I do not believe that blocking up a few sections between Sweet Grass Creek and Big Timber Creek warrants proceeding with this trade. The reason for a trade is to provide additional access and yet I see this proposal as limiting access. No new access points would be obtained under this PEA. For this reason alone, I ask that you opt for no action.

I oppose this based on the many omissions, lack of transparency and that the trade is not equitable. I also would like to know what the FS knows about these issues. Knowing what the various disciplines, agency solicitors and US Attorney[rsquo]s Office has said would be a great asset to those making comments.

With the purchase of the Marlboro [ndash] Crazy Mountain Ranch by the Big Sky groups I suspect the FS will seeing another request for exchanging lands in the southern portions of the Crazy[rsquo]s. Helicopters are already being used to access areas that the normal forest user cannot. I was told the other night that the new owners of the Crazy Mtn Ranch have already drafted plans for a ski run up the south end of the Crazies near South Rock. Is that the use we want within the Crazy Mountains?

I ask, [ldquo]why pay for the cow when you are currently getting the milk free?[rdquo]

#### Access -Travel Plan:

The PEA violates the current Travel Plan by creating a net loss to public recreation opportunities and a reduction of existing public access points to the Crazies. The Big Sky area will lose access to areas for snowmobiling and other activities. Again, it seems that more lands are being closed to motorized sports.

The PEA further eliminates existing hunting and fishing opportunities, and overall alters the nature and scope of existing recreational opportunities in the Sweet Grass drainage.

The possibility of relinquishing three (3) historically used public access trails and four (4) administrative roads to private ownership; this directly violates current Travel Plan objectives.

If one looks on the historical maps, they can clearly see that the trails existed at the entire base of this island mountain range. Over time these trails were not funded or maintained due to lack of adequate budgets. True wilderness trails won out. The lack of funding and poor management decisions over time created these issues.

As I understand it the FS will soon be investing, separate from this PEA, a larger trailhead at Big Timber Canyon and Halfmoon Campground. That parking area is not adequate and will be a challenge to keep maintained due to the slope, the continued erosion and for the traffic that currently exists. Adding an additional 22-mile trail will in my opinion result in conflicts and provide for poor visitor experiences.

#### Prior Bad Acts:

The Project sets a dangerous precedent by reinforcing and rewarding the negative and anti-public behavior of the landowners involved.

The PEA would set a terrible precedent and is poor public policy. Encouraging private landowners to stand their ground in obstructing legal public access until the FS acquiesces to their demands is dangerous to all members of the public and all public federal land, particularly in Montana.

It is troubling to me that some landowners bordering public lands enter onto and violate the agencies regulations such as travel management but will not allow your employees to pass through private to manage public.

Federal, state and county agencies should be promoting the enforcement of their own rights, rules, and regulations, rather than capitulating to parties who are undermining the public[rsquo]s rights. To that end I have witnessed firsthand how those that have personal, financial, and family ties to this issue act without integrity.

The FS needs to provide proper training and accountability to its District Rangers. Over the years the Big Timber Rangers have made back-office deals and handshake agreements which affect daily operations. These past employees should have been held accountable and the discrepancies and records aligned per policy when discovered.

Time marches on and on. Program of work challenges, limited staffing and their workloads has had a negative result on these access and maintenance related issues.

#### Claims:

Under this PEA the public forever loses rightful claim up Sweet Grass Creek Road and Trail #122.

Records within the Park and Sweet Grass County Clerk and Records Office, US Forest Service Offices, and other offices such as the Montana State Library show that the FS, counties, and contractors have spent monies on what is now called Rein Lane or Sweet Grass. Commercial logging has occurred in the past and present. Schools existed. One of the biggest commercial uses on the road is past and present-day operation of the dude ranch. And recreation pursuits have been ongoing for decades prior to Montana's adverse recreation laws.

