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Bureau of Land Management

Owyhee Land Exchange Environmental Assessment

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1 Introduction and Purpose and Need

1.1 Introduction

This Environmental Assessment (EA) evaluates a proposed land exchange in Owyhee County, Idaho between the Bureau of Land Management (BLM) and the Idaho Department of Lands (IDL). The IDL is the State of Idaho department with delegated authority to manage State Endowment Trust lands. As such, the IDL holds title to the State land proposed for exchange and has the ability to convey title to the property. The exchange involves 31,030.66 acres of Federal land and 23,878.16 acres of State land (Figure 1).

The exchange would consolidate both Federal and State land to facilitate more efficient and cost-effective management for both agencies and would allow BLM to acquire State-owned wilderness and wild and scenic river (WSR) inholdings in furtherance of the OPLMA. On March 30, 2009, the Omnibus Public Land Management Act (OPLMA) (Public Law 111-11; 123 Stat. 1032-1040) was signed. The Act designated approximately 517,000 acres of public land wilderness and 325 miles of Wild and Scenic River within Owyhee County. Section 1503(4) of the Act states that the Secretary may acquire land or interests within the boundaries of the wilderness areas by purchase, donation, or exchange and that any land acquired within or adjoining the boundary of the wilderness areas will become wilderness.

In December 2008, the BLM and IDL signed an Agreement to Initiate a Land Exchange (ATI) for the original proposal, which included approximately 32,537 acres of Federal land and 38,440 acres of State land. On June 13, 2012, the BLM published the Notice of Exchange Proposal (NOEP) that identified 32,793 acres of Federal land and 37,880 acres of State land. The NOEP included small acreage adjustments identified through subsequent surveys. One of the State's goals for the land exchange is to maximize revenue for public schools and endowment beneficiaries, an objective that is impossible to obtain from Endowment Trust Lands that are located within designated wilderness areas.

During analysis of the exchange, IDL removed approximately 17 State sections from consideration due to concerns expressed by affected grazing permittees and lessees. Additional Federal and State parcels were also removed from the exchange to reduce potential impacts to cultural resources of concern to the Shoshone-Paiute Tribes, and to ensure an equal value exchange.

The BLM Boise District, Bruneau and Owyhee Field Offices administer the Federal lands proposed for exchange. The Twin Falls District, Jarbidge Field Office would not dispose of any Federal land but would acquire a State parcel.

Section 206 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1716) and Federal regulations at 43 CFR 2200 require that consideration of a land exchange include an evaluation of how the exchange will:

- serve the public interest,
- be based on equal fair market values established by appraisals,
- be subject to an environmental analysis, and
- provide for coordination with State and local governments, adjoining property owners, and/or affected third-party interests.

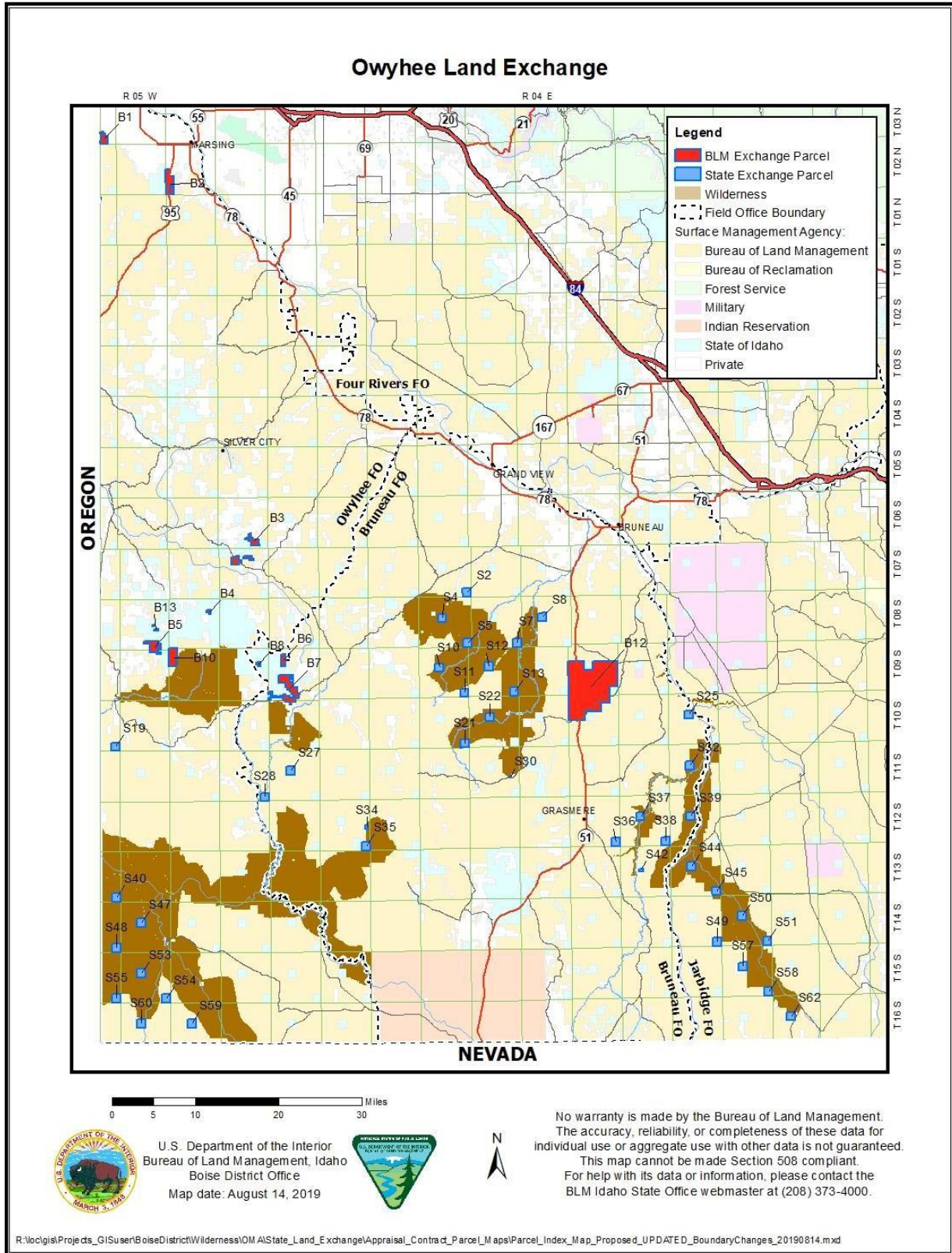


Figure 1. Proposed State and Federal Parcels for the Owyhee Land Exchange

1.2 Purpose and Need for the Action

The purpose of this action is to facilitate the 2008 Agreement to Initiate a Land Exchange between BLM and IDL that would allow the State to transfer to the United States Endowment Trust Lands that are located within, adjacent to, and near Federal lands designated as wilderness. The need for the action is that BLM's acquisition of the State land described in Appendix B would create larger contiguous blocks of Federal and State land, which would make BLM and State resource management more efficient and cost effective. Acquisition of the State's inholdings would enhance BLM's ability to provide for long-term wilderness recreational opportunities, protect bighorn sheep habitat, sage-grouse habitat, wilderness values, and cultural and ecological resources. The action is also needed to meet the goals and objectives of the 1999 Owyhee and 2015 Jarbidge Resource Management Plans (RMP) and the 1983 Bruneau Management Framework Plan (MFP), as well as to further the purposes of Section 1503(b)(4)(A) and (B) of the OPLMA, which states the following:

(4) ACQUISITION OF LAND AND INTERESTS IN LAND

(A) IN GENERAL—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

1.3 Decision to be Made

In accordance with 43 CFR 2201.7-1, the authorized officer will select an alternative from Section 2 of the EA and decide which parcels to exchange and accept for acquisition. Subsequent to the exchange, the BLM will issue separate grazing decisions to address increases or decreases in percent public land, as well as any changes in BLM-authorized AUMs resulting from the exchange.

1.4 Location and Setting

The Federal and State lands are located in Owyhee County, Idaho, between 30 to 120 miles southwest of Boise, Idaho (Figure 1). The Federal land is comprised of several isolated blocks. One large block of about 21,000 acres (Parcel B12) lies along Highway 51, approximately 16 miles south of Bruneau, Idaho. Other smaller blocks ranging in size from 120 to almost 2,700 acres are scattered throughout the Owyhee Mountains north of Mud Flat Road and are located adjacent to existing State land. The State lands consist of scattered parcels (mostly sections 16 and 36) located within, adjacent to, or near Federal lands designated as wilderness areas and WSRs.

The State and Federal lands lie within the Owyhee Uplands section of the Columbia Intermontane Geomorphic Province, a plateau with much of the surface at an elevation of 4,000 to 5,000 feet above mean sea level. The Owyhee River drains the majority of the region, with the eastern and northern portions draining to the Snake River. The Federal lands vary

topographically from level to undulating and mountainous, and are either adjacent to or are surrounded by State and private land. State land topography varies from slightly undulating and rocky to deeply incised canyons. Federal land surrounds nearly all of the State parcels proposed for exchange. The Federal and State lands are generally undeveloped apart from a few range improvements that facilitate livestock management, described in Appendices A and B. Where the State acquires parcels that contain range improvements, the State would assume the future repair and maintenance of the facilities. Following the exchange, and with the exception of lands within the 45 and Tent Creek Allotments, the State lands would continue to be managed principally for authorized livestock grazing, and the Federal lands within the affected wilderness areas would be managed for continued livestock grazing and protection/enhancement of wilderness character.

1.5 Conformance with Applicable Land Use Plans

The Federal lands to be exchanged are located in the Bruneau and Owyhee Field Offices. The State lands to be acquired by the BLM are located within the Bruneau, Owyhee and Jarbidge Field Offices. The proposed exchange conforms to the following land use plans:

1983 Bruneau Management Framework Plan (MFP) as amended

Multiple Use Decision L-5.1 states that “...any public land, whether in a retention or disposal category, may be considered for exchanges that would benefit management programs of the BLM to a greater extent than would be realized through retention of the public lands in Federal ownership, or when an exchange would aid in blocking up Federal and State management units.”

1999 Owyhee Resource Management Plan (RMP) as amended

Objective LAND 1 states: “Acquire through purchase, exchange or donation lands that will benefit the management of resource programs including but not limited to wild horses, wildlife, WSAs, ACECs, riparian, cultural, recreation, etc.” The State lands being acquired would benefit the wilderness and wild and scenic river programs, as well as the Bighorn Sheep Habitat ACEC, wildlife, riparian, and cultural programs; therefore, their acquisition meets the intent of the Owyhee RMP.

Objective LAND 2 states: “Make available for disposal approximately 325,000 acres of public land by sale, exchange, or Recreation & Public Purpose Act during the life of the plan.” All of the Federal lands proposed for exchange within the Owyhee Field Office, are in Land Tenure Zone 3, which designates them as available for disposal by land exchange.

2015 Revised Jarbidge RMP as amended

The BLM would only acquire State lands within the Jarbidge Field Office. Land Tenure Management Action 4 (LT-MA-4) states:

- “BLM’s acquisition priorities (not in priority order) will include:
 - Land identified by Shoshone-Paiute Tribes or Shoshone-Bannock Tribes;
 - Endangered, Threatened, Proposed, or Candidate species habitat;
 - BLM Sensitive species habitat;
 - Lands within special designations;
 - Big game winter range;
 - Riparian areas;
 - Lands containing known archaeological, paleontological, or historical values determined by the BLM to be unique or of traditional or scientific importance;

- *Lands that will provide public access to public lands, including but not limited to river access;*
- *Lands that will help consolidate public land;*
- *Lands that will help improve livestock grazing management; and*
- *Lands adjacent to Zones 1 and 2.”*

The 2015 Idaho and Southwestern Montana Greater Sage-grouse Approved RMP Amendment amended all three of the above land use plans and included the following management decision:

Management Decision Lands and Realty MD LR 14: Lands classified as PHMA, IHMA, and GHMA for Greater Sage-Grouse will be retained in federal management, unless: (1) the agency can demonstrate that disposal of the lands, including land exchanges, will provide no net loss to the Greater Sage-Grouse, or (2) the agency can demonstrate that the disposal, including land exchanges, of the lands will have no direct or indirect adverse impact on conservation of the Greater Sage-Grouse. Land tenure adjustments will be subject to the following disposal, exchange, and acquisition criteria, which include retaining lands with Greater Sage-Grouse habitat. This will reduce the likelihood of habitat conversion to agriculture, urbanization, or other uses that would remove sagebrush habitat and potentially affect sensitive plants.

- a. Retain lands in PHMA, IHMA, and GHMA. However, on a case-by-case basis, consider whether disposal of those lands would increase the extent or provide for connectivity of PHMA, IHMA, or GHMA.
- b. Recognizing that a goal of the Department of the Interior is to keep lands in federal management, the BLM will evaluate potential land exchanges containing historically low-quality Greater Sage-Grouse habitat that may be too costly to restore in exchange for lands of higher quality habitat, lands that connect seasonal Greater Sage-Grouse habitats, or lands providing for threatened and endangered species. These potential exchanges should increase the extent or continuity of or provide for improved connectivity of PHMA. Higher priority will be given to exchanges for those intact areas of sagebrush that will contribute to the expansion of sagebrush areas in PHMA currently in public ownership. Lower priority will be given to other lands that will enhance the IHMA and GHMA, such as areas with fragmented or less intact sagebrush.
- c. Lands for acquisition increase the extent of or provide for connectivity of PHMA.

1.6 Relationship to Statutes, Regulations, and Other Requirements

All actions considered in this EA are consistent with applicable laws, regulations, and policies including, but not limited to, the following: Federal Land Policy and Management Act (FLPMA), Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), National Environmental Policy Act (NEPA), Omnibus Public Land Management Act (OPLMA) of 2009, the Clean Water Act (CWA), and the 2005 grazing regulations at 43 CFR Part 4100.

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.

1.7 Scoping and Issues Resolution

1.7.1 External and Internal Scoping

The BLM completed external scoping, including publication of a Notice of Exchange Proposal, to notify other agencies, organizations, tribes, local governments, and the public about the exchange proposal. The BLM also performed internal interdisciplinary scoping to define issues, alternatives, and data needs.

BLM staff briefed Congressional staffs representing Senators Crapo and Risch and Congressmen Labrador and Fulcher about the exchange proposal on at least 13 occasions in 2009, 2011, 2012, 2013, 2014, 2016, and 2019. The Congressional staffs generally support the proposal, since it complements the implementation of Section 1503(b)(4) of the OPLMA.

The exchange proposal was the subject of a November 11, 2008, joint coordination meeting with Senator Crapo’s staff, Idaho Attorney General’s staff, Owyhee County Commissioners, representatives for the Shoshone-Paiute Tribes, and representatives from the BLM and the IDL. The BLM Boise District met with the Shoshone-Paiute Tribes on several occasions as part of the monthly Wings to Roots consultation process to discuss the exchange proposal. The Boise District also met at different times with the Shoshone-Bannock Tribe’s conservation staff and Tribal Council to discuss the exchange. Pursuant to the NHPA, 54 U.S.C. § 306108 and the implementing regulations at 36 CFR § 800, consultation with the State Historic Preservation

Officer (SHPO) and tribes have taken place during the evaluation and consideration of the exchange.

Boise District staff regularly discussed the exchange proposal with the Owyhee Initiative Inc. (OII) Board of Directors during their monthly meetings. The OII is composed of national, regional, and local stakeholders, including ranchers, county representatives, conservationists, outfitters, 4-wheelers, Shoshone-Paiute Tribe, and others interested in promoting the ecological and economic health of southwest Idaho. The OII was instrumental in helping to draft the bill that was later enacted as part of the Omnibus Public Land Management Act, which designated the six Owyhee County wilderness areas. Throughout the exchange process, the OII provided timely insights into the potential effects of various aspects of the exchange on affected ranchers and other public land users.

IDL and BLM staff contacted directly, or sent a letter to, affected State grazing lessees and BLM grazing permittees explaining the land exchange proposal and its potential effect on grazing permits/leases. The letter explained, among other things, that the BLM and the IDL would honor the other agency's permit/lease terms for whatever time remained on the permit/lease at the time of title transfer. Further, in accordance with 43 CFR 4110.4-2(b), BLM sent all potentially affected BLM grazing permittees official notices in June and July 2012, informing them that their permits would be honored for a minimum of two years even if the exchange were consummated prior to that time. Some affected grazing permittees and lessees were concerned about potential effects the exchange could have to their grazing authorizations because, while BLM permittees have a preference right at permit renewal time, State grazing lessees are required to compete for their lease at an open auction if competing interest is expressed. Some State grazing lessees were concerned that, if a portion of their lease was transferred to a BLM grazing permit, they could be adversely affected by changes to their grazing operation that might result from a future rangeland health assessment.

BLM staff participated in internal scoping meetings on October 29, 2013, and September 24, 2014, to define the issues to be analyzed through the NEPA process. The following section documents the issues identified during scoping that are included in this EA. The analysis was based on the context and intensity of potential impacts of the land exchange on specific resources and values. The following sub-sections identify resource disciplines in three categories: 1) relevant issues analyzed in detail, 2) resource concerns discussed but not carried forward, and 3) resource categories determined not relevant.

On May 7, 2015, Idaho Department of Lands (IDL) conducted a field tour of parcels of land to be exchanged (IDL, 2015). There were 37 participants that included: BLM staff, IDL staff, the Idaho State Controller, the Idaho Secretary of State, Senator Bert Brackett, representatives from the offices of Mike Crapo and Jim Risch, a representative from the Office of Representative Raul Labrador, several Owyhee County Commissioners, a Owyhee County Soil Conservation Commissioner, a Tribal Chair for the Shoshone-Paiute Tribes, representative for Idaho Farm Bureau, grazing permittees and members of the Owyhee Initiative, Idaho Cattle Association, Idaho Cattlemen's Association, and Idaho Rangeland Resource Commission.

On June 15, 2017, Congressional notification letters were sent to the Senate and House Subcommittees on Interior, Environment, and Related Agencies. BLM received no comments during the 30-day Congressional review period or since.

1.7.2 Relevant Issues Analyzed in Detail

The following issues are discussed in Chapter 3 of this EA.

- **Livestock Grazing:** What would be the gain/loss of rangeland managed for livestock grazing, including changes in allotments and AUMs?
- **Special Status Wildlife/Fish Species:** How would the land exchange affect sage-grouse and bighorn sheep habitat? How would the land exchange affect redband trout habitat?
- **Special Designations:** What effect would the proposed exchange have on lands managed by the BLM as wilderness, WSRs, or ACECs, and the associated resource values associated with these special designations?
- **Water Resources and Water Rights:** What effect would the exchange have on existing water resources and water rights?
- **Cultural Resources:** How would the land exchange affect cultural resources and historic properties?

1.7.3 Issues Considered but Not Analyzed in Detail

The following issues are not carried forward for full analysis in this EA.

Vegetation

The Federal and State lands proposed for exchange are intermixed throughout Owyhee County, and reflect a similarity in past land use, especially livestock grazing. Both properties support similar vegetation communities, composed primarily of shrub communities (predominantly big sagebrush, mountain big sagebrush, low sagebrush, rabbitbrush, and salt desert shrub communities). The parcels also support juniper woodlands, invasive annual plant communities, and areas seeded with crested wheatgrass.

The exchange would not substantially affect existing vegetation communities, since authorized livestock grazing (the dominant land use) would continue on the affected parcels at the same levels and in the same seasons as before the exchange unless or until future rangeland health assessments determine a need to adjust currently authorized grazing management. Affected allotments comprise both Federal and State land, and are grazed in common by Federal and State permittees and lessees; as such, any required changes in grazing management would be apportioned across all lands within the affected allotment(s).

It is possible that vegetative conditions in State-owned parcels that are currently accessible by vehicle could improve in the long-term due to reduced surface disturbance resulting from wilderness vehicular access restrictions that would be in effect following the exchange.

Access and Transportation

The proposed land exchange would not restrict access to formal recreation areas since no designated off-highway vehicle (OHV) areas or vehicular trailheads are present on any of the State or Federal exchange parcels. The Federal lands would be exchanged subject to valid existing rights, which include several major through-routes, including U.S. Highway 95, State Highway 51, and county roads, including the Owyhee Uplands Backcountry Byway (Mud Flat Road), Triangle to Jordan Valley Road, Wickahoney Road, and Sommercamp Road. A very few primitive routes traverse the Federal and State parcels proposed for exchange. In accordance with Secretarial Order 3373, access routes across BLM and State parcels outside of wilderness would be unaffected by the exchange. Public access to some wilderness areas would be enhanced by

acquiring State parcels that provide wilderness access. Federal lands currently designated as wilderness, or that would become wilderness following the exchange, would not be accessible with motorized or mechanized vehicles or equipment.

Section 1507(d) of the OPLMA restricted vehicles to existing routes on public lands throughout Owyhee County until BLM completes Transportation Management Plans (TMPs). TMPs that cover the analysis area are currently in progress, but the potential outcome of the TMPs is currently unknown, and therefore, the effects of acquiring State lands outside of wilderness cannot yet be determined. Access routes to some existing blocks of State land currently cross BLM lands proposed for exchange. As such, the exchange could enhance (or at least not adversely affect) access to State land, since Federal lands that become State-owned would be unaffected by TMP decisions that might close some routes on Federal land.

Recreation

The Federal lands lie outside of existing wilderness areas and wild and scenic river corridors. The State lands lie within, adjacent to, or near wilderness areas and wild and scenic river corridors, and a few parcels are located in areas released from WSA status by the OPLMA. The wilderness areas and adjacent country are extremely remote, rugged, and primitive, and as such, contain few access routes. The areas receive only moderate back-country recreation use, limited principally to dispersed activities, including hunting, fishing, horseback riding, hiking, river floating, and antler collecting. Portions of the wilderness areas are considered bighorn sheep trophy hunting areas. Due to the wilderness areas' remoteness and difficult access, the exchange would not result in a substantial increase in recreational activity, but would enhance the quality of the recreational experiences.

