

Custer Gallatin National Forest
US Forest Supervisor Mary Erickson
P.O. Box 130, Bozeman, MT 59971

November 12, 2019

Project 56687 - South Crazy Mountains Land Exchange Public Comment

Dear Supervisor Erickson,

I am submitting my public comments on Project 56687 – South Crazy Mountains Land Exchange.

Overall, I am against this land exchange proposal, since the FS did not provide alternatives addressing the 3 landowner exchanges separately, instead packaged them all together, I have no other choice but to object to the package you presented. I support Alternative A – No Action.

I see benefit to Rock Creek Ranch and Wild Eagle Ranch portions of this exchange proposal, which do not appear to be problematic with the limited information provided. Those 2 exchanges would help to consolidate FS land, without giving away prime wildlife habitat for rocks, especially the Rock Creek Ranch exchange.

I object entirely to the Crazy Mountain Ranch exchange.

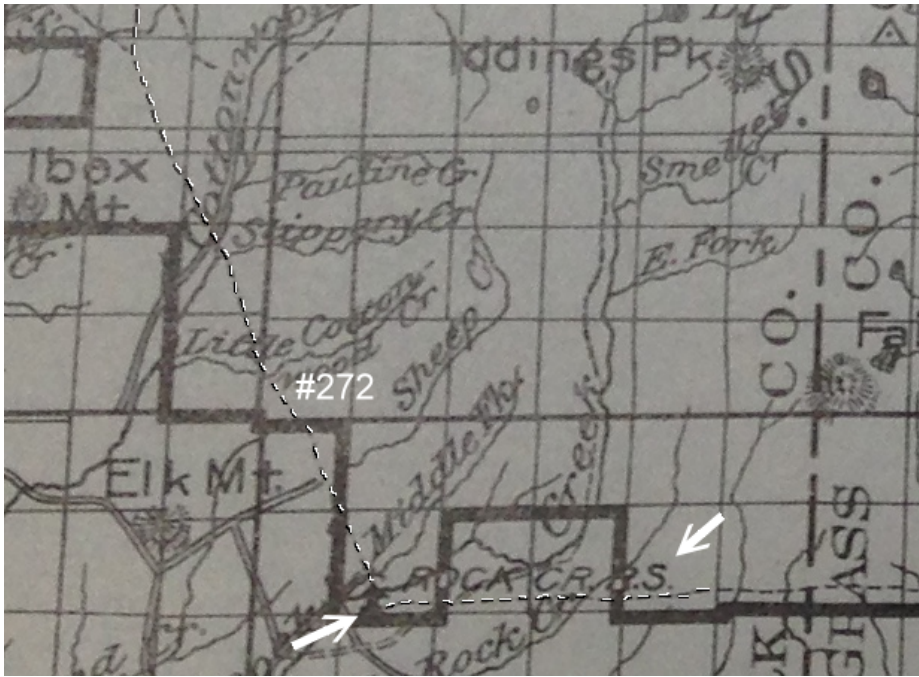
Sections 8 & 4 of 2N11E are already accessible, from the Trailhead in Section 15, on Rock Creek Road #199 which we have Right-of-Way easements on Sections 9 & 10 (scanned & uploaded to:

[Park County Right-of-Way Easement Section 9 PDF](#)

[Park County Right-of-Way Easement Section 10 PDF](#)

Section 8 has a corner overlap of approximately 48 feet to Section 4. This is prime elk habitat, which I do not want to see given to the CMR, in exchange for rocks. Also, I was given years ago Park County Attorney Opinion on corner crossing (<https://www.emwh.org/public%20access/Crazy%20Mountains/so%20cm/News%20Swandal%20corner%20crossing.pdf>), which could enable the public to go from the corners of Section 4 to Sections 32 & 34 in 3N11E.

Why has the Custer Gallatin National Forest abandoned its policy of defending the FS trails that we have had since at least 1925 (oldest map I have)? The 1925 Absaroka National Forest Map shows Trail #272 (part of the Lowline Trail System), which went south from Ibex, down to the Rock Creek Ranger Station (Section 8), then continued east thru sections 9 & 10 onward. The Rock Creek Guard Station was documented in the book, Home on the Range, Montana's Eastside Ranger Stations by Vicky MacLean, retired Forest Service.



Southern section of 1925 Absaroka National Forest Map showing "Rock Creek R.S." in Section 8 on the #272 trail.

