

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BLM BOISE DISTRICT**

**EA #DOI-BLM-ID-B000-2010-0024-EA Title Page**

<b>Applicant (if any):</b> BLM		<b>Proposed Action:</b> Acquisition of private wilderness in-holding properties owned by the Wilderness Land Trust			<b>EA No.</b> DOI-BLM-ID-B000-2010-0024-EA	
<b>State:</b> Idaho		<b>County:</b> Owyhee	<b>District:</b> Boise	<b>Field Office:</b> Bruneau and Owyhee	<b>Authority:</b> NEPA, FLPMA; OPLMA	
<b>Prepared By:</b> John Sullivan		<b>Title:</b> Supervisory Resource Management Specialist			<b>Report Date:</b> 9/1/2010	
<b>Meridian</b>	<b>Township</b>	<b>Range</b>	<b>Sections</b>			<b>Acres</b>
Boise	8 S.	1 E.	Sec. 11: SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> . Sec. 13: S <sup>1</sup> / <sub>2</sub> NW <sup>1</sup> / <sub>4</sub> . Sec. 14: S <sup>1</sup> / <sub>2</sub> NE <sup>1</sup> / <sub>4</sub> , N <sup>1</sup> / <sub>2</sub> NW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> .			200.00
	8 S.	2 E.	Sec. 8: N <sup>1</sup> / <sub>2</sub> NE <sup>1</sup> / <sub>4</sub> , NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , W <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> . Sec. 9: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> .			360.00
	9 S.	5 W.	Sec. 31: Lots 1 - 3, NE <sup>1</sup> / <sub>4</sub> , E <sup>1</sup> / <sub>2</sub> W <sup>1</sup> / <sub>2</sub> , N <sup>1</sup> / <sub>2</sub> SE <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Sec. 32: W <sup>1</sup> / <sub>2</sub> NW <sup>1</sup> / <sub>4</sub>			<u>611.50</u> 1171.50

<u>Consideration of Critical Elements</u>	N/A or Not Present	Applicable or Present, No Impact	Discussed in EA
Air Quality		x	
Areas of Critical Environmental Concern	x		
Cultural Resources	x		
Environmental Justice (E.O. 12898)	x		
Farm Lands (prime or unique)	x		
Fish Habitat	x		
Floodplains	x		
Forests and Rangelands		x	
Migratory Birds		x	
Native American Religious Concerns	x		
Invasive, Nonnative Species		x	
Wastes, Hazardous or Solid	x		
Threatened or Endangered Species	x		
Social and Economic	x		
Water Quality (Drinking/Ground)	x		
Wetlands/Riparian Zones		x	
Wild and Scenic Rivers (Eligible)		x	
Wilderness Study Areas	x		

# **Environmental Assessment # DOI-BLM-ID-B000-2010-0024-EA**

## **Acquisition of Private Wilderness In-holdings**

### **1.0 Introduction**

The Omnibus Public Land Management Act (OPLMA) of 2009 established six wilderness areas in Owyhee County, Idaho. Section 1503(b)(4)(A) of the OPLMA provides that "...the Secretary [of the Interior] may acquire land or interests in land within the boundaries of the wilderness areas..." Section 1505(b) of the OPLMA specifically references private lands identified as "Proposed for Acquisition" on maps described in Section 1503(a)(1) of the OPLMA, which includes the properties that are the subject of this EA.

### **Need for and Purpose of Action**

The purpose and need are to acquire 1171.50 acres of private land in Owyhee County, Idaho to block up federal ownership within the Little Jacks Creek and North Fork Owyhee Wilderness Areas, and to preclude the property from being developed for residential or commercial purposes that would be incompatible with and impair the values of the surrounding wilderness.

### **Summary of Proposed Action**

BLM proposes to use funds from the Owyhee Land Acquisition Account to acquire from the Wilderness Land Trust the surface and mineral estate (including any water rights) in Parcels 1 and 2, and only the surface estate (including any water rights) in Parcel 3 (the mineral estate is reserved to the United States). The properties will be acquired subject to valid existing rights.

Parcel 1 (Keck property): 200 acres located within the Little Jacks Creek Wilderness Area;

Parcel 2 (Anchustegui property): 360 acres located within and immediately adjacent to the Little Jacks Creek Wilderness Area;

Parcel 3 (Hanley property): 611.50 acres lying immediately adjacent to the west boundary of the North Fork Owyhee Wilderness Area.

Following acquisition, the respective properties will each become a part of the adjacent wilderness area and as such, will be withdrawn from mineral entry. The properties will not be available for livestock grazing.