Federal land consolidation in wilderness areas would result in fewer motorized, mechanized, and visual intrusions, which would enhance the untrammelled wilderness character, and would likewise increase outstanding opportunities for solitude and primitive or unconfined recreation. Reduced motorized and mechanized activities would also enhance Native American tribal uses, including traditional off-reservation hunting, gathering, and other cultural and religious practices.

The BLM would acquire 5.8 river miles and about 1,915 acres located within river corridors designated, eligible, or suitable as WSR, enhancing recreational opportunities and experiences along or on the rivers in a wild, undisturbed setting. BLM would not dispose of any designated wilderness or WSR corridors. The proposed land exchange would not affect any designated Special Recreation Management Areas. No additional analysis is required since future proposals that could affect recreation would be analyzed separately under the requirements of the National Environmental Policy Act (NEPA).

Visual Resources

While the exchange would have no effect on the existing scenic quality in the area, the exchange would result in BLM acquiring more acres having high scenic quality and/or natural landscape settings. The topographic relief on the State lands, along with the presence of juniper and sagebrush-steppe communities and designated WSR corridors provide a pleasing scenic vista to visitors. Federal lands within or abutting wilderness areas, as well as parcels located in areas previously designated as Wilderness Study Areas, are generally classified as Visual Resource Management (VRM) Class I or Class II, generally defined as areas of pristine or near pristine scenic value. Lands lying outside these areas are generally designated as Class III or IV because

of degradation from a combination of repeated wildfires, off-road vehicular activity, and historic grazing. Through the exchange, BLM would acquire 12,842 acres of State land designated as VRM Class I, the majority of which are wilderness inholdings. The land exchange would increase and protect the acreage of BLM-administered lands with high quality, intact landscapes. Approximately 2,550 acres of Federal land being exchanged to the State, in BLM parcels B5, B10, and B13, occur in VRM Class II areas. The remainder of the Federal exchange parcels are classified as VRM Class III or IV, which reflects visual qualities impacted by wildfire and off-road vehicle activity. No additional analysis is required since any future actions proposed subsequent to the exchange would be analyzed separately under the requirements of the NEPA to determine potential environmental effects.

Environmental Justice

As described above, the exchange would not affect recreational opportunities. This includes those for minorities or low-income populations. Tribal off-reservation hunting, fishing, and gathering activities would be unaffected by the exchange. According to IDL representatives, Tribal access to State lands would, likewise, be unrestricted as long as the Tribe's activities did not conflict with other ongoing authorized uses.

Native American Religious Concerns

The BLM initiated government-to-government consultation with the following Native American Tribes identified as having an interest in Owyhee County:

- Burns Paiute Tribe,
- Shoshone-Paiute Tribes of the Duck Valley Reservation, and
- Shoshone-Bannock Tribes of Fort Hall.

Approximately 3,100 acres of Federal land were removed from the exchange due to the Shoshone-Paiute Tribe's expressed concerns about potential impacts of the exchange to existing cultural sites. None of the Tribes or other parties have identified any other unique properties, such as TCPs or sacred or religious sites, on any of the parcels currently proposed for exchange. The Shoshone-Bannock Tribe proposed various mitigations to address perceived impacts to the Tribe's ability to continue land uses consistent with their historic off-reservation treaty rights. See Consultation and Coordination Section 6.0.

Hazardous Materials

The Federal and non-Federal lands proposed for exchange were inventoried in compliance with 40 CFR Part 312 (All Appropriate Inquiry [AAI] regulations) and 40 CFR 373 (Reporting Hazardous Substance Activity When Selling or Transferring

Federal Real Property) to determine if hazardous substances, petroleum products, solid wastes, or physical hazards were present. An Environmental Site Assessment (ESA) for Real Property Disposal and Acquisition on the State and Federal parcels proposed for exchange was completed in October 2012 (BLM 2013) and was updated in October 2018.

The ESA revealed no evidence of any hazardous substance releases, past environmental contamination, or existing solid waste dumping on either State or Federal land. One issue that was noted during the inventory was that BLM Parcel B2 completely surrounds a 60-acre private parcel that was patented in two separate actions to the Homedale Rod & Gun Club in 1962 and 1964 under the Recreation and Public Purposes Act. Supplemental patents were issued for the

parcel in May 2004, to remove reversionary provisions contained in the original patents. A review of the site revealed that non-shooting areas adjoining the firing line provide adequate buffers from the surrounding Federal land to contain all spent shot. No off-site contamination from shot was discovered on the adjacent Federal land.

The assessment recommended disposal of the Federal property and acquisition of the State property (BLM 2013). Based on the ESA findings, no further analysis will be completed for hazardous materials.

ESA-listed, Proposed Listed, or Candidate Species

Three species in Owyhee County have been designated as Endangered, Threatened, or Candidate.

- Yellow Billed Cuckoo (*Coccyzus americanus*) (Threatened) – This species does not occur in the project area, and as such, a “no effect” determination was made.
- Bull trout (*Salvelinus confluentus*) (Threatened) – A total of three miles of critical habitat for the threatened bull trout will be acquired in State Parcels S45, S50, and S62.
- Slickspot peppergrass (*Lepidium papilliferum*) (Threatened) – Although this species does not occur in any of the exchange parcels, a habitat integrity zone around a known occurrence extends into State Parcel S51 on the east side of the Jarbidge River Canyon, which would be acquired and managed by the BLM Jarbidge Field Office.

The proposed land exchange would not affect the above species because, following the exchange, the affected Federal lands would continue to be managed for livestock grazing and wilderness character, thus, involving no additional ground disturbance, habitat modification, or impacts to individuals. State lands would continue to be principally managed for livestock grazing. The BLM would continue to follow established direction for management of these species and their habitat, and thus, the exchange would result in a No Effect for listed species. No further analysis is required for listed T&E, candidate, or proposed species.

Special Status Plant Species

Inventories identified very similar vegetation communities and plant species on the Federal and State lands affected by the exchange. Habitat and occurrences of the following special status plants have been identified in the Federal and State exchange parcels:

- Nevada angelica (*Angelica kingii*)
- four-wing milkvetch (*Astragalus tetraapterus*)
- Malheur cryptantha (*Cryptantha propria*)
- Greeley’s wavewing (*Cymopterus acaulis* var. *greeleyorum*)
- dimeresia (*Dimeresia howellii*)
- Bacigalupi’s downingia (*Downingia bacigalupii*)
- false naked buckwheat (*Eriogonum novonudum*)
- white-margined wax plant (*Glyptopleura marginata*)
- rattlesnake stickweed (*Hackelia ophiobia*)
- Davis’ peppergrass (*Lepidium davisii*)
- Bruneau River prickly phlox (*Leptodactylon glabrum*)
- inch-high lupine (*Lupinus uncialis*)

The proposed exchange would not affect the above species because the exchange would cause no additional ground disturbance, habitat modification, or impacts on individuals. The BLM and IDL would continue to follow established direction for management of these species and their habitats. The State has not indicated that they would manage the Federal lands they acquire for anything other than continued livestock grazing. Since State lands are located within larger BLM grazing allotments, and are managed consistent with the surrounding BLM lands, the effect on special status species located in lands being transferred to the State would be negligible or insignificant. No further analysis is required for these species.

The Migratory Bird Treaty Act (MBTA) of 1918

The MBTA, as amended, prohibits take, possession, importation, exportation, transport, sale, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. The State has not indicated that they would manage the Federal lands they acquire for anything other than continued livestock grazing. Since State lands are located within larger BLM grazing allotments, and are managed consistent with the surrounding BLM lands, direct or indirect effects to migratory birds would be negligible or insignificant. Following the exchange, the Federal and State lands would be grazed similar to before the exchange, and thus, no additional no ground disturbance or habitat modification would occur as a result of the exchange.

Big Game Wildlife Species

Habitat for the following game animals exists in the BLM and State exchange parcels.

- California bighorn sheep (*Ovis canadensis*)
- Rocky Mountain elk (*Cervus canadensis nelsoni*)
- mule deer (*Odocoileus hemionus*)
- pronghorn (*Antilocapra americana*)

The proposed exchange would have no direct effects on big game populations or habitat, because the exchange would cause no ground disturbance or habitat modification to any of the exchange parcels. Also, BLM is not acquiring any lands from the State that support domestic sheep grazing that would conflict with bighorn sheep management. Further analysis is unwarranted.

Minerals

BLM geologists investigated potential mineral values on all State and Federal parcels by researching mining claim and lease files; researching historical records, well logs, and geologic reports available on the internet; conducting an aerial reconnaissance of the region in a fixed-wing aircraft; and visiting many of the parcels on-the-ground.

Based on the above research, the mineral potential of the Federal and State parcels was determined to be equally low for locatable, leasable, and salable minerals, and thus, the 2015 Mineral Potential Report recommended that the exchange be completed without mineral reservation (BLM 2015a).

State lands that become wilderness following the exchange would automatically be closed to mineral entry in accordance with the Wilderness Act. Other State parcels would be considered suitable for opening to mineral entry and leasing following acquisition.

Due to the low prospective value of mineral resources in the lands being acquired by BLM, opening the lands to entry following acquisition would not be expected to solicit any serious interest in mineral development.

BLM has issued to the Idaho Transportation Department several small Federal Aid Highway Act material site ROWs for common variety sand and gravel deposits along State Highway 51 in BLM Parcel B12. Since the ROWs were granted to the State in perpetuity, title will merge following the exchange, and thus the mineral estate underlying the ROWs need not be reserved to the United States. The sites were identified for their convenient location adjacent to State Highway 51, but the quality of the material at these sites is not considered unusual.

Air Quality

The exchange would not result in vehicle or equipment emissions or particulate matter above normal incidental levels, as required by the Clean Air Act.

Floodplains

The exchange would not affect floodplains identified by the Federal Emergency Management Agency.

Soil Resources

The exchange would not affect soil resources, since no ground disturbance would occur.

Other

The following resources or issues are not located within or near the lands affected by the proposed exchange: Floodplains, Forest Resources, Paleontological Resources, Prime and Unique Farmlands, and Lands with Wilderness Characteristics

2 Description of the Alternatives

This EA considers two alternatives in detail: Alternative A, the No Action Alternative; and Alternative B, the Proposed Action.

2.1 Alternatives Considered and Dismissed

In December 2008, the BLM and the IDL initially proposed to exchange 11 parcels (32,793 acres) of Federal land and 62 parcels (37,880 acres) of State Endowment Trust land. The driving force behind the proposal was a pending Omnibus Bill that would soon designate six wilderness areas in Owyhee County, and the potential impacts that the wilderness designations would have on the IDL's ability to access and manage State Endowment Trust lands that would become inholdings in and edge-holdings along the soon-to-be designated wilderness areas. The Omnibus Public Land Management Act (OPLMA) of March 30, 2009, subsequently designated 517,000 acres of wilderness and 325 miles of wild and scenic river segments in Owyhee County.

In 2014, in response to a grazing permittee's request, BLM considered an alternative that increased the size of BLM Parcel B3 to include lands that were designated for retention in Federal ownership. This alternative would have required a land use plan amendment to classify the affected lands as suitable for disposal by exchange. This additional land increased the Federal land to about 34,181 acres. As discussed below, these additional acres were subsequently dropped from the exchange in response to Shoshone-Paiute Tribal concerns over potential effects of the exchange to existing cultural resources in the area.

In 2016, the IDL removed approximately 10,200 acres of State land from the exchange in response to concerns expressed by potentially affected grazing permittees and lessees, which reduced the amount of non-Federal land to 27,642 acres.

In 2017, in response to the State's acreage reduction, BLM removed about 7,414 acres of Federal land and IDL removed an additional 3,764 acres of State land from the exchange to: 1) address Shoshone-Paiute Tribal concerns regarding potential impacts to cultural resources, and 2) to aid in equalizing appraised values. The final Federal and State lands to be exchanged are included as the Proposed Action (Alternative B) and are the only lands that currently meet the expressed purpose and need for the exchange proposal.

2.2 Alternative A - No Action/Continue Present Management

The BLM would reject the land exchange proposal and current management would continue on both Federal and State lands. Future sale or development of State land, however, could potentially change or reduce some current land use(s).

2.3 Alternative B - Proposed Action

1. The IDL would issue to the United States a State Deed to the surface and mineral estate in 40 parcels (23,878.16 acres) of State Endowment Trust land, appraised at \$5,331,000, and described in Appendix B.
2. In exchange for the State land, the BLM would issue to the IDL a U.S. patent to the surface and mineral estate in 11 parcels (31,030.66 acres) of Federal land, appraised at \$5,361,000, and described in Appendix A.
3. The Federal and State lands would be exchanged together with agency-owned State- decreed water rights, agency-owned range improvements (i.e., fences, springs, reservoirs, etc.), and subject to valid existing rights (detailed in Appendices A and B). The State would be responsible for maintenance and repairs to range improvements that they acquire from BLM in the exchange. Because the State cannot hold title to Federally- reserved water rights, BLM would relinquish and abandon the following four Federally- reserved water rights at or prior to title closing: 55-11029, 55-11033, 55-11166, and 55- 12697. The value of existing range improvements and water rights were considered in the land appraisals.
4. On September 25, 2018, the BLM Acting State Director and the IDL Deputy Director signed a binding agreement to hold the appraised values constant pending completion of the land exchange. At title closing, the State of Idaho would issue to the BLM a \$30,000 cash equalization payment.
5. Pursuant to OPLMA Section 1503(b)(4)(B) and 43 CFR § 2200.0-6(f), 15,804 acres of the acquired State land would become part of four wilderness areas affected by the exchange and would be managed in accordance with the Wilderness Act of September 3, 1964 (16 U.S.C. 1131-1136).
6. Pursuant to OPLMA Section 1503(b)(3)(D), the 5,120 acres of State land within the 45 and Tent Creek grazing allotments would be permanently closed to livestock grazing at title closing.
7. The exchange would not affect grazing allotment boundaries. With the exception of the 45 and Tent Creek allotments, acquired State lands would continue to be managed as part of the

BLM grazing allotments within which they are currently located. BLM grazing permits in allotments that experience an increase in Federal acres would be modified to reflect the increase in percent public land and the permits would be modified to reflect an increase of AUMs equal to those currently allocated by the State unless and until an environmental analysis resulted in a decision to increase or decrease the allocation. State grazing lessees whose leases (or portions thereof) are transferred to BLM administration would have preference rights at permit renewal time. Affected permittees/lessees would be required to pay the current grazing fee for the agency holding title to the lands their livestock graze.

8. Following the exchange, and pursuant to 43 CFR § 4110.4-2(a)(1), BLM grazing permits in allotments that experience a decrease in Federal acres would be modified to reflect the reduction in percent public land and associated AUMs. Likewise, State leases would be modified to reflect the increase in acreage and AUMs equal to what was previously authorized by BLM on the transferred lands. IDL has agreed to honor the terms of existing grazing permits through their expiration date (or at a minimum for five years from the date of title closing). Following permit expiration, grazing lessees would be subject to State requirements regarding lease renewal.
9. Effective on the date of title closing, permittees and lessees would be required to pay the current grazing fee for the agency holding title to the lands their livestock graze.
10. At title closing, BLM would convert the following term rights-of-way to perpetual rights-of-way pursuant to 43 CFR 2807.15(b):
 - Transmission line right-of-way IDI-8875; PacifiCorp
 - Access road right-of-way IDI-34280; Homedale Rod and Gun Club

The BLM Idaho State Office Cadastral Survey Unit has reviewed and approved the legal descriptions for the Federal and State lands. The exchange would be completed on an equal value basis.

Table 1. Alternative B - Proposed Action Summary

Resource	State Land	BLM Land	BLM Net Gain (+) or Loss (-)
Land Ownership (ac)	23,878.16	31,030.66	-7,152.50
Grazing Allotments (ac) ¹	21,708	30,879	-9,171
AUMs	2,141	2,562	-421
Range Improvements (#)	1	3	-2
Wilderness In-holdings and Edge-holdings (ac)	15,804	0	+15,804
Designated Wild Rivers (miles)	4.5	0	+4.5
Eligible Wild Rivers (miles)	0.7	0	+0.7
Suitable Wild Rivers (miles)	0.2	0	+0.2
Suitable Rec Rivers (miles)	0.4	0	+0.4
ACEC In-holdings (ac)	1,094	0	+1,094
Perennial Streams (miles)	4.9	6.4	-1.5

Resource	State Land	BLM Land	BLM Net Gain (+) or Loss (-)
Intermittent and Ephemeral Streams (miles)	77.8	84.6	-6.8
Wetlands/Riparian Zones (ac)	230	276	-46
Federally-reserved water rights ² (#)	0	4	0 ²
State-decreed BLM water rights (#)	3	13	-10
Private Water Rights ³ (#)	5	7	N/A

¹Based on GIS calculations, acres may not add up to the exact totals of BLM and State lands.

²Federally-reserved water rights will be relinquished and abandoned prior to exchange completion.

³The exchange will be completed subject to valid existing rights, including private water rights.

3 Affected Environment and Environmental Consequences

3.1 Analysis Assumptions:

- Livestock grazing would continue as the primary and dominant authorized land use on both Federal and State lands in the affected area following the exchange, since the Federal and State lands are intermixed within common grazing allotments.
- The State would issue a grazing lease for the BLM parcels they acquire, and would manage the parcels pursuant to the terms and conditions of the BLM grazing permit that existed prior to title closing. If a permit has less than five years remaining on its term, the State would honor the terms of the permit for a minimum of five years. Once the previous BLM grazing permit expires, the grazing lessee would be required to renew the lease according to State requirements.
- The BLM would adjust existing grazing permits to incorporate State parcels acquired within affected allotments. Adjusted permits would reflect the same livestock numbers, AUMs, and season and length of use that the State grazing lease authorized on the State parcels prior to the exchange. The expiration date for the adjusted BLM grazing permit would not change, but the permittee would have a preference right for permit renewal according to 43 CFR 4110.2.
- Streams, wetlands, and riparian areas that are exchanged between the two agencies would be managed according to applicable State and Federal laws and regulations.
- Livestock grazing that continues essentially unchanged following title closing would have negligible to minor effects to vegetative and riparian resources that are common to both State and Federal lands.
- Protection of water quality is mandated by the Clean Water Act; as such, water quality would be managed according to the Clean Water Act regardless of ownership following the exchange.

3.2 Livestock Grazing Management

What would be the gain/loss of rangeland managed for livestock grazing, including changes in allotments and AUMs?

3.2.1 Scope of Analysis

The land exchange would affect lands with active BLM grazing permits and State grazing leases. The analysis area for direct and indirect effects includes the grazing allotments located either wholly or partially within parcels proposed for exchange. Direct effects to livestock grazing management

are based on the acres of grazing allotments being exchanged and the number of AUMs attached to those acres. Indirect effects are those associated with any changes in management that might result from the changes in AUMs, including increases or decreases in grazing fees.

3.2.2 Affected Environment – Livestock Grazing Management

The Federal lands are located in 20 grazing allotments, affecting approximately 30,879 acres and 2,562 AUMs. The affected BLM grazing allotments and permits are summarized in Table 2 below.

Table 2. BLM grazing allotment acres and AUMs being transferred to the State.

Field Office Name	Allotment Name	BLM Parcel	Permittee(s)	BLM Grazing Permit	Acres ¹	AUMs ²
Owyhee Field Office	Graveyard Pt	B1	S&B Livestock LLC	1100721	709	30
	Canal	B2	Glenda Gammett	1100020	697	48
	Elephant Butte		Ted Blackstock	1101389	758	42
	Cliffs	B10	Jeff Anderson Estate	1101381	39	2
			Michael Stanford	1101493		
			LU Ranching Co.	1101492		
	Toy	B3	Scott & Sherri Nicholson	1101497	598	160
	West Antelope		Kenneth Kershner	1104189	1,072	240
	Bogus Crk FFR	B4	Morgan Properties LP	1101510	11	1
	Combination Crk		Morgan Properties LP	1101510	8	1
	Indian Creek		Bob and Carol Bruce	1101430	100	8
	Lequerica FFR	B5	Lequerica & Sons	1104524	7	1
	South Mountain Area	B5	LU Ranching Co.	1105236	1,104	47
			Corral Creek Grazing Assoc.	1105235		87
		B10	LU Ranching Co.	1105236	1,295	54
			Corral Creek Grazing Assoc.	1105235		104
		B13	LU Ranching Co.	1105236	37	2
Corral Creek Grazing Assoc.			1105235	2		
Louisa Creek	B6	Estate of Charles Steiner	1101475	154	37	

Field Office Name	Allotment Name	BLM Parcel	Permittee(s)	BLM Grazing Permit	Acres ¹	AUMs ²
	Berrett FFR	B13	Dale Berrett	1101388	83	10
Bruneau Field Office	West Castle Crk	B7	Jacob & Ashley Steiner	1100795	1,560	172
	Black FFR	B7	Chris Black	1100235	484	61
	Nahas FFR	B7	Sierra del Rio	1100785	357	25
	Bennett	B6	George and Donna Bennett	1101608	325	48
		B7			535	79
		B8			121	18
	Table Butte	B12	Simplot dba Wickahoney Cattle Co.	1102551	37	4
	Center	B12	Justin Posey	1105241	19,488	540
			JR Simplot Co./Battle Creek	1104061		659
	Northwest	B12	Craig Gillespie	1104298	1,387	2
Simplot dba Dickshooter Cattle Co.			1104963	78		
TOTAL					31,030.66	2,562

¹Acres does not total to 31,030.66 due to minor differences resulting from GIS acreage calculations and rounding.

