



United States Department of Agriculture
Forest Service

East Crazy Inspiration Divide Land Exchange – Draft Decision and Final EA Frequently Asked Questions Updated September 27, 2023 Version 2.0

This FAQ document addresses questions received as the East Crazy Inspiration Divide Project moves through the National Environmental Policy Act process. The Forest Service will continue adding to and updating the information as additional questions are received. More detailed information can be found on the Custer Gallatin Forest’s website on the [Land Management and Project’s Page](#).

1. What is the East Crazy Inspiration Divide Land Exchange and what are the primary elements?

The East Crazy Inspiration Divide Land Exchange would consolidate public lands and create new public access on the east side of the Crazy Mountains and near Inspiration Divide in the Madison Range near Big Sky, Montana.

This assembled land exchange includes lands located in the Crazy Mountain Range northeast of Livingston and northwest of Big Timber and near the Inspiration Divide Trail in Big Sky. Alternative 1, the Modified Proposed Action proposes to exchange approximately 3,855 acres (10 parcels) of National Forest System Lands for 6,110 acres of private lands (11 parcels) owned by six private landowners. This includes 420 federal acres and 605 non-federal acres in the Inspiration Divide area in Madison County, Montana, and about 3,435 federal acres and about 5,505 non-federal acres in the east Crazy Mountain area in Sweet Grass and Park Counties in Montana.

An assembled land exchange is an exchange of Federal land for a package of multiple ownership parcels of non-Federal land consolidated for purposes of one land exchange transaction.

The project also involves the construction of the relocated Sweet Trunk Trail No. 274 onto the acquired NFS lands, and the improvement of the Big Timber Canyon Trailhead financed by the non-Federal proponents. For the full list of project element refer to “Additional Elements Common to Both Alternatives” section of the environmental assessment on pages 21 through 26.

2. What are the benefits of the land exchange?

The anticipated benefits of this proposed land exchange in the East Crazy Mountain area include:

1. Creation of large areas of contiguous and clearly identifiable blocks of National Forest System lands in the Crazy Mountains to facilitate efficient land and resource management and improve public access.
2. Protection of sensitive areas within the Crazy Mountains Backcountry Area, Crazy Mountain Inventoried Roadless Area and South Crazy Recommended Wilderness Area through the addition of the non-federal parcels to the National Forest System. Their special designation will preserve and enhance the quiet, undeveloped, unroaded characteristics and associated social and ecological benefits including public recreational opportunities, conservation of biodiversity and improved habitat connectivity.

3. Conservation of the existing character of the Crazy Mountains by reducing the potential for development on 10 sections of private lands interior to and comingled with National Forest System lands.
4. Increased protection of high elevation lands in the Crazy Mountain Range, an important traditional cultural area identified by the Crow Tribe.
5. Improving public recreational access and providing for perpetual public access:
6. Relocate Sweet Trunk Trail No. 274, to provide hikers, horsemen, and sportsmen access located on the consolidated National Forest System lands in the east Crazyes.
7. Secure Smeller Lake and Trail No. 220 to provide for quality recreational opportunity including fishing, hiking, hunting, camping and scenic viewing.
8. Improvement of the Big Timber Canyon Trailhead by redesigning to consider parking associated with the improved public recreation opportunity provided by Sweet Trunk Trail No. 274.
9. Securing habitat at Smeller Lake for recreational fishery and Yellowstone Cutthroat Trout.

The anticipated benefits of this proposed land exchange in the Inspiration Divide area include:

1. Provide for more efficient management of the Inspiration Divide Trail No. 8 and recreation opportunities such as hunting, camping, wildlife viewing once the trail is entirely located on National Forest System lands.
2. Provide for more efficient private lands management in the Eglise Peak area which eliminates the potential for future special use proposals associated with access or development.

3. What are the key changes in the Alternative 1-Modified Proposed Action and what was their purpose?

Changes from the November 2022 Proposal to the Draft Decision for the East Side Crazy Mountain Parcels:

- Reducing lands conveyed in Parcel 2 (Federal to Private) to retain approximately 200 acres of NFS lands with 50 acres of wetlands. This preserves access to Sweet Grass Creek. The Forest Service will retain the water right for surface water of Sweet Grass Creek within the 200 acres.
- Reducing lands conveyed in Parcel D (Private to Federal), with the landowner retaining the northern half of the section (320 acres). The landowner will donate an easement for the new trail location that crosses through the property.
- Deed restrictions for wetlands will be placed on about 23 acres in Parcel 7. These Federal deed restrictions will be managed by the Forest Service.
- Landowners will place County Deed Restrictions on Parcels 1, 2, 3 and 4 along Sweetgrass Canyon. This restriction on development will be between each landowner and the Sweet Grass Conservation District. The deed restriction would prohibit further subdivision (as defined by Montana law) into parcels under 160 acres. For any parcel already under 160 acres, it could not be subdivided. The deed restriction will also prohibit mineral development and exploration (oil, gas, hydrocarbons, hard rock minerals).