### **Location and Setting**

Parcel 1 lies along the East Fork of Shoofly Creek, approximately 23 air miles southwest of Bruneau, Idaho. Parcel 2 also lies along Shoofly Creek and Perjue Canyon, and the westernmost portion of the property runs north to and across the Owyhee Uplands Backcountry Byway (Mud Flat Road), approximately 24 air miles southwest of Bruneau, Idaho. Parcel 3 lies in between BLM's North Fork Campground and the North Fork Owyhee Wilderness Area, along the Owyhee Uplands Backcountry Byway, approximately 51 air miles southwest of Grandview, Idaho.

## **Conformance with Applicable Land Use Plan**

The proposed action conforms to the 1983 Bruneau Management Framework Plan (MFP) and the 1999 Owyhee Resource Management Plan (RMP), which allow for acquisitions that fulfill BLM management goals and objectives, and meet the public interest. The proposed action implements an Owyhee RMP objective. Management Action #1 under Objective LAND #1 states: “Acquire through purchase, exchange, easement or donation lands that will benefit the management of resource programs including but not limited to wild horses, wildlife, WSA’s, ACEC’s, riparian, cultural, recreation, etc.”

## **Relationship to Statutes, Regulations, and Other Requirements**

Acquisition of the subject land is consistent and compatible with Section 5(c) of the Wilderness Act of September 3, 1964 (Public Law 88-577), which provides for the acquisition of private land within wilderness areas with the landowner’s consent. Acquisition would also fulfill the letter and intent of the OPLMA, as discussed in Section 1.0 above.

Section 1505(b) of the OPLMA established the Owyhee Land Acquisition Account, and provides that funds from the account will be available to purchase land or interests within or adjacent to the six designated wilderness areas. The properties that are the subject of this EA are shown as “Proposed for Acquisition” on the May 5, 2008 maps entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and “North Fork Owyhee Wilderness.”

Section 205(a) of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 authorizes the Secretary of the Interior to acquire non-federal lands or interests therein by purchase, exchange, donation, or eminent domain.

Executive Order 13186 expressly requires that Federal agencies evaluate the effects of proposed actions on migratory birds (including eagles) pursuant to NEPA “or other established environmental review process;” restore and enhance the habitat of migratory birds, as practicable; identify where unintentional take reasonably attributable to agency actions is having, or is likely to have, a measurable negative effect on migratory bird populations; and, with respect to those actions so identified, the agency shall develop and use principles, standards, and practices that will lessen the amount of unintentional take, developing any such conservation efforts in cooperation with the Service.

## Cultural Resource Laws and Executive Orders

BLM is required to consult with Native American tribes to “help assure (1) that federally recognized tribal governments and Native American individuals, whose traditional uses of public land might be affected by a proposed action, will have sufficient opportunity to contribute to the decision, and (2) that the decision maker will give tribal concerns proper consideration” (U.S. Department of the Interior, BLM Manual Handbook H-8120-1). Tribal coordination and consultation responsibilities are implemented under laws and executive orders that are specific to cultural resources which are referred to as “cultural resource authorities,” and under regulations that are not specific which are termed “general authorities.” Cultural resource authorities include: the National Historic Preservation Act of 1966, as amended (NHPA); the Archaeological Resources Protection Act of 1979 (ARPA); and the Native American Graves

Protection and Repatriation Act of 1990, as amended (NAGPRA). General authorities include: the American Indian Religious Freedom Act of 1979 (AIRFA); the National Environmental Policy Act of 1969 (NEPA); the Federal Land Policy and Management Act of 1976 (FLPMA); and Executive Order 13007-Indian Sacred Sites. The proposed action is in compliance with the aforementioned authorities.

Southwest Idaho is the homeland of two culturally and linguistically related tribes: the Northern Shoshone and the Northern Paiute. In the latter half of the 19th century, a reservation was established at Duck Valley on the Nevada/Idaho border west of the Bruneau River. The Shoshone-Paiute Tribes residing on the Duck Valley Reservation today actively practice their culture and retain aboriginal rights and/or interests in this area. The Shoshone-Paiute Tribes assert aboriginal rights to their traditional homelands as their treaties with the United States, the Boise Valley Treaty of 1864 and the Bruneau Valley Treaty of 1866, which would have extinguished aboriginal title to the lands now federally administered, were never ratified.

Other tribes that have ties to southwest Idaho include the Bannock Tribe and the Nez Perce Tribe. Southeast Idaho is the homeland of the Northern Shoshone Tribe and the Bannock Tribe. In 1867 a reservation was established at Fort Hall in southeastern Idaho. The Fort Bridger Treaty of 1868 applies to BLM's relationship with the Shoshone-Bannock Tribes. The northern part of the BLM's Boise District was also inhabited by the Nez Perce Tribe. The Nez Perce signed treaties in 1855, 1863 and 1868. BLM considers off-reservation treaty-reserved fishing, hunting, gathering, and similar rights of access and resource use on the public lands it administers for all tribes that may be affected by a proposed action.

