

LANDS

BB Plan

952880

32372

3-1

97017366

STATE OF IDAHO DEED

155394

PI

DEED NO. 13174
(Blackfoot Mountain
Land Exchange)

THIS INDENTURE made this 4th day of September, 1997 by and between
STATE OF IDAHO, DEPARTMENT OF LANDS, acting by and through the State
Board of Land Commissioners, party of the first part, hereinafter referred to as
"Grantor", and UNITED STATES OF AMERICA, party of the second part, hereinafter
referred to as "Grantee".

WITNESSETH, That the Grantor for and in consideration of the exchange of
lands of equal value, in accordance with Section 58-138, Idaho Code, and as
authorized by the Federal Land Policy and Management Act of 1976 (43 U.S.C.
1701 et. seq.) does bargain, sell, convey and confirm in fee unto the said UNITED
STATES OF AMERICA and its assigns, all of the following described real property
situate in BANNOCK, BONNEVILLE, BUTTE and CARIBOU Counties, to-wit:

<u>Township 9 North, Range 26 East, B.M., (Butte County)</u>		<u>Acres</u>	
~ Sec. 16:	Lot 1 (NW ¼ NW ¼)	40.47	
	Lot 2 (SW ¼ NW ¼)	40.84	
	Lot 3 (NW ¼ SW ¼)	41.22	
	Lot 4 (SW ¼ SW ¼)	41.59	
	E ½, E ½ W ½	480.00	
~ Sec. 36:	N ½ NE ¼, SW ¼ NE ¼, NW ¼	<u>280.00</u>	924.12

<u>Township 9 South, Range 37 East, B.M. (Bannock County)</u>			
Sec. 36:	All	<u>640.00</u>	640.00

3-2

97017366

State of Idaho
 Deed No. 13174
 Blackfoot Mountain
 Land Exchange
 Page 2 of 3

Township 8 South, Range 38 East, B.M. (Bannock, Caribou Counties)

Sec. 36:	Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)	33.87	
	Lot 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)	34.03	
	Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)	34.17	
	Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	34.33	
	W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$	<u>480.00</u>	616.40

Township 3 North, Range 41 East, B.M. (Bonneville County)

Sec. 16:	Lot 5 (E $\frac{1}{2}$ NE $\frac{1}{4}$)	58.01	
	Lot 6 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	<u>34.28</u>	92.29
			<u>2,272.81</u>

containing 2,272.81 acres, more or less.

The land is hereby acquired by the Department of the Interior, Bureau of Land Management, whose address is 1387 S. Vinnell Way, Boise, Idaho 83709-1657.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto the said UNITED STATES OF AMERICA and its assigns forever, subject to the following:

All lands listed above are subject to a prior reservation to the United States of America for rights-of-way over and across said lands for ditches and canals constructed by authority of the United States as directed and required by the Act of Congress approved August 30, 1890 (26 Stat. 391; 43 U.S.C. Sec. 945).

The lands are still held by the State of Idaho and have never been conveyed out of state ownership.

Also subject to State of Idaho Easement No. 4086 issued on February 24, 1970 to Bonneville County for a public road (Burns Creek Road) as it crosses Lots 5 and 6 of Section 16, Township 3 North, Range 41 East, B.M.

155394

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State of Idaho
Deed No. 13174
Blackfoot Mountain
Land Exchange
Page 3 of 3

3-3
BONNEVILLE COUNTY
RECORDER

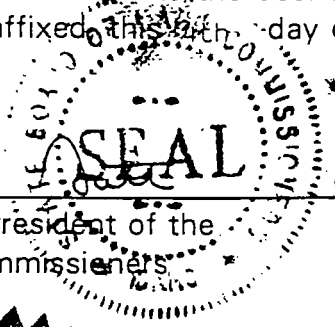
'97 OCT 9 PM 1 34

INSTRUMENT NO.	10-9-97
DATE	260
INST. CODE	12670-18
FICHE NO.	nl
FEE	
STATE OF IDAHO) COUNTY OF BONNEVILLE)	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<u>Rush Avery</u> Deputy

IN WITNESS WHEREOF, I, PHILIP E. BATT, the Governor of the State of Idaho and President of the State Board of Land Commissioners, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed this 4th day of September, 1997.

Philip E. Batt

Governor of Idaho and President of the State Board of Land Commissioners



CORPORATE SEAL

COUNTERSIGNED:

Pete T. Cenarrusa
Secretary of State

Stanley F. Hamilton
Director, Department of Lands



STATE OF IDAHO)
(ss. CORPORATE SEAL
County of Ada)

STATE OF IDAHO
County of Caribou
Date: 10-31-97
Time: 4:15
Microfilm Records
Recorder: Edie Izatt
Deputy: Edie Izatt
Fee: nil

On this 4th day of September, in the year 1997, before me a Notary Public in and for said State, personally appeared PHILIP E. BATT, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners, and PETE T. CENARRUSA, known to me to be the Secretary of State of the State of Idaho, and STANLEY F. HAMILTON, known to me to be the Director of the Department of Lands of the State of Idaho, who executed the said instrument and acknowledged to me that such State of Idaho executed the same.

NO 97017366
RECORDED AT REQUEST OF
St. of Idaho Dept. of Lands
'97 OCT 9 PM 3 01
BOOK NO 697
BANKER COUNTY IDAHO
LARRY W. LAM RECORDER
FEE 0 DEPUTY llc

Amelia
Notary Public for the State of Idaho
Residing at Boise, Idaho
My Bond expires 8-2001

NO. 32372
RECORDED
OCT 29 1997
A.M. 1110 P.M.
BUTTE COUNTY RECORDER
Conrad

NOTARY SEAL

The United States of America
To all to whom these presents shall come, Greeting:

IDI-29331

WHEREAS

Butte County, Idaho

is entitled to a land patent pursuant to Sections 203 and 209 of the Act of October 21, 1976 (43 U.S.C. 1713 and 1719), for the following described land:

Boise Meridian, Idaho
T. 5 N., R. 29 E.,
sec. 4: N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 5: N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 60.00 acres.

NOW KNOW YE, that there is, therefore, granted by the **UNITED STATES** unto the County of Butte, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the County of Butte and to its assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

SUBJECT TO:

1. The patentee shall comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances (substance as defined in 40 CFR Part 302).
2. The above-described land has been conveyed for continued use as a solid waste disposal site. Records describing location of cells and other information about the solid waste disposal site are available from the Bureau of Land Management (past use) and the patentee (past and continued use). Solid waste commonly includes small quantities

Patent No. 11-98-0001

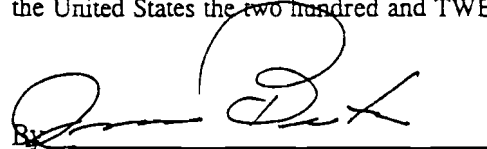
of commercial and household hazardous waste as determined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901), and defined in 40 CFR 261.4 and 261.5. Although there is no indication these materials pose any significant risk to human health or the environment, future land uses should be limited to those which do not penetrate the liner or final cover of the landfill unless excavation is conducted subject to applicable State and Federal requirements.

3. Butte County, its successors or assigns, assumes all liability for and shall defend, indemnify, and save harmless the United States and its officers, agents, representatives, and employees (hereinafter referred to in this clause as the United States), from all claims, loss, damage, actions, causes of action, expense, and liability (hereinafter referred to in this clause as claims) resulting from, brought for, or on account of, any personal injury, threat of personal injury, or property damage received or sustained by any person or persons (including the patentee's employees) or property growing out of, occurring, or attributable directly or indirectly, to the disposal of solid waste on, or the release of hazardous substances from Township 5 North, Range 29 East, Boise Meridian, section 4, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and section 5, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ regardless of whether such claims shall be attributable to: (1) the concurrent, contributory, or partial fault, failure, or negligence of the United States, or (2) the sole fault, failure, or negligence of the United States.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the twenty-third day of October in the year of our Lord one thousand nine hundred and NINETY-SEVEN and of the Independence of the United States the two hundred and TWENTY-SECOND.



By 

Jimmie Buxton
Branch Chief, Lands and Minerals
Resource Services Division

0215594

Custer County Reg. of
Birch Creek Ranches

Time 11:00 A .M.
4-30 1998

WARRANTY DEED

Ethel M Peck, Clerk
Wendy Murphy
Deputy

\$ 6⁰⁰

The grantor Birch Creek Ranches, L.L.C., of 5203 South 11th East, Idaho Falls, County of Bonneville, State of Idaho, for and in consideration of the exchange of certain land and interests as authorized by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) does hereby grant, bargain, sell, and convey to the United States of America and its assigns, whose address is c/o Idaho State Office, Bureau of Land Management, Department of the Interior, 1387 S. Vinnell Way, Boise, Idaho 83709, the following described tract of land in the County of Custer, State of Idaho, to wit:

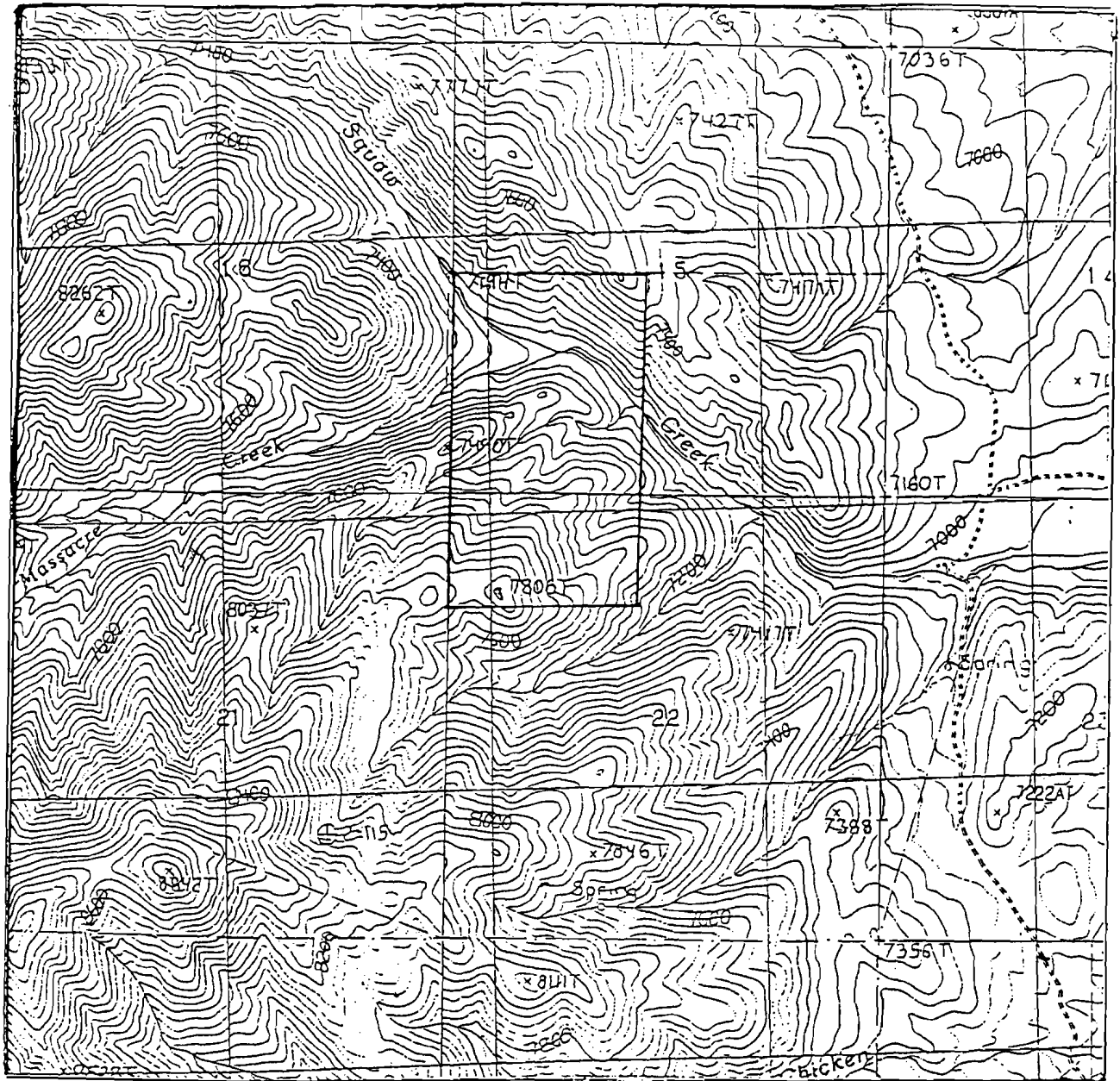
Boise Meridian, Idaho

T. 9 N., R. 25 E.,
sec. 15, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$.

To have and to hold the said tracts of land together with all the tenements, hereditaments, and appurtenances appertaining thereto forever.

