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Comments: I write to voice my objections to the proposed East Crazy Inspiration Divide Land Exchange. From my perspective the proposed land swap benefits the private parties involved to the detriment of the public.
First, the public trails into the Crazies have long existed on published USGS maps. By law they exist as public easements across private lands based on decades of use. Their public use has been in the past "open and notorious" and has only recently come under the objections of the private land holders. Their recent objection to public crossing or easement does not preempt the long established public rights of way. These trails serve as public access to public lands beyond the private holdings.
Additionally, blocking access to public ground is in my opinion unsettled law, despite decades of wealthy landholders presuming that this is their right. I believe the Forest Service should defend the public interests involved. I assume there are grazing allotments permitted by the east side ranchers, might a right to a grazing permit be positioned on the granting of easements? What about the government's power of eminent domain? Might this power be exercised to buy valuable public access? Might the Supreme Court's Leo Sheep decision be revisited under the view of an implied easement in the checkerboard situation? These are powers that the United States Forest Service holds, and, yet, from my perspective, fails to exercise in the public's interest.
Second, ceding public land that holds greater value to these private interests is not in the public interest. The lands proposed in this exchange in the upper elevations are steep and in most senses undevelopable. The private parties have determined that upper elevation helicopter skiing is not easily managed, though there are still rumors with regards to creating managed ski runs and private ski chalets on CMR parcels not part of the proposed swap.
The private inholdings proposed in the land swap will in all likelihood continue as unused open private space if the exchange is denied. While eliminating the checkerboard might appear to be a higher goal, the overall management of this steep mountainous terrain--in the Crazies--will not change significantly if the private parcels become public. In terms of the significant wildlife habitat represented by this terrain--Mountain Goat, Wolverine, perhaps Lynx, Grizzly Bears, Pika and other species, the private parcels have remained relatively untouched and I must assume they would remain so. Also, it seems worth mentioning that the new "public" ground, if the exchange were to be approved, would not supercede Federal Mining rights under the 1872 Hardrock Act. Ultimately the lands exchanged might possibly face the most destructive form of development regardless of the ownership.
Third, the lower elevation parcels that are currently publicly owned are of significant value to the private parties involved in the proposed land swap. As has been pointed out by numerous observers the low elevation terrain holds prime elk habitat and potential public hunting opportunities. One might argue that these parcels are not easily accessed or must be accessed by "corner hopping." The recent Federal decision in Wyoming suggests that the legality of corner hopping is an open question, or even that it is a legitimate means of accessing public sections. It seems that the proposed land swap runs against the greater public interest. The exchange of such valuable low elevation land cannot be undone, at least not easily.
Fourth, the land exchanged in the Madison Range holds public winter recreational opportunities--snow-machining and backcountry skiing. An exchange with the Yellowstone Club gives the most wealthy individuals in this country a public resource that would be henceforth be used for their own, very narrow, private enjoyment. It has been mentioned that the addition of terrain near Eglise Peak would add to the YC expert ski offerings. I could imagine an argument being made that few backcountry skiers and snow-mobilers use this terrain. One could also make the argument that few Yellowstone Club members ski expert terrain :)
I hope that the United States Forest Service steps up to its obligations to the significant public interests involved. A land swap as proposed gives up too much for too little.