## **2.0 Description of the Alternatives**

### **Alternatives Considered But Not Analyzed In Detail**

The three properties are only being offered for sale, and as such, the Proposed Action and the No Action Alternative are the only alternatives being addressed.

#### **2.1.1 Alternative A - No Action/Continue Present Management**

BLM would not acquire the described properties. The properties would remain in private ownership and would not become part of the wilderness system.

## **3.0 Affected Environment and Environmental Consequences**

### **3.1.1 Affected Environment**

Parcels 1 and 2 lie within and immediately adjacent to the Little Jacks Creek Wilderness Area, and Parcel 3 lies immediately adjacent to the North Fork Owyhee Wilderness Area. All three parcels are surrounded by public land. Upon acquisition, the properties would become a part of the affected wilderness areas.

Environmental Site Assessments (ESA) of the parcels found that all of the parcels had historically been used principally for livestock grazing. No hazardous substances had been spilled, released, or stored for one year or more on any of the properties. There were no structures found on Parcel 1.

The site inspection of Parcel 2 noted the presence of a small, dilapidated two-room house, and two smaller dilapidated outbuildings, as well as accumulated household refuse and other artifacts, including a truck and assorted small farming-related equipment/implements. Although nothing specific was substantiated during the field inspection, the investigator pointed out that, because of its age, the house could potentially contain asbestos and/or lead-based paint. The landowner has agreed to remove the three buildings prior to BLM's acquisition, including the accumulated refuse, the truck and equipment, and any other unacceptable articles or substances. A follow-up site visit will ensure that appropriate actions have occurred before title closing.

The site inspection of Parcel 3 noted the presence of a small (approx. 12' x 14') one-room wooden homestead with metal roof, and a small assortment of metal and wooden household refuse, including the remnants of a stove. In addition, the property contained a dilapidated corral and fence, as well as the remnants of a wooden pole and smooth wire that were the remains of a telephone line that once crossed the area.

#### Vegetation

The parcels are dominated by juniper/big sagebrush/bitterbrush communities with perennial grass understories. Parcels 1 and 2 support riparian areas along Shoofly Creek, and Parcel 3 supports a riparian community along the North Fork Owyhee River.

#### Special Status Plants

No botanical inventories have been conducted on these parcels.

#### Watershed

Soils in the area formed in residuum and alluvium from basalt and rhyolite. They are generally rocky and shallow to moderately deep and well-drained. Surface textures are predominantly coarse with subsoils varying from loamy sands to clay loams. The hazard of erosion by water for these soils is high and slope is a critical factor in the soil's susceptibility to these forces. Little water is yielded as overland flow except during high intensity events.

### **3.1.2 Environmental Consequences – Vegetation/Special Status Plants/Watershed**

#### **3.1.2.1 Proposed Action**

The purchase of property does not involve any surface disturbing actions. As part of the wilderness system, vegetation and soils would remain largely undisturbed over the long term. Any human-caused disturbance that may be proposed after Federal acquisition would be evaluated on a case-by-case basis for its consistency and compliance with the Wilderness Act and analyzed as a separate action under the National Environmental Policy Act. The properties would be withdrawn from future mineral entry, and would not be available for livestock grazing.

### **3.1.2.2 Alternative A**

No plans for use of the properties are known. Under the current zoning, it may be possible for each of the properties to be split into more than one lot. If developed there would be surface disturbing activities for building pads, access routes and other related items. Current vegetation would be destroyed on developed sites and soil erosion would occur until vegetation is re-established. There would be no protection of natural resources and wilderness values.

## **Wildlife/Special Status Animals**

### **3.1.3 Affected Environment – Wildlife/Special Status Animals**

#### Wildlife

Wildlife in the general area includes mule deer, bighorn sheep, black bear, mountain lion, bobcat, coyote, badger, small mammals and various song birds. The area also contains numerous upland game birds ( e.g. California quail, dove, chukar partridge, etc.), raptors (e.g. golden eagle, Cooper’s hawk, sharp-shinned hawk, red-tailed hawk, etc.), and reptiles such as gopher snake, western rattlesnake, and various lizards.

#### Special Status Animals

No threatened or endangered animals have been identified on the parcels.

### **3.1.4 Environmental Consequences – Wildlife/Special Status Animals**

#### **3.1.4.1 Proposed Action**

There would be no surface disturbing actions that would cause direct or indirect displacement or change in wildlife use. Wildlife use of the area would be expected to continue at current levels over the long term. Any disturbance that may occur after Federal acquisition would be evaluated and analyzed on a case-by-case basis. The mere designation of areas as wilderness sometimes results in increased recreational visitation and use, but in these remote areas, recreational use is not expected to increase to a level that would impact wildlife.

