

Data Submitted (UTC 11): 12/16/2022 8:55:52 PM

First name: Zac

Last name: Krohn

Organization:

Title:

Comments: I appreciate the efforts the Custer Gallatin National Forest is making to improve access in the Crazy Mountains and understand the challenges that are present in this pursuit. I do not support the East Crazy Inspiration Divide Land Exchange though. Please do not proceed any further on this land exchange. I implore you to choose Alternative A-No Action.

I will be referring to the East Crazy Mtn. portion of this LEX. My only broad-based comment on the Inspiration Divide LEX is that they should be evaluated on their own merits. They are separated by 100 plus miles, in completely different socio-economic realms, have different ecosystems, and are being tied together, as far as I can tell, by one singular billionaire club. That in and of itself wrecks of corruption, whether there is or is not. It is unwise for a public land management agency to allow a for-profit billionaire club, Yellowstone Club, to outsource a land exchange. Through the mirage of well paid for marketing by Western Land Group this LEX is being touted as a collaborate approach, I for one vehemently disagree. The Crazy Mountain Working Group (as near as I can tell is now the Crazy Mountain Access Project?) has always been an invite only group. Groups that I am a member and hold close to my core values in relation to this swap were kicked out early on due to having a dissenting opinion and holding a higher bar in negotiations for the Public land user. There are no notes on what was discussed in these meetings. There is no public information at all to what was on the negotiating table. These were closed door invite only meetings. That is not an inclusive collaboration bringing this LEX to now, and it is reflected on how well the private interests benefit from this proposed LEX.

For two parties or in this case numerous parties to negotiate an issue, all parties must be willing to have compromise. The East Crazy LEX is not that.

The Public landowner forfeits following if this proposal were to be approved:

\* For all intents and purposes, the public gives up its rightful claim to Sweet Grass Road (now referred to as Rein Lane). Dating back to the original construction of this road in the 1930's there are documented receipts showing that the USFS mutually paid for the construction and maintenance of this road. There are decades of documented public usage, commerce, and government through fare happening on this road. Within the original Railroad Grant Deed it reads, "easement in the public for any public road heretofore laid out or established, and now existing over and across any part of the premises." The Forest Service had a stance that is well documented of defending the publics access and use of this road to get to Sweetgrass Trail #122.

\* For all intents and purposes, the Public gives up its rightful claim to Sweetgrass Trail #122. This is absolutely appalling given the Public holds easements on this trail for foot and horse traffic. Beyond that the Public has a strong case of a prescriptive easement on this trail and until the past 7 years the Forest Service had defended that right and its Public use is well documented. This issue should be brought to the courts to decide vs. willfully caving to the private interests who have systematically and illegally been blocking access.

\* For all intents and purposes, the Public gives up its rightful claim to East Trunk Trail #136. The Public has a strong case of a prescriptive easement on this trail and until the past 7 years the Forest Service had defended that right. This issue should be brought to the courts to decide vs. willfully caving to the private interests who have systematically and illegally been blocking access.

\* The public gives up two miles of Publicly owned Sweetgrass Creek access and three and half miles of high-water access via Sweetgrass Trail #122. This is flat out an absolute, non-starter, the line in the sand for me. Why would we as Public landowners ever entertain this? The only reason I would even consider this would be if within this LEX there was a true deeded easement up Sweet Grass Road (Rein Lane) that resulted in a true deeded trailhead where Public meets private, in this proposed LEX, Section 7. Without that is an absolute stealing of grandeur from the American Public. This is not some simple "long out and back trail with no scenic destination" as this PEA states. I am appalled that was the evaluation that this PEA has of the Sweet Grass Creek corridor within the Crazy Mountains. It is at the top of my list of the most scenic hikes I hope to take my children to in the future.

\* ALL of the Lands the Public gives up are lower elevation. These lands have more timber, gentler contours thus

easier to traverse, better dispersed camping, better wildlife habitat, and more robust ecosystems. Within the Crazy Mtn range the Public holds very few low elevation lands. It makes no sense to willfully trade these for higher and less productive lands that the Public currently owns in spades within this range.

\* The subject of winter habitat is hidden within this PEA with a small summary saying we would lose winter habitat but "no critical winter habitat". I do not know the difference of critical winter habitat vs. winter habitat, that would have been great to include. From my personal knowledge of core wildlife habitats that Forest Service desperately seeks to protect, ANY wintering grounds would be at or near the top of that historically, puzzling to me that in this instance it is not highlighted as a large negative to moving forward with this proposal.

\* In this proposal, 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.

\* Though the PEA does not include the monetary value of the water rights, it does not take much to see that the private interests on the other side of this LEX come out markedly better than the Public.

\* Curiously absent in this PEA is any evaluation of timber. A simple Google Earth viewing of the proposed lands in this exchange shows the Public will once again come out on the short end. Beyond that the gentler terrain would allow for ease of management and cost efficiency if the timber were ever to be harvested on the lands that Forest Service would trade within this proposal. This PEA needs to include an assessment of this cornerstone resource before proceeding with this LEX.

\* The Public forfeits any opportunity in the future to corner cross amongst the East Crazy LEX lands that are proposed for trade. Currently the legality of corner crossing is boiling locally, regionally, and nationally. There are multiple court cases right now that may amplify to a more broad-based resolution on the legality of corner crossing. I see it short sighted to trade away these lands now when the current climate seems promising that this resolution may be on the horizon. If this LEX was more evenly weighted would be the only reason to do that at this point.