The road up into Sweet Grass Creek has been used for decades by those who own property within the drainage. That includes five landowners. Playing devil's advocate. What are the arraignments between those landowners? And why did Ralph Cosgriff insist that the road was a public road? Were there any court actions involving Cosgriff and the other road users?

In addition, Sweet Grass County has received funding for the road through fuel gas tax both state and federal. In fact, in 2019 a legislative bill was introduced by Senator Esp to stop fuel collections. Sweet Grass County Commission wrote a letter in support of that 2019 Bill to stop those collections on Rein Lane. I do not know the outcome of the Bill but believe the collection of fuel tax for Rein Lane continues due to the Federal tax portion. If in fact the fuel tax is still being collected, then I would be led to believe that Rein Lane is a public roadway. What does the FS know about this?

I believe a former FS employee has acquired all those documents. I noticed that Kathryn QannaYahu Kern has included those documents in her comments and well as MT Backcountry Hunter and Anglers.

The current Travel Plan designated the Sweet Grass Trail No. 122 as a public, non-motorized and non-mechanized trail. It is currently managed from the west to T. 4 N., R. 12 E., Section 8, as a Trail Class 3 trail for foot and stock use. The FS determined that the access to the area was [ldquo]inadequate[rddquo] and thus, included in its Travel Plan the need and desire to [ldquo]Perfect trail access across private in-holdings within Sweet Grass[hellip][rddquo]

The PEA, however, ignores the goals set forth in the Travel Plan and does not reserve Sweet Grass Trail No. 122 for administrative or public use. This is in direct conflict with Forest Services' own objectives and would forever relinquish a public access point in the Crazy Mountains.

The public trades low-lying and highly productive and diverse wildlife habitat for steeper and higher elevation rock and ice. Particularly for elk hunters, this is concerning because of the reduction in quality elk hunting opportunities this will create.

Incidentally, Carol Van Cleve Kirby of the Lazy K Bar (1947 [ndash] 2021) Dude Ranch up the main Big Timber Canyon explain to me personally that the East Side Connector trail was used by all and a FS trail. Carol was a huge proponent for access in her later years but more for teaching her guests about the great mountain she lived in. Carol and her brother we wonderful salt of the earth folks.

#### Easements

It relies on public benefits which it does not provide, and therefore cannot consider as a part of the Project proposal because those benefits are not guaranteed.

The PEA claims non-federal parties will construct the new trail, make the trailhead, and provide parking lot improvements. No contracts between federal and non-federal parties have been disclosed to the public for review within the PEA.

The PEA claims non-federal parties will provide access to Crazy Peak to the Crow Nation, allow access across private lands, and consider conservation easements on lands received in the exchange. These agreements do not include the federal party involved in the exchange and therefore are misleading and cannot be considered by the public as an additive value resulting from the exchange. There are no guarantees this agreement can be trusted/guaranteed or enforced, rendering their benefits inappropriate to include in the PEA.

I have asked myself why the FS is walking away from prescriptive easements. I am told that one third of the trails within our National Forest System lands are subject to loss by not using prescriptive easements. 1/3 of the FS trail system lacks complete access. Access that needs to be contested and ruled upon by a U.S. District Judge instead of walking away from prescriptive easements issues. Please complete your trust duties by standing up to those who lock gates and deny access.

MTBHA - In its PEA, Service incorrectly asserts it currently holds no recorded access to portions of the Sweet Grass Trail No. 122 in Sections 2, 7 and 9, T4N, R12E. PEA at 28. This however is disputed by old railway deeds conveying title to private landowners in the early 1900s that expressly reserved [ldquo]an easement in the public for any public roads heretofore laid out or established, and now existing over and across any part of the premises.[rdquo]

This incorrect assumption underlies the agency[rsquo]s position that that the Proposed Action will ameliorate its purpose and need to secure [ldquo]perpetual public access[rdquo] in the Crazyes.

