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FILED VIA ELECTRONIC SUBMISSION

November 9, 2023

Objection Reviewing Officer

USDA Forest Service / Northern Region

26 Fort Missoula Road

Missoula, MT 59804

Subject: ECID Project Objection

Dear Reviewing Officer:

The name of the project being objected to is the East Crazy Inspiration Divide Land Exchange; the name of the responsible official is Mary Erickson; and the project is located in the Custer Gallatin National Forest in both the Yellowstone and Bozeman Ranger Districts.

In response to the combined scoping/Preliminary Environmental Assessment comment period, my prior specific written comments, and prior attachments, are incorporated herein by reference. My objection applies to the project as a whole because its development is inconsistent with the National Environmental Policy Act (NEPA) process, incorporated herein by reference.

ISSUE 1: The public was deceived by groups masquerading as Federal Advisory Committees which convoluted the NEPA process.

In my prior specific comment (pages 2-3, Federal Advisory Committee Act), I asked the Forest Service to clarify the roles of the Crazy Mountain Working Group (CMWG) and the Crazy Mountain Access Project (CMAP). The Forest Service provided that clarification in its September 2023 Comment Consideration and Response project document incorporated herein by reference. On page 2, the Forest Service states, in part: "The proposal did not come from the Crazy Mountain Working Group nor the Crazy Mountain Access Project." Further, the Forest Service asserts neither group advise on or make recommendations to the Agency, including this project.

The foregoing Forest Service clarifications call into question prior CMWG and CMAP news releases and other statewide reporting done on Crazy Mountain access issues which the public relied upon in good faith. Specific examples of how these groups convoluted the NEPA process and deceived the public by entangling themselves with the Forest Service are given below. See also prior attachments JB Guest Column 08.02.2019 and SR Letter to Editor 03.31.2022, incorporated herein by reference.

To resolve this issue, the Forest Service must take a long hard look at these groups to determine if they do more harm than good. By way of example, CMWG takes credit for the west side trail reroute proposal yet when the Forest Service and landowners got sued over it, CMWG did not intervene in the lawsuit nor file an amicus brief in the appeal which was heard on Oct. 17, 2023 (Friends of the Crazy Mountains v. Mary Erickson, Case 22-35555). CMWG's avoidance of accountability has led to public mistrust of the group.

ISSUE 2: As the lead agency, the Forest Service should have been the first to receive the proposal not the Sweet Grass County Commission. CMWG erroneously kicked off the public involvement process.

CMWG announced itself to the public in August 2017. "The Crazy Mountain Working Group includes a cross section of landowners, access advocates, nonprofits, and state and federal government representatives." See attached Article 1.

On March 4, 2020, a CMWG member submitted the land exchange proposal to the Sweet Grass County Commission and the details became public. See attached Article 2. On March 9, 2020, the Sweet Grass County Commission signed a letter of support for the East Crazy Mountain Land Exchange. See prior attachments March-2-6-2020-updated-4 and March-9-13-2020-updated-2, incorporated herein by reference. The local governmental decision-making process did not take into account the environmental consequences of the proposed land exchange because none were available. The public was also harmed by CMWG's presentation because the environmental effects were uncertain and the public was unable to provide meaningful comment. In my prior specific comment (page 2, Other Issues), I informed the Forest Service that clarification was needed on when the proposal first became public. The Forest Service did not provide a response.

As the lead agency, the Forest Service should have been the first to receive the proposal not the Sweet Grass County Commission. This is inconsistent with the NEPA process. What's also inconsistent is CMWG's involvement. See September 2023 Comment Consideration and Response, page 2.

To resolve this issue, the Forest Service must update 1.2 Background Section of the September 2023 Environmental Assessment, incorporated herein by reference, on when the proposal first became public. Additionally, the Forest Service must submit a FOIA request and obtain the minutes and audio recordings of the March 4 and March 9, 2020 Sweet Grass County Commission meetings to analyze and consider before making its final decision.

ISSUE 3: The Forest Service did not follow the NEPA process of analyzing all comments.