I have Northern Pacific Railroad Grant deeds with "easement in the public" language for Sections 25 & 31 3N10E of #272. I did not finish my research in 2N11E to see about sections 5 & 9, but 9 we have easements for. This begs the question, why is the Forest Service, since 2016 abandoning defending & maintaining the deeded and historical prescriptive easements that the Forest Service and the public have historically used, in favor of allowing owners to illegally obstruct access, then do a deal with them?

The Forest Service has not provided an Environmental Assessment for the public to review of the potential hazardous substances, nor environmental impacts, for us to make an informed public comment about the CMR portion of the exchange.

The CMR will permanently reserve rights to operate and maintain the Rock Lake dam and outlet tunnel in the deed through which CMR conveys Section 11 to the Forest Service. CMR would **retain its water rights for the volume of water from full pool to the bottom of the outlet tunnel**. As water rights and in-stream flow issues grow with the Climate Crisis, this is no protection for the public or natural resources/fish, especially since CMR would maintain irrigation rights.

Since the CMR currently operates the Ranch [for tobacco promotionals and other guests](#), it is not likely they will exclude the exchanged land out of their current operations. The Conservation Easement section of the proposal states traditional land uses including recreation, livestock grazing, and timber management, would continue, but does not limit

them to those activities. CMR has an exception for "one new recreation cabin which may be built and maintained on the land protected by the CE". It does not state the size or expected occupancy of the recreation cabin or preclude outfitting, hunting camps, which could be privatizing that elk herd which is currently available to the public. Listed activities at the CMR now include: [snowmobiling](#), [zip-lining](#), [dog sledding](#), which could affect the wildlife habitat currently under FS management.

As pointed out Greg Sheeler and Ian Wargo (longtime hunters of this area), "After a detailed review of the proposed EA, I found many statements misleading, false, or just omitted to make this land swap look like a win for public access when in fact this would be a terrible loss of habitat and access if approved...The proposed trail path would require 5.1 miles of hiking with 1200' elevation loss and 2100' of elevation gain just to get to the USFS boundary at S33, not an easy hike for most. That is 2.2 miles further across private lands, 1600' of additional elevation gain, and 700' of additional elevation loss to access our public lands!"

The only self-supporting fishery available to the public within the Rock Creek watershed is on Sec. 8 of USFS lands; fish species on Sec. 8 are Brook Trout (common) and native Yellowstone Cutthroat Trout (abundant).

According to FWP's Yellowstone Cutthroat Trout Conservation Strategy For The Shields River Watershed Above Chadbourne Diversion(2012), the Rock Creek YCT have 100% YCT genes – this needs to be protected with oversight by a public agency, not privatized and exploited. The report also points out, "FWP lists Rock Creek as periodically dewatered, which limits habitat availability in its lower reaches." Again, this is another area that should have agency oversight, not privatization.

I have to wonder if the 2016 shift from defending and maintaining the FS public access trails to land deals with the landowners, is in anyway related to the fact that Altria, the parent company of Philip Morris USA, owner of the Crazy Mountain Ranch, contributed \$12,500 (2012-2014) and \$7,800 (2020 cycle per Open Secrets) to Senator Steve Daines, who advocated on behalf of the Crazy Mountains landowners to newly confirmed USDA Ag Secretary Sonny Perdue, who also received contributions and gifts from Altria?

Days after Sen. Steve Daines hosted & sponsored a Montana Ag Summit in Great Falls, June 2017, in which Sonny Perdue spoke (Crazy Mountains public access was discussed, per Jay Bodnar, Montana Stockgrowers Association), District Ranger Alex Sienkiewicz was removed from his position, when he had been doing his job, per policy, maintaining and advocating for the public access in the Crazy Mountains. The Crazy Mountains Ranch land exchange has been tossed around for years, with a number of Forest Service employees objecting to it, per some retired FS employees. Why are those internal objections being dismissed now?

Quote - Affidavit from Robert Dennee, the Lands Program Manager for the Gallatin National Forest in 2007, discussing the Porcupine-Lowline Trail System, which includes #272, "It is the Forest Service that the United States, on behalf of the public, has an easement interest in

these roads and trails due to the historic and ongoing public and administrative use and maintenance. The public is the beneficiary of this right of access and the Forest Service defends and maintains that right.”

Again, I support Alternative A – No Action, for the reasons stated above. I want the Custer Gallatin National Forest to defend and maintain

Thank you,

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