

Date submitted (UTC-11): 11/6/2019 9:04:13 AM

First name: John

Last name: Daggett

Organization:

Title:

Comments:

Below are my comments on the proposed Crazy Mountain Land Exchange Preliminary Assessment.

1) While it is desirable to block up checker board land in the Crazy Mountains, it should be done through purchase and not land trades such as this one. The Forest Service seems to have attempted to do as good a job as possible to make this exchange look good, but it comes up short. It effectively moves the existing forest boundary one to two miles inward onto higher elevation lands which have lower wildlife value, particularly for elk. It is no secret that lands that have elk are much more valuable than lands that don't. The Forest Service has not done a detailed analysis of what the wildlife values are for these lands. The grazing analysis only describes sections 31 and 33 of non-federal lands being suitable for some livestock grazing, while all of the federal lands have some livestock grazing. One can only surmise that suitable livestock grazing equates to better wildlife habitat particularly for elk. The Forest Service needs to evaluate and document the wildlife values of these parcels.

2) The Forest Service claims that the private landowners involved in the exchange are not interested in selling their inholdings. How seriously has the Forest Service pursued this? Is there documentation from the respective landowner stating this? The Forest Service should not just passively dismiss this. Initially the Forest Service dismissed purchasing the Galt lands 30 years ago with the same excuse and proposed a large land exchange instead. That proposed exchange also traded public elk habitat for shale rock. The Forest Service changed course after a legal challenge occurred against the private landowner. Then the agency seriously pursued a purchase. The problem with land trades in the Crazies is that the federal lands to be exchanged, as on this exchange, are on or near the National Forest Boundary. These lands also have the highest wildlife value, particularly for elk. This of course, as stated already, is what makes them valuable. The vast majority of the private lands surrounding the Crazy Mountains are leased to outfitters for hunting and the public is not allowed. This has led to very high elk numbers in Hunting District 580 where this spring's elk count in 2019 was over 4,000 head of elk, four times over objective. Hunting District 315 where this exchange is located is at objective but trading away good elk habitat for shale rock is not a desirable outcome of this land exchange. Stating that the non-federal hunting lands acquired would be open to hunting begs the question, open to hunt what? Maybe mountain goats but elk hunting would be poor to nonexistent.

3) I am also concerned about the private encumbrances the Forest Service would be getting in the non-federal lands in the exchange. These consist of a number of mining rights in sections 11 and 13, T3N, R11E. There are 55 and 51 mineral owners respectively in these sections, according to the PA on page 6. The landowner of Section 1, T2N, R11E is going to try to clear up the 12 mineral owners in that section the PA states, but no indication is given to clear up mineral rights in other private sections. The Forest Service should not be trading good elk habitat for high elevation lands with a bunch of mining claims. A purchase could be justified but not a land exchange. No one can predict the future of what problems these claims may bring.

4) The October 25, 2019 update states that hazardous survey of non-federal lands will be done. Even with a survey, old mining sites can have hidden hazardous material. How detailed will the Hazmat Survey be?

5) According to the Forest Service PA, Crazy Mountain Ranch (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. The Forest Service and CMR would develop and enter into a detailed operation and maintenance plan for these facilities. CMR would retain its water rights for the volume of water from full pool to the bottom of the outlet tunnel.

Also the PA states there are certain third party irrigation water rights at Rock Lake, owned by other parties and would remain in private ownership. What does the bottom of the outlet mean? How much water would be left in the lake? Again, these headaches that come with these non-federal lands may be worth taking on in a purchase but not in a land exchange. In this case, the federal lands sections 4 and 8 are clear of these, they have good wildlife habitat and have existing public access to them. No wonder CMR (Phillip Morris Inc.) wants to trade for them. Again, purchase is the best way to acquire these private lands. One further question

regarding Rock Lake Dam, what motorized access for dam maintenance equipment currently exists and would continue? The PA does not address this.