#### **3.1.4.2 Alternative A**

No plans for use of the properties are known. If development occurred, there would be surface disturbing activities for building pads, access routes and other related items. Wildlife would be temporarily displaced and possibly its use of the parcel could be prohibited by the change of use. Animals that are sensitive to human disturbance would avoid habitats adjacent to developed areas over the long term. Pets from developed areas could also disturb and destroy some wildlife species. Populations of species that are tolerant of human disturbance would remain stable or increase over the long term.

## **Cultural Resources**

### **3.1.5 Affected Environment – Cultural Resources**

No cultural inventory has been conducted on the parcels and little is known about the cultural properties in the area.

### **3.1.6 Environmental Consequences – Cultural Resources**

#### **3.1.6.1 Proposed Action**

Any cultural properties that may be on the parcels would be brought under protection through several Federal laws, including but not limited to: Section 106 of the National Historic Preservation Act, the American Religious Freedom Act of 1978, the Archeological Resources Protection Act of 1979, Executive Orders 13007 and 11593, and the Native American Graves Protection and Repatriation Act of 1990. Any surface disturbing actions that would occur on the property after BLM's acquisition would be evaluated on a case by case basis for cultural resources.

#### **3.1.6.2 Alternative A**

Federal protection would not be provided to any sites that may be on the parcels. The State of Idaho or the local jurisdictions do not have laws that protect cultural resources. Any existing sites could be destroyed or compromised by ground disturbing activities.

### **Recreation/Special Designations**

#### **3.1.7 Affected Environment – Recreation/Special Designations**

##### Recreation

Parcel 1 is surrounded by public lands designated as wilderness, and has no legal access. Parcels 2 and 3 are physically and legally accessible directly from Mud Flat Road, a County Road. The public lands adjoining the three parcels receive relatively light use, primarily hiking, and hunting, with floating and fishing also occurring along the North Fork Owyhee River, which flows through Parcel 3.

##### Special Designations

Parcels 1 and 2 are located within and adjacent to the Little Jacks Creek Wilderness Area, and Parcel 3 is located adjacent to the North Fork Owyhee Wilderness Area. The wilderness areas were designated by the OPLMA for the purpose of protecting and enhancing the resources and values that made the respective areas suitable for wilderness designation, including naturalness, solitude, and recreation.

### **3.1.8 Environmental Consequences – Recreation/Special Designations**

#### **3.1.8.1 Proposed Action**

There are no plans to develop the three parcels, which will become a part of the wilderness areas which they adjoin. However, the mere designation of areas as wilderness often increases recreational visitation and use of the areas.

#### **3.1.8.2 Alternative A**

No change would occur from the current condition. No plans for use of the properties are known. In the future, the respective landowners could preclude recreational access and use, which would reduce access to surrounding public lands over the long term.

## **Social and Economic**

### **3.1.9 Affected Environment – Social and Economic**

The parcels lie in rural Owyhee County. There are no housing units within one mile of the parcels. Property taxes are assessed and collected by Owyhee County.

### **3.1.10 Environmental Consequences – Social and Economic**

#### **3.1.10.1 Proposed Action**

Owyhee County would no longer collect property taxes on these parcels. Fire protection and law enforcement would become the responsibility of the BLM.

#### **3.1.10.2 Alternative A**

Currently the property taxes collected for the parcels do not cover the cost of County services, i.e., fire and police protection. Development of the parcels would cause the properties to be re-assessed for property tax purposes.

## **Mitigation**

Prior to title closing, the BLM will complete a follow-up site visit to ensure that accumulated debris, and any other unacceptable articles or substances have been removed from the properties.

## **4.0 Consultation and Coordination**

The proposed acquisitions meet the goals and objectives of the Owyhee Initiative Partnership, as reflected in the Owyhee Initiative Agreement and the resulting OPLMA. The numerous entities that made up the Owyhee Initiative Partnership support this and other wilderness-related acquisitions. The District Manager has briefed Idaho's Congressional staff, the Owyhee County Commissioners, the Shoshone-Paiute Tribe, and the Owyhee Initiative, Inc. Board of Directors about the proposed acquisitions. BLM has received no adverse comments about the proposal.