²AUMs were calculated based on the percent of an allotment being exchanged, assuming an average per/acre stocking rate across the allotment.

The BLM grazing allotments, State acreage, and AUMs affected by State parcels in the proposed exchange are summarized in Table 3 below. Of the 23,878.16 acres of State land being acquired by BLM, approximately 2,170 acres lie in canyon areas within parcels S7, S13, S22, S25, S32, S37, S39, S44, S45, S50, S51, and S62. The canyon portions of these State sections are effectively inaccessible for livestock grazing purposes, and as such, the allocated AUMs in these sections are produced principally from those areas outside of the canyons that are accessible to livestock. The remaining approximate 21,708 acres of State land lie in 9 active and 2 closed BLM grazing allotments. The grazing leases on these State lands support 2,141 AUMs.

Table 3. State acres and AUMs being transferred to BLM.

Field Office Name	Allotment Name	Parcel Number	Lessee(s)	State Grazing Lease	Acres ¹	AUMs ²
Owyhee Field Office	45 ³	S40	45 LLC	G-600301	640	50
		S47			640	43
		S54			640	40
		S59			640	53
	Tent Creek ³	S48	CCDF Star Valley Ranch LLC	G-600123	640	40
		S53			640	63
		S55			640	42
		S60			640	34
	Pole Creek	S19	Tommy Moore	G-600192	640	43
Bruneau Field Office	Battle Creek	S2	J.R. Simplot Company	G-600105	640	38
		S4			640	53
		S5			640	64
		S10			640	52
	Owens	S11	J.R. Simplot Revocable Trust	G-600093	638.16	71
	Northwest	S7	J.R. Simplot Revocable Trust	G-600218	640	58
		S8			640	43
		S12	J.R. Simplot Revocable Trust	G-600093	640	77
		S13			640	64
		S21	J.R. Simplot Revocable Trust	G-600092	640	106
		S22			640	107
	S30	40			7	
	Blackstone	S25	Strickland YT Ranches, Inc.	G-600078	640	27
		S32			640	38
	Big Springs	S34	J.R. Simplot Company	G-600129	80	29
		S35			640	57
		S27	Donald Freeburg 1976 Trust	G-600232	640	64
		S28			640	64
	Sheep Creek	S38	J.R. Simplot Company	G-600131	640	46
		S42	Cat Creek Cattle Company	G-600292	80	7
S36		Simplot Livestock Co	G-600074	640	45	
S37			G-600321	640	43	

Field Office Name	Allotment Name	Parcel Number	Lessee(s)	State Grazing Lease	Acres ¹	AUMs ²
		S39	Simplot Livestock Co		640	40
Jarbidge Field Office	Diamond A	S44	Buck Creek Ranch	G-700178	640	40
		S57			640	91
		S58			640	91
		S62		640	77	
		S45		G-700040	640	35
		S49			640	91
	S50		640	44		
	Poison Butte	S51	CE Bracket Cattle Co.	G-700261	640	64
TOTAL					23,878.16	2,141

¹ Acreages are as shown on BLM Master Title Plats.

² AUMs shown are the actual numbers currently being leased by the State.

³ The Federal land in this allotment was closed to livestock grazing in 2013.

3.3 Environmental Consequences – Livestock Grazing Management

3.3.1 Alternative A

The No Action Alternative would have no effect on existing grazing permits or leases. Future sale or development of State land, however, could result in the reduction of some grazing AUMs.

3.3.2 Alternative B

The BLM would transfer to the State 31,030.66 acres of Federal land with active grazing permits, including all or part of 20 grazing allotments and approximately 2,562 AUMs (Table 4). In exchange, the BLM would acquire from the State 23,878.16 acres, including approximately 2,141 allocated AUMs within 11 BLM grazing allotments (Table 3). Pursuant to OPLMA Section 1503(b)(3)(D), the Federal grazing permits in the Tent Creek and 45 allotments were donated to BLM in 2013 and the associated AUMs were retired by the BLM Idaho State Director, thereby closing the Federal land in the two allotments to further livestock grazing.

Following the exchange, the 5,120 acres of State land in the two allotments and the 365 AUMs authorized by the State grazing leases would no longer be available. The State lands are not fenced out separately, and as such, have not been grazed since the surrounding Federal lands were closed to grazing in 2013, therefore, there would be no effect to livestock grazing from the retirement of the AUMs.

The BLM would realize a net loss of approximately 9,171 acres of Federal land and an associated 429 AUMs, which represents a negligible (<1%) decrease in total BLM lands

available for grazing in Owyhee County. The exchange would result in a negligible economic impact on a county-wide scale, but could be noticeable by individual permittees/lessees. Counties receive no Federal or State revenues from grazing permit/lease fees.

The BLM has no authority to manage livestock grazing on State land, and although IDL has the means and the ability to fence out and manage their lands separately, they have chosen not to do that in any of the affected grazing allotments. As such, for the duration of the current authorizations, existing grazing allotment boundaries would not change, interior and exterior allotment fencing would be unaffected, and intermingled Federal and State land in affected grazing allotments would continue to be managed in common for livestock grazing.

The BLM and IDL have agreed to exchange lands subject to the AUMs currently authorized by each agency until the BLM permits and State leases that are in effect at title closing are renewed. Thus, although land ownership would change, the exchange would have no direct effect on current grazing management since 1) grazing allotment boundaries would not change, and 2) currently-allocated AUM numbers and seasons of use would be unaffected. Allocated AUMs and seasons of use would continue unchanged unless or until the BLM's grazing permit renewal process determined a need to modify livestock grazing management as a result of a Rangeland Health Assessment and Environmental Analysis. Since State lands are not fenced out separately, any future adjustments in AUMs or seasons of use by either BLM or the State would, by default, be apportioned across all of the lands in an allotment.

BLM permittees having all or a portion of their BLM grazing permit(s) transferred to the State could later be affected by the State's requirement that all State leases be issued on a competitive basis. State lessees could be required to compete for their grazing lease at an open competitive auction at lease renewal time if another individual expressed a competing interest. Failure to win the auction could result in the loss of all or a portion of their State grazing lease. State grazing lessees having all or a portion of their grazing lease transferred to the BLM would have preference at permit renewal time and would be subject to all BLM grazing regulations.

The exchange would not substantially affect livestock grazing management in the larger area because of the scattered pattern of lands being exchanged, which would minimize the aggregate hardship on individual ranching operations. In accordance with the 2005 Grazing Regulations at 43 CFR 4110.4-2(b), potentially affected BLM grazing permittees were provided official notification about the proposed transfer of Federal lands included in the exchange proposal in conjunction with publication of the NOEP in the Idaho Statesman Newspaper, which first occurred on June 13, 2012. The 2-year notification period expired in 2014.

Indirect effects to grazing from the exchange include those associated with land ownership consolidation, which would enhance grazing management efficiencies for both IDL and BLM. Another noticeable indirect effect would be a decrease or increase in annual grazing permit or lease costs resulting from the change in land ownership. Indirect effects would be variable, as they could be noticeable to smaller operators, but would not result in substantial changes to grazing management across western Owyhee County due to the large number of grazing permits in the area. Indirect impacts would be long-term since they would extend through the term of the grazing lease or permit. Impacts would not extend outside of Owyhee County and would affect the same types of resources on both the State and Federal lands.

Ranchers having all or a portion of their State lease(s) transferred to BLM would be assessed the current BLM grazing fee, and ranchers having all or a portion of their BLM permit(s) transferred to IDL would be assessed the current State grazing fee. Based on the 2019 BLM and State grazing fees (\$1.35/AUM and \$7.56/AUM, respectively), the economic effect from BLM disposing of 429 AUMs more than it acquires would be an aggregate increase in grazing fees of approximately \$2,664 ($\$7.56/\text{AUM} - \$1.35/\text{AUM} \times 429 \text{ AUMs}$) (IDL 2018).

Table 4 shows approximate increases or decreases in grazing permit costs for affected permittees/lessees. Individuals with State AUMs being transferred to BLM would benefit from decreased annual grazing fees ranging from about \$43 to over \$3,300. Individuals with BLM AUMs being transferred to the State would experience increased annual grazing fees ranging from near \$0 to almost \$4,100. Depending on the size and economics of each individual permittee's ranching operation, increased grazing fees could cause a negligible to a moderate effect.

Table 4. Approximate change in AUM numbers and associated grazing fees for affected grazing permittees and lessees.

Operator Name	BLM AUMs ¹ to be transferred to IDL	State AUMs to be transferred to BLM	Increase or Decrease in AUM Costs
J.R. Simplot Co.	-	339	-\$2,105
Simplot Livestock Co.	-	128	-\$795
J.R. Simplot Revocable Trust	-	533	-\$3,310
Strickland YT Ranch	-	65	-\$404
Donald Freeburg 1976 Trust	-	128	-\$795
Cat Creek Cattle Co.	-	7	-\$43
Buck Creek Ranch	-	469	-\$2,912
CE Bracket Cattle Co.	-	64	-\$397
Tommy Moore	-	43	-\$267
CCDF Star Valley Ranch LLC	-	179 ²	-\$1353
45 LLC	-	178 ²	-\$1346
S&B Livestock LLC	30	-	+\$186
Glenda Gammett	48	-	+\$298
Ted Blackstock	42	-	+\$261
Jeff Anderson Estate	<1	-	\$0
Michael Stanford	<1	-	\$0
LU Ranching Co.	103	-	+\$640
Scott Nicholson	160	-	+\$994
Kenneth Kershner	240	-	+\$1,490
Morgan Properties LP	2	-	+\$12
Bob & Carol Bruce	8	-	+\$50

Operator Name	BLM AUMs¹ to be transferred to IDL	State AUMs to be transferred to BLM	Increase or Decrease in AUM Costs
Lequerica & Sons	7	-	+\$43
Corral Crk Grazing Assoc	193	-	+\$1,198
Charles Steiner Estate	37	-	+\$230
Jacob & Ashley Steiner	172	-	+\$1,068
Chris Black	61	-	+\$379
Sierra del Rio	25	-	+\$155
George & Donna Bennett	145	-	+\$900
Simplot dba Wickahoney Cattle Co.	4	-	+\$25
Justin Posey	540	-	+\$3,353
JR Simplot Co./Battle Creek	659	-	+\$4,092
Craig Gillespie	2	-	+\$12
Simplot dba Dickshooter Cattle Co.	78	-	+\$484
Dale Berrett	10	-	+\$62

¹AUMs are based on GIS calculations that provide for an analysis of relative differences in land exchange effects to various sized operations.

²Table includes the CCDF Star Valley Ranch (Tent Creek Allotment) and 45 LLC (45 Allotment), but the State AUMs being transferred to BLM in these two allotments will be retired and, thus, will be unavailable for livestock grazing following the exchange.

Although the increase in grazing fees shown in Table 4 represent only a minor portion of the overall operating costs of a ranching operation, the increase could be noticeable to some individual permittees. Overall, however, increased fees would not result in a substantial change to local or regional economics due to the large number of grazing permits in the area. The impacts would be long-term since they would last at least for the duration of the affected grazing permits or leases.

3.3.2.1 Impact Summary

The proposed land exchange would have negligible to minor effects to livestock grazing management or Rangeland Health Standards. BLM permittees and State lessees currently graze their livestock in common within affected BLM allotments; thus, transferring AUMs from one agency to the other would not affect ongoing livestock grazing management within the allotments. Also, because the total number of AUMs would not change within affected allotments, and the seasons and length of use within the allotments would not change, effects to Rangeland Health Standards would be negligible. Indirect impacts are related to more efficient management due to land ownership consolidation, as well as the increases or decreases in grazing fees experienced by affected permittees and lessees. Impacts would be negligible to minor, local, and would affect grazing-related resources that are common to both properties. The impacts would also be long-term since they would last at least for the 10-year duration of the grazing permits or leases.

3.4 Special Status Wildlife/Fish Species

How would the land exchange affect sage-grouse and bighorn sheep habitat? How would the land exchange affect redband trout habitat?

3.4.1 Scope of Analysis

The analysis of effects to special status species is limited to greater sage-grouse (*Centrocercus urophasianus*) and California bighorn sheep (*Ovis canadensis*). Greater sage-grouse is considered an umbrella species for all other sagebrush obligate species, meaning that actions impacting sage-grouse would also affect other sagebrush species in the same general manner. Bighorn sheep is a special status species that inhabits the rugged canyons in southwest Idaho and are sensitive to human disturbance, especially during lambing (IDFG 2010). Both sage-grouse and bighorn sheep are used as indicator species for the effects of the proposed land exchange, as effects to these two species would generally reflect impacts to other wildlife species within the area of the proposed land exchange.

Effects to special status wildlife species are based on the acres of special status species' habitat that would be gained or lost in the exchange.

3.4.2 Affected Environment – Special Status Wildlife/Fisheries Species

Federal and State parcels proposed for exchange support occurrences and/or habitat for several special status wildlife species.

Greater sage-grouse habitats are classified as Priority (PHMA), Important (IHMA), or General (GHMA) Habitat Management Areas. Priority habitat provides the highest quality of habitat for sage-grouse and other wildlife species that utilize sagebrush habitat. Federal lands proposed for exchange support 1,396 acres, 6,146 acres, and 5,445 acres, respectively, of PHMA, IHMA, and GHMA (Appendix E, Figure 6). The State lands proposed for exchange support 19,221 acres, 1,275 acres, and 1,156 acres, respectively, of PHMA, IHMA, and GHMA (Appendix E, Figure 6).

California bighorn sheep habitat is classified as either general bighorn sheep habitat or bighorn sheep lambing habitat. Lambing habitat is generally located in remote areas that receive very little human intrusion, which is important for ensuring lambing survival and population stability and/or recovery. Most of the areas in and around the Owyhee wilderness areas affected by this exchange are considered high quality bighorn sheep habitat. Federal lands being transferred to the State are not generally considered quality bighorn sheep habitat. Further, none of the affected BLM grazing permits or State grazing leases authorize domestic sheep grazing that would conflict with bighorn sheep management. State lands to be acquired in the exchange contain 1,279 acres of lambing habitat and 14,064 acres of general habitat. BLM lands to be exchanged to the State support no lambing habitat, and only 818 acres of general habitat. See Appendix E Figure 4.

Redband trout occur within the Bruneau and Owyhee rivers and their tributaries and are a BLM Type 2 special status species. Appendix E Figure 5 portrays the redband trout habitat in the project area.

3.4.3 Environmental Consequences – Special Status Wildlife/Fisheries Species

3.4.3.1 Alternative A

Under the No Action Alternative, no lands would be exchanged, and there would be no effects to special status species. BLM managed lands and State managed lands would continue to be managed according to applicable state and federal regulations.

3.4.3.2 Alternative B

Sage-Grouse

The proposed land exchange would have no ground disturbance, habitat modification, or impacts on wildlife individuals. The exchange would, however, allow BLM to acquire a net increase of 17,825 acres of PHMA, while realizing a combined net loss of 9,160 acres of IHMA and GHMA. The BLM would acquire a net increase of habitat management area acres and also a net increase in PHMA acres. The substantial gain in PHMA acreage would benefit greater sage-grouse and other sagebrush obligate species in both the short- and the long-term due to the enhanced management emphasis required under the Approve Resource Management Plan Amendments (as revised 2019).

Bighorn Sheep

Based on GIS analysis, the proposed exchange would result in BLM acquiring a net increase of 1,279 acres of bighorn sheep lambing habitat and a net increase of 13,246 acres of bighorn sheep general habitat. Additionally, the BLM would acquire 1,094 acres of State land in the Owyhee River Bighorn Sheep Habitat Area ACEC. The acquired lands would be managed according to multiple use recommendations in the Bruneau MFP and the Desired Future Conditions, Objectives, and Management Actions in the Owyhee RMP. RMP and ACEC plan management direction would be applied to the acquired inholdings to ensure the long-term protection of the ACEC's relevance and importance values and thus the bighorn sheep habitat within the ACEC.

Redband Trout

The BLM would gain a total of 10.2 miles considered redband trout habitat and the State would acquire a total of 7.7 stream miles considered redband trout habitat. The BLM would have a net increase of 2.5 miles of redband trout habitat. The BLM acquired stream miles would be managed according to the respective land use plans according to their location and would be managed to meet Idaho Standards for Rangeland Health. Due to the change in management, the net increase of redband habitat managed by the BLM could improve overall redband trout habitat.

Impact Summary

The BLM would continue to follow established direction for management of special status species and their habitats. The State is not mandated to manage special status species under Federal requirements; however, the State has not indicated that they would manage the Federal lands they acquire for anything other than continued livestock grazing. Further, the State is not mandated to manage grazing to the same standards as BLM, but the net gain to BLM in PHMA and bighorn general and lambing habitats would provide beneficial effects to these species.

Overall, BLM management would be expected to improve conditions for wildlife and therefore provide benefits for all wildlife species.

3.5 Special Designations

What effect would the exchange have on lands with special designations?

3.5.1 Scope of Analysis

Areas with special designations affected by the land exchange include wilderness areas, WSRs, and ACECs. The special designation analysis area for direct and indirect effects is the geographic extent of special designations within the parcels proposed for exchange.

Effects to special areas are based on acres of parcels proposed for exchange that lie within or adjacent to each special area. Appendix E, Figure 2 shows the special designations affected by parcels proposed for exchange.

3.5.2 Affected Environment – Special Designations

3.5.2.1 ACECs

No Federal parcels identified for exchange are located within the 192,000-acre Owyhee River Bighorn Sheep Habitat Area (ACEC). There are 1,094 acres of State inholdings within the ACEC, consisting of 850 acres and 244 acres, respectively, in the Owyhee and Bruneau Field Offices. The relevance and importance values of the ACEC include fish and wildlife, including bighorn sheep habitat, high quality scenery, high cultural value, and natural systems. The State inholdings would become a part of the ACEC upon acquisition in accordance with 43 CFR 2200.0-6(g).

3.5.2.2 Wild and Recreational Rivers

There are 10 river segments within State parcels proposed for exchange that are designated as wild, or determined eligible or suitable as wild or recreational. There are no BLM exchange parcels within WSR corridors. Table 7 summarizes the affected river segments. Only State lands are listed since no designated, eligible, or suitable river segments exist on any of the BLM exchange parcels.

Table 5. Wild and Recreational Rivers Affected by the Exchange from State Lands

Designation	River Name	Miles of River	Acres of River Corridor
Designated Wild River	Big Jacks Creek	1.3	463
Designated Wild River	Bruneau River	0.8	225
Designated Wild River	Jarbidge River	1.6	512
Designated Wild River	Little Jacks Creek	< 0.1	23
Designated Wild River	Sheep Creek	0.8	249
TOTAL Designated Wild Rivers	-	4.5	1,471
Eligible Wild Rivers	Duncan Creek	<0.1	33
Eligible Wild Rivers	Little Owyhee River	0.7	188
Eligible Wild Rivers	Pole Creek	< 0.1	6
TOTAL Eligible Wild Rivers	-	0.7	227
Suitable Wild Rivers	Deep Creek	0.2	92
TOTAL Suitable Wild Rivers	-	0.2	92

Designation	River Name	Miles of River	Acres of River Corridor
Eligible Recreational Rivers	Jarbidge River	0.4	125
TOTAL Eligible Rec. Rivers	-	0.4	125
TOTAL	-	5.9	1,915

Source: BLM 2014c

3.5.2.3 Wilderness Areas

Table 6 summarizes the acres of State land within or adjacent to wilderness that BLM would acquire. The consolidated wilderness ownership that would exist following the exchange is displayed in Appendices E, F, and G.

Table 6. State Land Being Acquired by BLM Within or Adjacent to Wilderness

Wilderness Name	State Acres
Big Jacks Creek	3,000
Bruneau-Jarbidge Rivers	6,172
Little Jacks Creek	2,535
Owyhee River	4,097
TOTAL	15,804

3.5.3 Environmental Consequences – Special Designations

3.5.3.1 Alternative A

Under the No Action Alternative, State lands within and adjacent to wilderness areas, WSRs, and the ACEC would remain in State ownership, and thus, would not be subject to enhanced management and protection prescribed by the respective special designations.

3.5.3.2 Alternative B

The land exchange would result in BLM acquiring approximately 15,804 acres of State land with overlapping special designations as wilderness, WSR, and/or ACEC. Acquisition of lands with special designations is consistent with the Owyhee RMP Lands Objective LAND-1: “*Acquire through purchase, exchange, easement or donation lands that will benefit the management of resource programs, including but not limited to wild horses, wildlife, WSAs, ACEC’s, riparian, cultural, recreation, etc.*”

3.5.3.2.1 ACEC

The BLM would acquire 1,094 acres of State land in the Owyhee River Bighorn Sheep Habitat Area ACEC within the Owyhee River Wilderness, located in the Owyhee and Bruneau Field Offices (Appendix E, Figure 2). The acquired lands would be managed according to multiple use recommendations in the Bruneau MFP and the Desired Future Conditions, Objectives, and Management Actions in the Owyhee RMP. RMP and ACEC plan management direction would be applied to the acquired inholdings to ensure the long-term protection of the ACEC’s relevance and importance values.

3.5.3.2.2 Wild and Scenic Rivers

The BLM would acquire 1,915 acres of river corridor within designated wilderness areas, consisting of 4.5 miles and 1,471 acres of river corridor designated as wild; 0.7 miles and 227

acres of river corridor eligible as wild; and 0.2 miles and 92 acres of river corridor suitable as wild, as shown in Table 5 above (Appendix E, Figure 2). No WSR segments would be transferred to the State. The consolidation of Federal ownership of WSR segments would improve long-term management efficiency and provide long-term protection of the outstandingly remarkable values for which the individual river segments were either designated or are deemed eligible or suitable for designation.