When the Northern Pacific Railway transferred title, the deed expressly reserved [ldquo]an easement in the public[rdquo] for [ldquo]any public roads heretofore laid out or established, and now existing over and across any part of the premises.[rdquo] The reference to [ldquo]public roads[rdquo] in the Northern Pacific Railway grant refers to public rights-of-way that existed in those sections at the time the conveyance was made. Sweet Grass Trail No. 122 (or Sweet Grass Road No. 199) and East Trunk Trail were public rights-of-way that existed at the time the Northern Pacific Railway conveyance was made. This fact has been acknowledged in their own April 8, 2021, Briefing Paper on the Crazy Mountains East Trunk Trail.

Moreover, the existence and validity of the deeded public easements was addressed in a 1948 federal case where the United States sued the Van Cleve Company for interfering with their public right away through their property in Sections 1, 2, 3, and 5 in T4N, R12 E in Sweet Grass County. See U.S. v. Paul L. Van Cleve, et al; see Ex E. In this matter, the United States argued that the dedicated public highway by way of the Norther Pacific Railroad Company deed granted the government a [ldquo]special right, title and interest in the highway and trail all parts thereof[hellip]amounting to an easement and right-of -way[rdquo] for the general public[rsquo]s use. Ex. E at 3.

The parties entered into a settlement agreement by which an easement and road right of way was conveyed to the United State under deed dated December 10, 1953, recorded in the Book 44 of Deeds page 5 in the office of County Clerk and Recorder in Sweet Grass County, Montana. The government[rsquo]s argument in this case highlights the Service[rsquo]s misguided contention that they have no recorded easement, as well as illuminates a new nefarious position on being managers of public land.

Despite these recorded instruments, Service maintains it holds no recorded easements. Service has previously acknowledged the existence of these reserved rights and have been provided these documents in previous litigation. See Exhibit E. Service must consider these existing deeded public right-aways in its analysis, as the existence of the recorded public easement severely undermines the purpose and need of the Proposed Action. Service[rsquo]s reluctance to exploring all their options as a part of the requisite alternatives analysis for ensuring historic public access is troublesome and violates NEPA. Service must consider the existence of these recorded

easements in its final environmental analysis. To ignore the potential of legal recorded public rights belies the

ownership interests of the public.

#### Grazing Permits:

Those who graze public lands only pay a meager \$1.35 per cow calf per month (AUM) on FS and BLM. \$13.16 per AUM on DNRC. Private leases go up past \$24.00. That right there is the fleecing of America.

The lower elevation lands have trees, streams, timber, grazing, great wildlife habitat, hunting, etc.

I know the value of public land grazing having grazed on Bureau of Land Management lands. Trading deeds is not the same as having a permit to graze and this prevents future public grazing opportunities to other livestock producers in the future.

While I don't believe trust obligations are met with an AUM of \$1.35. However, I do believe we should be making money instead of blocking up mountain peaks and giving lush grazing meadow away.

#### Litigation:

The FS has found itself being sued over their actions involving the Crazy's and elsewhere. There is a cost to doing business at every turn. What might the cost of litigation with respect to the prescriptive easement issues on the existing trail system be versus the cost of any future suit involving this trade?

Clearly this PEA is not popular as outlined by several. One only needs to look at the submitted comments.

#### Land values:

The PEA is faulty because it does not disclose the monetary value of land exchanged. Federal Land Policy and Management Act (FLPMA) requires that the value of exchanged lands be equal, adjusted for any difference in value by cash equalization payments up to 25% of the value of the Federal lands to be disposed. The PEA omits public disclosure of land valuation exchanged. And again, I do not believe this proposal is equitable and certainly is not transparent.

What is the appraised value of a section on the upper half which is made of rock and ice?

What is the appraised value for a section in the lower half which is made of harvestable timber and grazing opportunities?

What is the value of the Smelter Lake section versus a section of Sweet Grass Creek?

#### Landowners:

I would be doing everything to have an exchange happen if I were one of these landowners. I support their attempt to achieve an exchange but not the way this PEA is written.