Other entities that were consulted and that support the proposed acquisitions include:

Daryl Keck  
John Anchustegui  
Michael Hanley  
Wilderness Land Trust  
The Nature Conservancy  
Wilderness Society  
Owyhee Initiative Inc.  
Idaho Department of Water Resources  
Idaho Department of Environmental Quality  
Owyhee County Commissioners

## 5.0 Third Party Rights

**Parcel 1:** On February 16, 2010, Pioneer Title Company of Canyon County issued to the Wilderness Land Trust a Title Commitment (No. PO201001376) for the Keck property, revealing the following exceptions and third-party rights:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
2. Any facts, rights, interest, or claims, which are not shown by the public records, but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof. **Note: This exception is acceptable, since the landowner has stated that no parties reside or possess any of the parcels, and inspections by BLM personnel have corroborated the fact.**
3. Easements, or claims of easement or encumbrances that are not shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title, including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
6. Any liens or rights to a lien, for services, labor, or material theretofore or hereafter furnished, imposed by law and not shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
7. General taxes for the year 2009, a lien, the first half is paid and the second half is due and payable. **Note: This exception will not appear on the title policy.**
8. General taxes for the year 2010, a lien, but not yet due and payable. **Note: This exception will not appear on the title policy.**

9. Reservation in United States Patent, recorded October 23, 1920, in Book 7 of Patents, Page 526, records of Owyhee County, Idaho. Affects SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 8. **Note: This is a reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States. The exception is acceptable, since title will merge.**
10. Reservation in United States Patent, recorded April 16, 1934, in Book 9 of Patents, Page 419, records of Owyhee County, Idaho. Affects the N $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 8, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 9. **Note: This is a reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States. The exception is acceptable, since title will merge.**
11. Water rights, claims or title to water. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
12. Assertion of a Right-of-Way by Bruneau Cattle Company, recorded February 15, 1996 as Instrument No. 218115, Owyhee County Records. **Note: This exception for an R.S. 2477 assertion is acceptable, as it will not interfere with management of the property.**
13. Right of access to and from the land, if any, is not established of record and assurance of such right of access is excluded from coverage of this policy. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**

**Parcel 2:** On July 27, 2010, the Pioneer Title Company of Canyon County issued to the Wilderness Land Trust a Policy of Title Insurance (File No. 201001374; Policy No. J-14182) for the Anchustegui property, revealing the following exceptions and third-party rights:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
2. Any facts, rights, interest, or claims, which are not shown by the public records, but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof. **Note: This exception is acceptable, since the landowner has stated that no parties reside or possess any of the parcels, and inspections by BLM personnel have corroborated the fact.**

3. Easements, or claims of easement or encumbrances that are not shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title, including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
6. Any liens or rights to a lien, for services, labor, or material theretofore or hereafter furnished, imposed by law and not shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
7. General taxes for the year 2010, which are a lien, but not yet due and payable. **Note: This exception will not appear on the title policy.**
8. The right-of-way for roads, ditches, and creeks. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
9. Right of access to and from the land, if any, is not established of record and assurance of such right of access is excluded from coverage of this policy. This exception only affects all property in Section 13 and the S $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 14, and does not affect property in Section 11 and the N $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14. **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
10. All matters, covenants, conditions, restrictions, easements, and any rights, interests, or claims which may exist by reason thereof, disclosed by Record of Survey recorded June 1, 2000 as Instrument No. 232615, records of Owyhee County, Idaho, but deleting any covenant, condition, or restriction indicating a preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions, or restrictions violate 42 USC 3604(c). **Note: This exception is acceptable, as it will not interfere with management of the parcels.**
11. A Real Estate Mortgage to secure an indebtedness of \$165,000.00 as shown below, and any other obligation secured thereby.

Mortgager: The Wilderness Land Trust, a Colorado corporation

Mortgagee: The Nature Conservancy, a District of Columbia nonprofit corporation

Recorded: July 27, 2010 as Instrument No. 271705, records of Owyhee County, Idaho.

**Note: This exception will not appear on the title policy.**

**Parcel 3:** On August 26, 2010, the First American Title Insurance Company issued to the Wilderness Land Trust a Policy of Title Insurance No. J-14194 (File No. 201001369) for the Hanley property, revealing the following exceptions and third-party rights:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. **Note: This exception is acceptable, as it will not interfere with management of the property.**
2. Any facts, rights, interest, or claims, which are not shown by the public records, but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof. **Note: This exception is acceptable, since the landowner has stated that no parties reside or possess any of the property, and inspections by BLM personnel have corroborated the fact.**
3. Easements, or claims of easement or encumbrances that are not shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the property.**
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title, including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records. **Note: This exception is acceptable, as it will not interfere with management of the property.**
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the property.**
6. Any liens or rights to a lien, for services, labor, or material theretofore or hereafter furnished, imposed by law and not shown by the public records. **Note: This exception is acceptable, as it will not interfere with management of the property.**
7. General taxes for the year 2010, which are a lien, payable on or before December 20 of

said year and not delinquent until after said date. **Note: This exception will not appear on the title policy.**

8. Reservations and exceptions as shown in the patent recorded June 28, 1927 in Book 9 of Patents at Page 161, Owyhee County records which includes the following reservation: “Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat. 862).”