The above described property is being acquired by the Department of the Interior, Bureau of Land Management.

The grantor covenants to and with the United States of America that grantor is lawfully seized in fee simple of the above premises; has a good and lawful right and power to sell and convey the same; the same are free and clear of all encumbrances, except as stated below, and that grantor will forever warrant and defend the title thereto and quiet possession and enjoyment thereof against the lawful claims and demands of all persons whomsoever.



Map Name: Warren Mountain Quad

Map scale: 1:24000

Legal: T. 9 N., R. 25 E., BM
Sections 15 & 22

EA Number: ID-030-97-056

Project Name: Birch Creek Ranches Land Exchange
Offered Land

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN - STEP 1
ACTIVITY OBJECTIVES

Name (MFP)	Little Lost-Birch Creek
Activity	Lands
Objective Number	L-1

Objective

Legalize existing unauthorized uses for public purposes on Public Lands.

Rationale

Presently there are two known unauthorized public purpose uses occurring on Public Lands in the Little Lost-Birch Creek planning unit. The first one is the cemetery located about 2 miles southeast of Clyde. This cemetery has been in use for many years, but has never been given proper authorizations. The second area is located about a half mile northwest of Blue Dome and is an unauthorized dumpsite. The communities of Blue Dome and Lone Pine have a need for a sanitary landfill site, and a cooperative effort with Clark County should be made to fill this need.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
FINAL DECISIONS - STEP 3

Name (MFP)

Little Lost-Birch Creek

Activity
Lands

Overlay Reference

Step 1 L-2.1 Step 3

Decision #2

Allow only the desert land applications for entry which fall within areas where there are no restrictions on the lands which would make them unsuitable for disposal (determined by land examinations).

Reasons

Some lands have agricultural potential, however there may be conflicts with other uses or environmental impacts which would make them unsuitable for disposal. This must be determined on each individual application through a field examination, land report and environmental assessment which ultimately results in a classification decision.

Note: Attach additional sheets, if needed

(Instructions on reverse)

Form 1600-21 (April 1975)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
FINAL DECISIONS - STEP 3

Name (MFP)	Little Lost-Birch Creek
Activity	Lands
Overlay Reference	Step 1 L-1,2 Step 3

Decision #1

Provide public lands that are needed for public purposes in the unit. Approximately 10 acres are needed for the Clyde Cemetery and about 10 acres for a sanitary landfill site are needed to serve the Blue Dome Lone Pine communities in Birch Creek Valley.

Reasons

The Clyde Cemetery has been used since the early 1900's and contains about 29 graves. The cemetery is located on public lands (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15. T. 9 N., R. 27 E.) and is not now protected by any kind of lease or permit. The cemetery should be protected to preserve its historical and social values.

The small communities of Blue Dome and Lone Pine do not have a sanitary landfill. An unauthorized dumpsite on public lands (State Highway Department Material Site) is presently being used by both communities. Through cooperative efforts with Clark County, the best location for a landfill will be determined, and if on public land, an application for an R&PP lease will be encouraged. The existing site should be closed and cleaned up.

Public lands are needed for a variety of uses and should be made available as demand requires. Applications will be processed.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
FINAL DECISIONS - STEP 3

Name (MFP)

~~Little Lost-Birch Creek~~

Activity
Lands

Overlay Reference

Step 1 L-6.2 Step 3

Decision #3

Eliminate agricultural trespass by identifying trespasser, establishing boundaries and initiating trespass action. After the trespass is settled, area should be rehabilitated or use authorized i.e. agricultural lease, sale, or exchange.

Reasons

There are numerous suspected agricultural trespasses in the planning unit. These unauthorized uses are illegal and may involve lands which could be used for public benefits. In these instances the lands should be rehabilitated.

Some of the lands are best suited for agricultural development. Also, some of the lands in ~~the~~ trespass may be difficult for BLM to manage. Under FLPMA these lands could be transferred out of public ownership through exchanges or sales. If the lands are proper for agriculture but should be retained in federal ownership to achieve public objectives, they could be leased for agriculture under FLPMA.

Note: Attach additional sheets, if needed

(Instructions on reverse)

Form 1600-21 (April 1975)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
FINAL DECISIONS - STEP 3

Name (MFP)	Little Lost-Birch Creek
Activity	Lands
Overlay Reference	Step 1 L-6.3 Step 3

Decision #4

Clean up all existing unauthorized dumps which are located throughout the planning area.

Reasons

There are many unauthorized dumps, most of which are small in size. They create eyesores and are a source of potential health and safety hazards since they do not comply with either EPA or State of Idaho Health Standards. They are also detrimental to multiple use management since they are unauthorized in nature.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
FINAL DECISIONS - STEP 3

Name (MFP)

Little Lost-Birch Creek

Activity
Lands

Overlay Reference

Step 1 L-7.5 Step 3

Decision #7

Mitigate human safety and wildlife mortality hazards of the Dry Creek
Flume by:

1. Posting public warning signs
2. Construct fence around Wet Creek drop structure.
3. Relocate fence or build a total barrier fence.
4. Construct road outside fence where possible.
5. Construct additional wildlife crossings.
6. Initiate in FY81 complete within 5 years.

Reasons

Relocation of the fence will allow animals that jump the fence to have room to jump the flume. Under present conditions, when jumping the fence they land in the flume and are trapped. Locating the road outside the fence will eliminate an increased human hazard of having no barrier between the road and the flume. Additional wildlife crossings will reduce need of animals to jump the flume.

Note: Attach additional sheets, if needed

(Instructions on reverse)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
FINAL DECISIONS - STEP 3

Name (MFP)	Little Lost-Birch Creek
Activity	Lands
Overlay Reference	Step 1 L-7.4 Step 3

Decision #6

Provide land for a diversion structure, canal and ponding area to be used by Little Lost Flood Control Group in an effort to stop winter flooding surrounding Howe, Idaho. Structure would be located in:

T. 7 N., R. 28 E.
Sec. 34, NW $\frac{1}{4}$ SE $\frac{1}{4}$

A canal would extend from the above location to a ponding area located in:

T. 6 N., R. 28 E.
Sec. 3, NE $\frac{1}{4}$

At this time we do not have a R/W application from the Little Lost River Control Project (they applied in 1972 but the application was rejected due to deficiencies. They have never refiled). The group has expressed the desire and need to go ahead with the project. The Big Butte Resource Area should assist the group by providing information needed to refile a R/W application.

Reason

Considerable damage occurs in the area each year when the Little Lost River freezes and cannot hold the additional water supplied by the confluence of Spring Creek. The winter flooding inundates nearly 2,000 acres surrounding Howe. Studies have shown the diversion structure, canal and ponding area would alleviate this. Public lands are needed to mitigate the problem.

Note: Attach additional sheets, if needed

(Instructions on reverse)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
FINAL DECISIONS - STEP 3

Name (MFP)	Little Lost-Birch Creek
Activity Lands	
Overlay Reference	Step 1 L-7.1 Step 3

Decision #5

Fence and sign mine shafts and tunnels in Scott Butte Area which have been identified as potential safety hazards.

Reason

The open mine shafts and tunnels in these areas may result in unsafe situations on public land. Visitor use in the area may lead to injuries to those individuals who are not aware of the hazards which exist.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709

OCT 23 1997

In Reply Refer To:

IDI-29331 (933)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Boise Meridian, Idaho

T. 5 N., R. 29 E.,
sec. 4: N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 5: N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 60.00 acres

Commissioner Seth Beal, Chairman
Butte County Board of Commissioners
P.O. Box 737
Arco, ID 83213

Dear Mr. Seth:

We are happy to transmit to you the enclosed patent for the land described above. This completes action on your public sale proposal.

This is the original document conveying title to the described land from the United States. We strongly recommend that this document be recorded in the Butte County Recorder's Office for the purpose of preservation.

This patent is based on a survey approved on June 23, 1888. Enclosed for your information is a copy of the survey plat with the patented lands highlighted in yellow. We are also providing a copy of the survey plat and patent to the Butte County Assessor.

Sincerely,

Jimmie Buxton
Branch Chief, Lands and Minerals
Resource Services Division

Enclosure

cc:
Jefferson County Assessor
DM, Upper Snake River

The United States of America
To all to whom these presents shall come, Greeting:

IDI-29331

WHEREAS

Butte County, Idaho

is entitled to a land patent pursuant to Sections 203 and 209 of the Act of October 21, 1976 (43 U.S.C. 1713 and 1719), for the following described land:

Boise Meridian, Idaho
T. 5 N., R. 29 E.,
sec. 4: N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 5: N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 60.00 acres.

NOW KNOW YE, that there is, therefore, granted by the **UNITED STATES** unto the County of Butte, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the County of Butte and to its assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

SUBJECT TO:

1. The patentee shall comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances (substance as defined in 40 CFR Part 302).
2. The above-described land has been conveyed for continued use as a solid waste disposal site. Records describing location of cells and other information about the solid waste disposal site are available from the Bureau of Land Management (past use) and the patentee (past and continued use). Solid waste commonly includes small quantities

Patent No. 11-98-0001

of commercial and household hazardous waste as determined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901), and defined in 40 CFR 261.4 and 261.5. Although there is no indication these materials pose any significant risk to human health or the environment, future land uses should be limited to those which do not penetrate the liner or final cover of the landfill unless excavation is conducted subject to applicable State and Federal requirements.