I am no longer a landowner or involved in private property management. I have however experienced similar issues on our families' ranches and in my thirty years of law enforcement within city, county, and state and federal natural resource law enforcement work.

I have studied this exchange, to the extent possible, and feel it is unjust to the citizens of our country and is not in

line with the agency's mission and trust obligations.

It should also point out that this mountain range belongs to all Americans not just some of the locals within the county. Is this proposal supported by everyone of the landowners within the surrounding boundary? After reading the comments on this PEA it does not.

I am concerned that the additional recreational use will also negatively affect the current relationship with an existing landowner within the Big Timber Canyon and possibly his private property values.

Minerals:

Tenets of mineral law observe a general rule of mineral estate dominance, meaning one of these foundational rights to mineral ownership is the right to enter upon the surface of the property and make any use of it that is reasonably required for enjoyment of the mineral estate. Simply put, mineral rights supersede surface rights, and that makes it very difficult to stop mineral exploration and development.

In this exchange, 100% of the federally owned mineral rights would be transferred to the non-federal parties, and only 18% of non-federal mineral rights would be transferred to federal ownership in return. This would lead to a significant imbalance of monetary value and property rights, with the public getting the short end of the stick on both. This is totally unacceptable to me, and I am left wondering how both parties allowed it into this PEA.

The law in Montana is clear in relation to the dominance of the mineral estate. Thus, it is not unreasonable to assume that the unknown and unanalyzed severed owners of these claims may decide to assert these valuable rights in the future. At that time, under Montana law, those owners would have the ability to disrupt the surface by building roads, cutting down trees, diverting water, and using all legal means they choose to develop their mineral rights. As a past surface and current mineral right holder I have seen this occur firsthand.

And again, the average citizen doesn't know what minerals might be present and therefore may have not commented. The area is also considered roadless however there was mining, and the old roads still exist.

Native American:

I have heard that the Native American Self Determination Act would allow the tribes to take over management of the Crazy Mtns. And like the National Bison Range they could receive management or even ownership. The tribes only need to assert their respective rights under Treat and Federal law.

Ask yourself how the native Americans used this area. Evidence shows they camp at the base and existed there. Camps did and do not exist on rock and ice peaks due to the harsh environment. Yes, vision quests were on top of the rock and ice but only for short periods.

The real use by everyone throughout history is at the lower elevations. Several sites exist within Sweet Grass Creek drainage. What other archeological sites and prehistorical sites are present? Are you willing to trade those away? Federal law regarding tribes was not mentioned in this PEA. Can you further explain the laws to the public?

I would love to see the ownership of the mountain range explain in full detail.

Noxious Weeds:

Under Montana law the seller must disclose any noxious weed infestations. Of the sections that the FS would receive what are the weeds that exist and to what extent? Is there any documentation of either party's

noxious weed infestations? With any new soil disturbance, such as the proposed 22-mile section, comes the possibility of noxious weed growth. One can clearly see that the FS does not control noxious weeds on current lands so how does the agency plan to prevent further spread with the additional use?

Purchase of private lands:

Why hasn't Pitman and Robertson money and other funds been explored to purchase lands from willing sellers? Same thing that benefited the public and Galt family on the northeast (Forest Lake) portions of the Crazies? I would rather see the purchase of lands than trading.

The Big Sky elites purchased the Marlboro Ranch located on the south end of the Crazies. The same folks that are propping this exchange up. Rumors are that they want more than just helo skiing in the Crazies. That means more acquisitions and less recreational value as a common person. I also fear that after a generation of family's progression and time marches on that the Sweet Grass or even other drainages could be sold for development. To stop that there would need to be conservation easements placed. No just restrictions for subdivisions but full conservation easements and guaranteed placements prior to the final transfer. And then who would enforce those private placed easements?

Having a by first right of refusal agreement in place for private lands would be a good measure but the reality is the government can't purchase lands without a considerable amount of time and support. Given today's political climate that isn't reality.