To confuse the public even further, a pop up group, CMAP, sent out a news release on July 9, 2020, announcing it had unveiled "details and next steps for a citizen-proposed land agreement". See attached Article 3. This is simply not true. Western Land Group (WLG), submitted the "East Crazy Mountains and Inspiration Divide Public Access Improvement" land exchange proposal to the Forest and the public in July 2020. See September 2023 Comment Consideration and Response, page 2. Then on July 10, 2020, the public was told: "The Yellowstone Club officially announced a final plan July 9, and the public has 30 days to provide comment." See attached Article 4. This is inconsistent with the NEPA process. The agency NEPA process is the process that should be considered by Forest Service to gauge public sentiment, not a public process initiated by an unknown group. Additionally, there was no legal notice of opportunity to comment.

Then on August 18, 2020, the public was told: "After receiving an influx of public comment, representatives for the exchange, also known as the Crazy Mountain Access Project, decided to extend the original public comment deadline of Aug. 7;" and "After all public comment is reviewed CMAP will present their proposal to the Forest Service and Montana's Congressional Delegation this fall." See attached Article 5. This is inconsistent with the NEPA process. I'm unaware of any law, regulation, or policy that allows CMAP to solicit and analyze public comment on behalf of the Forest Service. Also, CMAP never made the foregoing public comments available for public scrutiny.

In my prior specific comment (page 2, Federal Advisory Committee Act), I stated: "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)."

To resolve this issue, the Forest Service must obtain all public comments submitted to CMAP to analyze and consider before making its final decision, including those received in response to this call: "CMAP and the Forest Service want to hear from the public." See attached Article 6. In my prior specific comment (page 3, Federal Advisory Committee Act), I asked this question: Does this mean the public can submit comments to both CMAP and the Forest Service? The Forest Service did not provide a response.

ISSUE 4: The Forest Service withheld an independent Specialist Report from its project documents.

This issue arose after the opportunities for formal comment because the Specialist Reports, incorporated herein by reference, did not become available to the public until September 28, 2023, and I noticed it was missing. See attached Jan. 3, 2020 Forestation Narrative. In my prior specific comment (page 3, Bait and switch), however, I referenced Forestation which designed the proposed east side trail between Halfmoon Campground (Big Timber Creek) and Sweet Grass Creek. This report has never been made available to the public at large. While its design criteria states "bicycles are not a designed use", the various segment maps make it clear its engineered to be a mountain bike trail which reasonably could be a future consideration. This is important information for the public to see because of what happened to the Porcupine Ibex Trail. The west side trail reroute was initially promoted as a hiker/pedestrian and pack and saddle trail, but now its promoted primarily as a bike trail with a "Black Diamond" climb difficulty. See: <https://www.trailforks.com/trails/porcupineibex/>.

To resolve this issue, the Forest Service must update its Specialist Reports folder to include the Forestation Narrative.

ISSUE 5: The Forest Service does not have a current letter of support from the Crow Tribe.

This issue arose after the opportunities for formal comment because the September 19, 2023 Tribal Relations Report, incorporated herein by reference, did not become available to the public until September 28, 2023.

For this project, the Forest Service relies on a 2020 letter of support from the Crow Tribe submitted by then Chairman Alvin (Jr.) Not Afraid. See September 19, 2023 Tribal Relations Report, page 2. Shortly after his letter was submitted, Not Afraid was voted out of office, along with his entire executive branch. Not Afraid was replaced by Frank White Clay. Since 2020, this project has undergone several updates. As provided by Section 106 of the National Historic Preservation Act, incorporated herein by reference, the Forest Service has a legal and ongoing obligation to engage and consult with the current Executive Branch of the Apsáalooke Nation.

To resolve this issue, the Forest Service must engage and consult with Chairman Frank White Clay and obtain a current position statement.

Thank you for your consideration of my objections. I look forward to hearing from you.

Respectfully submitted,

Sheila Royston

Attachments:

Article 1 - Aug. 24, 2017 Great Falls Tribune

Article 2 - Mar. 24, 2020 Billings Gazette

Article 3 - Jul. 9, 2020 Crazy Mountain Access Project

Article 4 - Jul. 10, 2020 Explore Big Sky

Article 5 - Aug. 18, 2020 Explore Big Sky

Article 6 - Dec. 13, 2022 Outdoor Life

Jan. 30, 2020 Forestation Narrative of Proposed East Side Crazy Mountain Trail