3. Butte County, its successors or assigns, assumes all liability for and shall defend, indemnify, and save harmless the United States and its officers, agents, representatives, and employees (hereinafter referred to in this clause as the United States), from all claims, loss, damage, actions, causes of action, expense, and liability (hereinafter referred to in this clause as claims) resulting from, brought for, or on account of, any personal injury, threat of personal injury, or property damage received or sustained by any person or persons (including the patentee's employees) or property growing out of, occurring, or attributable directly or indirectly, to the disposal of solid waste on, or the release of hazardous substances from Township 5 North, Range 29 East, Boise Meridian, section 4, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and section 5, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ regardless of whether such claims shall be attributable to: (1) the concurrent, contributory, or partial fault, failure, or negligence of the United States, or (2) the sole fault, failure, or negligence of the United States.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the twenty-third day of October in the year of our Lord one thousand nine hundred and NINETY-SEVEN and of the Independence of the United States the two hundred and TWENTY-SECOND.

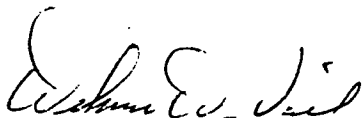


By *Jimmie Buxton*

Jimmie Buxton
Branch Chief, Lands and Minerals
Resource Services Division

PROPOSED PLAN AMENDMENT
FOR THE
LITTLE LOST/BIRCH CREEK MANAGEMENT FRAMEWORK PLAN
TO ALLOW FOR EXCHANGE
OF APPROXIMATELY 1,037 ACRES
OF PUBLIC LAND IN THE
IDAHO FALLS DISTRICT

AMENDMENT APPROVED SUBJECT TO PROTEST RESOLUTION:



STATE DIRECTOR

9-18-81

DATE

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE

TITLE PAGE
PLAN AMENDMENT REPORT, RECOMMENDATION/RATIONALE,
FINDING OF NO SIGNIFICANT IMPACT

Applicant's Name		Proposed Action		Serial No.	EA No.
BLM, Idaho Falls		Private Exchange		I-27422	ID-030-1-8
State	County	District		Resource Area	
IDAHO	See attached	Idaho Falls		Big Butte	
Land Use Plan Name			Prepared by	Title	
Little Lost/Birch Creek MFP			Barbara Klingenberg	Realty Specialist	

LANDS INVOLVED

Meridian	Township	Range	Section	Subdivision	Acres
BOISE	SEE ATTACHED LEGAL DESCRIPTION				
	EXHIBIT A				

RECOMMENDATION/RATIONALE

It is recommended that the proposed action be approved and the Little Lost/Birch Creek MFP be amended to allow for exchange of the above described lands. The exchange would meet important public objectives such as the acquisition of some prime riparian and wildlife habitat, additional water storage, increased water and forage for livestock, additional opportunity for recreational activities and enhancement of visual resources on public land. The above-described lands have been examined in accordance with Section 120(h) of SARA. No evidence was found to indicate that any hazardous substance was stored for one year or more or disposed of or released on the property.

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment No. ID-030-1-8 adequately analyzes the impacts of the above action and indicates there will be no significant effects on the quality of the human environment. Consequently, an Environmental Impact Statement will not be prepared.

LeRoy Cook
AREA MANAGER

4 June 91
DATE

[Signature]
DISTRICT MANAGER

6/4/91
DATE

1. Introduction

A. The Purpose and Need:

The purpose of this amendment is to modify the Little Lost/Birch Creek Management Framework Plan (MFP) to allow for the acquisition of important riparian and wildlife habitat through exchange of public and private land. The MFP was completed in June, 1981, and made recommendations about parcels of public land to be transferred out of public ownership. The transfer categories identified in the MFP include Recreation and Public Purposes disposal, agricultural development through Desert Land Entry, State exchanges and private exchanges. The MFP recommends proceeding on exchanges; however, the public lands addressed in this amendment were not identified in the MFP for exchange at that time.

The current exchange proposal as described in Exhibit A would allow for transfer out of public ownership 1037.16 acres of land which include dry grazing, 1.00 miles of stream and 1.82 acres of riparian habitat. Primary wildlife habitat lost from public ownership would include pronghorn antelope, sage grouse and limited mule deer habitat. In exchange for those lands, the public would acquire 1,040 acres of private land which includes dry grazing land, 2.00 miles of stream and 3.78 acres of riparian habitat. The private lands being offered along Wet Creek if acquired by BLM, would allow BLM to consolidate all of the public lands along the Creek.

BLM would acquire important fisheries with parcels containing the Little Lost River, Summit Creek and Wet Creek. The public would benefit with better access for recreational activities and with increased fishing opportunities. Wildlife benefits include forage for pronghorn antelope, mule deer, small birds, raptors and mammals associated with riparian habitat.

The Bureau's riparian management policy states that the Bureau will, to extent practical, ensure the "existing plans when revised, recognize the importance of riparian values, and initiate management to maintain, restore, or improve them." Executive Order 11990, May 24, 1977, Protection of Wetlands, directs Federal agencies to take action to minimize the destruction, loss or degradation of wetlands to preserve and enhance the natural and beneficial value of wetlands in carrying out programs affecting land use. It is Bureau's policy to exchange wetland areas for privately owned wetlands having equal or greater wetland values. In the proposed exchange, the net gain to BLM would be 1.00 stream miles and about two riparian acres.

Once acquired, these lands can be managed to enhance and preserve the wetlands in accordance with Executive Order 11990. Better federal land management would occur as a result of the exchange, and the exchange is consistent with Sec. 206 of the Federal Land Policy and Management Act (FLPMA).

B. Location

Map 1 in Exhibit B shows the general location of the subject lands. The lands were further identified through the use of Hawley Mountain, Id., Mulky Bar., Id, Red Hills, Id., Warren Mt, Id., Badger Creek, Id., Little Lost River Sinks, Id., Howe, N.W. Id., and Howe, Id (7½ minute USGS Quadrangles). Exhibit B., Maps 1 through 8. The affected public lands are north and northwest of the Community of Howe, Id. One parcel (offered private) lies east of the Pass Creek Road between the Big Lost River Valley and the Little Lost River Valley.

C. Planning Process

The Little Lost/Birch Creek MFP was approved by the Idaho State Director in June, 1981. The MFP was prepared in accordance with the BLM Manual procedures and involved public participation.

Upon concurrence of this plan amendment by the State Director, a public notice summarizing the proposed amendment probable environmental impacts would be published in the local newspaper. In addition, copies of the proposed plan amendment would be made available to interested parties. If no protests are filed, the plan amendment will be finalized and the proposed action will be made part of the Little Lost/Birch Creek MFP. Implementation will follow.

D. Conformance

The BLM planning regulations found in 43 CFR 1610.5-3 require that resource management actions be in conformance with the approved land use plan covering the action area. This amendment is being prepared to evaluate the proposed land tenure adjustment and its subsequent conformance to the existing plan. This Little Lost/Birch Creek MFP amendment is consistent with Butte County's and Custer County's Zoning Ordinances and meets the "consistency" requirements found in 43 CFR 1610.

II. Planning Issues and Criteria

A. Planning Issues

Specific planning issues applicable to this amendment include: (1) How will the proposed exchange impact wildlife habitat (2) What impacts will the proposed exchange have on riparian habitat and water quality.

B. Planning Criteria

1. Social and economic values
2. Plans, programs, and policies of other Federal agencies, State and government;
3. Existing laws, regulations and BLM policy;

4. Future needs and demands for existing or potential resource commodities and values;
5. Public input;
6. Public welfare and safety;
7. Past and present use of public and adjacent lands;
8. Public benefits of providing goods and services in relation to costs;
9. Quantity and quality of noncommodity resource values; and
10. Environmental impacts.

III. Alternatives, Including the Proposed Action

A. Proposed Action

The proposed action is to amend the Little Lost/Birch Creek MFP to allow for the exchange of public and private lands as described in Exhibit A of this document. The applicant, Jerry Pancheri, proposes to exchange 1,040 acres of private land for 1,037.16 acres of public land. The private lands when acquired would be managed by BLM for multiple resource values to include recreation, wildlife habitat, watershed (water quality, quantity) and grazing. Management of the area would allow existing ongoing uses (mentioned above) to continue with emphasis on improving the riparian values found on the parcels by including the private ground into a grazing system with the surrounding public lands. This may or may not include range improvements and season of use. BLM would conduct range monitoring to determine future management and long-term goals. The parcel containing Wet Creek is surrounded by public land and little change in existing use is expected. The area would continue to be grazed with some type of grazing system to enhance the watershed and wildlife (riparian) values. Long range goals will be addressed in the forthcoming resource management plan (RMP) to be completed in the early 1990's. Although exchange acreages are defined in this report for analysis purposes, actual private and public land acreages would be exchanged on an equal basis. A land appraisal would be required to determine fair market value of the lands to be exchanged.

B. No Action Alternative

Adoption of this alternative would result in rejection of the exchange. Under this alternative the land status would not change. If the exchange were rejected, the opportunity to acquire key watershed and wildlife parcels would be lost. These parcels would continue to block up important sections of the Wet Creek and the Summit Creek system. Increased recreational potential would also be lost. Enhanced management potential for both the exchange proponent and BLM would be lost.

IV. Affected Environment

A. Proposed Action

1. Selected (Public) Lands

The selected lands proposed for exchange comprise 1037.16 acres which lie

north, northwest and southeast of Howe, Idaho in Butte County. For the purpose of this report, they will be broken down into two areas.

Area 1

T. 5 N., R. 29 E., B.M. Butte County

Sec. 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec. 14: S $\frac{1}{2}$ SE $\frac{1}{4}$

120 Acres

Non-Living Components

One parcel lies approximately one mile northwest of Howe, Idaho and the other lies three miles southwest of Howe, Idaho in the Little Lost Valley. However, both parcels have similar soils and characteristics. The parcels are generally level and moderately sloping. Soils are very deep and well drained. The soils are predominantly classified as belonging to the Sparmo-Zer complex (45 percent Sparmo and 40 percent Zer gravelly loam). Runoff is slow with a slight hazard of erosion by water. There are no live streams on these parcels.

Mineral potential of the lands is estimated to be low; however, records show the parcels have prospective value for oil and gas exploration. No other mineral values have been identified on the lands.

Living Components

The dominant vegetation is Wyoming Big Sage, bluebunch wheatgrass and a variety of small grasses.

Wildlife occurring in the area include indigenous species such as mule deer, pronghorn antelope, sage grouse, coyote, cottontail and jackrabbit. Birds such as sage sparrows and horned larks are also common.

The parcel in Section 5 is within the Jumpoff grazing allotment. There are 4 AUMs available but has little or no grazing on it. There are no improvements on the parcel. The parcel in Section 14 is used by both the Howe Peak grazing allotment and the Sinks grazing allotment with approximately 6 AUMs on the entire 80 acres.

Area 2

T. 7 N., R. 27 E., B.M. Butte County

Sec. 1: Lots 1 thru 5, S $\frac{1}{2}$ N $\frac{1}{2}$

Sec. 5: W $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 6: Lots 1 thru 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

T. 8 N., R. 28 E.

Sec. 31: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$

917.16 acres

Non-Living Components

The parcels described above are within a block of public lands which lie approximately 15 miles northwest of Howe, Idaho on the west side of the Butte County Highway.

The major soils belong to the Sparmo Zer Complex (45 percent sparmo and 40 percent Zer gravelly loam. Runoff erosion by water. Big Spring Creek runs through a portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 5 and the NE $\frac{1}{4}$ of Section 6 in T. 7 N., R. 27 E., and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 31, T. 8 N., R. 28 E. (one stream mile). A minimal flood plain is associated with Spring Creek.