The dude ranch up Big Timber was offered up to the FS but was passed up. Mr. David Leuschen purchased the property. Hats off to Leuschen for his willingness to work with the public.

One other thing about private lands that share boundaries with public lands. One who enjoys the privilege of owning land next to public should by now understand that there will be conflicts, challenges, and enjoyment during the time they are the stewards of that land.

Trespassing - past and future:

What will the trespassing issues be with the new trail be where they pass by private? How is that different than the current East Side Trail? Well over a century has passed and the handshake agreements aren't being followed because they weren't put on paper and signed. Handshakes by forefathers mean nothing now.

The new trail would run mid slope to the Sweet Grass Creek. Mid slope does not allow for fishing, or any other water based recreational opportunities.

The landowners are charging over \$2000 to shoot an elk out of a hayfield located within a couple of miles from public lands. This new trail is being sold as access to elk. I don't believe it will assist in elk harvesting in the district which is over objective. The elk graze at lower elevation during hunting and shoulder / late season. Good for outfitting, bad for wildlife and sportsman who cannot afford the trespass fees. I see issues with length of stay periods and food storage too due to the remoteness and elevation change near the Halfmoon Trailhead and the 22-mile span.

I believe this proposal, if approved, will result in further commercialization of our wildlife resources, and continue to divide landowner and sportsmen.

The corner crossing civil lawsuits throughout our country have started. A simple Google search shows that cases already exist that have struck down criminal corner trespassing claims. While most state laws are silent on the matter the court cases do not prevent corner crossings when done properly.

When reviewing the proposed map changes, I noticed that there are some correction sections which could be used to move the proposed trail down into Sweet Grass Creek. Was this discussed and why wasn't it chosen?

Montana landowner status may be complex in some areas. There are several mapping applications available to recreational users. From Avenza, OnX and a host of others. It is a person's responsibility to know who they are trampling on. I don't agree with comments that support this exchange due to the necessary ease of recreating.

Note that I do not advocate or condone trespassing.

Railroad Grants:

Under the land grants to the railroads by Uncle Sam every other section was granted to the railroads. The Crazy Mountains were doubled in size due to the Cheyenne and Crow reservations formation. As you know this island mtn range was once Crow country and is covered by Treaty and Federal law.

Existing roads and trails at the time are considered access points. Having access to and thru public and private land to get to next public parcel is spelled out in the deeds to these lands. The intent by congress when the lands were granted shall be followed and is important in native American culture. And at this point is even more important today.

I did a simple Google search and found the following:

<https://www.emwh.org/public%20access/Crazy%20Mountains/Crazy%20Mountains%20Northern%20Pacific%20Railroad%20Grant%20Deeds.html> and  
<https://www.emwh.org/public%20access/Crazy%20Mountains/big%20timber%20legal.pdf>

The USFS, Montana State Library and SG / Park Counties have the records that prove their accessibility. Even if one only considers prescriptive easements. The language is in the deeds. Ask yourselves why these deeds aren't being brought forth, displayed, or explained.

I would like to see a response from the FS as to the deed language and how that affects the access within the Crazy Mountains and other checkerboarded public and private lands.

I would like to know to what extent the Crow Tribal Council has been involved in this process.

Timber Lands:

Does not disclose a valuation of timberlands in the exchange. Trading unharvested timber for rock and ice makes no sense.

Federal Land Policy and Management Act (FLPMA) requires that timberland values received by the public in an exchange are equal-to or higher-than that of the timberland values received by the non-federal party in the exchange.

The PEA omits public disclosure of timberland values exchanged and is in my mind misleading. Again, rock and ice for harvestable forest products?

Trail 136



Trail 136 is at a lower elevation where wildlife exists. An elevation that does not get the snow as quick as the up-elevation trail would. The trail was placed there a century ago due to the necessity to navigate around the mountain. It wasn't placed at higher elevations for several reasons.