**Note: This exception is acceptable since title will merge.**

9. Rights-of-way for irrigation and drainage ditches and canals and roads. **Note: This exception is acceptable, as it will not interfere with management of the property.**

10. Assertions of Rights-of-Way by 06 Livestock, recorded May 28, 1996 as Instrument No. 218927, by Hanley Ranch recorded June 11, 1996 as Instrument No. 219059, by Stanford Livestock recorded June 11, 1996 as Instrument No. 219063, all of official records of Owyhee County.

The effect of release of rights-of-way recorded August 17, 2010 as Instrument No. 271954, Owyhee County Records.

**Note: This exception and subsequent release are for an R.S. 2477 assertion, and are acceptable, as they will not interfere with management of the property.**

11. Lack of access to and from the land in the winter months. The maintained County road is a seasonal road, and is closed in the winter, as disclosed by the County. **Note: This exception is acceptable, as it will not interfere with management of the property.**

12. A Real Estate Mortgage to secure an indebtedness of \$910,000 as shown below and any other obligation secured thereby.

Dated: August 24, 2010

Mortgagor: Wilderness Land Trust, a Colorado corporation

Mortgagee: The Nature Conservancy, a District of Columbia non-profit corporation

Recorded: August 26, 2010 as Instrument No. 272034, records of Owyhee County, Idaho.

**Note: This exception will not appear on the title policy.**

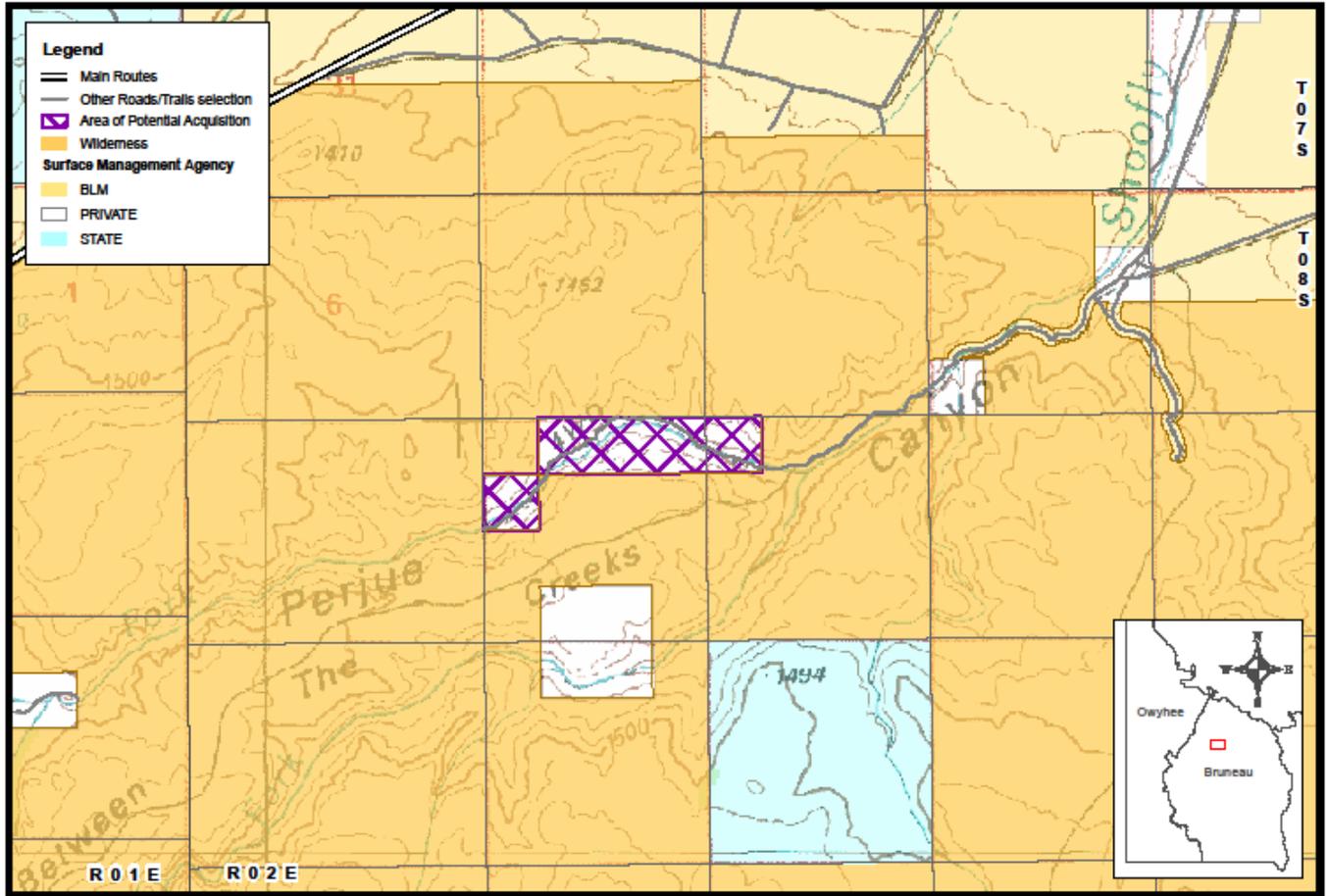
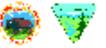
Prior to title closing, the Wilderness Land Trust will remove any and all encumbrances deemed unacceptable by the Solicitor for the Department of Interior.