Mineral potential of the land is estimated to be low; however, records show the parcels have prospective value for oil and gas exploration. No other mineral values have been identified on the lands.

Living Components

The dominant vegetation is Wyoming big sage and bluebunch wheatgrass. Salt bush is also scattered throughout the parcels. Willows, cottonwood, birch and rabbit brush line the creek area. The riparian zone is in good to fair condition. Wildlife inhabiting the area include pronghorn antelope, mule deer, jackrabbit, cottontail rabbit and several varieties of small birds and mammals. In the fall several varieties of raptors migrate through the area from the upper Pahsimeroi Valley. The raptors include golden eagles, hawks, falcons, and owls. Big Spring Creek has a high density of wild rainbow trout and a small number of brook trout.

This area is within the Cedarville allotment. The permittee is Sagewillow, Inc. There are about six acres per AUMs (crested wheatgrass seeding). The improvements consist of boundary fences.

A Class III cultural resource inventory has not yet been completed on the selected lands but will be completed prior to consummation of the exchange. Should anything with cultural significance be present, it would be evaluated and adequate protection of the resource would be taken prior to exchanging the lands.

During the scoping process it was determined the affects to other resources would be minimal or non-existent. See environmental checklist included in the addenda for negative declaration record of other resource values. (Exhibit E)

The subject lands are not located in a wilderness area, a wilderness study area or an area of critical environmental concern. No wild or scenic rivers or unique farmlands are involved. Flood plains are minimally involved with one mile of Spring Creek which flows through a small portion of the selected lands.

2. Offered Lands (private)

The offered lands proposed for exchange comprise 1,040.00 acres which lie northwest of Howe, Idaho in Butte and Custer Counties.

Area 1

T. 9 N. R. 26 E., B.M., Butte County

Sec. 19: SE $\frac{1}{4}$

Sec. 20: SW $\frac{1}{4}$

Sec. 30: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

520 Acres

Non-Living Components

A small portion of this area lies west of the Pass Creek Road with the remainder on the east side. One mile of Wet Creek traverses through the parcel. The parcels are comprised of Blue Dome loam (BEB) on the outwash fans and fan terraces with Bigrant-Thosand-wet, Dickey peak complex soils (Td1) within the Creek area. The BEB soils are 20 to 40 inches deep, well drained with moderate permeability. Runoff is slow with a slight erosion by water. Td1 soils are present near the creek. The depth of the soils are more than 60 inches. These soils are within a floodplain. Wetness occurs in some areas due to high water table.

Mineral potential of lands to be low, however, records show the parcels have prospective values for oil and gas exploration. No other mineral values have been identified on the lands.

Living Components

The dominant vegetation is Wyoming Big Sage, bluebunch wheatgrass and a variety of small grasses. Willows, and sedges line the creek area.

Wildlife occurring in the area include mule deer, pronghorn antelope, beaver, coyote, jackrabbit, cottontail rabbit and several varieties of small birds and mammals. The property has been degraded by overgrazing. Presently the riparian vegetation condition is fair.

Habitat surveys above and below this reach of the stream suggests good fishery potential. Electro fishing surveys in the 1980's indicate a trout population ranging from 20 to 40 trout in 300 linear feet of stream.

The exchange proponent's cattle presently graze the parcel. Recreational activities occur on the surrounding lands. They include fishing, camping, sightseeing and hunting. These activities intensify during specific times of the year.

Area 2

T. 11 N., R 26 E., B.M., Custer County

Sec. 32: NE $\frac{1}{4}$

Sec. 33: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$

440 Acres

Non-Living Components

This area lies approximately 32 miles northwest of Howe, Idaho in Custer County. A county road crosses the southwest corner of the parcel in Section 32. The parcel in Section 32 is comprised of Bigrant-Thosand-Wet, Dickey Peak Complex soils (Td1). This section of Summit Creek can best be characterized as an extensive willow/carex riparian wetland complex. Two wet marshy areas are created by two tributaries of Summit Creek which traverse the parcel. It is one of the best, in-tack examples of a large functional wetland in the entire Little Lost drainage.

The majority of the parcel in Section 33 is comprised of Basinger-Moffet complex soils. These soils occur on alluvial fans. They are more than 60 inches deep and well drained. The area north of the Custer County/Butte County line in the southeast quarter of Section 33 is bisected by Summit Creek. This portion of the parcel is comprised of a Mooretown, drained-Borah complex soils. These soils occur on valley floors. Available water capacity is 8 to 10 inches. This area is within a floodplain.

Mineral potential of the lands are estimated to be low; however, records show the parcel has prospective value for oil and gas exploration. No other mineral values have been identified on the parcel.

Living Components

The vegetation in Section 32 consists of varieties of grasses associated with wetlands, Big basin sagebrush, wheatgrass and occasional horsetail. The dominant vegetation in Section 33 is Wyoming sagebrush, big basin sagebrush, and bluebunch wheatgrass. In the area near Summit Creek, sedges and willows exist along the creek banks. In Sections 32 and 33 wildlife consists of pronghorn antelope, mule deer, beaver, coyote, jackrabbit, cottontail rabbit and several varieties of small birds and animals. No fishery surveys have been done on the reach of Summit Creek in Section 32 but BLM employees' observations suggests good to excellent brook trout habitat, with a fair self-sustaining population of wild rainbow trout and brook trout. The riparian condition in Section 33 is in fair condition. This reach of the creek lacks a good shrub component but aquatic vegetation is dense and provides only in-channel cover for resident fishery. Electro fishing surveys near this section suggest a fair fishery comprised mostly of rainbow trout and a few bull trout. Brook trout are present above and below this reach suggesting they may be present.

The parcel in Section 33 is presently grazed by cattle. Little or no cattle grazing has occurred on Section 32. Access to the creek is good in Section 33 making the area desirable for camping and fishing. Camping, hunting and fishing occur on the adjoining public lands.

Area 3

T. 9 N., R. 27 E., B.M.

Sec. 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec. 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$

80 Acres

The parcel in Section 20 lies approximately 2 $\frac{1}{2}$ -miles northwest of Howe, Idaho in the Little Lost Valley. It is one-half mile west of the Butte County Road which traverses between Howe and Clyde, Idaho. The parcel in Section 28 lies 20 miles northwest of Howe with the Butte County Road traversing across southwest corner of the parcel. The Little Lost River runs from north to south bisecting the parcel. The parcel in Section 20 is generally level and moderately sloping. Soils are very deep and well drained. The soils are predominantly classified as belonging to the Sparmo-Zer Complex (45 percent Sparmo and 40 percent gravelly loam). Runoff is slow with a slight hazard of erosion by water. There are no live streams on this parcel. The west side of the parcel in Section 28 is comprised of a Mooretown, drained-Borah Complex soils. These soils occur on valley floors. Available water capacity is 8 to 10 inches. This area is within a floodplain due to the presence of the Little Lost River. The east side of the parcel is comprised of a Sparmo-Zer soil Complex as exists in Section 20.

Dominant vegetation on Section 20 and the east side of Section 28 is Wyoming Big Sage, bluebunch wheatgrass and a variety of small grasses. The dominant vegetation on the west side of Section 28 is big basin sagebrush, wheat grasses and occasional horsetail, with sedges and willows on the banks of the Little Lost River. The riparian vegetation and bank condition is good to excellent. Wildlife on both parcels consists of pronghorn antelope, mule deer, sage grouse, coyote, jackrabbit and several varieties of small birds. Golden eagles, hawks, falcons and owls frequent the area during fall migration from the upper Pahsimeroi Valley to the lower Little Lost Valley. The section of the Little Lost River which traverses the parcel in Section 28 is characterized by a relatively straight channel with limited channel diversity and habitat availability for trout. Electro fishing surveys indicate that wild rainbow trout are the only game fish present in this section of the Little Lost River. However, access for fishermen is excellent.

Mineral potential of the lands is estimated to be low; however, records show the parcels have prospective value for oil and gas exploration. No other mineral values have been identified on the lands.

V. Environmental Consequences

A. Proposed Action

Consummation of the exchange would allow BLM to acquire certain lands with

important fishery and riparian values as well as recreational opportunities for the public. The exchange would allow Mr. Pancheri to acquire certain parcels he desires from BLM.

The mineral estates of the selected lands and offered lands would be exchanged with the surface estates avoiding split estate problem.

One stream mile and 1.82 riparian acres of public land would go into private ownership. However, BLM would receive 2.00 stream miles and 3.78 riparian acres with a net gain of 1.00 stream miles and almost 2.00 riparian acres. It is the Bureau's policy to exchange wetland areas for privately-owned wetlands having equal or greater wetland values. In this exchange the total stream mile and riparian acres would have greater wetland values.

1. Selected Lands

With consummation of the exchange, Mr. Pancheri would increase his private land acreage within Butte County. This increase would amount to 520 acres which would benefit the County with receipt of tax money derived from private lands. Two BLM grazing allotments would be affected in T. 5 N., R. 29 E., B.M. (Area 1) The grazing allotment in Sec. 5 would lose 40 acres of forage and the allotment in Sec. 14 use would lose 80 acres of forage. However, the AUMs would not be cut. Instead, they would be absorbed by other portions of the allotments. The allotment in T. 7 N., R. 27 E. and T. 8 N., R. 27 E., B.M. would lose the BLM grazing privilege on those parcels (about 180 AUMs). In Area 2 (T. 7 N., R. 27 E. and T. 8 N., R. 28 E.) where the creek crosses portions of the parcels for a total distance of one stream mile, fishing and other recreational opportunities may be lost to the public. However, the public would gain recreational opportunities on the lands Mr. Pancheri is offering because of the increase in fishing streams, camping areas and good access to these areas.

Cumulative

Should all of the lands selected be eventually put into agricultural production, wildlife grazing forage would decrease for those species depending upon existing habitat conditions. The riparian vegetation along Spring Creek (approximately 1.82 acres) could eventually be lost. Wildlife that could be displaced include pronghorn antelope, mule deer, jackrabbit, cottontail rabbits, several varieties of raptors and small birds and mammals.

2. Offered Lands

The offered lands acquired by BLM would benefit the public with additional recreational areas (especially for fishermen) by a gain of 1.00 stream miles. The parcels would be managed for multiple use values such as grazing, wildlife and recreation with emphasis on maintaining and/or improving riparian vegetation and stream channel condition. This may involve implementing grazing systems to enhance these values. Range improvements such as fencing and water developments may be necessary for implementation. This management would be addressed in the forthcoming RMP to be completed in the early 1990's.

The BLM would acquire both the surface and subsurface minerals, thus all split-estate problems would be avoided.

Cumulative

The addition of two miles of stream including 3.78 acres of riparian on public lands is expected to improve water quality and wildlife habitat in the upper Little Lost Valley as well as in the Wet Creek area.

B. Alternative 2 (No Action)

Adoption of the "No Action" alternative would result in rejection of the exchange. The current land ownership pattern would not be altered and management of the lands would remain the same. The riparian value on Spring Creek would remain the same. BLM would lose the opportunity to manage valuable wildlife habitat and riparian values on the offered lands. The offered would remain private and may be closed to recreationists. BLM would have little opportunity to enhance recreational opportunities and riparian habitat on public lands in the Little Lost Valley because of current land patterns and configuration of the property boundaries (close proximity of private lands). The public lands would likely remain in grazing systems.