3.5.3.2.3 Wilderness

The BLM would acquire 15,804 acres of State land that would become wilderness (Table 6) (Appendix E, Figure 2). No wilderness areas or portions thereof would be disposed of in the exchange. State-owned wilderness inholdings possess the same wilderness characteristics as the adjacent BLM lands. Consolidated wilderness ownership would facilitate and enhance BLM’s wilderness management and would eliminate the potential for future developments on State land that could have adverse off-site effects to adjacent wilderness resources or values. The consolidated wilderness ownership that would exist following the exchange is shown in Appendix E - Maps Figures 7-9.

3.6 Water Resources and Water Rights

What effect would the exchange have on existing water resources and water rights?

3.6.1 Scope of Analysis

For this analysis, direct and indirect effects are based on the acres of affected riparian area, acres of wetlands, miles of stream, and number of water rights that would be acquired or transferred by the BLM (BLM 2014e, 2014f, and 2014g).

3.6.2 Affected Environment – Water Resources and Water Rights

Appendix E Figure 3 shows the water resources within the analysis area. Table 7 summarizes the acreage (or mileage) and the management agency of riparian areas, wetlands, streams, springs, and water rights within the water resources analysis area.

The goal of management strategies and objectives in the Owyhee RMP, the Bruneau MFP, as well as the Idaho Standards for Rangeland Health is to maintain, restore, and improve healthy riparian and wetland functions for energy dissipation, sediment capture, ground water recharge, streambank stability, and wildlife habitat (BLM 1983; 1999).

As shown in Table 7, BLM holds 17 water rights on Federal land, including 4 Federally-reserved water rights that affect one spring in parcel B7 and three springs in parcel B10. These Federally-reserved water rights are all for *deminimus* stockwater use of surface waters. BLM’s 13 State-decreed water rights would be transferred to the State as part of the title to the affected parcels.

The State currently holds no water rights on any of the exchange parcels. BLM holds 3 water rights on State parcels being acquired in the exchange. Seven privately-held water rights exist on BLM exchange parcels and 5 privately-held water rights exist on State exchange parcels. The privately-held water rights would be unaffected by the exchange. The 3 BLM water rights on State land would continue to be held by BLM following the exchange.

Table 7. Water Resources and Rights within the Analysis Area

Water Resource	BLM Land	State Land
Riparian/Wetlands	279.3 acres	230.4 acres

Water Resource	BLM Land	State Land
Perennial Streams	6.9 miles	4.9 miles
Intermittent and Ephemeral Streams	84.6 miles	77.8 miles
BLM Federally-reserved water rights ¹	4	0
BLM State-decreed Water Rights	13	3
State-owned Water Rights	0	0
Private Water Rights ²	7	5

¹Federally-reserved water rights will be relinquished and abandoned at closing, and will not be transferred to the State.

²Private water rights will not be affected by the exchange. Sources: BLM 2014e; BLM 2014f; BLM 2014g

3.6.3 Environmental Consequences – Water Resources and Water Rights

3.6.3.1 Alternative A

Under the No Action Alternative, no lands would be exchanged, and there would be no effects to water resources or water rights. Future sale or development of State land could potentially affect some water rights. Riparian areas and wetlands within BLM managed lands and State managed lands would continue to be managed according to applicable state and federal regulations.

Riparian areas and wetlands within BLM managed lands would also continue to be managed according to BLM Idaho Standards for Rangeland Health.

3.6.3.2 Alternative B

Water Rights

Since the State cannot hold Federally-reserved water rights, the BLM would relinquish the 4 Federally-reserved water rights at closing. BLM’s relinquishment of the 4 Federally-reserved water rights, however, would have no effect on subsequent *deminimus* livestock use of these surface waters. Also, either the State at its discretion or the State’s grazing lessee could subsequently apply for the water rights to these springs.

BLM would transfer 13 State-decreed water rights to the State at closing. BLM’s transfer of water rights to the State would have negligible impacts to livestock grazing because State and Federal lands affected by the exchange are all included in existing BLM grazing allotments that are grazed in common. Following the exchange, the State would hold and manage the transferred water rights for their original livestock and/or wildlife-related beneficial uses. Existing privately-held water rights on BLM and State parcels would be unaffected by the exchange.

Anticipated direct effects of the proposed exchange on water resources would be short-term, and limited to the affected grazing allotments, since the water rights would continue to be used to support the ongoing dominant land use, which includes livestock grazing and protection and enhancement of wilderness character. The exchange would be completed subject to valid existing rights, and thus, would have no direct or indirect effects on private water rights.

Water Resources

Through the exchange, BLM would acquire 4.5 miles of river corridor designated as wild and scenic. Land transferred to the BLM would be managed according to BLM Idaho Standards for Rangeland Health to ensure that riparian areas and wetlands maintain proper nutrient cycling, hydrologic cycling, and energy flow. The BLM would manage acquired stream segments and riparian areas to maintain, restore, and improve the function of those resources, and to ensure that grazing management is meeting or making progress towards meeting Idaho Rangeland

Health Standards. Unfenced state owned parcels currently within BLM allotments already benefit from management direction from the Idaho Standards for Rangeland Health (IDAPA 20.03.14). Riparian areas in the State parcels within the WSR corridors are not grazed and would not see a difference in grazing management within this alternative.

The BLM would realize a net loss of 2.0 miles of perennial stream, 6.8 miles of intermittent and ephemeral stream, and 48.9 acres of riparian/wetland areas that would be managed according to applicable state regulations (IDAPA 20.03.14) and the Clean Water Act. The State would acquire BLM lands subject to existing grazing permits, which authorize a level of grazing management that was established to meet rangeland health standards for 5 years or until the grazing permit expires. Streams and wetlands would be subject to regulations and requirements under state regulations and the Clean Water Act, regardless of ownership. Continuing essentially the same type and level of livestock grazing as before the exchange would have negligible to minor effects to vegetative and riparian resources that are common to both State and Federal lands. The negligible to minor effects on land transferred to the State would continue for 5 years or until the grazing permit expires. After this time, the level of grazing management authorized by the State would not be managed to meet BLM Idaho Standards for Rangeland Health. The State is not mandated to manage grazing to the same standards as BLM, therefore, riparian conditions may change or degrade in the long-term.

Impact Summary

Federal and State lands are currently managed in common within affected grazing allotments. As such, livestock grazing would continue essentially unchanged for a minimum of 5 years or until the grazing permits expire following the exchange. After 5 years or upon expiration of the current grazing permit, riparian areas and wetlands within the land acquired by the State would be managed according to state regulations and the Clean Water Act. The State would realize a 40 percent net gain of perennial stream miles, an 8 percent net gain of intermittent and ephemeral stream miles, and a 21 percent net gain of wetland and spring acres. As such, potential impacts to water resources and rights would be of low intensity and local in the short term (5 years or to the end of the grazing permits) for riparian areas and wetlands acquired by the State. Riparian areas and wetlands on State acquired parcels would likely see a change in functional condition due to the difference in grazing management as Idaho Rangeland Health Standards are not the guiding principles for State managed rangelands. Riparian areas and wetlands within active grazing allotments on land acquired by the BLM would be managed according to state and federal water quality regulations, in addition to BLM Idaho Rangeland Health Standards. The exchange would have negligible to low beneficial impacts by placing 4.5 additional WSR river miles into Federal management, as these stream reaches are not within active grazing allotments and are currently managed according to adjacent BLM managed land. Riparian functional condition would remain the same on the WSR stream reaches acquired by the BLM and would continue to be managed as Wild and Scenic rivers. Riparian areas and wetlands (water resources) acquired by the BLM would continue to be managed according to BLM Idaho Rangeland Health Standards with an expected increase or maintenance of riparian and wetland functional condition over the long term (greater than 10 years).

3.7 Cultural Resources

How would cultural resources and historic properties be impacted by the land exchange?

3.7.1 Scope of Analysis

The Scope of Analysis for cultural resources includes a detailed analysis of the potential effects to cultural resources from the implementation of Alternatives A or B. The analysis area is the same as the Area of Potential Effect (APE) for cultural resources, which is the 31,030.66 acres of Federal land in the exchange.

Federal land transfers require compliance with National Historic Preservation Act (NHPA) of 1966 as amended (54 U.S.C. § 306108), following procedures of the Advisory Council on Historic Preservation (36 CFR Part 800), and federal and state policy requiring inventory and evaluation of cultural resources within potential impact areas. The NHPA and its implementing regulations require federal agencies to consider the effects of their actions on historic properties. The BLM and the SHPO concurred that a modeling effort employing model based, targeted inventory could be used to address Section 106 responsibilities (36 CFR § 800.4(b)(1)).

3.7.2 Affected Environment – Cultural Resources

Overview and Results of the Modeling Effort and Phase I/II Cultural Inventory Strategy

Data used in the analysis were obtained from the search of SHPO and BLM records of previous cultural resource work conducted within the APE and from the predictive modeling effort and associated Class III sample surveys conducted under contract by Gnomon, Inc. of Carson City, Nevada (Gnomon). The predictive model stratified all areas within Owyhee County into low, moderate, and high probability zones for their potential to contain cultural resources (prehistoric and historic archaeological sites or artifacts). The study was limited to Owyhee County, and encompassed three identified ecoregions - Northern Basin & Range, Snake River Plain, and Owyhee Uplands.

In October 2013, to test the model, specialists initiated a cultural inventory on 10% (3,050 acres) of the identified BLM exchange parcels. The acres were distributed equally between the high, moderate and low probability zones. The inventory resulted in 37 sites and 57 isolated finds being recorded, 70% of which were located in the high probability zone, 20% in the moderate, and 10% in the low. The SHPO concurred that the model was effective in forecasting site probability zones. As such, BLM proceeded with the final inventory, focused on 4,000 acres of BLM land in the high probability zone.

As a result of the 7,050 acres inventoried during the two phases of field investigation, 79 sites and 138 isolated finds were recorded. Approximately 5,350 (76%) of the inventoried acres fell within the high probability zone. The majority of sites were prehistoric lithic scatters/lithic reduction and historic can dumps. The highest site densities were located in the Owyhee Uplands with lower site densities on the Snake River Plain parcels. The sites generally represent task specific sites (e.g., can dumps, lithic reduction) or temporary camps seasonally used to exploit available resources. Of the 79 sites, 9 prehistoric sites were recommended eligible or potentially eligible for listing in the National Register of Historic Places (NRHP). Seven of the sites were in the high probability zone and two were in the moderate probability zone. The two sites in the moderate probability zone were small rock shelters with no cultural material.

Definition of Cultural Resources

Cultural resources include archaeological sites and artifacts, as well as historic structures, sites, districts, and features that, if determined eligible for listing on the NRHP as “historic properties”, are considered under 54 U.S.C. § 306108 of the NHPA and the implementing regulations (36 CFR 800). Cultural resources also include traditional cultural properties that are important to a community’s practices and beliefs and that maintain a community’s cultural identity. Cultural resources that meet the eligibility criteria for listing on the NRHP are considered significant resources. Effects to these resources must be considered during the planning of federal projects. Federal agencies are also required to consider the effects of their actions on sites, areas, and other resources (e.g., plants) that are of religious significance to Native Americans, as established under the American Indian Religious Freedom Act. The Shoshone-Paiute and Shoshone-Bannock Tribes have continually emphasized the Tribes’ holistic perspective of cultural resources, which encompasses plants, water, animals, and humans and the relationship existing between them. They define cultural resources as those social institutions, practices, beliefs, religious practices, sacred landscapes and objects, archaeological sites, natural resources and their use, intellectual property, oral traditions, language, historical documents and structures, and secular and non-secular items as cultural resources. Native American graves, burial grounds, and associated funerary objects are protected by the Native American Graves Protection and Repatriation Act.

According to the Shoshone-Paiute and Shoshone-Bannock Tribes, they have used the Snake River plains since before recorded history under a subsistence culture that ensured that resources would not be over-utilized. During the early-mid nineteenth century, Euro-American fur trappers, ranchers and non-Indian settlers observed large concentrations of Shoshone-Bannock people settled throughout the Snake River drainages. Following Euro-American settlement, competition for resources by the growing Euro-American population forced the Tribes to travel further to acquire needed resources. As such, the Tribes are sensitive about any proposal that might limit their ability to access Federal lands that are important to the Tribes. The Shoshone-Bannock Tribes want to ensure continued off-reservation treaty rights for hunting, gathering, and other cultural and religious purposes. They have developed a policy for management of the Snake River Basin’s resources that includes conditions for sustaining natural and cultural resources for future generations of Tribal members:

“The Shoshone Bannock Tribes (Tribes) will pursue, promote, and where necessary, initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate - the enhancement of Rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights.”

Although the Shoshone-Paiute Tribes do not have a treaty with the United States, the Tribe wants to ensure continued access to Federal lands within their aboriginal homelands for the same purposes described for the Shoshone-Bannock Tribes.

3.7.3 Environmental Consequences – Cultural Resources

3.7.3.1 Alternative A

The No-Action Alternative would result in no effects to cultural resources; however, Tribal access and use could be affected by future sale or development of State lands.

3.7.3.2 Alternative B

Direct Effects

Findings

The cultural survey model predicted, and subsequent field testing verified, that roughly 70% of all sites, regardless of site type, occur within the high probability zone. All recommended eligible properties were located within the high probability zone, with only two potentially eligible sites found within the moderate probability zone. Very few sites (10%) were found in the low probability zone, with none recommended eligible.

A total of 7,050 acres were surveyed during the modeling inventory. Of the 79 sites and 138 isolated finds recorded during the modeling inventory, 65 sites were prehistoric and 14 were historic. Nine of the prehistoric sites were recommended eligible or potentially eligible for listing on the NRHP for their potential to yield information important in prehistory. However, based on the lack of diversity and density of cultural materials, none of the sites appear to have high data potential or significance as a “type site” or traditional cultural property, sacred or religious site.

Tables 8 and 9 show comparative statistics of BLM versus State lands as distributed by probability zone. As shown in the tables, BLM would acquire a net increase of approximately 514 acres of high probability lands, and a net increase of five cultural sites. Based on these data, it is predicted that BLM would gain one more NHPA eligible site than would be transferred to IDL. As such, the proposed exchange would result in a net benefit to cultural resources by placing more potentially significant resources under BLM administration, and therefore subject to NHPA.

Table 8. Predicted acres to be transferred by probability zone.

Probability Zone	BLM to State (Acres)	State to BLM (Acres)
Low	11,563	7,170
Medium	7,013	4,426
High	12,384	12,898
Total Acres¹	30,960	23,855

¹ Acreage determined by GIS analysis differs slightly from actual acreage.

Table 9. Predicted sites to be transferred between BLM and IDL.

Probability Zone	BLM to State (sites)	State to BLM (sites)
All Zones	189	176
High	139	144
Eligible Sites (1 site / 764 acres) ¹	16	17

² Based on high probability zone acreage.

In an April 16, 2015 letter, the Idaho SHPO concurred with BLM’s finding of No Adverse Effect on cultural resources, but recommended that BLM conduct sample Section 110 surveys on no

less than 10% of the State lands being acquired in the exchange to help ensure the future efficiency and accuracy of the model and to help quantify the results. Due to the acreage reductions that occurred to both the Federal and State lands during the environmental analysis process, BLM initiated another SHPO consultation, which resulted in the SHPO issuing an April 30, 2019, letter that also concurred with BLM's finding of No Adverse Effects to cultural resources.

Indirect Effects

Under the proposed exchange, access to lands acquired by the State could be affected through a subsequent sale of the lands for private development or by other State restricted access. Sale into private ownership could result in minor to moderate impacts to cultural resources by restricting Native American access to traditional resources and because laws and regulations protecting cultural resources would no longer apply. Tribal questions regarding the State's subsequent management of cultural sites, and provisions for continued Tribal access to lands the State would acquire from BLM were forwarded to IDL staff for response. Kurt Houston, IDL Regional Operations Chief - South (now retired), provided the following response:

“Although federal laws do not apply to State of Idaho endowment land, State of Idaho endowment lands are open to the general public, if such use does not interfere with the other permitted uses on the land. Accordingly, members of the Shoshone-Paiute Tribes [and other tribes] would have the same access as the general public to former BLM lands after their transfer to the State.”

Impact Summary

Overall, the land exchange would result in a net increase of cultural resources and NRHP eligible historic properties under federal management that requires agencies to consider the effects of their actions to historic properties. The exchange and overall impacts to cultural resources would be minimized by the net gain of cultural resources in high probability zones coming under BLM jurisdiction and, thus, the Proposed Action would result in No Adverse Effects to historic properties.

3.8 Cumulative Impacts

The analysis area boundary for cumulative effects is western Owyhee County located principally west of the Bruneau and Jarbidge River canyons, within which the Federal and State lands proposed for exchange are located. The following is a brief description of existing and future actions considered as part of the cumulative effect analysis:

Tri-State Fuels Project (DOI-BLM-ID-B000-2015-0001-EIS): This proposed project would develop a series of fuel breaks using the methods of mowing, hand cutting, seeding (including seed bed preparation techniques), chemical treatment (i.e., herbicide), prescribed fire (e.g., pile burning), and targeted grazing around and through existing sagebrush communities in the southwest Owyhee County and adjacent lands in Oregon and Nevada. The purpose for the fuel breaks would be to protect and preserve existing high-quality GRSG habitat and populations from large-scale wildfires.

Bruneau-Owyhee Sage-grouse Habitat (BOSH) Project (DOI-BLM-ID-B000-2014-0002-EIS): The BLM Boise District would treat early-stage encroachment of Western juniper within a 617,000-acre focal treatment area delineated by a 10 km radius of approximately 71 occupied

sage-grouse leks in Owyhee County, Idaho, thus, improving and maintaining suitable sage-grouse habitat on BLM-managed lands.

Soda Fire Rehab Project: The purpose for this project is to restore various sagebrush habitats burned in the 2015 Soda Fire that affected approximately 400 square miles in Owyhee County and neighboring Malheur County, Oregon. The project includes construction of a strategic system of fuel breaks, combined with seeding native and non-native vegetation, targeted grazing, and mechanical thinning.

Grazing Permit Renewals: Numerous grazing allotments in western Owyhee County are undergoing a grazing permit renewal process that involves an assessment of whether the affected allotments are meeting Idaho Rangeland Health Standards. If livestock grazing is found to be the cause of an allotment failing to meet one or more rangeland health standards, managers may impose changes to a grazing permit to ensure the allotment meets or makes progress towards meeting the standard(s).

Travel Management Planning: Pursuant to Section 1507 of the OPLMA, the BLM Boise District is considering travel management planning for several sub-regions in western Owyhee County, considering the access needs of all public land users, while protecting valid existing rights and natural and cultural resources. Based on the analysis, each route on BLM-managed land will receive one of the following designations:

- Open: Route is open for use by the public.
- Limited: Travel is limited in some form (seasonal restriction, administrative access, vehicle width restriction, non-motorized use, etc.).
- Closed: Closed to vehicles.

Mineral extraction activities: One historic jasper mining claim affects an approximate 40 acre parcel within the WSR corridor near the confluence of the Bruneau and Jarbidge Rivers. The claim has not been operated for decades, but a possibility exists that extraction activities could commence again in the future. The potential effect of renewed extraction activities would be negligible to low because the mining claim cannot be expanded into surrounding wilderness and WSR areas, and areas that might be impacted by new extraction activities have been previously disturbed. Additionally, several plans of operation have been submitted within Owyhee County that include extraction of placer gold. None of these would occur in special designation areas.

Perjue Canyon Recreation Site: The proposal includes construction of a small recreation facility on 10 acres near the Little Jacks Creek Wilderness Area to facilitate access to the wilderness area.

3.8.1 Cumulative Impacts – Livestock Grazing Management

3.8.1.1 *Alternative A*

There would be no cumulative effects to livestock grazing under Alternative A.

3.8.1.2 *Alternative B*

The proposed land exchange, combined with other reasonably foreseeable actions, including the Tri-State Fuels Project, BOSH, and the Soda Fire Rehab project, could have a negligible to minor beneficial cumulative effect from more consolidated and efficient grazing management in Owyhee County. In the long-term, the vegetation management projects should help ensure sustained forage production and reduced disruption due to wildfire.

3.8.2 Special Status Wildlife/Fish Species

3.8.2.1 Alternative A

Alternative A would not contribute to cumulative effects to special status species.

3.8.2.2 Alternative B

The proposed land exchange, combined with other reasonably foreseeable actions, including the Tri-State Fuels Project, BOSH, and the Soda Fire Rehab project, could have a negligible to minor beneficial cumulative effect from more consolidated and efficient grazing management in Owyhee County. In the long-term, the vegetation management projects would ensure wildlife habitats are not disrupted due to wildfire or juniper encroachment. Grazing permit renewals on BLM land would ensure that allotments are meeting or making standard towards rangeland health. Overall, when combined with past, present, and reasonably foreseeable future actions, the effects would be countervailing due to increased acres of PHMA, increased acres of bighorn sheep habitat, and increased miles of redband trout habitat, combined with ongoing efforts for habitat improvement (BOSH, Tri-State Fuel Breaks, Soda Fire Rehab, and grazing permit renewals).

3.8.3 Cumulative Impacts – Special Designations

3.8.3.1 Alternative A

Alternative A would not contribute to cumulative effects to lands with special designations.

3.8.3.2 Alternative B

The proposed land exchange would increase the acreage and contiguous management of BLM-administered lands with special designations in Owyhee County. Past and future actions that could affect lands with special designations include recreational activities and grazing permit renewals, since most surface disturbing activities are precluded on lands with special designations. One small area (<40 acres) near the confluence of the Bruneau and Jarbidge Rivers could be affected by future mineral extraction activities, since an historic jasper mining claim still exists at the site. Potential extraction activities, however, would only affect previously disturbed areas. The Perjue Canyon recreation facility could increase wilderness visitation by recreationalists in the Little Jacks Creek Wilderness Area.