## **6.0 List of Preparers**

John Sullivan	Team Lead
Mike O'Donnell	NEPA
Dave Draheim	Recreation
Holly Beck	Botany
Bruce Schoeberl	Wildlife Biology
Mike Boltz	Range Management

Parcel 1.

**Wilderness Inholding Acquisition - Wilderness Land Trust (IDI-36808)**



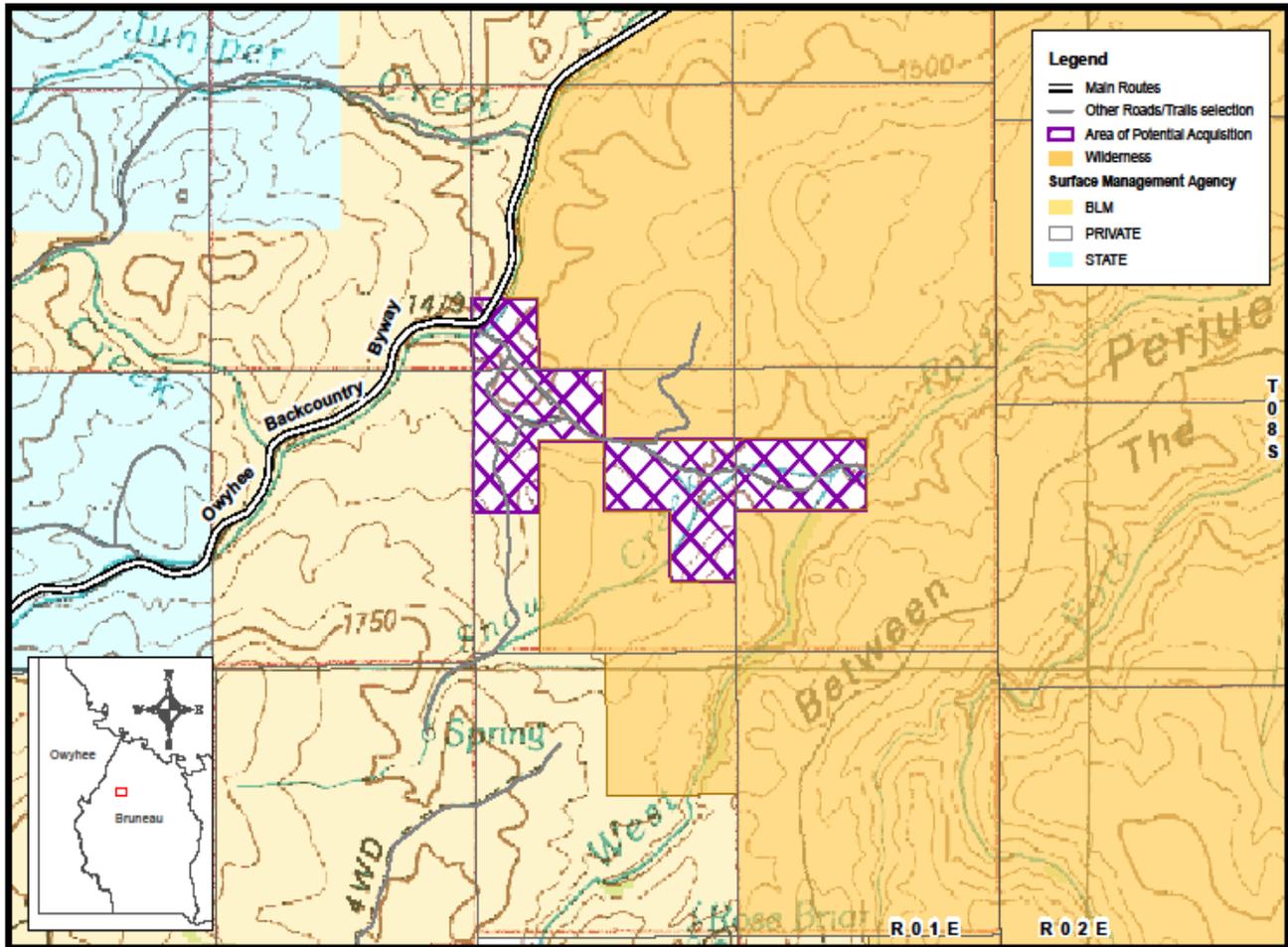
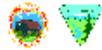
The sources of the data are from Idaho-BLM Corporate Data, and the USGS. 6/22/2010



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Parcel 2.

