

Data Submitted (UTC 11): 12/24/2022 1:20:23 AM

First name: Sheila

Last name: Royston

Organization:

Title:

Comments:

ATTN: Forest Supervisor Mary Erickson

P.O. Box 130

Bozeman, MT 59771-0130

Dear Forest Supervisor:

I live in Park County, Wilsall, Montana. For the past 20 years, I have sought solitude, gathered firewood, camped, day hiked, and backpacked throughout the Crazy Mountains.

My comment is in support of Alternative A - No Action. The public has a right to access each of these trails.

Preliminary Statement:

By combining the scoping process and commenting on the Preliminary Environmental Assessment (PEA), the Forest Service effectively eliminated the public from having input into the PEA itself. This contrived decision causes harm to the public and expedites the review process to the advantage of the non-Federal party.

Litigation:

I also identify as a supporter of Friends of the Crazy Mountains, one of four plaintiffs in a federal lawsuit known as Friends of the Crazy Mountains, a public land organization, et al. vs. Mary Erickson, in her official capacity as Forest Supervisor for the Custer Gallatin National Forest, et al. The case is currently before the U.S. Court of Appeals for the Ninth Circuit.

Measurable progress (good and bad) in the Crazy Mountains made by the Forest Service correlates with the above action filed by plaintiffs Friends of the Crazy Mountains, Montana Chapter of Backcountry Hunters and Anglers, Enhancing Montana's Wildlife and Habitat, and Skyline Sportsmen's Association. After this coalition sued in May 2019 against the Forest Service for failing to protect and defend public access rights in the Crazies, the agency's conduct changed and it took action.

By way of example: Sept. 2019, Forest Service relinquishes easement interests on west-side; Oct. 2019, Forest Service releases south-side land exchange for public scoping; Sept. 2020, Forest Service announces new easement crossing on northeast-side; and July 2021, Colorado-based Western Land Group submits east-side proposal to the Forest Service. This timeline implies the public interest litigation prompted the Forest Service, and other required parties, to seek resolution before the federal court ruled on the merits of the lawsuit. After years of "negotiation" and "collaboration", it was litigation that moved, and continues to move, the needle.

In 2018, the Forest Service out granted its access responsibilities in the Crazy Mountains to the Yellowstone Club. See: PEA pg. 6. In 2019, Plaintiffs sent a letter to the Forest Service requesting a meeting that steps be taken to address/ restore public access, and of Plaintiffs' intent to sue should the Forest Service fail to take steps to resolve these important issues. The Forest Service declined all of Plaintiffs' requests. See attached: February 2019 WELC Notice of intent to sue.

Appeal:

Notably absent from the PEA is disclosure of Plaintiffs appealing a federal district court judge's decision over public access rights in the Crazy Mountains, including the East Trunk and Sweet Grass trails. I would like to see the Forest Service take no action on the East Crazy Inspiration Divide Land Exchange until the Ninth Circuit has ruled. The matter is currently set to be fully briefed by March 27, 2023.

PEA:

I join Friends of the Crazy Mountains, Montana Chapter of Backcountry Hunters and Anglers, Enhancing Montana's Wildlife and Habitat, and Skyline Sportsmen's Association in rejection of this proposed land exchange. My comment is supported by the submitted comments (and exhibits) of this coalition, now of record with the Forest Service, which are incorporated herein by this reference.

OTHER ISSUES

Clarification needed on when proposal first became public:

PEA pg. 6, para. 8 states: "Four landowners in the east side Crazy Mountains and YC, collectively represented by WLG, submitted the "East Crazy Mountains and Inspiration Divide Public Access Improvement" land exchange proposal to the Forest and the public in July 2020." This paragraph is not accurate. The proposal became public on March 4, 2020 when it was submitted to the Sweet Grass County Commission. See attached: Sweet Grass County scheduled agenda March 2-6, 2020. On March 9, 2020, the Sweet Grass County Commission signed and approved letter of support for the East Crazy Mountain Land Exchange. See attached: Sweet Grass County scheduled agenda March 9-13, 2020. The Sweet Grass County Commission received the proposal in advance of the Forest Service.

Tribal Access to Crazy Peak:

By making tribal access to Crazy Peak contingent upon this exchange being finalized, it forces Crow Nation to abandon its position on how it would like the Crazy Mountains to be managed. In part, from the from June 5, 2019 Crow Tribal Historic Preservation Office formal comment on the forest plan revision:

"That's why we're asking the Forest Service to not expand mechanized and motorized travel in the Crazies. We are also asking the agency to not allow mining, the building of any new roads, construction of any new energy or utility corridors, or development of any new recreation sites or facilities."

As regards to placing Section 7 in a conservation easement to the Montana Land Reliance (MLR), it's noteworthy that Switchback Ranch's owner is on the MLR Board of Directors. Also, according to a recent article in Outdoor Life about this exchange; Switchback Ranch's owner is a member of the Yellowstone Club, the group that provides financial backing for Crazy Mountain Access Project (CMAP), and would pay for the trail reroute. Further, Western Skies Strategies CEO, who helped negotiate/promote this land exchange (although not disclosed in the PEA), is one of two land exchange consultants who coordinate the efforts of CMAP. This CEO is a member of MLR's Future Montana Committee.

Federal Advisory Committee Act:

There are two groups who have contributed to confusion and public mistrust and have entangled themselves with the Forest Service; namely, Crazy Mountain Working Group (CMWG) and Crazy Mountain Access Project (CMAP). What strikes me as odd, however, is there is no mention of either group in the PEA. Additionally, a federal court doesn't recognize either group as being involved in Crazies access issues.

By way of example:

See attached: 2019 Guest Column - Let's be honest about who's at fault in Crazy Mountain trail troubles; and 2022 LTE - A closer look needed at judge's preliminary ruling on Crazy access.

October 2021, CMWG held a ribbon-cutting ceremony to publicize the west-side reroute. Did CMWG do this at the behest of the Forest Service?

December 2022, this paragraph in an Outdoor Life article about the exchange caught my attention:

"While hunter access organizations continue fighting for the Sweet Grass and East Trunk trails, John Salazar and Erica Lighthiser have made one thing crystal clear: CMAP and the Forest Service want to hear from the public."

Does this mean the public can submit comments to both CMAP and the Forest Service?

I would like to see the Forest Service clarify the role of these groups, both appearing to be "advisory committees" to the Forest Service.

Bait and switch:

Forestation, which designed the proposed East Side trail between Halfmoon Campground (Big Timber Creek) and Sweet Grass Creek, is known for its world-class public hiking and mountain biking trails. While its design criteria states "bicycles are not a designed use", its engineered to be a mountain bike trail. Similar to the west-side reroute, which was primarily promoted as a hiker/pedestrian and pack and saddle trail, this extract from the Declaration of one of the Plaintiffs in the appeal, may be a harbinger of things to come on the east side. See attached: Declaration of Kathryn QannaYahu Kern, pg. 16, para. 18.

Thank you for your consideration.

Respectfully submitted,

Sheila Royston