Changes from the November 2022 Proposal to the Draft Decision for the Inspiration Divide Parcels:

- Shifting the southern boundary of Parcel 8 to retain 80 acres of National Forest System lands with 5 acres of wetlands. This also retains lands that are important to the Big Sky snowmobile community and retains more of the Eglise Rock Overlook Trail.
- Placing Federal Deed restrictions on Parcels 8, 9 & 10 to protect 17 acres of wetlands in the Inspiration Divide area. These Federal deed restrictions will be managed by the Forest Service.
- Landowners will grant a conservation easement that would limit development on lands leaving Federal ownership in Big Sky (Parcel 8, 9 & 10).

4. *How will the proposal affect snowmobile use in the Inspiration Divide portion of the exchange? Can I still ride trail No 468 in winter?*

As part of the Modified Proposed Action- Alternative 1, snowmobile recreational riding opportunity in the Buck Ridge area will be retained by reducing the land to be conveyed in Parcel 8 by 80 acres. This change retains the Yellow Mule area and a bench below Eglise Ridge by shifting the boundary in Parcel 8. This change provides for a popular destination vista and a more logical turn around area for snowmobiles, reducing future potential management conflicts.

In addition, Federal Parcels 8, 9, 10 currently provide for about 500 acres where snowmobiling is an allowable winter use.

5. *Has the Yellowstone Club said what they intend to do with the property they acquire?*

The proponents have indicated that the resulting land use of the Parcels in the Inspiration Divide Area would be for outdoor recreation (skiing). The Modified Proposed Action includes the placement of a conservation easement on the Parcels 8, 9, and 10 to ensure that the lands conveyed are only used for skiing and other appropriate outdoor recreational uses, and preclude residential and further development. In addition, 17 acres of wetlands on these Parcels will be protected in perpetuity under a federally held deed restriction.

6. *What happens to the existing Sweet Grass Trail post exchange?*

The Draft Decision does not reserve the Sweet Grass Trail No. 122 on Parcels 1 and 2. That would mean that post exchange the trail in those two Parcels would no longer be a national forest system trail nor managed by the Forest Service.

The landowners have indicated that they intend to continue allowing seasonal access by permission across the private lands they own into the upper Sweet Grass Creek drainage and over Rein Lane, so long as private property is respected.

7. *Are Sweet Grass Creek Trail #122 and East Trunk Trail #136 public trails?*

While these routes have been displayed on Agency maps, they cut through private property and were established through use and practice, rather than pursuant to a written grant allowing the public to use these routes. There is a long history of disagreement between the Forest Service, landowners, and the public on the use of Sweet Grass and East Trunk trails where the agency has no recorded easements across private property to access the National Forest. A primary need for action for this land exchange is to resolve longstanding access issues surrounding these trails.

This situation surrounding access to the Sweet Grass drainage is further complicated because Rein Lane, the access road to the Sweet Grass Trailhead and Trail and East Trunk Trail is not a National Forest System Road and access has only been provided by Landowner permission.

In the 2006 Travel Plan and associated maps Rein Lane is not depicted as part of the Forest Transportation System, and in the FEIS and associated documentation that the Forest asserted no rights for a road outside of the Forest Boundary.

8. *How long is the new trail to Sweet Grass Canyon?*

From the Big Timber Canyon trailhead, it is approximately 22 miles via the Sweet Trunk Trail to the junction with Sweet Grass Trail No. 122 on proposed NFS lands in Parcel B.

The mapped East Trunk and Sweet Grass Trails would have been closer to a 16-mile hike (11 miles of East Trunk and nearly 5 miles of Sweet Grass) vs 22 miles to this same point if accessed from Big Timber Canyon.

9. *Is there access to water along the rerouted trail for horses and stock?*

Perennial water sources are available along the trail at Big Timber, Otter, Dry, Hell Roaring, Bruin, and Sweet Grass Creeks. North Amelong does not always flow at the ford location, but perennial water can be found a short distance downstream.