**Wilderness Inholding Acquisition - Wilderness Land Trust (IDI-36723)**



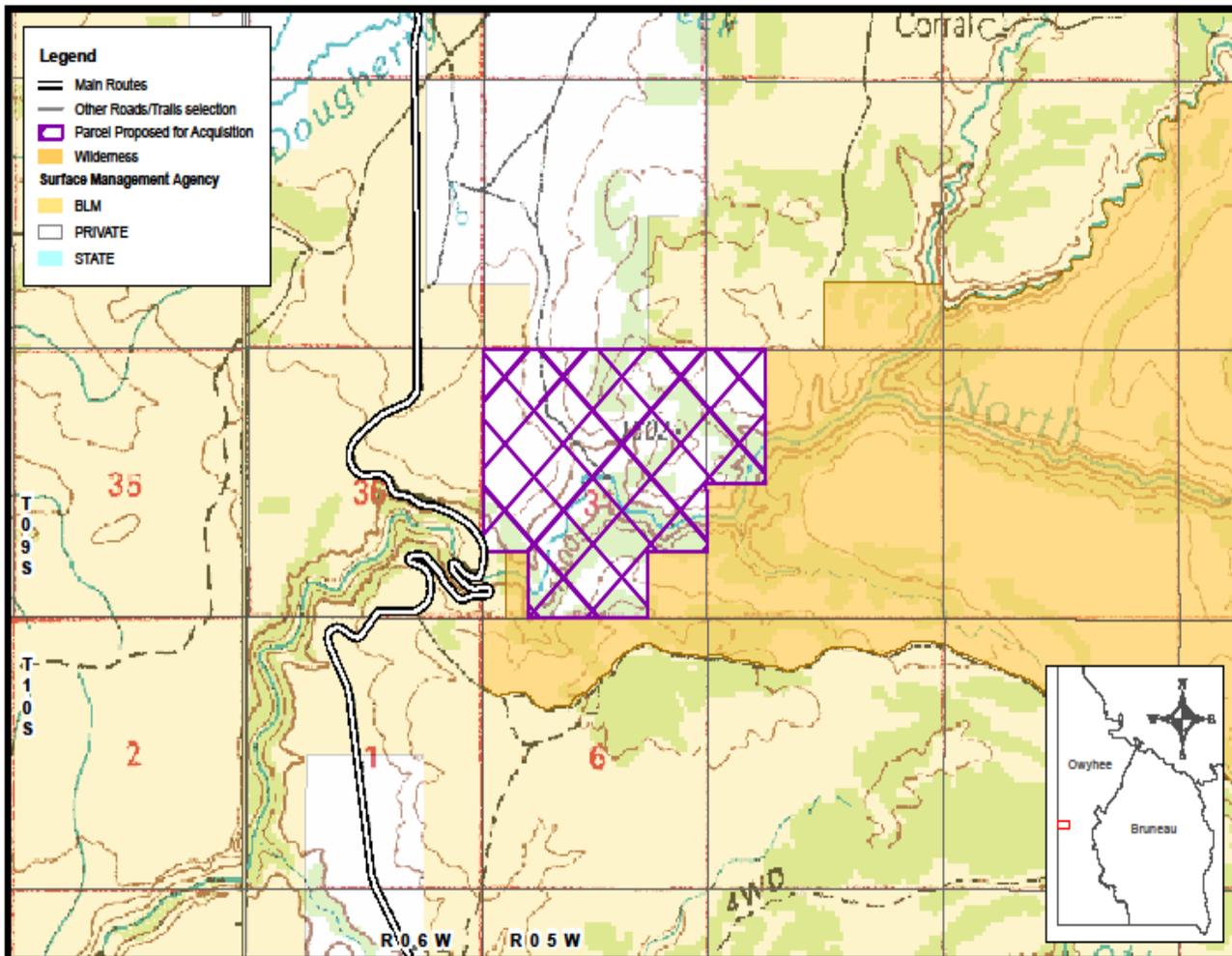
The sources of the data are from Idaho-BLM Corporate Data, and the USGS.  
8/11/2010



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### Parcel 3.

## Wilderness Inholding Acquisition - Wilderness Land Trust (IDI-36859)



The sources of the data are from Idaho-BLM Corporate Data, and the USGS. 8/18/2010

0 0.5 1 2 Miles

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