Current and future projects, especially those related to fuels reduction, including the Tri-State Fuels Project and BOSH, could reduce the size of wildfires in the area, thus protecting and preserving the resources and values for which the areas were designated. However, wildfire management would be implemented according to BLM Manual 6340, Section 1.6.C.7.b.i-iii in wilderness areas.

Overall, combined with the past, present, reasonably foreseeable future actions, wilderness character would be preserved and improved due to an increase the wilderness acres and planned actions that can preserve wilderness character.

3.8.4 Cumulative Impacts – Water Resources and Water Rights

3.8.4.1 Alternative A

There would be no cumulative effects to water resources under Alternative A.

3.8.4.2 Alternative B

The proposed land exchange would not contribute to cumulative effects to water rights. Although BLM would transfer some water rights to the State, the water rights would continue to be used

for their original livestock and wildlife beneficial uses in the affected allotments. BLM's relinquishment of 4 Federally-reserved water rights would have no effect on subsequent livestock use of these surface waters, since livestock can use *deminimus* levels of surface water without a decreed water right. Also, the State at its discretion or the State's grazing lessee could subsequently apply for the water rights to these springs.

The exchange would consolidate BLM management along WSR, which would aid in managing contiguous river stretches and associated riparian habitat. Once land is transferred to non-Federal ownership, it could be available for a variety of uses allowable under State and local law.

However, neither the BLM, the non-Federal parties or public have identified any specific plans for projects or large scale changes in water resource areas.

3.8.5 Cumulative Impacts – Cultural Resources

3.8.5.1 *Alternative A*

There would be no cumulative effects to cultural resources under Alternative A.

3.8.5.2 *Alternative B*

The overall effects to areas with a high probability for important cultural resources would be reduced, and there would be no adverse impacts under the Proposed Action or the other reasonably foreseeable actions that would contribute to cumulative effects on cultural resources.

4 Consultation and Coordination

4.1 List of Preparers

Table 10. List of Preparers

Name	Title
John Sullivan	Project Lead
Jeremy Bluma	Realty Specialist
Karen Porter	Geologist
David May	Fishery Biologist
Jessa Davis	Botanist/Ecologist
Collen Trese	Wildlife Biologist
Brad Jost	Wildlife Biologist
David Draheim	Outdoor Recreation Planner
Ryan Homan	Outdoor Recreation Planner
TJ Clifford	Outdoor Recreation Planner
Kirk Halford	Archaeologist
Marissa King	Archaeologist
Beth Corbin	Ecologist
LeeAnn Pallett	Rangeland Management Specialist
Mike Boltz	Rangeland Management Specialist
Cody Moffat	Rangeland Management Specialist
Chris Clay	Supervisory GIS Specialist
Carrie Wontorcik	Environmental Engineer
Cheryl Seath	Physical Scientist
Kathi Kershaw	Natural Resource Specialist

Name	Title
Michael McGee	Natural Resource Specialist
Kyle Paffett	Hydrologist
Kara Kirkpatrick-Kreitinger	NEPA Specialist

4.2 Consultation and Coordination

The BLM Boise District staff discussed the exchange proposal on numerous occasions during monthly meetings with the Owyhee County Commissioners. In 2014, the BLM attended a meeting held by the Commissioners, to which the Commissioners also invited potentially affected grazing permittees and lessees, as well as IDL representatives. The purpose for the meeting was to address permittees' questions about the exchange process, and to discuss potential effects of the exchange to grazing permits/leases.

From the outset of the exchange proposal, Boise District staff kept the Owyhee Initiative Inc. (OII) Board of Directors updated on the status of the land exchange during their regularly-scheduled monthly (and later, quarterly) meetings. In response, the OII provided valuable insights into potential effects of the exchange to various landowners and user groups.

The NOEP was published once per week for four consecutive weeks in the Idaho Statesman Newspaper beginning on June 13, 2012; in the Idaho Press Tribune beginning on June 14, 2012; and in the Owyhee Avalanche beginning on June 20, 2012. The NOEP provided 45 days from the first publication date for public review and comment.

Copies of the NOEP were sent to the mailing list attached hereto as Appendix D. Pursuant to the requirements of 43 CFR 4110.4-2(b), potentially affected grazing permittees were also sent an official 2-year notification of the potential transfer of BLM AUMs to the State associated with the exchange.

The BLM received eight comments as a result of scoping and following publication of the NOEP. The Owyhee County Commissioners submitted a letter requesting an extended comment period for the Notice of Exchange Proposal. In response to the request, BLM extended the comment period to August 31, 2012, which provided a total of 73 days for comment.

The Idaho Department of Parks and Recreation submitted a comment letter that did not object to the proposed exchange, but discussed a concern about the potential effect that BLM's proposed acquisition of State-owned wilderness inholdings and edge-holdings might have on vehicular access in the area. The Wilderness Land Project submitted a comment letter that did not object to the exchange, but outlined issues they wanted BLM to address in the environmental analysis, including a clear statement of the purpose and need for the exchange, and the acres of any important wildlife habitats that would be disposed of and acquired in the exchange. They also requested that BLM develop a reasonable number of alternatives to the exchange proposal, including the identification of additional BLM parcels.

Five comments were received from grazing permittees, three of which were concerned about the same grazing allotment. In general, grazing permittees were concerned about potential increases in grazing fees if BLM land was exchanged for State land in their allotments. They were also concerned about losing a preference right to a Federal grazing permit and being required to bid for a State grazing lease at lease renewal time if someone else expressed a competing interest.

Analysis subsequently determined that grazing permittees in allotments that would acquire State land would have increased annual grazing fees ranging from \$0 to about \$4,100. The permittees who submitted comment letters would experience increased annual grazing fees ranging from about \$300 to about \$1,500.

BLM Boise District staff discussed the exchange proposal individually on numerous occasions during monthly meetings with the Owyhee County Commissioners. The exchange was also discussed on at least 13 occasions with Congressional staffs during quarterly staff briefings. The BLM Boise District has historically received general support for efforts to block up Federal lands within special areas, such as the wilderness and WSR corridors in Owyhee County. Idaho Congressional staffs provided general support for the proposal.

BLM Boise District staff gave a formal presentation of the Owyhee Land Exchange status and process to the Boise District Resource Advisory Council (RAC) on March 21, 2012. In addition, current and previous RAC members were sent copies of the NOEP in June 2012. The RAC members voiced general support for the project.

The BLM has either notified or completed government-to-government consultation with the Burns Paiute Tribe, the Shoshone-Paiute Tribes, and the Shoshone-Bannock Tribes of Fort Hall. The exchange proposal was discussed on numerous occasions with Shoshone-Paiute tribal representatives during BLM Boise District's monthly Wings and Roots consultation process.

Shoshone-Paiute tribal representatives were originally informed about the exchange proposal in a November 11, 2008, joint coordination meeting with Senator Crapo's staff and representatives from the BLM, the IDL, the Idaho Attorney General's Office, and the Owyhee County Commissioners. On August 28, 2013, the Shoshone-Paiute Tribes were presented an overview of the cultural resource modeling process, and on December 18, 2014, the Tribe was presented with the final results of the modeling effort and field findings.

During the February 19, 2015, Wings & Roots meeting, the Tribes queried BLM regarding the State's subsequent management of cultural sites, and provisions for continued Tribal access to lands the State acquires from BLM. The questions were forwarded to IDL staff, who responded that endowment lands are open to the general public and tribes would have unlimited access provided it did not interfere with other permitted uses (See 3.5.3.2 Indirect Effects for quote).

In a July 10, 2018, letter to the BLM Acting State Director, Shoshone-Paiute Tribal representative, Resolution Advocates, Inc., stated the following:

"...BLM has been responsive in addressing specific tribal concerns, including the protection of 3,100 acres in the Hardiman Springs Area. Per my discussion with the Chairman, the Shoshone-Paiute Tribes have embraced the final version of the land exchange as presently constituted."

Following an October 11, 2018, briefing with the Shoshone-Bannock Tribal Council, the Tribal Chairman responded in a November 5, 2018 letter that reiterated the Tribe's general opposition to land actions that reduce the amount of Federal land available for off-reservation use rights by Tribal members. However, in recognizing the importance of acquiring State in-holdings in wilderness areas, the Tribe proposed several actions to mitigate the effects of the land exchange to Tribal members. Several of the proposals have been incorporated into this EA, such as the Tribe's expanded definition of cultural resources and tribal history in order to inform the public and land managers of reserved Treaty rights, off-reservation rights, cultural resources and traditional cultural practices that have the potential to be impacted from federal land management decisions.

Other proposed mitigations for potential impacts to cultural resources that will be implemented following the exchange include the following:

- BLM will conduct a 10% sample survey of State lands acquired in the exchange, to further test, verify and strengthen the stratification modeling application. All resources will be recorded, eligibility determinations will be rendered, and a report of the investigation will be produced, including an analysis of the results of the model application, testing and outcomes. A contract for the described cultural inventory work has been issued, and the work is slated to begin in September 2019.
- BLM will work with the Shoshone-Bannock Tribes to initiate a Joint Heritage Action Team in 2019. The BLM will develop an initial agreement with the Tribes to assist in development of wilderness and wild and scenic river interpretive materials and a plan for installation of interpretive signs. The BLM Boise District is currently working with the Shoshone-Bannock Tribe to develop the agreement.

Following BLM's analysis of the original land exchange proposal, the Idaho State Historic Preservation Office (SHPO) issued an April 16, 2015, letter of concurrence with BLM's proposed finding of No Adverse Effect on cultural resources. Due to subsequent acreage reductions, however, the SHPO's concurrence was rendered moot, and BLM initiated additional SHPO consultation based on further analysis.

In consultation with the SHPO, the exchange was modified to remove parcels identified as high sensitivity to the Tribes. In addition, State lands having low cultural sensitivity were removed from the exchange. The final exchange proposal will provide a net benefit to cultural resources by placing more high potential resources under BLM administration, and therefore subject to NHPA, than will be exchanged to IDL. In a February 12, 2019, meeting, BLM and SHPO staff reached a verbal agreement of No Adverse Effect for the exchange, based on the modifications that were implemented in the exchange. The SHPO subsequently issued an April 30, 2019, letter formally concurring with BLM's finding of No Adverse Effects to cultural resources.

On June 28, 2019, the Boise and Twin Falls Districts distributed the EA for public review and comment for a 30-day period. Comments letters were received from the following:

1. Owyhee County Board of Commissioners: Comments were limited to support for the exchange.
2. Idaho Department of Environmental Quality: Comments were limited to a form letter asking that BLM adequately analyze the effects of the exchange to various environmental factors, including air and water quality, and hazardous waste. These factors are all addressed in the EA.
3. J.R. Simplot Company: Comments were principally directed toward the effects of the exchange to water rights and Simplot's grazing permits and leases, all of which are adequately described in the EA.
4. Idaho Cattle Association: Comments mirrored those described for the J.R. Simplot Company.
5. Miller Land Company: Comments revolved around the specific effects of the exchange to their grazing permit, as well as to the water right in their allotment that BLM would transfer to the State as part of the exchange. Additional language was added to the EA to address these concerns.
6. Owyhee Initiative Board of Directors: Comments were principally in support of the exchange, but the OII Directors also requested clarifying language specifying that lands

acquired by BLM within wilderness areas would be managed principally to protect and enhance wilderness character. They also requested clarification regarding wildfire management within wilderness areas. Additional language was inserted into the EA to address these concerns.

In addition to the above comments, the J. R. Simplot Company and the Idaho Cattle Association both included statements in their comment letters requesting that the Director of the Idaho Department of Water Resources be required to issue an Order confirming that livestock will continue to have access and use of water – without interruption – after the exchange. BLM chose not to respond to this comment, since water rights and their effects to livestock grazing are a matter of State law. Instead, the comments were forwarded to the IDL to determine if they wanted to coordinate a response from their sister agency.

5 Appendices

5.1 Appendix A- Legal Descriptions of the Federal Land Proposed for Exchange

In exchange for State lands of equal fair market value, the BLM will convey to the State of Idaho fee title to the surface and mineral estate in the following-described Federal lands, together with water rights decreed to the United States, and subject to valid existing rights. The patent to the Federal land will be issued with the following reservation: “Excepting and reserving to the United States a right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30 1890 (43 U.S.C. 945)”.

Parcel B1

T. 3 N., R. 6 W., Boise Meridian

Section 26: Lot 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Subject to:

1. Those rights for transmission line purposes granted to PacifiCorp, its successors and assigns, by right-of-way number I-8875, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (175 ft)¹, as to Lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
2. Those rights for off-transmission line right-of-way access road purposes granted to Idaho Power Company, its successors and assigns, by right-of-way number I-36029, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$. Expires December 31, 2048.
3. Those rights for off-transmission line right-of-way construction site purposes granted to Idaho Power Company, its successors and assigns, by right-of-way number I-36029, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to SW $\frac{1}{4}$ SE $\frac{1}{4}$. Expires December 31, 2028.
4. Grazing preference for livestock grazing purposes in the Graveyard Point Allotment #00568 controlled by Darlene Metzger, leased to S&B Livestock LLC under permit No. 1100721.

¹ Described R/W widths are total width, unless otherwise specified.

5. Those rights for irrigation purposes granted to Gem Irrigation District, its successors and assigns, by casefile BL-042511, pursuant to the Act of August 11, 1916.

Section 35: All

Subject to:

1. Those rights for transmission line purposes granted to PacifiCorp, its successors and assigns, by right-of-way number I-8875, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (175 ft), as to W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
2. Those rights for transmission line purposes granted to Idaho Power Company, its successors and assigns, by right-of-way number I-36029, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (250 ft), as to Lots 3, 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$. Expires December 31, 2048.
3. Those rights for off-transmission line right-of-way access road purposes granted to Idaho Power Company, its successors and assigns, by right-of-way number I-36029, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to Lot 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$. Expires December 31, 2048.
4. Those rights for off-transmission line right-of-way construction site purposes granted to Idaho Power Company, its successors and assigns, by right-of-way number I-36029, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to N $\frac{1}{2}$ NE $\frac{1}{4}$. Expires December 31, 2028.
5. Grazing preference for livestock grazing purposes in the Graveyard Point Allotment #00568 controlled by Darlene Metzger, leased to S&B Livestock LLC under permit No. 1100721.

Parcel B2

T. 2 N., R. 4 W., Boise Meridian

Section 19: Lots 1 - 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way BL-048385, pursuant to Sec. 17 of the Act of November 9, 1921 (42 Stat. 216) (400 ft), as to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$.
2. Those rights for buried telephone line purposes granted to Citizens Telecom, its successors and assigns, by right-of-way number IDI-29239, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (10 ft), as to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$.
3. A permit for livestock grazing purposes in the Canal Allotment #646 held by Glenda Gammett under Grazing permit No. 1100020.
4. A permit for livestock grazing purposes in the Elephant Butte Allotment #513 held by Ted Blackstock under Grazing permit No. 1101389.
5. Those rights for irrigation purposes granted to Gem Irrigation District, its successors and assigns, by casefile BL-042511, pursuant to the Act of August 11, 1916 (39 Stat. 506).

6. Those rights for electric distribution line purposes granted to Idaho Power Company, its successors and assigns, by casefile IDI-29013, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (20 ft), as to the SE¹/₄NW¹/₄ and E¹/₂SW¹/₄.

Section 30: Lots 1 - 4, NE¹/₄, E¹/₂NW¹/₄, NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, N¹/₂SE¹/₄, N¹/₂N¹/₂SW¹/₄SE¹/₄, SE¹/₄SE¹/₄.

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way BL-048385, pursuant to Sec. 17 of the Act of November 9, 1921 (42 Stat. 216) (400 ft), as to the W¹/₂NE¹/₄ and E¹/₂W¹/₂.
2. Those rights for buried telephone line purposes granted to Citizens Telecom, its successors and assigns, by right-of-way number IDI-29239, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (10 ft), as to the E¹/₂W¹/₂.
3. Those rights for transmission line purposes granted to PacifiCorp, its successors and assigns, by right-of-way number I-8875, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (175 ft), as to Lot 4.
4. A permit for livestock grazing purposes in the Canal Allotment #646 held by Glenda Gammett under Grazing permit No. 1100020.
5. A permit for livestock grazing purposes in the Elephant Butte Allotment #513 held by Ted Blackstock under Grazing permit No. 1101389.
6. Those rights for transmission line purposes granted to Idaho Power Company, its successors and assigns, by casefile IDI-29013, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (20 ft), as to the W¹/₂NE¹/₄ and E¹/₂W¹/₂.

Section 31: Lots 1, 2, 4 - 7, 9, 10, 12, NE¹/₄NE¹/₄, S¹/₂SW¹/₄NW¹/₄NE¹/₄, S¹/₂SE¹/₄NW¹/₄NE¹/₄, SW¹/₄NE¹/₄, SE¹/₄NE¹/₄, SE¹/₄SW¹/₄, SE¹/₄.

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way BL-048385, pursuant to Sec. 17 of the Act of November 9, 1921 (42 Stat. 216) (400 ft), as to Lots 4, 5, 6, 7, 9, 10, 12, and SE¹/₄SW¹/₄.
2. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-15582, pursuant to Sec. 317 of the Act of August 27, 1958 (72 Stat. 916) (400 ft), as to Lot 4 and SE¹/₄SW¹/₄.
3. Those rights for buried telephone line purposes granted to Citizens Telecom, its successors and assigns, by right-of-way number IDI-29239, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (10 ft), as to Lots 5, 6, 9, and 12.
4. Those rights for transmission line purposes granted to PacifiCorp, its successors and assigns, by right-of-way number I-8875, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (175 ft), as to Lots 1, 5, 7, S¹/₂NE¹/₄, and SE¹/₄.
5. Those rights for transmission line purposes granted to Idaho Power Company, its successors and assigns, by right-of-way number I-36029, pursuant to the Act of October

21, 1976 (43 U.S.C. 1761) (250 ft), as to Lots 1, 2, 6, and 7, NW¹/₄SE¹/₄ and S¹/₂SE¹/₄. Expires December 31, 2048.

6. Those rights for off-transmission line right-of-way access road purposes granted to Idaho Power Company, its successors and assigns, by right-of-way number I-36029, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to Lot 7, NW¹/₄SE¹/₄, and S¹/₂SE¹/₄. Expires December 31, 2048.
7. Those rights for off-transmission line right-of-way construction site purposes granted to Idaho Power Company, its successors and assigns, by right-of-way number I-36029, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to Lot 7, NW¹/₄SE¹/₄. Expires December 31, 2028.
8. A permit for livestock grazing purposes in the Canal Allotment #646 held by Glenda Gammett under Grazing permit No. 1100020.
9. A permit for livestock grazing purposes in the Elephant Butte Allotment #513 held by Ted Blackstock under Grazing permit No. 1101389.
10. Those rights for transmission line purposes granted to Idaho Power Company, its successors and assigns, by casefile IDI-29013, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (20 ft), as to Lots 5, 7, and 12.
11. Those rights for road purposes granted to Gem Highway District #3, its successors and assigns, by casefile IDI-22579, pursuant to the Act of August 27, 1958 (72 Stat 916) (variable width – 50 to 100 ft), as to Lot 12 and the SE¹/₄.
12. Those rights for road purposes granted to Homedale Rod & Gun, its successors and assigns, by casefile IDI-34280, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (18 ft), as to Lot 5.

Parcel B3

T. 6 S., R. 3 W., Boise Meridian

Section 26: SW¹/₄SW¹/₄.

Subject to:

1. A permit for livestock grazing purposes in the Toy Allotment #533 held by Scott and Sherri Nicholson under Grazing permit No. 1101497.

Section 27: SE¹/₄NE¹/₄, SE¹/₄SW¹/₄, NE¹/₄SE¹/₄, S¹/₂SE¹/₄.

Together with:

1. Water right No. 55-12085 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use along Spring Creek; affects NE¹/₄SE¹/₄.

Subject to:

1. A permit for livestock grazing purposes in the Toy Allotment #533 held by Scott and Sherri Nicholson under Grazing permit No. 1101497.

Section 34: NE¹/₄NE¹/₄.

Subject to:

1. A permit for livestock grazing purposes in the Toy Allotment #533 held by Scott and Sherri Nicholson under Grazing permit No. 1101497.

Section 35: N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.

Together with:

1. Water right No. 55-07213 (05/28/1982) decreed to the United States of America (BLM) for stockwater and wildlife use from an earthen berm reservoir in an unnamed tributary to Spring Creek.
2. Water right No. 55-10247B (01/01/1874) decreed to the United States of America (BLM) for in-stream stockwater use along an unnamed tributary to Spring Creek.

Subject to:

1. A permit for livestock grazing purposes in the Toy Allotment #533 held by Scott and Sherri Nicholson under Grazing permit No. 1101497.
2. A permit for livestock grazing purposes in the West Antelope Allotment #574 held by Kenneth Kershner under Grazing permit No. 1104189.

T. 7 S., R. 3 W., Boise Meridian

Section 8: Lot 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$.

Subject to:

1. Those rights for telephone line purposes granted to Oregon Idaho Utilities, its successors and assigns, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (10 ft). Casefile IDI-28880.
2. A permit for livestock grazing purposes in the West Antelope Allotment #574 held by Kenneth Kershner under Grazing permit No. 1104189.

Section 9: W $\frac{1}{2}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Together with:

1. Water right No. 55-10248 (1/1/1874) decreed to the United States of America (BLM) for in-stream stockwater use along Hardiman Springs Creek.

Subject to:

1. Those rights for telephone line purposes granted to Oregon Idaho Utilities, its successors and assigns, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (10 ft). Casefile IDI-28880.
2. A permit for livestock grazing purposes in the West Antelope Allotment #574 held by Kenneth Kershner under Grazing permit No. 1104189.

Section 10: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$.