10. *How long would it take until the Sweet Trunk trail would be constructed and available for public use? Would the East Trunk and Sweet Grass trails be available until then?*

If the Final Decision (anticipated Spring 2024) determines to proceed with the ECID project, trail construction would take between two and three years to construct after the land ownership changes are executed. Please see response number 5, the existing condition on East Trunk is under dispute and public access has not been perfected. Public wanting to use this trail on private lands should be aware of the trail status, longstanding dispute and use their own judgement in consideration when crossing private lands.

Please see response number 6, while not part of the Agencies decision, the landowners have indicated that they intend to continue allowing permissive seasonal access (similar to what exists currently) across the private lands they own into the upper Sweet Grass Creek drainage over Rein Lane, so long as private property is respected.

11. *Did the Forest Service change policy or approach to access on trails where the Forest Service does not hold a recorded easement on routes crossing private lands?*

Forest Service policy remains unchanged and affords broad discretion to Forest officials in how to approach each disputed access situation, which requires considering factors such as: what routes serve the greatest access needs; content and clarity of the existing record for each route; opportunities for resolving multiple issues or cases simultaneously; inherent uncertainty of a particular litigation outcome; and maintaining cooperative relationships with neighboring landowners.

12. *Why is the agency pursuing a land exchange rather than a direct purchase of these sections?*

Forest Service policy for land exchanges requires consideration of a direct purchase alternative (FSH 5409.13). The involved landowners are not willing to sell their land to the Forest Service.

Private landowners have only expressed interest in exchanging the non-Federal lands for the Federal lands located within, and adjacent, to their private lands.

The solution presented in this Final Environmental Assessment and Draft Decision, and each of the individual elements, reflects what the agency and landowners have agreed to.

13. *How did Yellowstone Club get involved in the Crazyes access issues and how do they benefit from this exchange?*

In 2015, the Forest Service worked with affected landowners in the East Crazy landscape to share perspectives and determine if we could find common ground towards resolution. This evolved into a series of conversations with individual east side Crazy Mountain landowners with a view to developing specific solutions to address longstanding issues.

Around the same time, the Forest was approached by the Yellowstone Club (YC) to discuss their continued interest in a previously denied land exchange proposal that would expand YC ski terrain in Big Sky. YC asked the Forest to identify priority lands, access needs and opportunities for partnership where they could assist and possibly develop a proposal that would have public benefit. The Forest Supervisor identified public access and land consolidation needs that met Forest objectives, including priority work in the Crazy Mountains.

In 2018, YC brought in Western Land Group as a facilitator, to begin working with landowners and stakeholders to develop a proposal for a comprehensive east Crazy Mountains solution. After several years of negotiation, landowners and YC entered into agreements enabling a multi-landowner exchange proposal to consolidate lands and resolve access issues.

As detailed in the Alternative 1, Modified Proposed Action, the exchange results in a net reduction of YC ownership in the Big Sky area. No lands are acquired by the YC in the Crazy Mountains.

14. How are the lands involved in the exchange appraised? What elements are considered (wildlife values, developability, habitat type(s) and timber value)?

When appraising lands for exchange by the Forest Service, an appraiser must analyze and establish the highest and best use of the property (Uniform Appraisal Standards for Federal Land Acquisitions 1.4.3). This process dictates the data that will be utilized in the valuation process. Typically, this consists of sale data for use in the Sales Comparison Approach. The data utilized in the Sales Comparison Approach are comparable due to the fact that they are suitable substitute properties for the subject and are therefore impacted by the same elements and attributes that affect the subject's value. (UASFLA 1.5.1.1). For example, rural, large-acre properties in this part of Montana can have elements of comparison that include the following: market conditions (time), location, surface water, vegetation (which can include timber), terrain, access, configuration, and recreation amenities (which can include views, wildlife, etc.).

Sales chosen for comparison generally share the characteristics that drive the subject's value. The properties are compared to the subject based on how these characteristics reflect or vary from the subject's characteristics.