Cumulative

No cumulative impact anticipated because of no change in existing management.

VI. Coordination, Consistency, and Public Participation

The MFP plan amendment document was prepared and reviewed by an interdisciplinary team of specialist with expertise in range management, wildlife management, watershed, recreation minerals, visual resources, and cultural resources. A Notice of Intent for this amendment was published in the Federal Register on February 1, 1991 and in the Arco Advertiser, the local newspaper, for three consecutive weeks beginning February 28, 1991. Comments were received both by telephone and letters. These have been made part of the case file. Two grazing permittees were concerned. The range conservationist discussed their concerns over the telephone. Three individuals called (phone confirmation in file) and two letters were received (made part of the files)). These concerns would be addressed when copies of the proposed planning amendment are sent to these individuals. BLM met with the Butte County Commissioners on May 13, 1991, to brief them on the exchange. Copies of this proposed amendment will also be mailed to adjoining land owners, government agencies and representatives, right-of-way holders and permittees involved with the subject lands (Exhibit D).

After review of the plan amendment document by the State Director, the document will be submitted to the Governor of Idaho for 60-day "consistency review" to ensure the document is consistent with all State and local plans, policies, and programs.

A. Agencies, Groups or Individuals Contacted

Refer to Exhibit D

B. List of BLM Preparers

Resources Values

Barbara Klingenberg

Realty Specialist/Document

Preparer

LeRoy Cook

Area Manager, Big Butte Resource Area

Glen Guenther

Range

Larry Doughty

Wildlife

Chuck Horsburgh/Norris Satter

Minerals

Darwin Jeppesen

Soils

Richard Hill

Cultural Resource

Dan Kotansky

Water/Air

Russell McFarling

Threatened/Endangered Specialist

Tom Dyer

Planning & Environmental Coordinator

A D D E N D A

THREE CREEK (FANCHERI) EXCHANGE

Private (Offered) Lands

T. 9 N., R. 26 E., B.M.
 Sec. 19: SE $\frac{1}{4}$
 Sec. 20: SW $\frac{1}{4}$
 Sec. 30: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Butte County

T. 9 N., R. 27 E., B.M.
 Sec. 20: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Sec. 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Butte County

T. 11 N., R. 26 E., B.M.
 Sec. 32: NE $\frac{1}{4}$
 Sec. 33: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ Custer County

1,040.00 Acres

Public (Selected) Lands

T. 5 N., R. 29 E., B.M.
 Sec. 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Sec. 14: S $\frac{1}{4}$ SE $\frac{1}{4}$

T. 7 N., R. 27 E., B.M.
 Sec. 1: Lots 1 thru 4, S $\frac{1}{4}$ N $\frac{1}{4}$

T. 7 N., R. 28 E., B.M.
 Sec. 5: W $\frac{1}{2}$ SW $\frac{1}{4}$
 Sec. 6: Lots 1 thru 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