Subject to:

1. A permit for livestock grazing purposes in the West Antelope Allotment #574 held by Kenneth Kershner under Grazing permit No. 1104189.

Section 11: SW¹/₄NW¹/₄.

Subject to:

1. A permit for livestock grazing purposes in the West Antelope Allotment #574 held by Kenneth Kershner under Grazing permit No. 1104189.

Parcel B4

T. 8 S., R. 4 W., Boise Meridian

Section 11: N¹/₂SE¹/₄, SE¹/₄SE¹/₄.

Subject to:

1. A permit for livestock grazing purposes in the Combination Creek Allotment #595 and the Bogus Creek FFR Allotment #577 held by Morgan Properties LP dba Morgan Ranches LLC under Grazing permit No. 1101510.
2. A permit for livestock grazing purposes in the Indian Creek Allotment #649 held by Bob and Carol Bruce under Grazing permit No. 1101430.

Parcel B5

T. 8 S., R. 5 W., Boise Meridian

Section 34: Lot 1, N¹/₂NE¹/₄, N¹/₂NW¹/₄, SE¹/₄NE¹/₄, NE¹/₄SE¹/₄.

Together with:

1. Water right No. 55-11891 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use along an unnamed stream.

Subject to:

1. Permits for livestock grazing purposes in the South Mountain Area Allotment #561 held by LU Ranching Company (permit No. 1105236), Craig and Rhonda Brasher (permit No. 1105233), and Lequerica & Sons, Inc. (permit No. 1105232).
2. A permit for livestock grazing purposes in the Lequerica FFR Allotment #473 held by Lequerrica & Sons, Inc. (permit No. 1104524).
3. Water right No. 55-13844 (4/7/1907) decreed to the LU Ranching Company, Inc. for stockwater use along an unnamed stream.

Section 35: Lots 1 - 4, NW¹/₄NE¹/₄, S¹/₂NE¹/₄, NW¹/₄, N¹/₂SW¹/₄, NE¹/₄SE¹/₄.

Together with:

1. Water right No. 55-11892 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use along Cabin Creek.
2. Water right No. 55-11893 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use along Cabin Creek.

3. Water right No. 55-12171 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use along an unnamed tributary to Cabin Creek.

Subject to:

1. Permits for livestock grazing purposes in the South Mountain Area Allotment #561 held by LU Ranching Company (permit No. 1105236), Craig and Rhonda Brasher (permit No. 1105233), and Lequerica & Sons, Inc. (permit No. 1105232).
2. Water right No. 55-10290B (4/7/1907) decreed to the LU Ranching Company, Inc. for stockwater use along an unnamed tributary to Juniper Creek.
3. Water right No. 55-13846 (4/1/1950) decreed to the LU Ranching Company, Inc. for stockwater use along Cabin Creek.

T. 9 S., R. 5 W., Boise Meridian

Section 2: Lots 2 - 4, S½NE¼.

Together with:

1. Water right No. 55-11893 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use from Cabin Creek.
2. Water right No. 55-12171 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use from an unnamed tributary of Cabin Creek.

Subject to:

1. Permits for livestock grazing purposes in the South Mountain Area Allotment #561 held by LU Ranching Company (permit No. 1105236), Craig and Rhonda Brasher (permit No. 1105233), and Lequerica & Sons, Inc. (permit No. 1105232).
2. Water right No. 55-13846 (4/1/1950) decreed to LU Ranching Company, Inc. for stockwater use from Cabin Creek and unnamed stream.

Section 3: Lot 1.

Subject to:

1. Permits for livestock grazing purposes in the South Mountain Area Allotment #561 held by LU Ranching Company (permit No. 1105236), Craig and Rhonda Brasher (permit No. 1105233), and Lequerica & Sons, Inc. (permit No. 1105232).
2. A permit for livestock grazing purposes in the Lequerica FFR Allotment #473 held by Lequerrica & Sons, Inc. (permit No. 1104524).

Parcel B6

T. 9 S., R. 2 W., Boise Meridian

Section 5: SE¼.

Subject to:

1. A permit for livestock grazing purposes in the Louisa Creek Allotment #601 held by Estate of Charles Steiner under Grazing permit No. 1101475.

2. A permit for livestock grazing purposes in the Bennett Allotment #804 held by George Bennett under Grazing permit No. 1101608.

Section 8: E $\frac{1}{2}$.

Subject to:

1. A permit for livestock grazing purposes in the Louisa Creek Allotment #601 held by Estate of Charles Steiner under Grazing permit No. 1101475.
2. A permit for livestock grazing purposes in the Bennett Allotment #804 held by George Bennett under Grazing permit No. 1101608.

Parcel B7

T. 9 S., R. 2 W., Boise Meridian

Section 20: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.

Subject to:

1. A permit for livestock grazing purposes in the Bennett Allotment #804 held by George Bennett under Grazing permit No. 1101608.
2. A permit for livestock grazing purposes in the West Castle Creek Allotment #801 held by Jacob & Ashley Steiner under Grazing permit No. 1100795.

Section 21: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Subject to:

1. Water right No. 55-12917 (1/1/1968) decreed to the United States of America (BLM) for stockwater use from a stockwater pond (pit type reservoir). Affects the NE $\frac{1}{4}$ NW $\frac{1}{4}$.
2. A permit for livestock grazing purposes in the West Castle Creek Allotment #801 held by Jacob & Ashley Steiner under Grazing permit No. 1100795.

Section 27: SW $\frac{1}{4}$.

Subject to:

1. A permit for livestock grazing purposes in the West Castle Creek Allotment #801 held by Jacob & Ashley Steiner under Grazing permit No. 1100795.

Section 28: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

Together with:

1. Water right license No. 55-02219 (1/24/1942) decreed to the United States of America (BLM) for stockwater use from Marmaduke Spring, BLM Project #300064. Affects the SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Subject to:

1. A permit for livestock grazing purposes in the West Castle Creek Allotment #801 held by Jacob & Ashley Steiner under Grazing permit No. 1100795.

Section 31: N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

Subject to:

1. A permit for livestock grazing purposes in the Bennett Allotment #804 held by George Bennett under Grazing permit No. 1101608.

Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Subject to:

1. A permit for livestock grazing purposes in the Bennett Allotment #804 held by George Bennett under Grazing permit No. 1101608.
2. A permit for livestock grazing purposes in the Nahas FFR Allotment #892 held by Sierra del Rio under Grazing permit No. 1100785.

Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Subject to:

1. A permit for livestock grazing purposes in the Black FFR Allotment #891 held by Chris Black under Grazing permit No. 1100235.
2. A permit for livestock grazing purposes in the Nahas FFR Allotment #892 held by Sierra del Rio under Grazing permit No. 1100785.

Section 34: Lot 1, 4 - 7, 9, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Subject to:

1. Those rights for road purposes granted to Owyhee County, its successors and assigns, by right-of-way number IDI-29693, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
2. A permit for livestock grazing purposes in the Black FFR Allotment #891 held by Chris Black under Grazing permit No. 1100235.
3. A permit for livestock grazing purposes in the West Castle Creek Allotment #801 held by Jacob & Ashley Steiner under Grazing permit No. 1100795.

T. 10 S., R. 2 W., Boise Meridian

Section 3: Lot 4.

Subject to:

1. Those rights for road purposes granted to Owyhee County, its successors and assigns, by right-of-way number IDI-29693, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
2. A permit for livestock grazing purposes in the Black FFR Allotment #891 held by Chris Black under Grazing permit No. 1100235.

Section 4: Lots 1 - 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Subject to:

1. Those rights for road purposes granted to Owyhee County, its successors and assigns, by right-of-way number IDI-29693, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
2. A permit for livestock grazing purposes in the Black FFR Allotment #891 held by Chris Black under Grazing permit No. 1100235.
3. A permit for livestock grazing purposes in the Nahas FFR Allotment #892 held by Sierra del Rio under Grazing permit No. 1100785.

Parcel B8

T. 9 S., R. 3 W., Boise Meridian

Section 11: N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Subject to:

1. A permit for livestock grazing purposes in the Bennett Allotment #804 held by George Bennett under Grazing permit No. 1101608.

Parcel B10

T. 9 S., R. 4 W., Boise Meridian

Section 6: Lots 1 thru 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Together with:

1. Water right No. 55-11062 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use from Corral Creek. Affects Lot 2, 7, 10, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Subject to:

1. Permits for livestock grazing purposes in the South Mountain Area Allotment #561 held by LU Ranching Company (permit No. 1105236), Craig and Rhonda Brasher (permit No. 1105233), and Lequerica & Sons, Inc. (permit No. 1105232).
2. Water right No. 55-10293B (4/7/1907) decreed to LU Ranching Company, Inc. for stockwater use from Corral Creek and unnamed streams.

Section 7: Lots 1 – 4, 6, 7, 10, 11, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Together with:

1. Water right No. 55-11062 (6/28/1934) decreed to the United States of America (BLM) for in-stream stockwater use from Corral Creek. Affects Lots 1 – 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Subject to:

1. Permits for livestock grazing purposes in the South Mountain Area Allotment #561 held by LU Ranching Company (permit No. 1105236), Craig and Rhonda Brasher (permit No. 1105233), and Lequerica & Sons, Inc. (permit No. 1105232).
2. Water right No. 55-10293B (4/7/1907) decreed to the LU Ranching Company, Inc. for stockwater use from Corral Creek and unnamed streams.

Parcel B12

T. 9 S., R. 5 E., Boise Meridian

Section 13: All

Subject to:

1. A right-of-way for roads, powerlines, and ancillary facilities granted to the U.S. Air Force, its successors and assigns, by right-of-way number IDI-32274, pursuant to Section 2905 of the Act of October 17, 1998 (112 Stat. 2228). (60 ft), as to the N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
2. Permits for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 14: All

Subject to:

1. Permits for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 15: All

Subject to:

1. Permits for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 17: All

Subject to:

1. A right-of-way for Material Site purposes granted to the Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012925, pursuant Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107 (D)], as to the NW $\frac{1}{4}$ NW $\frac{1}{4}$.

2. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012737, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)] (350 ft), as to the W $\frac{1}{2}$ W $\frac{1}{2}$.
3. A non-exclusive easement to construct and maintain a cattleguard across a Federal Aid Highway acquired by the Bureau of Land Management from the Idaho Department of Transportation pursuant to the Act of October 21, 1976 (43 U.S.C. 1715; 90 Stat 2755). Casefile IDI-26504.
4. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
5. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft).
6. Permits for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.
7. Permits for livestock grazing purposes in the Northwest Allotment #808 held by Craig Gillespie under Grazing permit No. 1104298, and by Simplot dba Dickshooter Cattle Company under Grazing permit No. 1104963.

Section 18: All

Subject to:

1. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft).
2. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
3. Permits for livestock grazing purposes in the Northwest Allotment #808 held by Craig Gillespie under Grazing permit No. 1104298, and by Simplot dba Dickshooter Cattle Company under Grazing permit No. 1104963.
4. Permits for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 19: All

Together with:

1. Water right license No. 51-2276 (1/24/1942) decreed to the United States of America (BLM) for stockwater storage from an Unnamed Stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012737, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)] (350 ft), as to the E¹/₂E¹/₂.
2. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
3. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft).
4. Permits for livestock grazing purposes in the Northwest Allotment #808 held by Craig Gillespie under Grazing permit No. 1104298, and by Simplot dba Dickshooter Cattle Company under Grazing permit No. 1104963.
5. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 20: All

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012737, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)] (350 ft), as to the NW¹/₄NW¹/₄.
2. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft).
3. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 21: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 22: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 23: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 24: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 25: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 26: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 27: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and Justin Posey under Grazing permit No. 1105241.

Section 28: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 29: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 30: All

Subject to:

1. A right-of-way for Material Site purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012925, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)], as to the N $\frac{1}{2}$ NE $\frac{1}{4}$.
2. A right-of-way for Federal Aid Highway and Material Site purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012737, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)] (350 ft), as to the E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
3. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
4. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft).
5. Permits for livestock grazing purposes in the Northwest Allotment #808 held by Craig Gillespie under Grazing permit No. 1104298, and by Simplot dba Dickshooter Cattle Company under Grazing permit No. 1104963.
6. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 31: All

Subject to:

1. A right-of-way for Material Site purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012925, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)], as to the SW $\frac{1}{4}$ NE $\frac{1}{4}$.
2. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012737, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)] (350 ft), as to the W $\frac{1}{2}$ E $\frac{1}{2}$.
3. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
4. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft).
5. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 32: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 33: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 34: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 35: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

T. 10 S., R. 5 E., Boise Meridian

Section 2: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 3: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 4: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 5: All

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-02629, pursuant to Sec. 17 of the Act of November 9, 1921 (42 Stat. 216) (400 ft), as to the W $\frac{1}{2}$ SW $\frac{1}{4}$.
2. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
3. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft).
4. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 6: All

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012737, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)] (350 ft), as to Lot 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
2. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
3. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 7: All

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012737, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)] (350 ft), as to the E $\frac{1}{2}$ SE $\frac{1}{4}$.

2. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
3. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 8: All

Together with:

2. Water right no. 51-04087 (4/15/1940) decreed to the United States of America (BLM) for stockwater and wildlife storage and use. Affects the SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-02629, pursuant to Sec. 17 of the Act of November 9, 1921 (42 Stat. 216) (400 ft), as to the W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
2. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft), as to the W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
3. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft), as to the W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
4. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 9: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 10: All

Subject to:

1. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Section 17: All

Together with:

1. Water right no. 51-04087 (4/15/1940) decreed to the United States of America (BLM) for stockwater and wildlife storage and use. Affects the SE¹/₄SW¹/₄.

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-02629, pursuant to Sec. 17 of the Act of November 9, 1921 (42 Stat. 216) (400 ft), as to the NW¹/₄NW¹/₄, S¹/₂NW¹/₄, E¹/₂SW¹/₄.
2. Those rights for road purposes granted to the U.S. Air Force, its successors and assigns, by right-of-way number IDI-32274, pursuant to the Act of October 21, 1976 (43 U.S.C. 1767) (60 ft), as to the SE¹/₄SW¹/₄ and SE¹/₄.
3. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
4. Those rights for telephone line purposes granted to CenturyTel, its successors and assigns, by right-of-way IDI-32920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (16 ft).
5. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.
6. A permit for livestock grazing purposes in the Table Butte Allotment #839 held by J R Simplot Company dba Wickahoney Cattle Company under Grazing permit No. 1102551.

Section 18: All

Subject to:

1. A right-of-way for Federal Aid Highway purposes granted to Idaho Department of Transportation, its successors or assigns, by right-of-way IDI-012737, pursuant to Sec. 107 of the Act of August 27, 1958 [72 Stat. 0892; 23 U.S.C. 107(D)] (350 ft), as to the NE¹/₄NE¹/₄.
2. Those rights for transmission line purposes granted to Raft River Electric Coop, its successors and assigns, by right-of-way number IDI-34745, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761) (100 ft).
3. A permit for livestock grazing purposes in the Center Allotment #809 held by JR Simplot Company/Battle Creek under Grazing permit No. 1104061, and by Justin Posey under Grazing permit No. 1105241.

Parcel B13

T. 8 S., R. 5 W., Boise Meridian

Section 23: NW¹/₄NW¹/₄, NE¹/₄SW¹/₄, NW¹/₄SE¹/₄.

Subject to:

1. A permit for livestock grazing purposes in the Berrett FFR Allotment #609 held by Dale Berrett under Grazing permit No. 1101388.

2. Permits for livestock grazing purposes in the South Mountain Area Allotment #561 held by LU Ranching Company (permit No. 1105236), Craig and Rhonda Brasher (permit No. 1105233), and Lequerica & Sons, Inc. (permit No. 1105232).
3. Water right No. 55-13846 (4/1/1950) decreed to the LU Ranching Company, Inc. for stockwater use from Cabin Creek.

GRAND TOTAL - 31,030.66 acres

5.2 Appendix B- Legal Descriptions of the State Endowment Trust Lands Proposed for Exchange

In exchange for the Federal land described in Appendix A, the IDL will convey to the United States fee title to the surface and mineral estate in the following-described State Endowment Trust lands, together with water rights decreed to the State of Idaho, and subject to valid existing rights.

Parcel S2

T. 7 S., R. 2 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600105 issued to J.R. Simplot Company, Livestock Division for 38 AUMs. in the Battle Creek Allotment, pursuant to Idaho Code Title 58 Section 304.
2. An easement (no. G-6132) for a water pipeline and stock tank issued to Bureau of Land Management. Expiration date unknown.
3. Water right no. 57-7332 (9/5/1982) decreed to J.R. Simplot Company for stockwater along Shoofly Creek in the NE¹/₄NE¹/₄ of Section 36.

Parcel S4

T. 8 S., R. 2 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600105 issued to J.R. Simplot Company, Livestock Division for 53 AUMs in the Battle Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S5

T. 8 S., R. 2 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600105 issued to J.R. Simplot Company, Livestock Division for 64 AUMs in the Battle Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S7

T. 8 S., R. 3 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600218 issued to J.R. Simplot Revocable Trust for 58 AUMs in the Northwest Allotment, pursuant to Idaho Code Title 58 Section 304.
2. A 60 ft. wide natural gas pipeline easement (no. 2640) issued to El Paso Natural Gas Company, pursuant to Idaho Code Title 58 Sections 601-604. Perpetual.

Parcel S8

T. 8 S., R. 4 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600218 issued to J.R. Simplot Revocable Trust for 43 AUMs in the Northwest Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S10

T. 9 S., R. 2 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600105 issued to J.R. Simplot Company, Livestock Division for 52 AUMs in the Battle Creek Allotment, pursuant to Idaho Code Title 58 Section 304. Includes a lessee-built earthen stock pond located in the NWSE part of the section in the dry lake bed. The pond is 7'- 8' high, 25' long, and 20' wide and holds water in the early part of the year.

Parcel S11

T. 9 S., R. 2 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G- 600093 issued to J.R. Simplot Revocable Trust for 71 AUMs in the Battle Creek Allotment, pursuant to Idaho Code Title 58 Section 304. One mile of BLM-owned 4-strand fence on steel posts along the south section line.

Parcel S12

T. 9 S., R. 3 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600093 issued to J.R. Simplot Revocable Trust for 77 AUMs in the Northwest Allotment, pursuant to Idaho Code Title 58 Section 304.
2. A 60 ft. wide natural gas pipeline easement (no. 2640) issued to El Paso Natural Gas Company, pursuant to Idaho Code Title 58 Sections 601-604. Perpetual.

Parcel S13

T. 9 S., R. 3 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600093 issued to J.R. Simplot Revocable Trust for 64 AUMs in the Northwest Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S19

T. 10 S., R. 6 W., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600192 issued to Tommy Moore for 43 AUMs in the Pole Creek Allotment, pursuant to Idaho Code Title 58 Section 304. Includes a lessee constructed and owned small pond located at the spring for stock water.

Parcel S21

T. 10 S., R. 2 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600092 issued to J.R. Simplot Revocable Trust for 106 AUMs in the Northwest Allotment, pursuant to Idaho Code Title 58 Section 304. Includes a lessee-constructed and owned earthen stock pond located in the eastern part of the section. No known water rights attach to the stock pond.

Parcel S22

T. 10 S., R. 3 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600092 issued to J.R. Simplot Revocable Trust for 107 AUMs in the Northwest Allotment, pursuant to Idaho Code Title 58 Section 304.

2. Stockwater Right no. 51-12750 (2/3/1931) decreed to J.R. Simplot Revocable Trust, with points of diversion along Big Jacks Creek.

Parcel S25

T. 10 S., R. 7 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600078 issued to Strickland YT Ranches, Inc. for 27 AUMs in the Blackstone Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S27

T. 11 S., R. 2 W., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600232 issued to Donald Freeburg 1976 Trust for 64 AUMs in the Big Springs Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S28

T. 11 S., R. 3 W., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600232 issued to Donald Freeburg 1976 Trust for 64 AUMs in the Big Springs Allotment, pursuant to Idaho Code Title 58 Section 304.
2. Water right no. 55-11523 (6/28/1934) decreed to the United States of America (BLM) for stockwater use along Deep Creek.

Parcel S30

T. 11 S., R. 3 E., Boise Meridian

Section 23: NE¹/₄SE¹/₄.

Subject to:

1. Grazing lease no. G-600092 issued to J.R. Simplot Revocable Trust for 7 AUMs in the Northwest Allotment, pursuant to Idaho Code Title 58 Section 304.
2. A 50 ft. wide road easement (no. 6224) issued to Bureau of Land Management pursuant to Idaho Code Title 58 Section 601-604. Perpetual.

Parcel S32

T. 11 S., R. 7 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600078 issued to Strickland YT Ranches, Inc. for 38 AUMs in the Blackstone Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S34

T. 12 S., R. 1 W., Boise Meridian

Section 24: W $\frac{1}{2}$ NE $\frac{1}{4}$.

Subject to:

1. Grazing lease no. G-600129 issued to J.R. Simplot Revocable Trust for 7 AUMs in the Big Springs Allotment, pursuant to Idaho Code Title 58 Section 304. Includes a lessee-constructed and owned spring development (head box, pipeline, and tire tank); and 50' x 150' 4-strand barbwire fenced enclosure. No known water rights attach to the spring.

Parcel S35

T. 12 S., R. 1 W., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600129 issued to J.R. Simplot Revocable Trust for 57 AUMs in the Big Springs Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S36

T. 12 S., R. 5 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600074 issued to Simplot Livestock Company for 45 AUMs in the Sheep Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S37

T. 12 S., R. 6 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600032 issued to Simplot Livestock Company for 43 AUMs in the Sheep Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S38

T. 12 S., R. 6 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600131 issued to Simplot Livestock Company for 46 AUMs in the Sheep Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S39

T. 12 S., R. 7 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600032 issued to Simplot Livestock Company for 40 AUMs in the Sheep Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S40

T. 13 S., R. 6 W., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600012 issued to 45 LLC for 50 AUMs in the 45 Allotment.