\* The Public does not gain a perfected second access point on the entirety of the Eastern boundary of the Crazy Mountains that the Custer Gallatin NF manages. From the Rock Creek trailhead moving East and then to the North border with the Lewis and Clark NF there is only ONE public access, Big Timber Canyon, along those 24 miles of Custer Gallatin National Forest boundary. It is in the 2022 Custer Gallatin NF land management plan to provide "reasonable public access to National Forest System lands". That should have been a cornerstone of this LEX proposal to gain another perfected public access and this proposal falls short. In my opinion that is the line in the sand that the Forest Service needs to hold when considering this or any other future LEX involving the Southern and Eastern boundaries of the Crazy Mountains.

\* The Forest Service loses four administrative access roads to better manage the Public lands. This is perplexing to me as it is stated over and over in the PEA that this LEX facilitates better management yet this LEX severely limits the Forest Service's physical ability to actually access the Public's lands. If this proposal were to be approved there would be only one administrative access, Big Timber Canyon, vs. six that it currently has. The private entities forfeit the following if this proposal was to be approved:

\* I can not speak for or envision what each of these entities may be forfeiting individually as I have not had the opportunity to speak to each of them. At the Open House that the Crazy Mountain Access Project held in Livingston, MT though I did get the opportunity to ask one of its members, a private landowner listed on this LEX, what it was through the process of this proposal he was compromising in the LEX. After a long pause he stated that this proposal was not acre for acre. He had no other reservations beyond that. That response was very telling of this LEX. This proposal is not a compromise, it is heavily weighted toward the private landowners. The American Public deserves a better deal and I ask that the Forest Service goes back to the negotiating table and demands such.

Additional Comments Specific to this PEA:

\* On Page 4 of this document the PEA includes four "elements that are outside of the Agency's decision this exchange and as such will not be evaluated in this document." Bullet #1 is and has been false for over two decades now. This is a mirage and the Forest Service should acknowledge that instead of putting it in this

document. There is absolutely no binding agreement to it, so why even put it in this PEA? Bullet #3 and #4 and for that matter any conservation easement is not contractual to this LEX. A huge miss at the negotiating table. Until it is legally binding to this LEX there is no reason to believe these private interests would enter conservation easements voluntarily after. This is ridiculous and non-binding information to list in this document. It is fluff to persuade this LEX to proceed.

\* On Page 12, under "Trails and Trailhead", the PEA states "Included in the land exchange proposal is a 22 mile trail relocation." "The non-Federal party would fund the relocated trail along the eastern side of the Crazy Mountains as well as improvements to the Big Timber Canyon Trailhead which may include resurfacing the current parking area, construction of additional parking, installation of toilet facilities, and installation of an interpretive kiosk." This PEA needs to be specific and contractual in these statements, binding. Which non-Federal party would fund this? Where is the formal, specific agreement to all of this? Instead of "may include" this PEA needs to be specific, absent that information this is all an assumption. Where is the detailed evaluation of the current state of overuse and the additional estimated use this proposal would put on the Big Timber Canyon area? What are the specific costs to these improvements? These statements severely lack the full evaluation and specific information for the Public to evaluate. Absent of such, I implore the Forest Service to not proceed.

\* On page 33, "LMP 2022 Desired Conditions and Goals (FW-DC-RT) 01 The transportation system provides safe and efficient public, private inholding, and administrative access to the Custer Gallatin for recreation, special uses, forest resource management, and fire management activities." And "FW-DC-LAND 03 Road and trail easements provide adequate administrative access and reasonable public access to National Forest System Lands." As outlined previously this LEX abolishes all but one of the six administrative accesses that the Forest Service currently recognizes. This is directly counter to the stated land management plan. Furthermore, this PEA does not address the administrative boundary of the Forest Service regarding fire management, if this LEX was to proceed that boundary should reflect the two-three mile movement of the private-Federal land ownership change. The "reasonable public access" portion of these goals is diminished per this LEX. This LEX reduces access and abolishes two trails into one 22 mile high elevation, harder to traverse trail. The proposed map of this trail shows extreme elevation gains that will limit user groups and opportunities for most of the general Public.

\* The Land Management Plan also states, "Consolidated surface and mineral ownership meets resource and communities needs and facilitates efficient land management." In this proposal, 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 a direct violation of the stated goal by the Forest Service.

Closing Comments:

I am all for a resolution of access and true compromise by all parties to achieve a mutually beneficial solution for the East Crazy mountains. This proposal falls short of that goal. Non-negotiable in finding that compromise is relinquishing the Public's right to Sweet Grass Road and Sweet Grass Creek Trail #122. We as the Public landowner should not accept any compromise that does not retain those two aspects within it.

Please take this opportunity to read and digest the overwhelming amount of inclusive public comment and go back to the negotiating table. There are a lot of great ideas in what has been submitted thus far that is not included in this LEX. The current PEA lacks full evaluation and is incomplete. Please correct and continue dialogue with the Public. The Public deserves a better deal than this proposal.

The legality of corner crossing should be considered heavily regarding this LEX. I see no rush to take an uneven compromise at this point (this proposed LEX). As I stated previously, the advent of OnX, precision of GPS navigation, and current court cases are pushing this issue closer to a broad-based decision. If that were to favor the Public's access this proposed LEX would look incredibly short sighted.

Sincerely,

Zac Krohn

5th Generation Public Land Owner