A letter dated 10/02/2015 from Mary Erickson to Senator Diane's Office reads "The Forest Service is aware of this illegally blocked access point. Trail #136 is known as the East Trunk Trail (also historically referenced as Trail #115) and is designated as open to mountain bikes, hiking, stock, and cross-country shoeing uses in the 2006 Gallatin National Forest Travel Plan[ellip]. There have been two new access disputes on the Yellowstone Ranger District in the last two months alone. There have been upwards of ten disputed or lost access points on the district in the last decade."

U.S. Forest Service

Briefing Paper

National Forest System-Northern Region

Topic: Crazy Mountains access [ndash] East Trunk Trail No. 136 (also known as (aka) Trail No. 115)

Contact: Leanne Marten, Regional Forester

Phone: 406-329-3315

Email: [lmarten@fs.fed.us](mailto:lmarten@fs.fed.us)

Issue: East Trunk Trail No. 136 (aka Trail No. 115) travels through the northeast area of the Crazy Mountains on the Custer Gallatin National Forest (CGNF). The trail winds in and out of NF and private lands due to the checkerboard landownership pattern created by railroad grants. The historic trail was constructed by the Forest Service (FS) and connects two historic FS guard stations; it is shown on FS maps dating back to at least 1925.

The United States has not filed a Statement of Interest and the landowners have not filed a Quiet Title Action to clear any potential claimed interests of the United States.

Summary:

[bull]The Crazy Mountain Forest Reserve was established in 1906 and in 1908 became part of the Absaroka National Forest, and later, part of the CGNF.

[bull]The Crazy Mountain Range (Crazies), located in south-central Montana north of Livingston and west of Big Timber, Montana, consists of a checkerboard ownership of private and public lands, with limited points of public access.

[bull]The Northern Pacific Railroad was deeded the odd number sections in the Crazy Mountains .Northern Pacific Railroad conveyed their properties to private holders with the instrument ssubject to: "an easement in the public for any public roads heretofore laid out or established; and now existing over and across any part of said described land."

[bull]The FS has many historic roads and trails (often constructed by the FS) that cross private land and are used to access FS lands, for which the FS does not have deeded easements. FS and public use of such roads and trails to access FS lands relies, in most cases, on prescriptive rights. Requesting private landowner permission to utilize prescriptive rights may be viewed as a FS acknowledgment that such prescriptive rights do not exist[mdash]rather, that use is permissive[mdash]which could lead, under Montana law, to the loss of prescriptive rights. The public is the beneficiary of such access rights, and the FS has a duty to serve the public interest.

[bull]In 2016, an internal email from the Yellowstone District Ranger informed his staff that landowner permission was not required before utilizing prescriptive access rights to certain trails in the Crazies. This message was intended to ensure that FS employees were aware that the Agency may have prescriptive rights-of-way to the trails in question. The email was shared outside the agency and published on a local group[rsquo]s Facebook page[mdash]it caused controversy and concern among some landowners and local and state elected officials.

[bull]A private landowner on the east side of the Crazies has asserted that the United States does not have prescriptive rights on the East Trunk Trail (known historically as Trail #115 or

Exhibit C

April 8, 2021

currently as Trail #136). In letters to the landowner, the FS has made clear its view that the FS retains a prescriptive easement on the trail, which is shown on FS maps and served as a connecting trail between two historic FS guard stations.

[bull] The FS, Department of Justice attorneys, the landowners (Hailstone Ranch) and their attorney have been meeting and discussing the disputed East Trunk Trail, in an attempt to seek a mutually agreeable resolution without litigation. Several options were discussed at an initial meeting on April 28, 2017 including potential land exchange, purchase, reciprocal right-of way easements, and a possible re-route of the East Trunk Trail. We believe this process holds promise and we intend further meetings.

[bull] Last fall, a private citizen was cited in Sweet Grass County, Montana for criminal trespass while traversing the disputed East Trunk Trail. The Forest Service was not a party in the case.