T. 8 N., R. 28 E., B.M.
 Sec. 31: Lots 3 & 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ Butte County

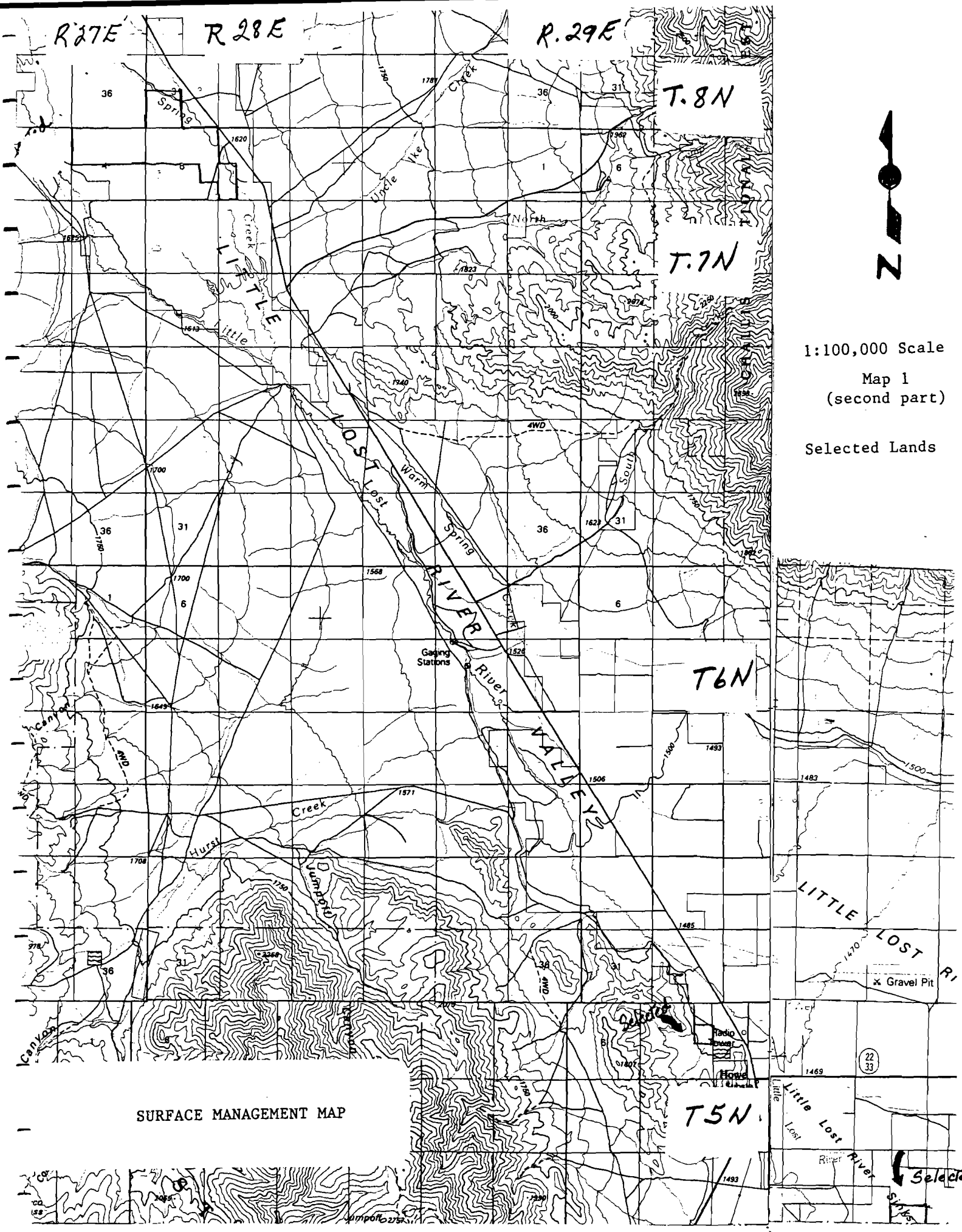
1,037.17 Acres

EXHIBIT B

EXHIBIT B

Part 2

Selected Public Lands

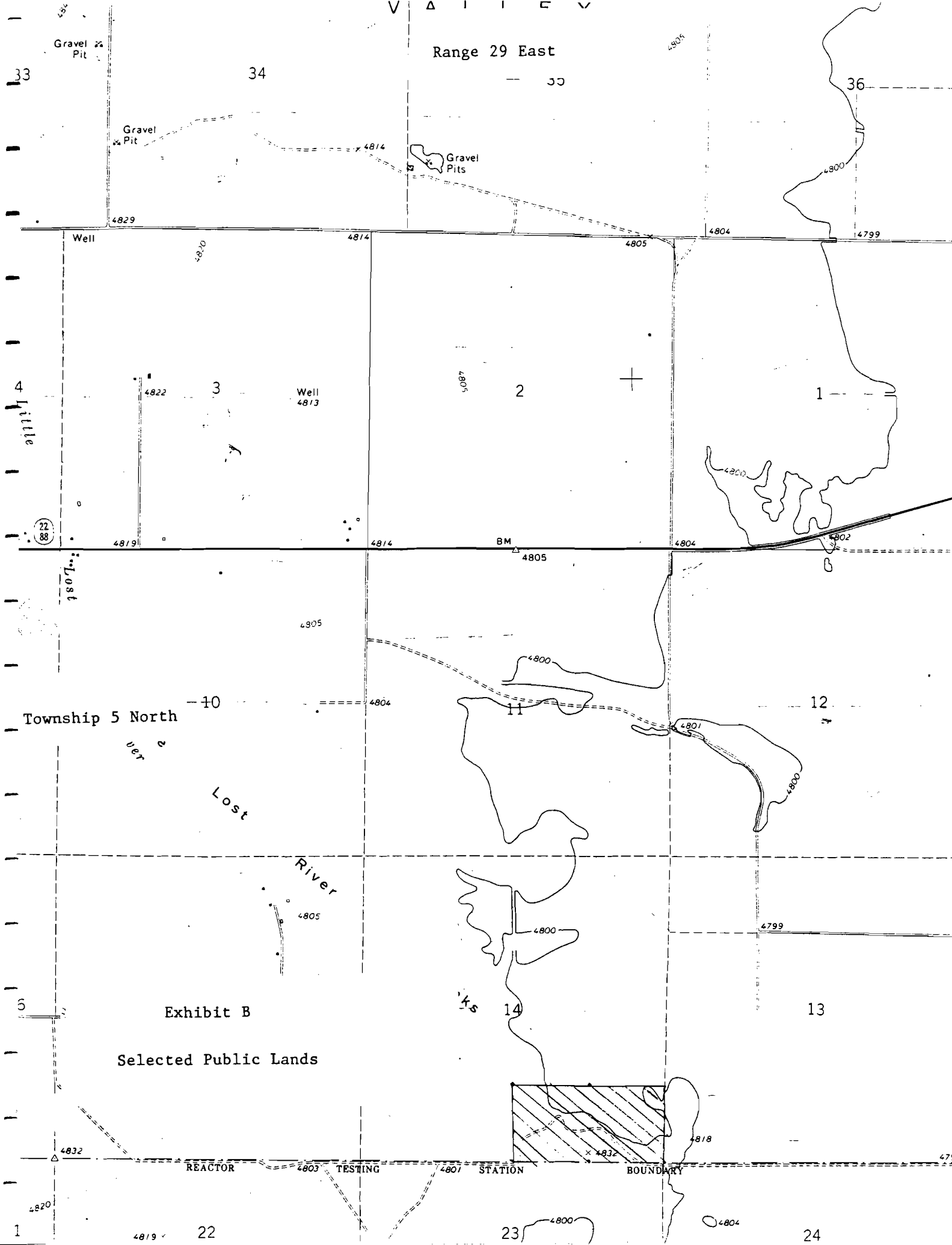


1:100,000 Scale
 Map 1
 (second part)
 Selected Lands

SURFACE MANAGEMENT MAP

Select

Range 29 East



Township 5 North

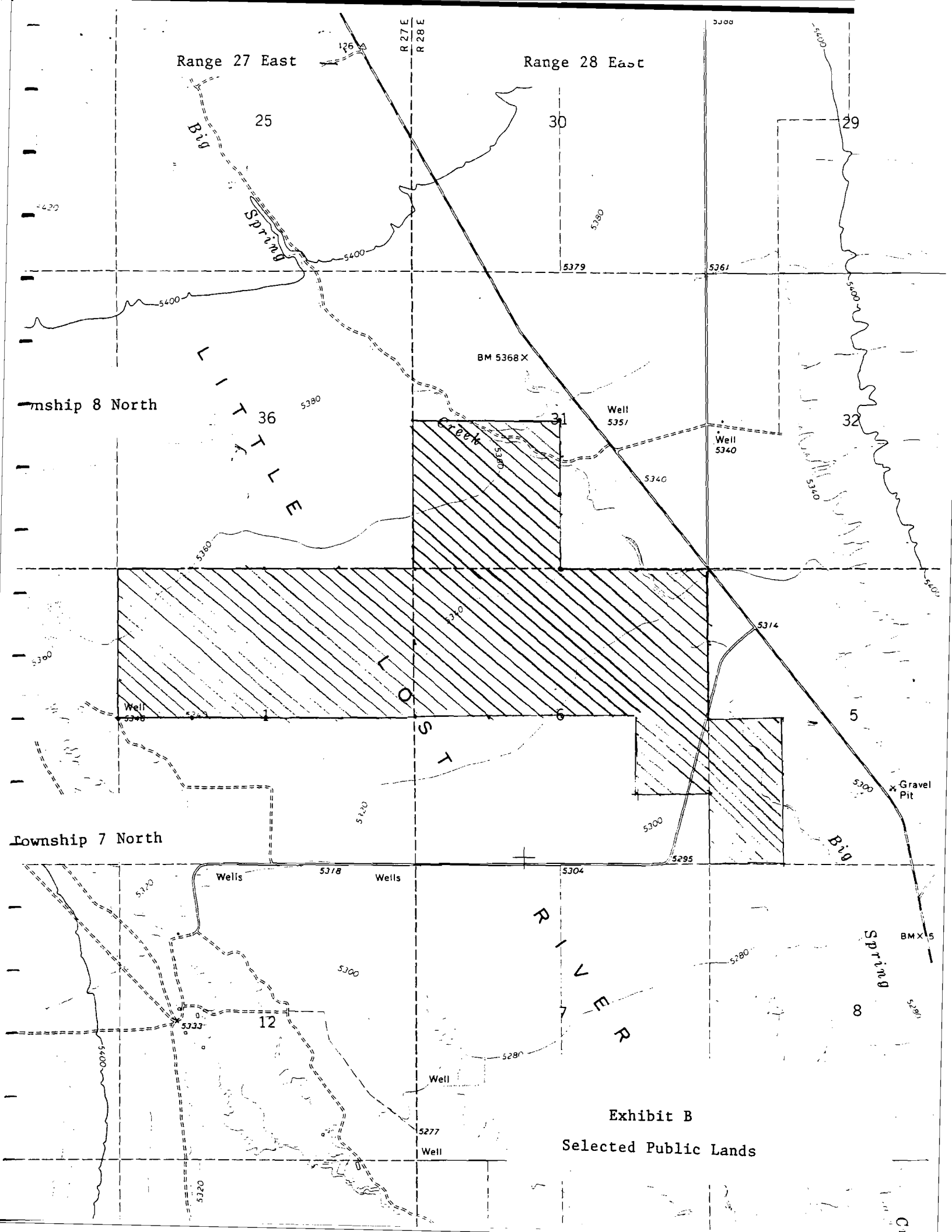
Exhibit B
Selected Public Lands

REACTOR TESTING STATION BOUNDARY

22

23

24



Range 27 East

Range 28 East

Township 8 North

Township 7 North

Big Spring

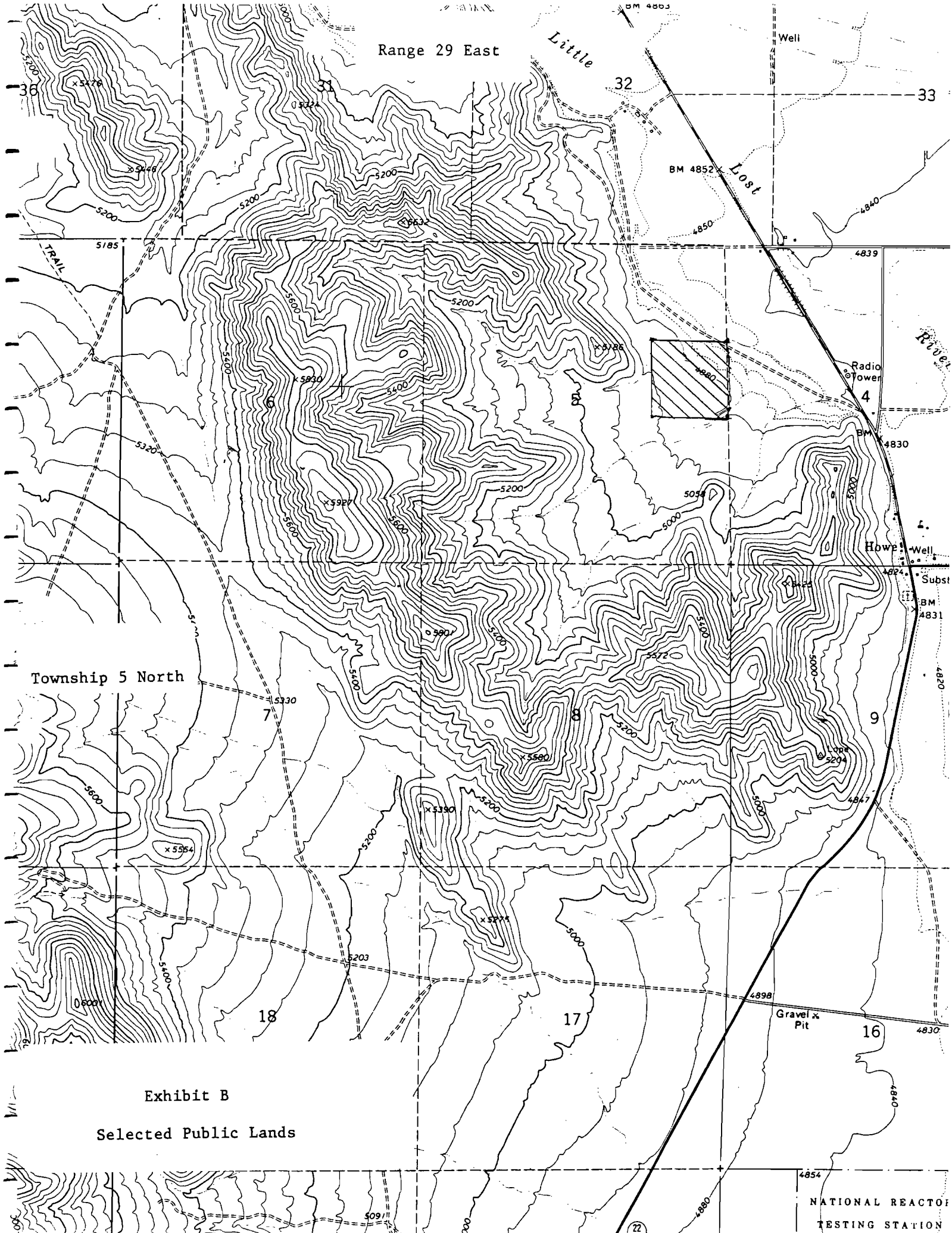
LITTLE

LOST CREEK

BIG RIVER

Big Spring

Exhibit B
Selected Public Lands



Range 29 East

Little
Lost River

Well

BM 4852

Radio
Tower

Howe Well

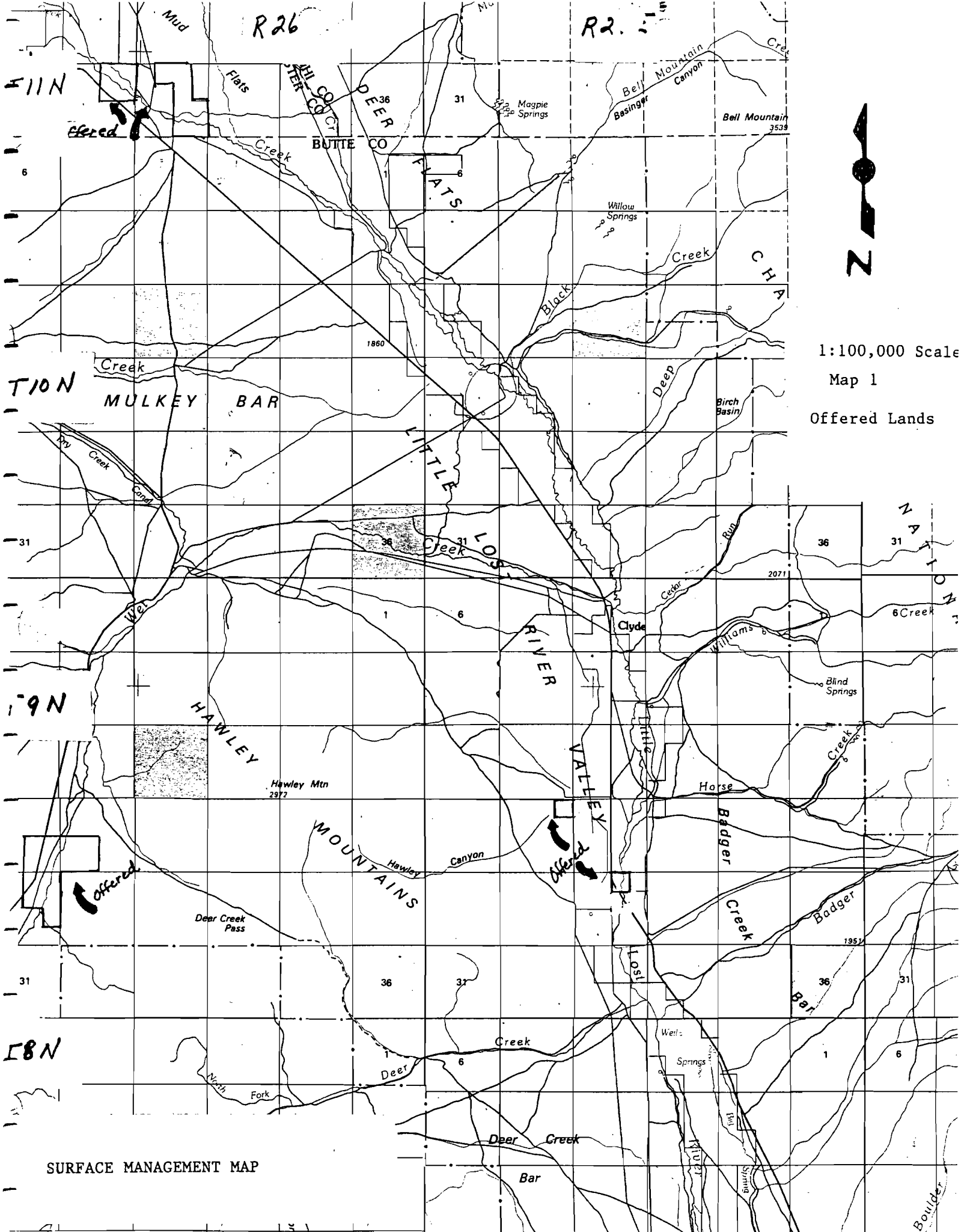
Township 5 North

Exhibit B

Selected Public Lands

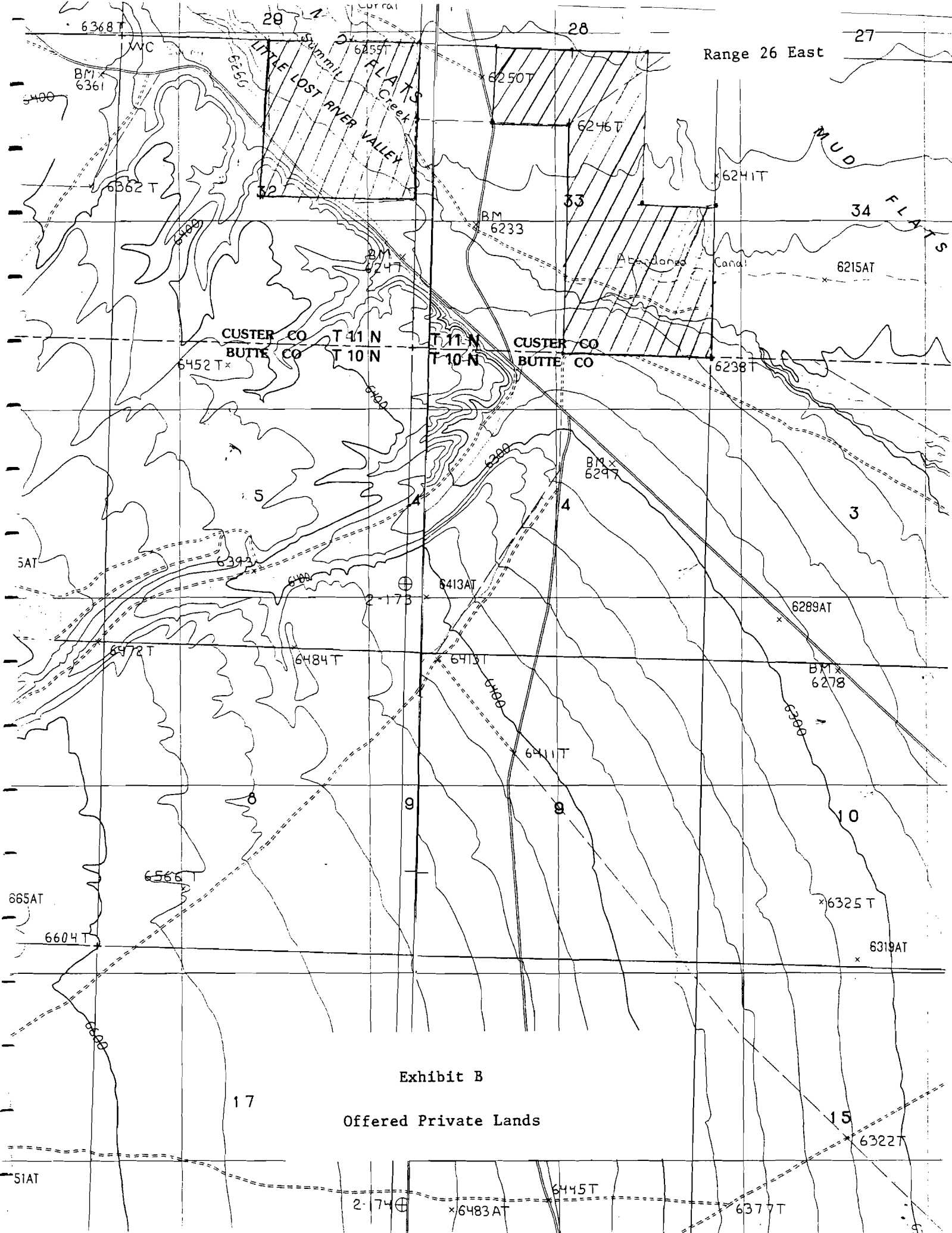
NATIONAL REACTOR
TESTING STATION

22
88



1:100,000 Scale
Map 1
Offered Lands

SURFACE MANAGEMENT MAP



Range 26 East

CUSTER CO
BUTTE CO
T 11 N
T 10 N

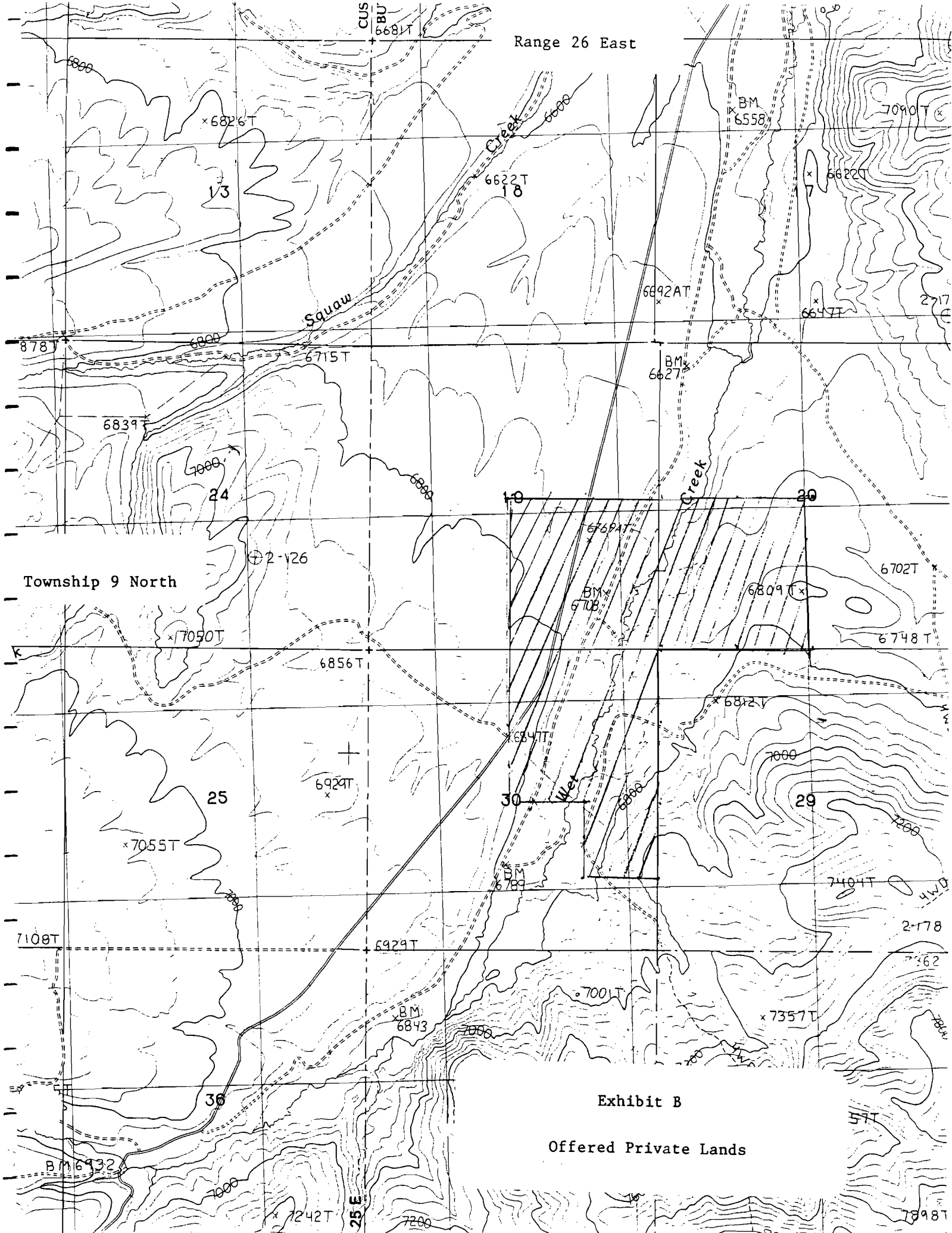
CUSTER CO
BUTTE CO
T 11 N
T 10 N

Exhibit B

Offered Private Lands

Range 26 East

CUS
BU
6681T



13

24

25

36

10

20

30

29

Township 9 North

Exhibit B

Offered Private Lands

Squaw

Creek

Wet

x 6826T

6622T
18

BM
6558

x 6622T

7090T

x 6647T

6692AT

BM
6627

878T

6890

6715T

6839T

⊕ 2-126

x 7090T

6856T

6769AT

BM
6708

x 6809T

x 6702T

6748T

x 7055T

6929T

x 6847T

x 6812T

7000

7108T

6929T

BM