6) In the PA, the Forest Service justifies this exchange proposal in part through road and trail access issues it would clear up. Trail 272 would be rerouted onto higher ground and the old trail would be abandoned. The Forest Service downplays its existing public access rights on roads and trails while touting how this exchange would clear it all up. It also downplays the historic value of this old trail. With the loss of Porcupine Lowline, abandonment of the old Trail 272 will end the last part of the old Lowline trail system around the south Crazies used by the Forest Service at its founding. The Forest Service has public access to Sections 4 and 8 including an easement as stated in the October 25, 2019 update. The Forest Service ignores easements stated in the Northern Pacific deeds and prescriptive easements over many years of agency maintenance and public use. Haven't the roads been maintained by the county? It seems the Forest Service is trading away lands with high wildlife value for public access rights that already exist. The Forest Service or the county are just unwilling to defend them. As noted on page 2 of the PA the Forest Service used litigation for the Big Timber Creek Road Access in 1953/1954. What isn't stated is Northern Pacific Railroad easements reserved for the public were used by the Forest Service to pursue that successful litigation.

It still appears that the new Trail 272 relocation would still have a mile or so crossing private land to access high elevation land. The current Trail 272 only crosses about a mile of private to get to Section 8. Crossing private land is reduced some, but not at the cost of going to much higher elevations and public accessible sections.

7) Why is the Forest Service wanting all the administrative access on Rock Creek Road No. 199 which cannot be used by the public? Wouldn't Robinson Bench Road No 193 access the same Forest Boundary? If the exchange goes through, Section 4 and 8 would be traded away which seems to negate the need for Forest Service administrative access to Rock Creek Road No. 199. Is the Forest Service on the hook to maintain Rock Creek Road 199 after obtaining these easements even though the public can't use them?

8) On page 10 of the PA it states that the Forest Service will have motorized administrative access of certain roads, including to the forest boundary, but the public will not. If this is justifiable for the public, it certainly should be for the Forest Service except in emergency cases such as fire. As a retired federal manager with almost 40 years of service, I found it best to have employees follow the same restrictions the public has to follow. Nothing ticks the public off more than watching some government workers driving by in a pickup truck while they are slogging up the trail. If non-motorized access is good enough for the public, it should be good enough for the Forest Service except as stated for emergencies. You need to be setting the example.

9) The PA states on page 10 that as a provision of the exchange, CMR will grant and donate a permanent administrative road easement for portions of North Hammond Creek Road No. 1958, which won't be open to the public. Does CMR currently have a Forest Service grazing permit? If so, isn't it a requirement that the permittee allow administrative motorized access as in other access roads? As with the Rock Creek Road, what will the Forest Service maintenance obligations be with the new easements on this road?

Please explain why this motorized nonpublic access has become so important that the Forest Service now has to trade land for it. The PA states it is a donation, but it really isn't. The land exchange is tied to it as it is for other roads and trails mentioned in the PA. Otherwise CMR could donate it now regardless whether the exchange is finalized or not.

10) The PA states on page 12 that the current federal lands would have conservation easements placed on them after the exchange is completed by the private landowners. The PA does mention that at least one new recreation cabin site would be built and maintained. It seems odd that there is already a desire to develop a cabin site on Forest Service land to be acquired. What real guarantee does the Forest Service have that these conservation easements will be placed on these acquired federal lands? Will this requirement be in the deeds? Is this promise more than verbal?

11) The Forest Service needs to develop a long term Land Acquisition Program in the Crazies to consolidate its lands by purchases from willing sellers. The Land and Water Conservation Fund could provide funding just as it did in the Galt purchase 30 years ago. It may take federal legislation to set this program up, but it would provide clear goals for the Forest Service to pursue and it would receive broad public support. This

was done in 2000 at the Charles M Russell National Refuge (CMR) through the CMR Improvement Act. Refuge people tell me they have more willing sellers than current funding will support, but hope to do more with Land and Water Conservation Funds. They have purchased over 10,000 acres in the last several years so they are making headway. The Forest Service could do the same thing.