[bull] The private citizen[rsquo]s attorney served Subpoenas Duces Tecum on Forest Supervisor Mary Erickson, District Ranger Alex Sienkiewicz, and a Forest Service Law Enforcement Officer, each seeking FS records related to the case. In accordance with the USDA Touhy regulations, 7 C.F.R. 1.215, these subpoenas were to be treated as Freedom of Information Act requests.

However, the private citizen's attorney subsequently informed the FS that the criminal complaint had been settled, and the subpoenas were deemed moot.

[bull] In addition, the FS is continuing the dialogue concerning access, in general, to the Crazies.

The FS is participating in a discussion group facilitated by a neutral party—which includes landowners, Crazy Mountain Stockgrowers, local pro-access interests, Rocky Mountain Elk Foundation, and the State of Montana's new access coordinator—to explore ways to address longstanding access issues in a manner that constructively addresses all interests. This group, or members of the group, have met three times. Pro-access interest groups had previously discussed mobilizing their members to re-establish perceived historic routes through private lands, but have since agreed not to pursue that effort, in part due to these meetings.

Planned Next Steps:

[bull] The FS will continue to attempt to resolve the access issues related to Trail #136 (aka #115) to the satisfaction of all involved.

[bull] The FS will continue working with landowners and others to discuss potential long term access configurations for the Crazy Mountains. A meeting is scheduled for July 18, 2017 at the Grand Hotel in Big Timber, Montana.

[bull] The CGNF and the Northern Regional Office have received multiple inquiries from private landowners, state elected officials, and organizations concerned about the Agency's approach to contested access facilities. The FS has great respect for private property and is committed to being a good neighbor to landowners, while maintaining access to NFS lands for itself and the public.

Clearly natural resource agencies have a difficult task in keeping roads and trails open in today's complicated world. Both by naïve landowners and lack of funding. I believe the trail system used some 120 plus years ago needs to be fought for. This trade only kicks the can down the road and does nothing for prescriptive easements.

Additionally had the past administrators conducted themselves properly we wouldn't be fighting for access onto our public lands now.

#### Water / Aquatic Resources / Wetlands:

The PEA is faulty because it does not disclose valuation of severed water rights. A reasonable appraisal would contain the value of water rights exchanged.

The PEA does not contain any publicly disclosed value of severed water rights from Federal to non-Federal parties. The PEA fails to analyze that the Project will result in habitat loss and degradation of the riparian zone along Sweet Grass Creek.

The FS is directed to regulate aquatic resources for the benefit of increased fishing opportunities. Here, the PEA does the exact opposite. The FS asserts there will be minor negative impact on stream fishing opportunity. This is disingenuous as there will be no net fish habitat improved or protected, or fishing opportunity gained, by federal ownership.

The PEA would create a net loss in federal riparian habitat. Executive Order 12962 directs FS to the extent permitted by law, where practicable, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. This PEA does the opposite.

The PEA is faulty because it violates Executive Order 12962 requiring a no-net-loss of wetlands in land exchange. The PEA estimates the total wetland value within the currently non-federal parcels to be 7.8 acres, with the total wetland acreage within the currently federal parcels to be 52.4 acres. This means that the Proposed Land Exchange would result in a significant loss of wetland acreage under federal control: a net loss of 44.6 acres to be specific.

The wetlands analysis has been done twice and in each case the public was found to be losing significant wetland acres.

#### Wildlife

Bull elk can be found in the high alpine lakes during the summer months. They hang out at higher elevations to escape insects. The main locations of elk are present at the lower elevations because that is where the forage is located. The PEA provides for several sections to be swamped out from Big Timber to Sweet Grass drainage properties. This is where the elk are located during the fall as well as on private properties. I don't believe this trade will do anything to assist in the ability to harvest elk due to the elevation changes of the new property lines.

In parcel number 7 located in the Big Timber Canyon just west of Leuschen buildings there is legal access to sections to the north or up hill into accessible hunting areas. Antler hunters have used this access for centuries. The new trail or reroute of the East Side trail theoretically could start from this location. It would cost less and be less invasive to the resources.