6789

7404T

2-178

7-62

BM
6843

7001T

x 7357T

BM
6932

7000

x 7242T

7200

5T

1898T

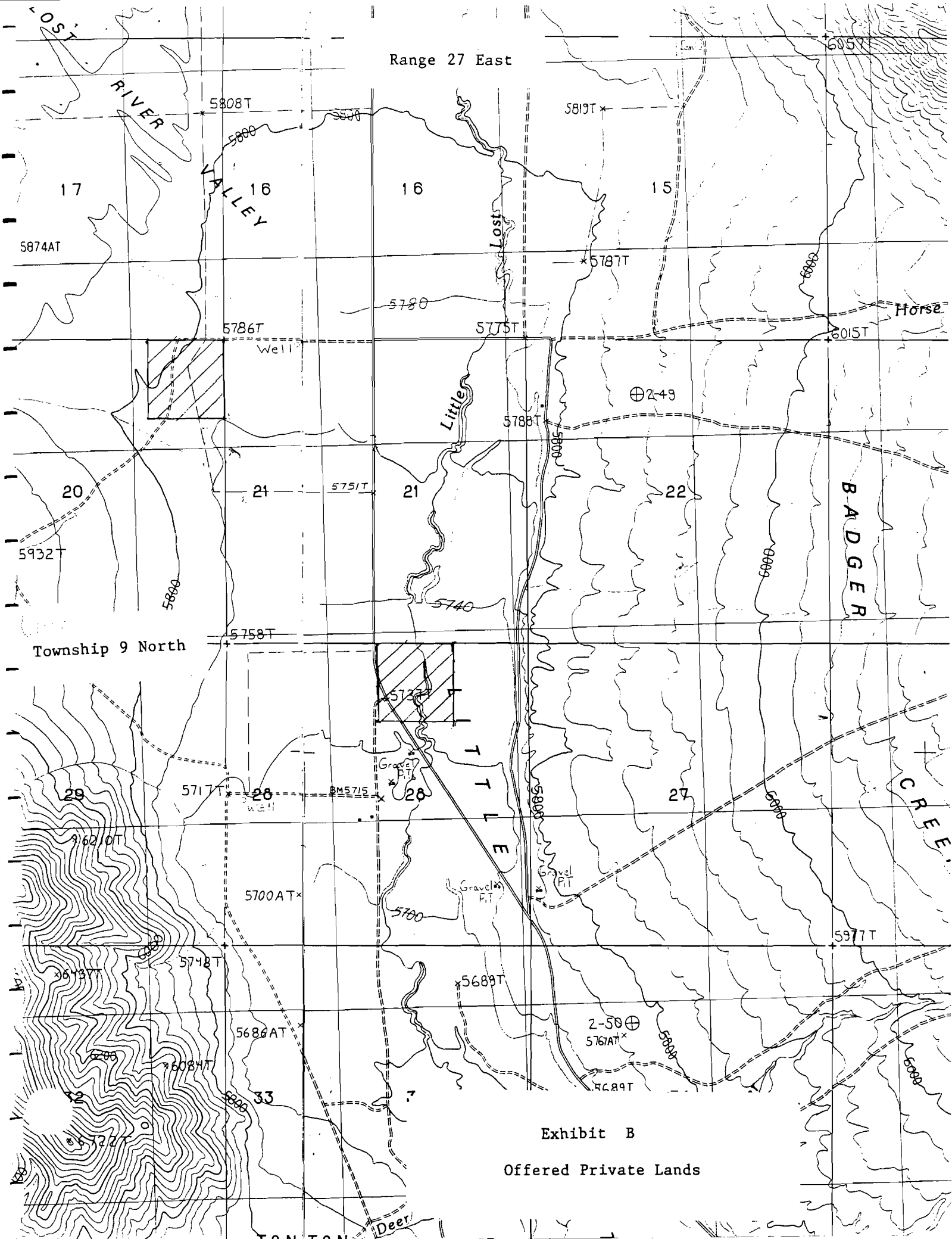


Exhibit B
Offered Private Lands

EXHIBIT C

OFFERED PRIVATE LANDS

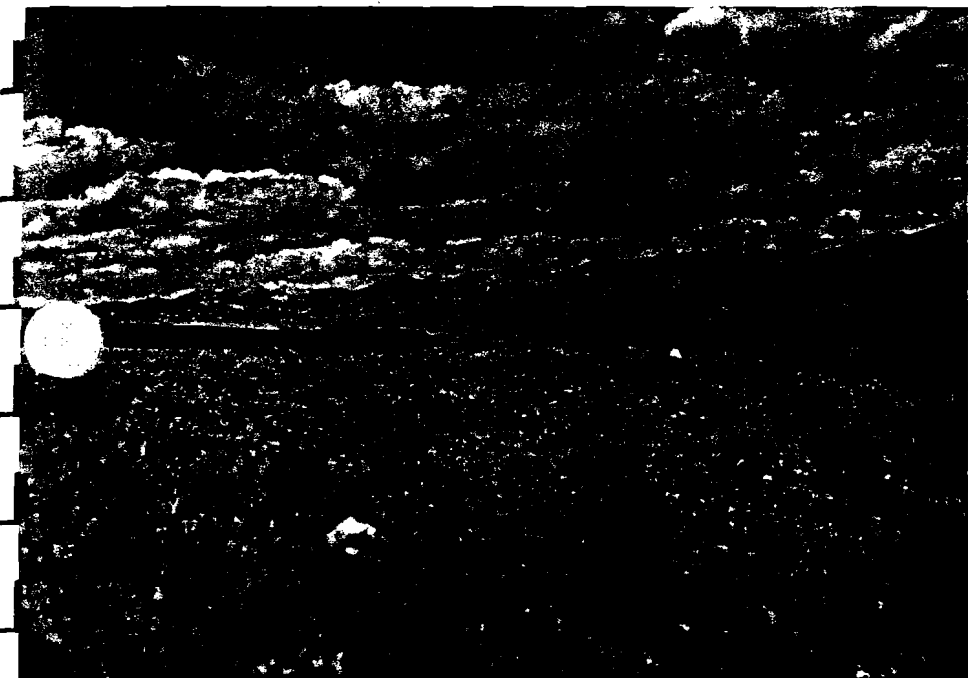
EXHIBIT 2

Part 2

Offered Private Lands



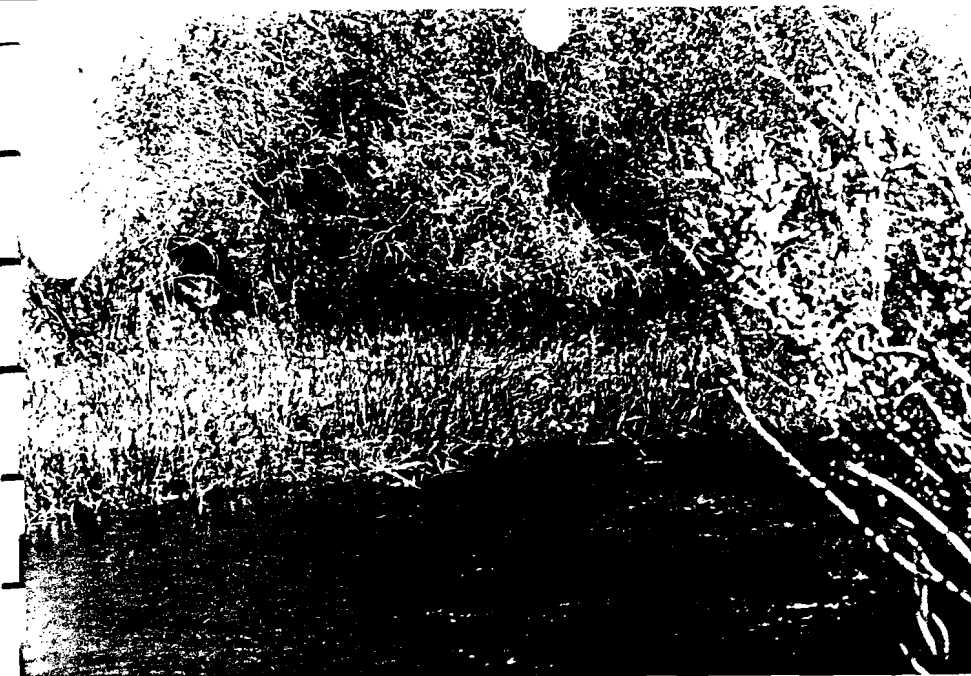
T. 9 N., R. 26 E.
Sec. 30
(Looking downstream)



T. 9 N., R. 26 E.
Sec. 30
(looking north)



T. 9 N., R. 26 E.
Sec. 19
(looking southeast)



T. 9 N., R. 27 E.
Sec. 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$
(On Creek)



T. 9 N., R. 27 E.
Sec. 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$
(On Creek)



T. 9 N., R. 27 E.
Sec. 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$
(looking northeast)



T. 11 N., R. 26 E.
Sec. 32 (looking southeast)



T. 11 N., R. 25 East
Sec. 32: (looking northeast)



T. 11 N., R. 26 E.
Sec. 33 (looking northeast)

SELECTED PUBLIC LANDS



T. 8 N., R. 28 E.
Sec. 31
(Looking southwest)



T. 7 N., R. 28 E.
Sec. 1
(looking southeast)



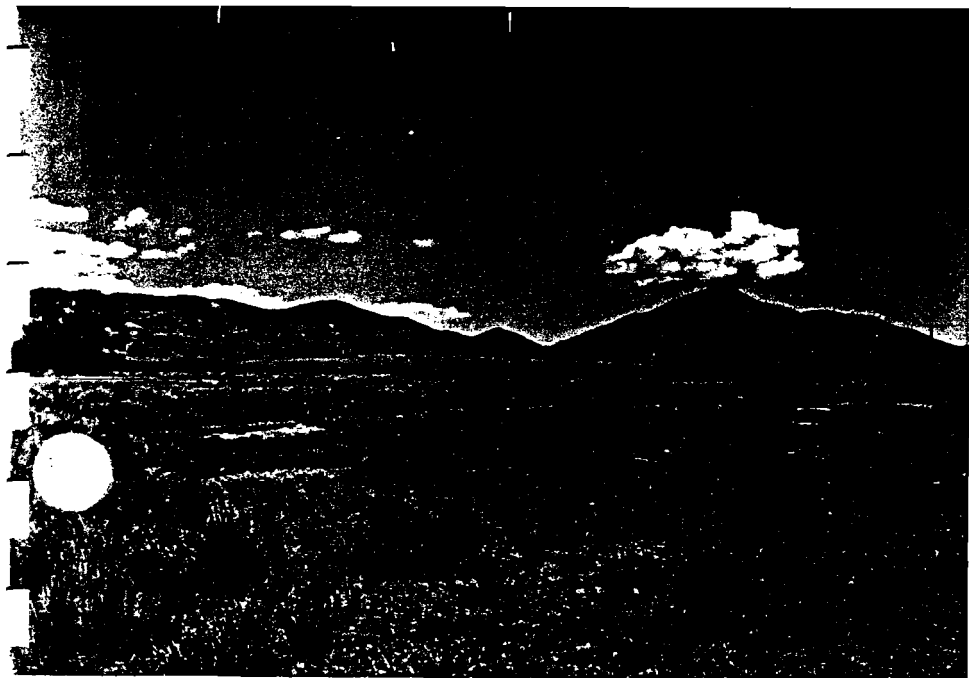
T. 8 N., R. 28 East
Sec. 6
(looking northwest)



T. 8 N., R. 28 E.
Sec. 31
(southeast toward the Creek)



T. 7 N., R. 28 E.
Sec. 5 (looking downstream)



T. 8 N, R. 28 E.
Section 31
(looking southeast)

PARTIES NOTIFIED

Mr. Jerry Pancheri
Howe, Idaho 83244

Mr. James Mays
Box 1
Howe, Idaho 83244

Mr. Dean Mays
Howe, Idaho 83244

Mr. Robert Mays
Howe, Idaho 83244

Mr. George Woodie
Howe, Idaho 83244

Mr. Ed Dumpke
P. O. Box 569
Sun Valley, Idaho 83353