Parcel S42

T. 13 S., R. 6 E., Boise Meridian

Section 16: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Subject to:

1. Grazing lease no. G-600003 issued to Cat Creek Cattle Company for 7 AUMs in the Sheep Creek Allotment, pursuant to Idaho Code Title 58 Section 304.
2. Water right nos. 51-7255 (8/26/1983) and 51-10854 (6/28/1934) decreed to the United States of America (BLM) for stockwater and wildlife use at James Lake.

Parcel S44

T. 13 S., R. 7 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-700178 issued to Buck Creek Ranch for 40 AUMs in the Diamond A Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S45

T. 13 S., R. 7 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-700040 issued to Buck Creek Ranch for 35 AUMs in the Diamond A Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S47

T. 14 S., R. 5 W., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600012 issued to 45 LLC for 43 AUMs in the 45 Allotment, pursuant to Idaho Code Title 58 Section 304. Includes a lessee-constructed and owned spring development (solar pump, two stock tanks, pipeline, and holding tank); and a lessee owned and constructed 4-strand barbwire fence (1/4 mile). BLM owned and constructed 3/4 mile 3-strand barbed wire fence. No known water rights attach to an existing spring.

Parcel S48

T. 14 S., R. 6 W., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600123 issued to CCDF Star Valley Ranch LLC for 40 AUMs in the Tent Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S49

T. 14 S., R. 7 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-700040 issued to Buck Creek Ranch for 91 AUMs in the Diamond A Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S50

T. 14 S., R. 8 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-700040 issued to Buck Creek Ranch for 44 AUMs in the Diamond A Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S51

T. 14 S., R. 8 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-700261 issued to CE Bracket Cattle Company for 64 AUMs in the Poison Butte Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S53

T. 15 S., R. 5 W., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600123 issued to CCDF Star Valley Ranch LLC for 40 AUMs in the Tent Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S54

T. 15 S., R. 5 W., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600012 issued to 45 LLC for 40 AUMs in the 45 Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S55

T. 15 S., R. 6 W., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-600123 issued to CCDF Star Valley Ranch LLC for 40 AUMs in the Tent Creek Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S57

T. 15 S., R. 8 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-700178 issued to Buck Creek Ranch for 91 AUMs in the Diamond A Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S58

T. 15 S., R. 8 E., Boise Meridian

Section 36: All

Subject to:

1. Grazing lease no. G-700178 issued to Buck Creek Ranch for 91 AUMs in the Diamond A Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S59

T. 16 S., R. 4 W., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600012 issued to 45 LLC for 53 AUMs in the 45 Allotment, pursuant to Idaho Code Title 58 Section 304.

Parcel S60

T. 16 S., R. 5 W., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-600123 issued to CCDF Star Valley Ranch LLC for 34 AUMs in the Tent Creek Allotment, pursuant to Idaho Code Title 58 Section 304. Includes lessee owned and constructed ½ mile 4-strand barbed wire fence on west line; ¾ mile 3-strand barbed wire fence in center of section.
2. Water rights no. 55-2047 and no 55-13821 (4/6/1914) and no. 55-2209 (8/18/1966) decreed to CCDF Star Valley Ranch LLC for stockwater and irrigation use along Tent Creek.

Parcel S62

T. 16 S., R. 9 E., Boise Meridian

Section 16: All

Subject to:

1. Grazing lease no. G-700178 issued to Buck Creek Ranch for 77 AUMs in the Diamond A Allotment, pursuant to Idaho Code Title 58 Section 304.

GRAND TOTAL- 23,878.16 acres

5.3 Appendix C-Literature Cited

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- _____. 2004. Guidelines for Conducting Tribal Consultation, BLM Manual Handbook H-8120-1, December 3, 2004.
- _____. 2009. Briefing Paper, BLM/IDL Exchange, Owyhee County, Idaho. John Sullivan, Supervisory Resource Management Specialist, Boise District, December 4, 2009.
- _____. 2012a. Notice of Exchange Proposal: IDI-36306. Proposed Exchange of Lands in Owyhee County, Idaho.
- _____. 2012c. Idaho Preliminary Priority and General Sage-grouse Habitat. Version 2, April 2012. GIS data.
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- _____. 2014b. Area of Critical Environmental Concern Geospatial Data [CD-ROM]. Received 2014. Idaho State Office, Boise, ID.
- _____. 2014c. Wild and Scenic River Geospatial Data [CD-ROM]. Received 2014. Idaho State Office, Boise, ID.
- _____. 2014d. Wilderness Geospatial Data [CD-ROM]. Received 2014. Idaho State Office, Boise, ID.
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- _____. 2014g. Owyhee Land Exchange, Casefile IDI-36306. Legal Descriptions of the Federal and State Land.
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- _____. 2015a. Mineral Potential Report for Owyhee Land Exchange. Karen Porter, BLM Idaho State Office Geologist. April 16, 2015.

- _____. 2015b. Owyhee Canyonlands Wilderness and Wild and Scenic Rivers Management Plan and Environmental Assessment. BLM Boise and Twin Falls Districts. April 20, 2015.
- _____. 2015c. Jarbidge Revised Resource Management Plan and Final Environmental Impact Statement.
- _____. 2015d. Idaho and Southwestern Montana Greater Sage-grouse Approved Resource Management Plan Amendment. US Department of Interior, Bureau of Land Management, Idaho State Office. September 2015.
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- EPG (Environmental Planning Group). 2013. Special status plant and vegetation community survey letter report and attachments, including GIS data. Submitted to the BLM on July 31, 2013.
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- _____. 2014. Cultural Resource Model and Class III Inventory for Owyhee Land Exchange: Phase 2 Inventory Results and Project Summary. BLM Contract No. L12PD01714. November 25.
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- National Park Service (NPS). 1997. How to Apply the National Register Criteria of Evaluation, National Register Bulletin 15.

State Historic Preservation Office (SHPO)/Bureau of Land Management (BLM) 2014 State Protocol.

5.4 Appendix D- List of Agencies, Organizations, and Individuals Consulted

The BLM Boise District consulted, coordinated with and/or sent a copy of the NOEP to the following:

Native American Tribes:

Burns Paiute Tribe, Tribal Chairman
Shoshone-Paiute Tribes, Tribal Chairman
Shoshone-Bannock Tribes, Tribal Chairman

Congressional Representatives:

Senator Jim Risch
Senator Mike Crapo
Congressman Raul Labrador

State and Local Agencies and Elected Officials:

Executive Office of the Governor
Idaho Dept. of Lands, Attn: Kurt Houston
Idaho Dept. of Lands, SW Idaho Area Office
Idaho Dept. of Agriculture
Idaho Dept. of Fish & Game
Idaho Dept. of Fish & Game, Bob Martin
Idaho Dept. of Environmental Quality, c/o Leslie Freeman
Idaho State Historic Preservation Office, Attn: Ken Reid
Owyhee County Commissioners

Interested Individuals and Organizations:

Golden Eagle Audubon Society
Russ Heughins
American Wildlands
Miller Land Company
Stephen Miller
Doug McConnaughey
Boise District Grazing Board, Stan Boyd
Weldon Branch
Idaho Farm Bureau Federation, c/o Judy Bartlett
High Desert Coalition, Inc., Ted Hoffman
Knight Veterinary Clinic, Lloyd Knight DVM
Land & Water Fund, Laird Lucas
Western Watersheds Project
Western Watershed Projects, Katie Fite
Curt Meis
Committee for Idaho's High Desert, c/o Pam Marcum
Idaho Bird Hunters Inc., c/o Game Bird Conservation Comm.
The Nature Conservancy
The Nature Conservancy, Attn: Lou Lunte 83702
The Nature Conservancy, Attn: William S. Whelan
The Wilderness Society, Attn: Brad Brooks
The Wilderness Society, Attn: Craig Gehrke

Sierra Club, Middle Snake Group
Sierra Club, Attn: Jessica Ruehrwein
Marty Marzinelli
Western Lands Project
Idaho Wildlife Federation, Attn: Kent J. Lavery
Idaho Wildlife Council
Idaho Rivers United, Attn: Bill Sedivy
Idaho Rivers United, Attn: Kevin Lewis
Bill Taylor, ID Off-Road 4x4 Club
Chris Black
Cindy Bachman, Soil Conservaton District
Dick Freund
Edwina Allen
Fred Kelly Grant
George Hyer
Herb Meyr
Chad Gibson
Phil Ryan
Tim Lowry
Dennis Stanford

Current and Former BLM RAC Members in 2012:

Bill Walsh, SW Idaho Desert Racing Assoc.
James R. (Rick) Just
Stacey Baczkowski
Ralph K. Richardson
Brian McDevitt
Grant Simonds, Idaho Outfitters & Guides Assn.
John Robison, Idaho Conservation League
Richard Raymondi
Karen Steenhof
Gayle B. Poorman
Brenda Richards
Donna Bennett
Sara Braasch Schmidt
Dr. Neil Rimbey
Nate Helm
Gene M. Gray
Ted Howard, Shoshone-Paiute Tribes
Kathryn E. Alder
Jeff Robbins, Sportsmen for Fish & Wildlife

Right-of-Way Holders:

AT&T GRE Lease Administration
Northwest Pipeline Co.
PacifiCorp, Attn: Rights-of-Way

Gem Irrigation District
Idaho Department of Transportation
Citizens Telecom
Idaho Power Company
Gem Highway District #3
Homedale Rod & Gun Club
Owyhee County Road and Bridge District
Oregon Idaho Utilities
U.S. Air Force
Raft River Electric Coop,
CenturyTel

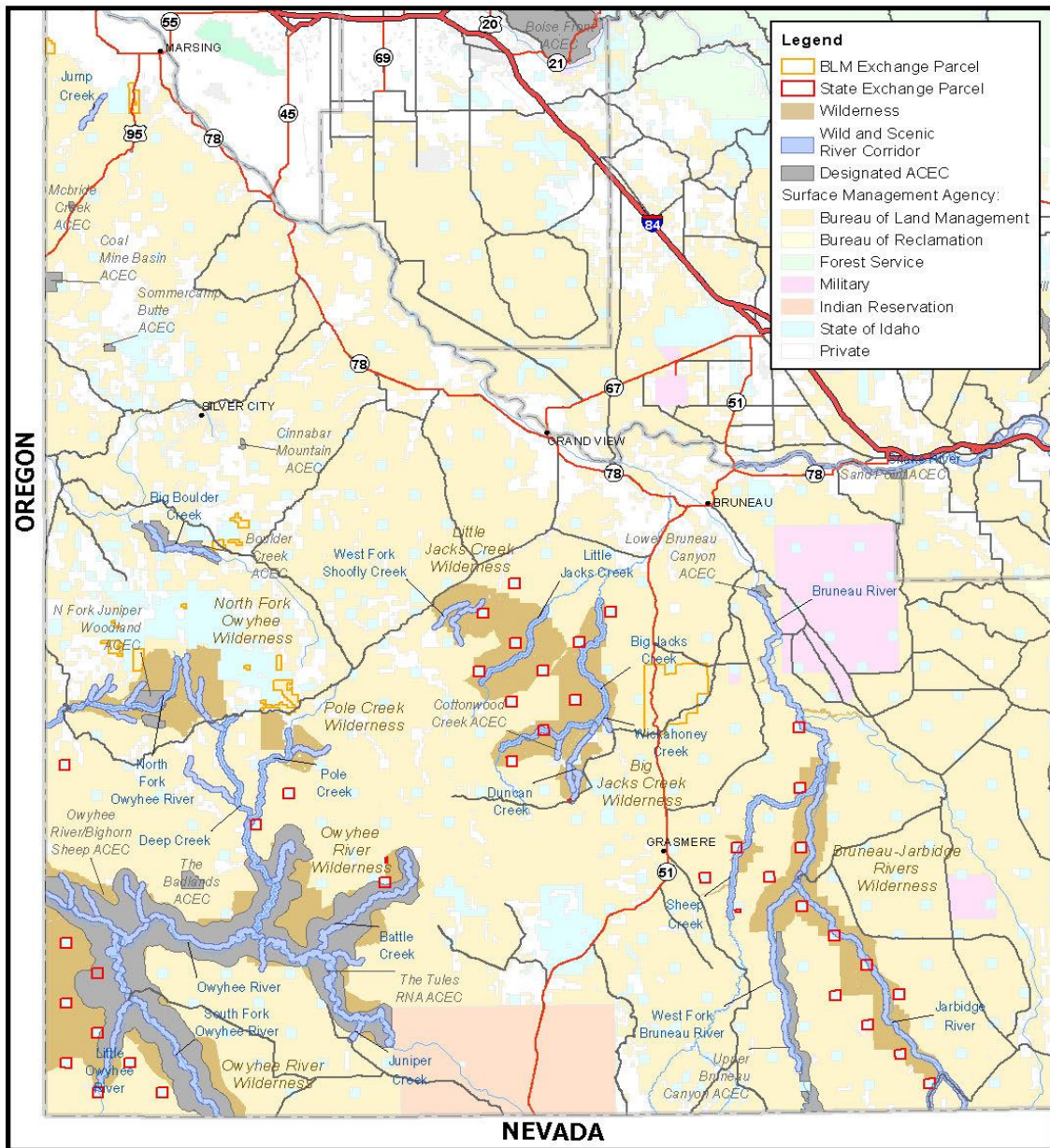
Grazing Permittees or Lessees

George Bennett
Scott Nicholson
Michael Stanford
John Anchustegui, Jr.
Darlene Metzger
Alan Johnstone
Glenda Gammett
Ted Blackstock
Chipmunk Grazing Association, Elias Jaca
Kenneth Kershner
Joe Parkinson
Morgan Properties
Bob and Carol Bruce
LU Ranching Company
Craig and Rhonda Brasher
Lequerrica & Sons, Inc.
Steiner Estate
Brian Collett
Blaine Collett
Ireland Ranches, Roy Ireland
JK Cattle Company
Les and Leona Hatch
Craig Gillespie
Simplot dba Dickshooter Cattle Company
Dale Berrett
Rose King
Hall Family Ranch
J.R. Simplot Company, Livestock Division
J.R. Simplot Revocable Trust
Jeff Anderson Estate Inc.
Ted & Dorothy Payne
Strickland YT Ranches, Inc.
Tom & Carmen Buckingham

Joe Black and Sons
Donald Freeburg 1976 Trust
Tommy Moore
Hanley Ranch
45 LLC
Glenns Ferry Grazing Association
Cat Creek Cattle Company
Buck Creek Ranch
Petan Company
CCDF Star Valley Ranch LLC
CE Bracket Cattle Company
Tindall & Sons Ranch

5.5 Appendix E- Maps

Figure 2: Owyhee Land Exchange Special Designations



0 5 10 20 30 Miles

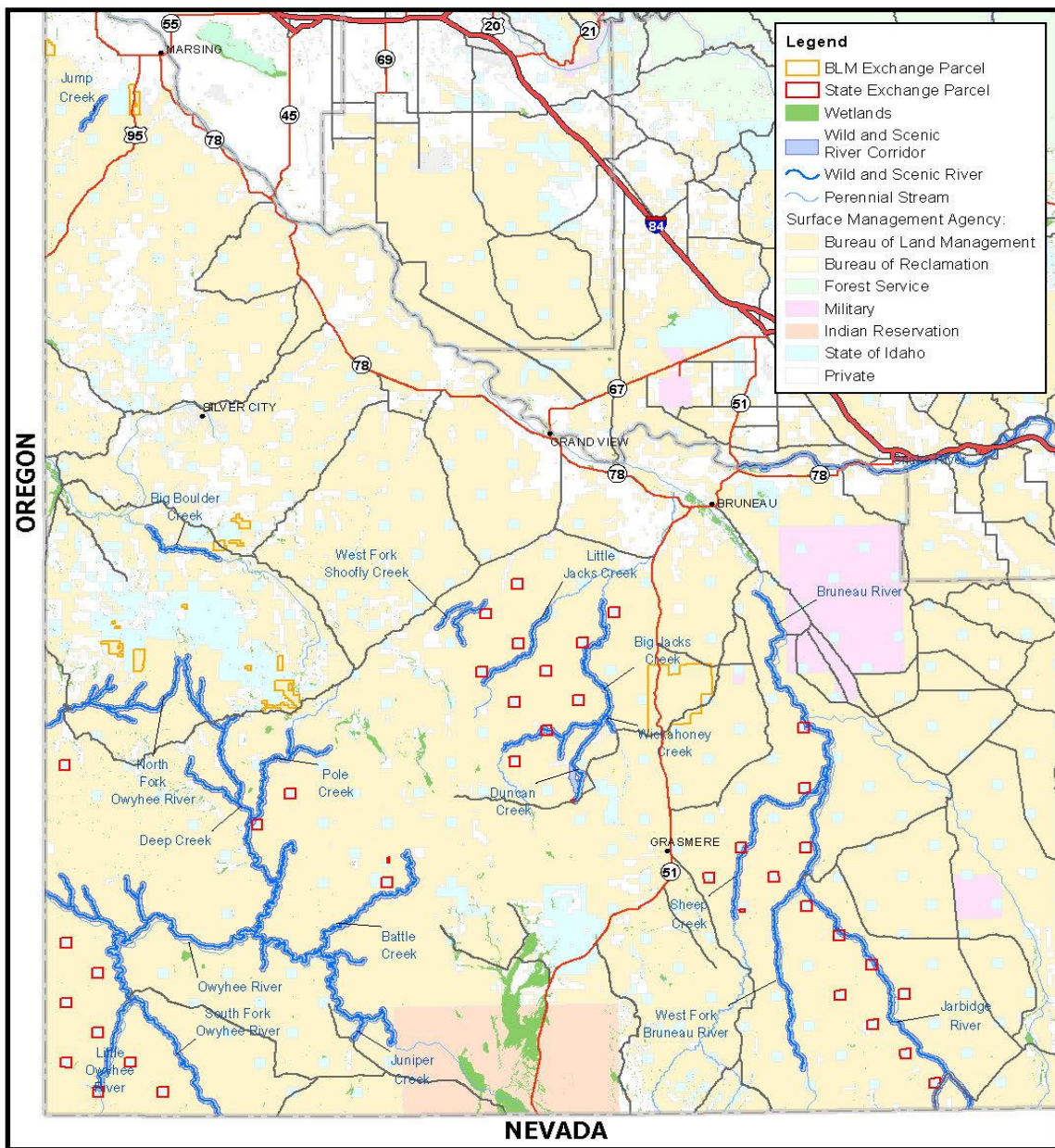
U.S. Department of the Interior
Bureau of Land Management, Idaho
Boise District Office
Map date: March 04, 2019

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Figure 1. Owyhee Land Exchange Special Designations

Figure 3: Owyhee Land Exchange Water Resources



U.S. Department of the Interior
 Bureau of Land Management, Idaho
 Boise District Office
 Map date: February 22, 2019

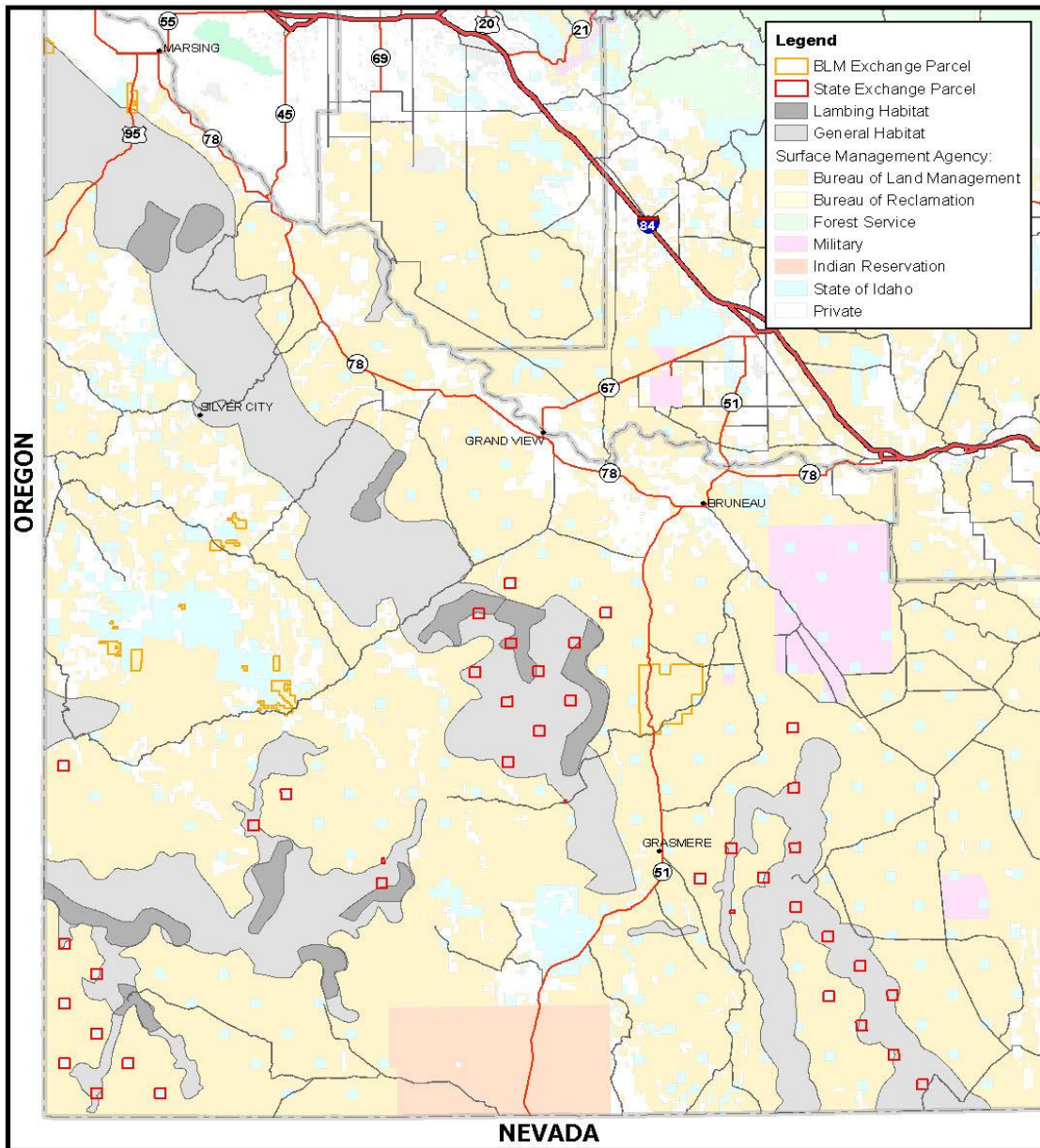


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Figure 2. Owyhee Land Exchange Water Resources