I also believe that the new 22-mile trail would have negative impacts on the habits of elk and other wildlife. The estimated one million dollars offered up for an easement up Sweet Grass, but which was refused and then to build the 22-mile trail by the Big Sky elites could be better spent on establishing a reroute on the East Side Trail

that currently exists.

I am interested to see what the Montana Fish Wildlife and Parks and their sister agency the US Fish Wildlife Service has to say about the proposal.

Due to the habitat, I would expect wolverines and grizzly bears with the mountain range. Does the FS, USFWS or MFWP have evidence of these species, or any other threatened species are permeant?

Wilderness:

Look at the mountain look at the mountain from the top to the bottom. Which portion appeals to you and for what reasons? The Crazies have a few sections that were studied for wilderness and were not suggested for wilderness by the FS. We have enough WSAs that need placed in or released. I don't believe this mountain range meets the characteristic for wilderness and therefore the FS should not attempt to block up lands for that reason. Blocks of proposed WSA within a checkerboarded ownership is not ideal. One only need to look at the BLM's Missouri River Monument and the comments received within that designation.

As I expressed above the additional strain on the trailhead at Halfmoon will negatively effect visitor use experience and the owners of the in-holding.

Big Sky:

I hear over and over that the FS has taken away motorized access. In the Big Timber meeting a man stood up and explained that the parcel of land the skiers want was a valuable area that has been used to snowmobile and access other areas. Trails are for accessing terrain to snowmobile in. Snowmobilers want access to play areas such as bowls, meadows, and hills. They don't want simple trails to ride on. I see that Kerry White and the Yellowstone Club have some sort of agreement

Agency:

The USFS was created on the principle of managing the Nation's natural resources [ldquo]For the greatest good, for the greatest number, for the longest time.[rdquo] In the decades leading up to the 1905 founding of the Forest Service, rapid expansion in a Nation rich in natural resources was putting the sustainability of those resources at risk. The job of Forest Service employees in those days was clear[ndash]to provide quality water and timber for the Nation and protect

residents' access to forest resources.

Today, the job as employees is still to provide resources and protect access to them, but our country and our world have changed since 1905. America's population and the demand placed on its natural resources have grown. Forest and environmental science have evolved and become more robust and specific. Threats to natural resources[ndash]and our expertise in addressing them[ndash]have increased.

I submit that by not going after prescriptive easements the agency is not protecting our access.

Please see the following comments of which I support:

The Park County Rod and Gun Club dated 12/05/2022.

Andrew Posewitz on Sweet Grass Creek dated 11/22/2022.

Kathryn QannaYahu Kern -Enhancing Montana's Wildlife & Habitat, dated 12/20/2022.

Montana Chapter of Backcountry Hunters and Anglers dated 12/21/2022

Copied Materials:

I used, copied, and pasted information from the Montana Chapter of Backcountry Hunters and Anglers dated 12/21/2022

I was raised in Harlowton and have worked in central Montana throughout my life. Thus, I have recreated and or worked with in and around the Crazy[rsquo]s. I do support land exchanges involving public lands in general. The bottom line for me is that the public cannot lose what I believe to be our legal access to Sweet Grass drainage.

This document is my opinion and clearly one can see that I am passionate about public lands. My comments are not meant to cast stones but rather to point out on going issues and my thoughts on this PEA.

I support Alternative A, No Action, and ask that the FS deny this proposal which would negatively impact our public lands, public access, and public opportunities.

I believe and my position is that the Sweetgrass Trail is a vital public access point and that the road which has historically provided access through the drainage, specifically in Sections 7, 8, and 10 to the border of the National Forest.

I trust that this proposal will be shut down and this will be the end of the possibility of losing further access points. Please don[rsquo]t keep bringing proposals up just like the schools do when they don[rsquo]t get their way on mill increases.

Thank you for your time and consideration.