

Data Submitted (UTC 11): 12/23/2022 7:00:00 AM

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Organization:

Title:

Comments: In various ways I have been involved in south and east Crazy Mountain issues since 2016. My involvement has received coverage by national media. I have expressed support for a collaborative proposal such as this one on social media, local newspapers, Montana Free Press, Montana Public Radio and Bozeman television. I am a member of the Crazy Mountain Access Project, which has been an important player in advocating for the proposal that was the genesis of the East Crazy Inspiration Divide Land Exchange.

However, in spite of my previous very vocal support, the Forest Service has deviated from the original proposal so much that I can't support it for the following reasons:

\* Claim to rights of access via Sweet Grass Road are given up

This proposal was supposed to leave the question of Sweet Grass Trail 122 access rights in a state where the question could be resolved after the exchange. This was the foundation of my support, and was one of the first things promised to me by people advocating for this swap. However, in its present form, the LEX would give up any claim to rights to the Sweet Grass Road west of Rein Lane. (Also known as Sweet Grass Trail.) This is a deal breaker for me, if not a stab in the back.

The PEA claims that this is a permissive use trail, but evidence in the Forest Service's own records indicate Sweet Grass Road could be proven to be a public road if litigated. Such an obvious oversight is unacceptable.

A document titled "DOCUMENTATION OVERVIEW OF SEETGRASS ACCESS TO NFS LANDS, 4/23/02" was created by the Forest Service. Kat Quannayahu obtained it via FOIA in 2016 and gave it to me. In the entry dated 1/11/02 it is revealed that Ralph and Betty Cosgriff "feel very strongly that the road/trail are public access." Furthermore, Cosgriff claims there was a public school on section 10, and that the WPA built a bridge up there. In an entry dated 7/2/01, it is claimed that Ralph Cosgriff stated that "he had proof that the County and Forest Service had maintained portions of the road/trail across private land in the Sweetgrass drainage..."

The document claims other evidence exists that could prove this road was public, such as early GLO Plats showing the road existed before Northern Pacific Land Grants which is important because the Railroad deeds grant easements to existing roads.

Clearly, the Forest Service has not done due diligence on this to ensure that the public isn't giving up ownership of this road. They have even failed to consult their own history on the issue. This is reason enough to not support the swap.

\* Conservation easements are not included

Support by many groups was based on the assumption that conservation easements were part of the LEX. These easements are needed to protect privately acquired land from development. I cannot support this swap without conservation easements on at least the privately acquired parcels in Sweet Grass Canyon, and preferably on all lands acquired by private parties.

\* Parcel 4 (Wolf Park) in NE corner of section 14 is given up for no good reason

Wolf Park is high quality low elevation land, and giving it away is decidedly against the public interest. In addition, this land is given away without any justification as part of an exchange with a party that is already non-advantageous to the public. Before the exchange was submitted to the Forest Service I raised this issue with Tom Glass and Jess Peterson of the Western Land Group, and also the eventual recipient. I was assured this was a starting point, suggesting this can be taken off the table.

If there is concern about the need to travel between sections 13 and 11 using the existing road, then an easement on the existing road through Forest Service land should be given to the interested parties.

\* Access to Cave Lake is not analyzed

Another selling point was that hikers would be able to access Cave Lake via Milly Creek drainage. Cave lake is a desirable destination for golden trout and is where the current state record was caught. The acquisition of Parcel I (section 13) from the Switchback Ranch secures much of the route, but it isn't clear if you can get to the lake without crossing the SE corner of section 23, which is also owned by the Switchback Ranch. If an easement is not to be given for this route, it must be shown that skirting the section 23 is a practical route to the lake.

\* The Carroccia part of the swap is unnecessary and disadvantageous to the public

The Carroccia portion of the exchange is far more advantageous to them than it is to the public, even if Parcel 4 was retained by the public. At best, their contribution is to enable the "Sweet Trunk Trail" to be built across section 15, but the need for this trail to make a complete loop is grossly overstated. The real value of the trail and its associated easements is enabling access to the public lands north of Big Timber Creek.

The exchange must not allow this inequality to be made up for with cash, or by considering the value of other party's contributions. To do so is simply transferring public land into private hands. The Carroccias have plenty of opportunity to equalize the exchange by giving up one or more of their inholdings, which include Sections 7, 15, 17, 21 and 27.

Finally, there is a false premise that the Sweet Grass drainage has to be part of this exchange to benefit the public. In fact, the inclusion creates a net loss even if the public retains the option of resolving access rights to Trail 122. It is also the source of most reasonable objections. If these objections can't be resolved the Forest Service should go forward without the Sweet Grass Parcels A-D and 1-4. This part of the exchange doesn't add enough public value to warrant losing the public benefits that come with the rest of the exchange. The real value of the exchange in the Crazy Mountains is the increased access to the lands north of Big Timber road. The easements and consolidation of checkerboard there will increase the amount of accessible public land from less than 1.5 sections to the entire block of public land north of Big Timber Creek.

Unless these concerns are addressed I cannot support this proposal.

Best Regards,

Rob Gregoire

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