Figure 4. California Bighorn Sheep Habitat



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Bureau of Land Management, Idaho
Boise District Office
Map date: April 04, 2019

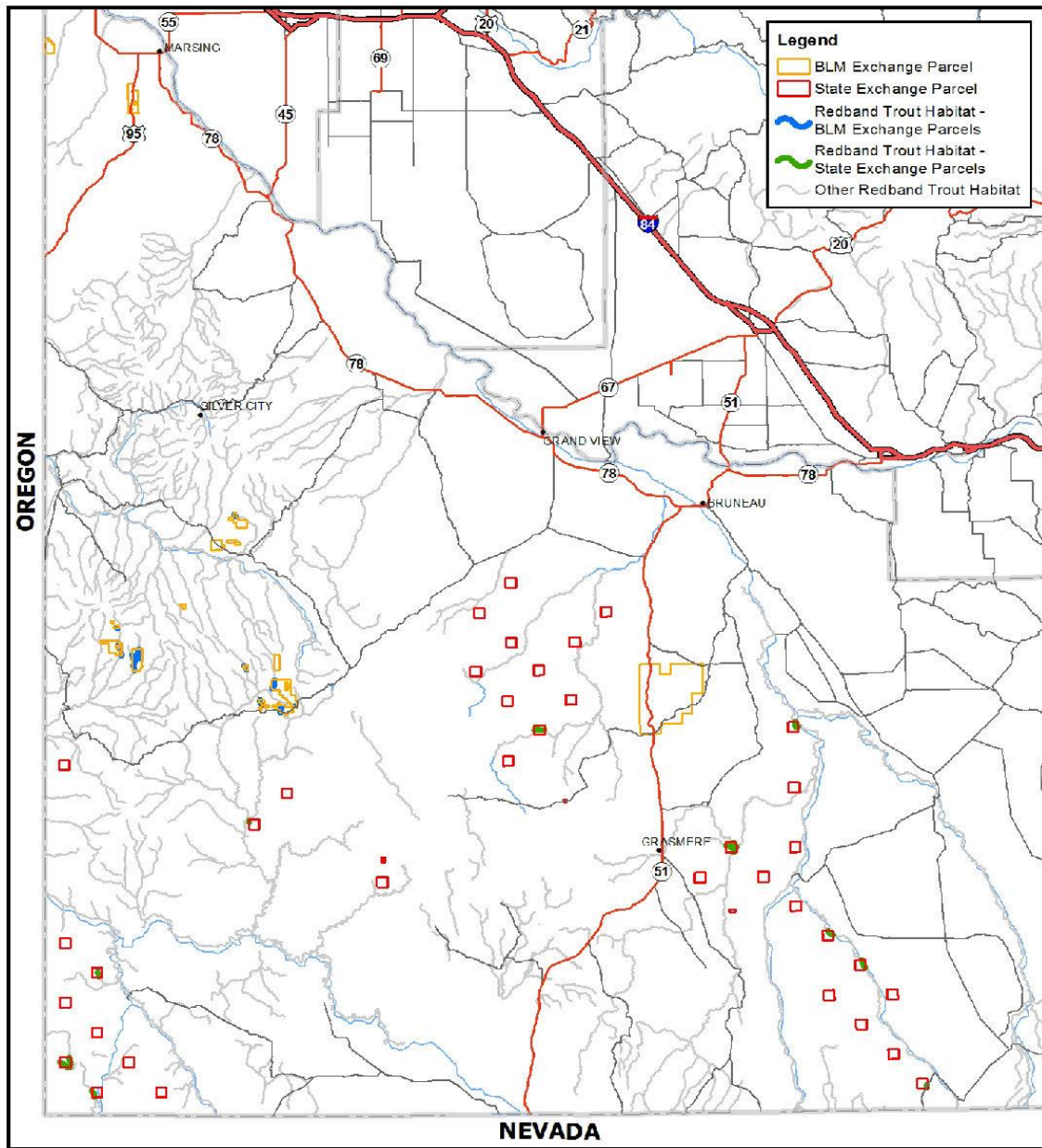


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Figure 3. California Bighorn Sheep Habitat

Figure 5: Owyhee Land Exchange Redband Trout Habitat



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Bureau of Land Management, Idaho
Boise District Office
Map date: April 04, 2019

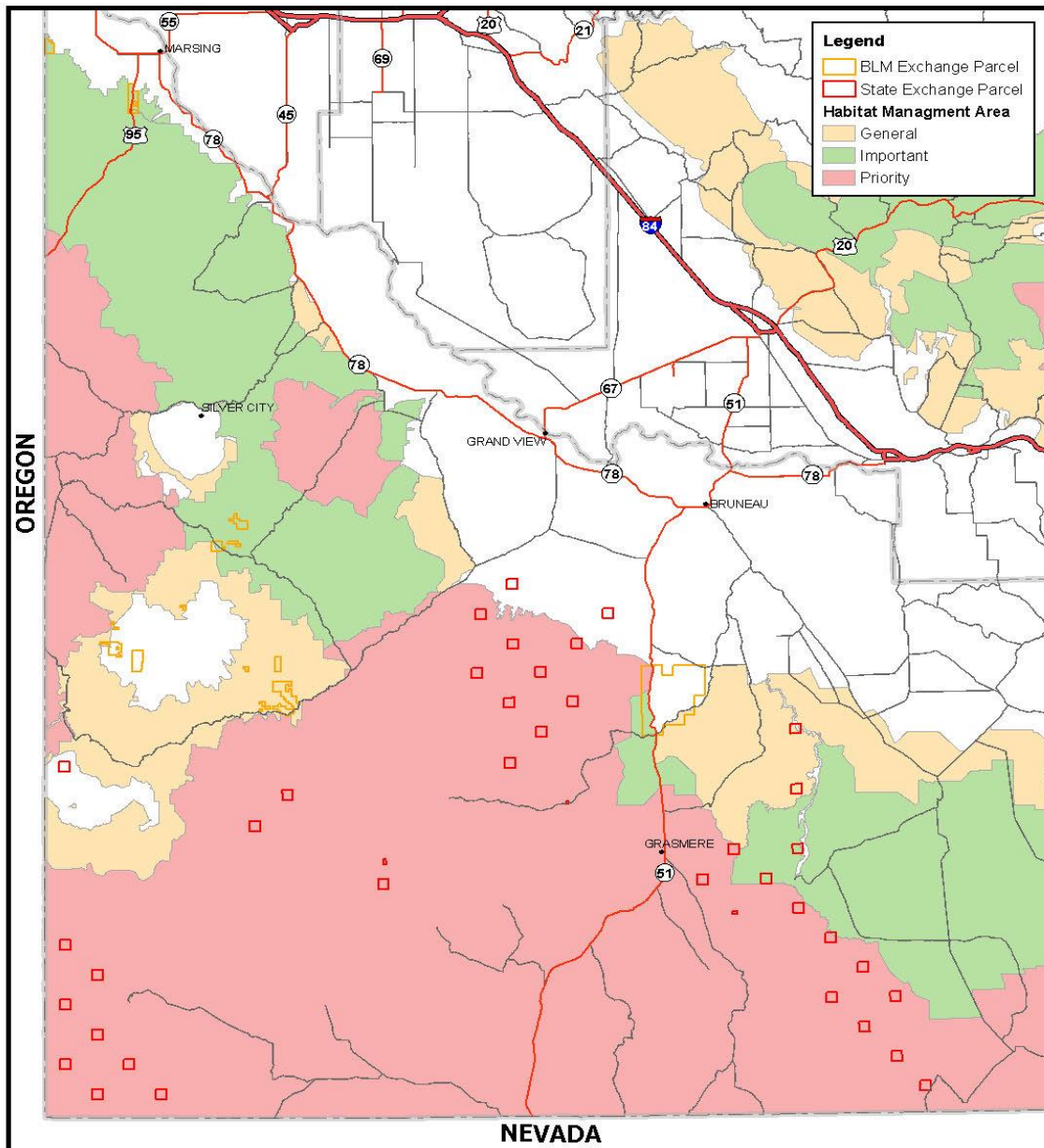


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Figure 4. Owyhee Land Exchange Redband Trout Habitat

Figure 6: Owyhee Land Exchange Sage-grouse Habitat Management Areas



0 5 10 20 30 Miles



U.S. Department of the Interior
Bureau of Land Management, Idaho
Boise District Office
Map date: April 04, 2019

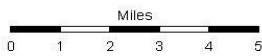
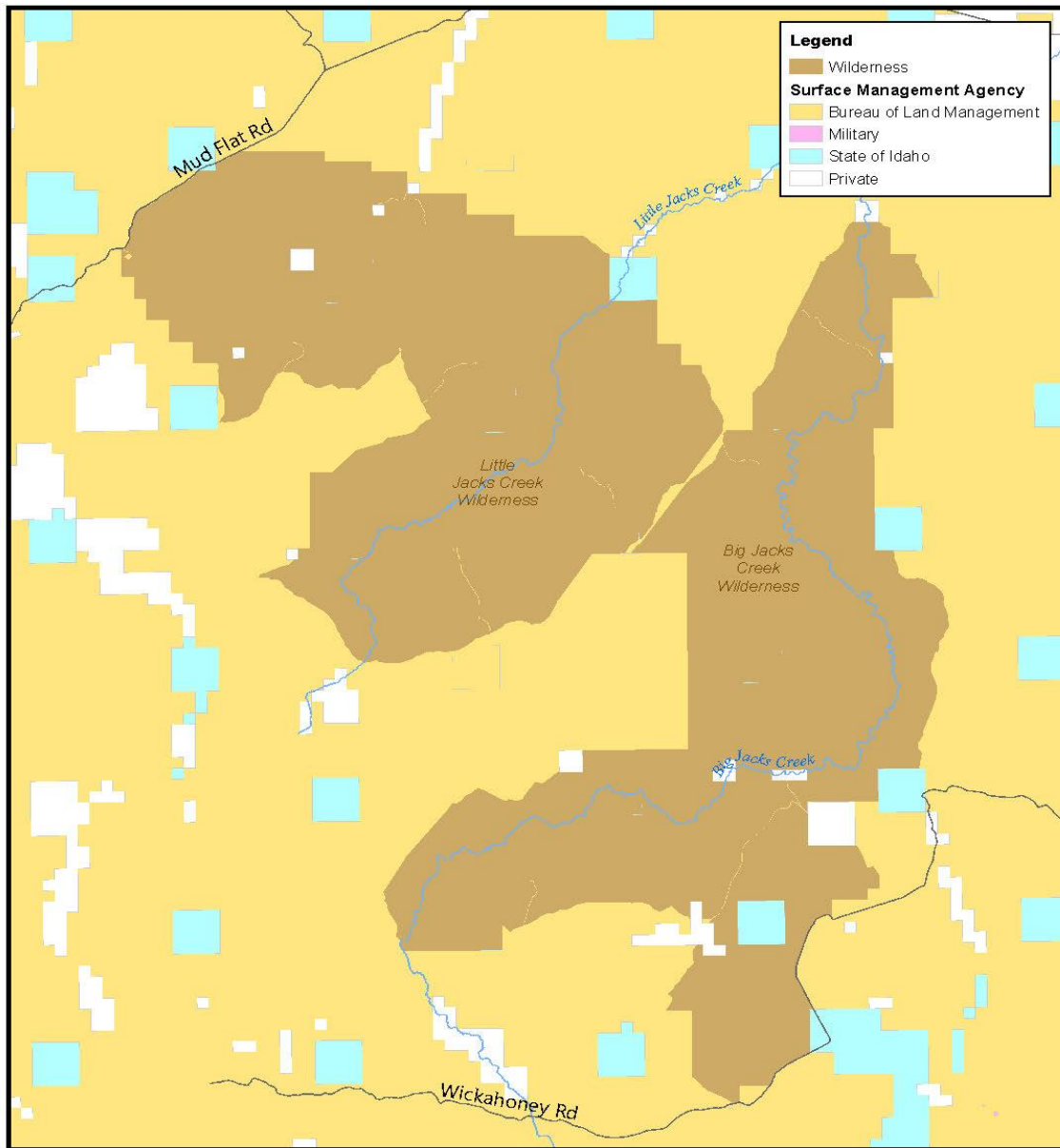


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Figure 5. Owyhee Land Exchange Sage-grouse Habitat Management Areas

Figure 7: Post Land Exchange Surface Management Big Jacks Creek and Little Jacks Creek Wilderness Areas



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Bureau of Land Management, Idaho
Boise District Office
Map date: March 19, 2019

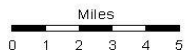
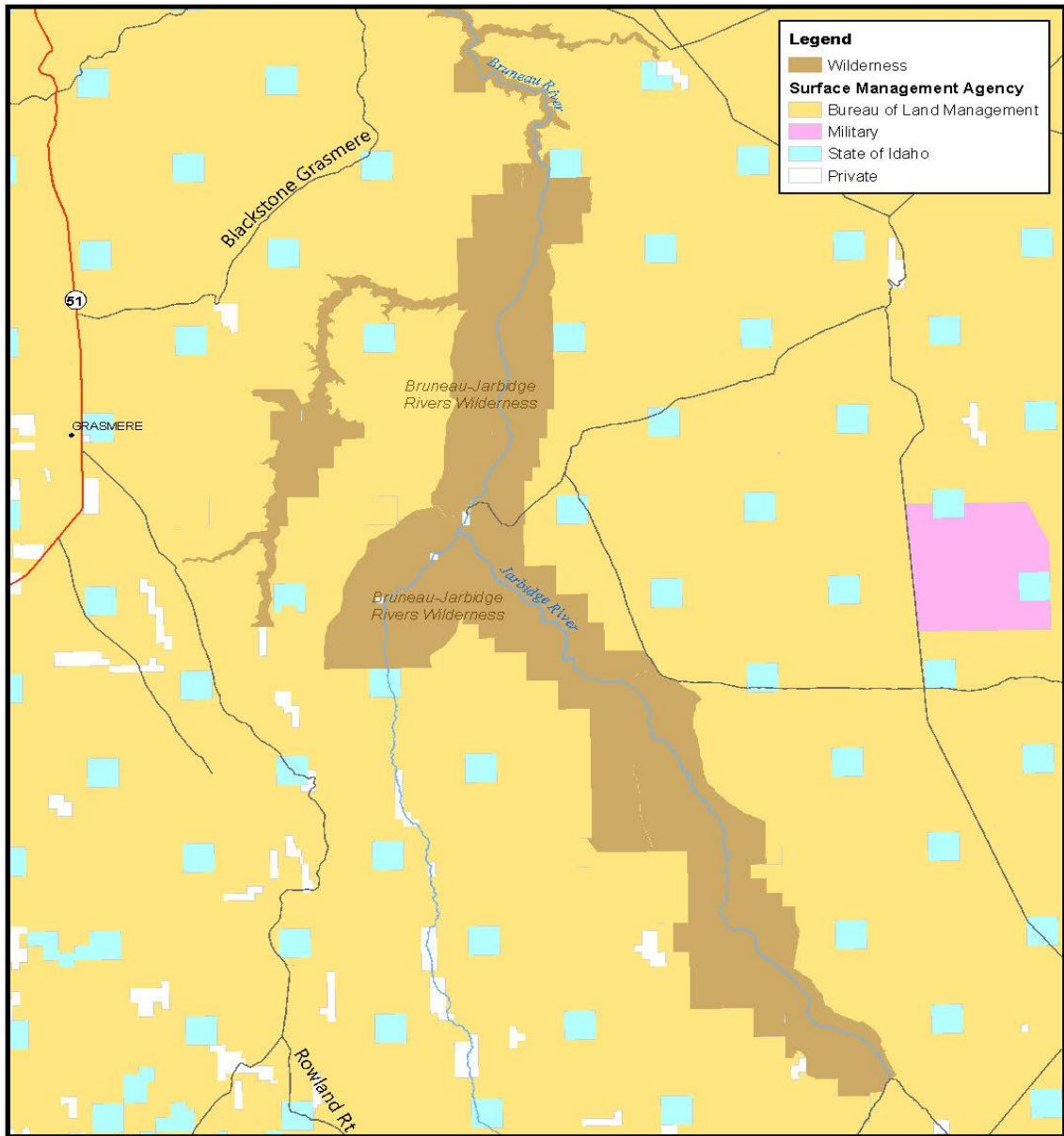


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Figure 6. Post Land Exchange Surface Management for Big Jacks Creek and Little Jack Creek Wilderness Areas

**Figure 8: Post Land Exchange Surface Management
Bruneau-Jarbidge Wilderness Area**



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Bureau of Land Management, Idaho
Boise District Office
Map date: March 19, 2019

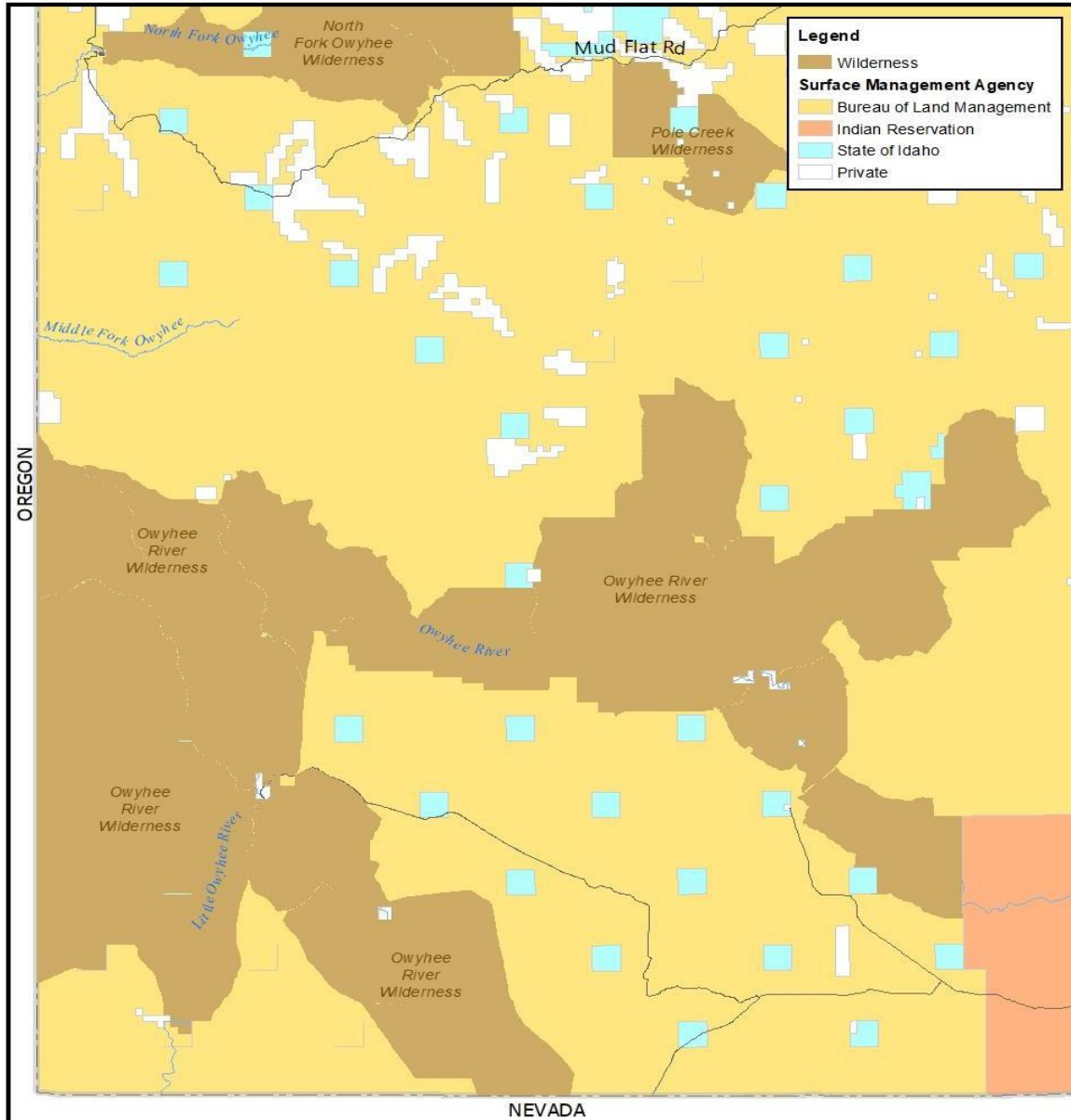


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Figure 7. Post Land Exchange Surface Management for the Bruneau-Jarbidge Wilderness Area

**Figure 9: Post Land Exchange Surface Management
Owyhee River Wilderness Area**



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Bureau of Land Management, Idaho
Boise District Office
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Figure 8. Post Land Exchange Surface Management for the Owyhee River Wilderness Area