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Comments: The Draft Record of Decision addresses the Wild and Scenic rivers that have been proposed in the new plan. Under Wild and Scenic Rivers on page 27 the following statement is made: "The plan includes 30 eligible wild and scenic rivers totaling about 433 miles based on the eligibility study (appendix E of the plan.)"

Five of these rivers and creeks are located in Gallatin County. They include Cabin Creek, the Gallatin River, Hyalite Creek, Maid of the Mist Creek and Shower Creek. The classification of Wild and Scenic in a proposed Forest Plan would not have an adverse effect on the Forest Service's ability to manage lands if current management could continue until congress formally designated them as Wild and Scenic but in the case of the new Custer Gallatin Forest Plan the Forest Service will manage them as if they were formally designated.

The Gallatin County Commission recognized the danger of designating rivers and streams as Wild and Scenic in Gallatin County. A wild and scenic designation affects land management activities within a quarter mile buffer on each side of the river or stream measured from the high-water mark. The Wild and Scenic river and stream designations would affect forest management activity in a ½ mile wide corridor. The commission presented a letter to the Forest Service requesting NO wild and scenic rivers and streams be proposed in Gallatin County but Forest Supervisor Erickson ignored this request.

Forest Supervisor Erickson makes the following statement on page 28 regarding management of wild and Scenic rivers and streams they have identified. " Preliminary classifications are based on the development character of the river on the date of designation and dictate the level of interim protection measures to apply." In other words, the Forest Service is circumventing congress and their authority of reviewing these rivers and streams and making the determination whether or not to formally approve them for adoption. The Forest Service in the new Forest Plan is classifying them as appropriate for a Wild and Scenic designation and then taking the final step by managing them as Wild and Scenic as if congress took action and formally designated them as Wild and Scenic. This act by the Forest Service is beyond their authority and I request the objection review officer reject this over reach of authority.

Also alarming in the Draft Record of Decision on page 28 is this statement by Supervisor Erickson.

"However, wild, scenic, and recreational designations protect the water quality and free-flowing nature of rivers in non-Federal areas, something the Wilderness Act and other Federal designations cannot do." With the ½ mile buffer zone, ¼ mile on each side, these 30 wild and scenic classified rivers and streams in the proposed Forest Plan will have significant adverse effects on private property. It would seem by this statement that the Forest Service is looking for additional ways to control private property through designation of Wild and Scenic rivers and streams. I request all 30 rivers and streams proposed to be classified as Wild and Scenic in the Forest Plan be reviewed as to what private property would be affected by a wild and scenic classification. What effects would Wild and Scenic designation have on the private property located within the ½ mile corridor? Is management of these wild and scenic river and stream corridors, as if congress has formally designated them, proper for an agency to implement without congressional designation?

I request all affected private property owners be notified by mail of the proposed Wild and Scenic designation. Property owners must be informed as to what the impact to their property would be if the Forest Service is to designate and then manage these rivers and streams as Wild and Scenic. The Forest Service must ascertain whether these affected property owners would be in support or oppose this designation.

Active forest management and timber harvest activities are not allowed in Wild and Scenic corridors. Litigation has occurred against commercial timber harvest activities in Wild and Scenic corridors. Even the commercial

hauling of wood products through wild and scenic corridors have been litigated and stopped. Property owners engaged in timber harvest on their property to reduce fuel loads may be restricted or prohibited from completing these projects. The Gallatin County Commission was aware of these possible adverse effects on private property and raised this issue in their letter. The Gallatin River proposed to be classified and managed as Wild and Scenic is one river full of private property throughout the entire reach of the Gallatin Canyon from Gallatin Gateway to the Yellowstone Park line. I question whether this could be an attempt on the part of the Forest Service to gain control of private property through a Wild and Scenic classification. Private property being controlled by a federal agency without due process or just compensation could be considered ripe for a Takings Action.

I request the objection review officer take a hard look at this issue of wild and scenic management and reverse the Supervisor Erickson's decision to manage these rivers and streams as though they were formally designated by congress.