The appraiser must also determine the larger parcel for the Federal and non-Federal properties, applying the tests of unity of ownership, proximity, and integrated highest and best use (UASFLA 1.4.6). In an assembled land exchange such as this, multiple, unrelated ownerships are present on the non-Federal side of the exchange. Therefore, these individual ownership holdings fail the test of unity of ownership in the larger parcel analysis. In other words, the individual ownerships are analyzed separately from one another, and may themselves constitute multiple larger parcels. The Federal property, based on its use and configuration, may or may not be multiple larger parcels. *The overall values on either side of the exchange, regardless of how the larger parcels were determined, must be within 25 percent of each other.*

15. How would the exchange effect wildlife and their habitat under the Modified Proposed Action?

Section 3.4 - Wildlife Resources, in the Environmental Assessment includes a full discussion of potential effects to Wildlife. In summary, under Alternative1- Modified Proposed Action:

Lynx: About 2,886 acres of potential lynx habitat on non-federal lands would be exchanged with 2,391 acres of potential lynx habitat (early stand initiation, mature multi-story, and other) on federal lands, resulting in a total gain of 495 acres into federal ownership across the North Madison and East Crazies LAUs.

Wolverine: Alternative 1 would also result in thousands of additional acres of modeled wolverine habitat being consolidated under federal management compared to the current condition. This alternative would conserve 80 additional acres of maternal and 35 additional acres of primary habitat relative to the proposed action alternative.

Grizzly Bears: Within the Recovery Zone, Alternative 1 would result in an additional 185 acres consolidated under federal management compared to the No Action, resulting in a small increase in available habitat under protections associated with federal management.

To limit the potential for loss and fragmentation of habitat, mandatory conservation easements and deed restrictions have been agreed upon for some of the parcels entering private ownership. The habitat within the Hilgard # 1 bear management subunit (parcels 8, 9, and 10) would be subject to a conservation easement that would limit development in perpetuity.

Big Game (Elk, Mule Deer, Moose): Alternative 1 would result in a nearly 5,000 acres increase in secure habitat under federal management compared to the no action alternative, as shown in Table 16 in the Environmental Assessment. This alternative would result in the retention of lower elevation riparian habitat under federal protection located in the southern portion of parcel 2. However, there would be a larger reduction in lower elevation winter habitat under federal management compared with the Proposed Action Alternative (a difference of 593 acres). Alternative 1 would result in an increase in mountain goat general and winter habitat into federal ownership, though fewer acres than the proposed action alternative.

16. How is the Forest ensuring the need for wetlands protection and balance?

Alternative 1 addressed the need to ensure that the wetland values present on the lands acquired by the Forest Service meet or exceed those present on the lands conveyed to private ownership. This was achieved by reducing the federal lands to be conveyed to retaining high value wetlands in federal ownership, and through federal deed restrictions on those lands conveyed with wetland value. Federal deed restrictions protect areas in perpetuity by placing limits on disturbance, construction, alteration, draining, dredging, channelizing, filling, or diking. Forty acres of quality wetlands were identified to receive deed restrictions to ensure they remain functioning and intact. Quality wetlands were identified based on their resource value³, and accessibility to ensure compliance monitoring is conducted.

Lands conveyed in Parcel 2 (federal to private) were reduced to retain 200 acres of National Forest System lands containing 50 acres of high value wetlands and the associated riparian areas. The Forest Service will also retain the water right for surface water of Sweet Grass Creek within the 200 acres.

Lands conveyed in Parcel 8 (federal to private) were reduced to retain 80 acres containing 5 acres of quality wetlands and the associated riparian areas.

In the Inspiration Divide Area, federal deed restrictions will be placed on Parcels 8, 9, and 10. The deed restriction will protect 17 acres of wetlands and provide adequate access for monitoring.

In the Crazy Mountains, deed restrictions will be placed on 23 acres in Parcel 7, along Big Timber Creek and Big Timber Canyon Road. The deed restriction will protect wetlands and provide adequate access for monitoring.

17. What did the public comments say from the November 2022 comment period on the Proposal?

During the 45-day combined public scoping and comment period following the November 2022 publication of the preliminary environmental assessment, the Forest received 1090 total comment letters. There were 942 unique letters, 12 duplicate letters and 136 form letters received. Generally, comments centered around the themes of the NEPA Process, Alternatives, the Land Exchange Process, specific resource area comments, and a variety of comments outside the scope of this project.

[The Response to Comments Document](#) provides a summary of comments and the Agency's response.

Please refer to Question #1 and the changes from Scoping to the Draft Decision. Many of these changes were based on public comments received.

18. What is the timeline for this project?

Releasing the Draft Decision and Final EA brings a 45-day public objection period that ends about November 13, 2023. The objection resolution process will conclude likely by the end of December and a Final Decision is expected in early 2024.

19. Who can object to the Draft Decision?

The 45-day objection filing period opened following the publication of the legal notice in the Bozeman Daily Chronicle on September 27, 2023. Objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunities for public comment in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless the issue is based on new information arising after the designated comment opportunities.