Mr. Wayne Bare
Howe, Idaho 83244

Mr. Leo Amy
Howe, Idaho 83244

Mr. Jake Amy
Howe, Idaho 83244

Mr. Don Phillips
Howe, Idaho 83244

Mr. E. P. Weston
P. O. Box 11
Howe, Idaho 83244

Mr. Ivan Taylor, Chairman
Custer County Commissioners
Courthouse
Challis, Idaho 83226

*Ken Ruzick
P.O. Box 39
Howe, Idaho 83244*

Mr. James Andreason, Chairman
Butte County Commissioners
Courthouse
248 W. Grant Avenue
Arco, Idaho 83213

Mr. Ron Carlson, Supervisor
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

Dr. Jay Roundy
Utah Power & Light Company
1407 W. N. Temple
Salt Lake City, Utah 84140

U. S. West Communications
MGR RW Box 7888
Boise, Idaho 83723

Mr. Lou Benedick, Area Supervisor
Idaho Department of Lands
Route 1, Box 400
Idaho Falls, Idaho 83401

Mr. Herb Pollard, Regional Supervisor
Idaho Department of Fish and Game
1515 Lincoln Road
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Dixie Richardson, Staff Assistant
482 C Street, Suite 304
Idaho Falls, Idaho 83402

Senator Larry E Craig
Georgia Dixon, Staff Assistant
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Idaho Falls, Idaho 83404

Congressman Richard Stallings
Clive Ririe, District Representative
482 C. Street
Idaho Falls, Idaho 83402

Honorable Cecil Andrus
Governor of Idaho
State House
Boise, Idaho 83720

Jerry Jayne
Idaho Environmental Council
1568 Lola
Idaho Falls, Id 83402

Betsy Buffington
Wilderness Society
Room 102
413 N. Idaho Street
Boise, Id 83702

Pat Ford
Executive Director
Idaho Conservation League
P. O. Box 844
Boise, ID 83701

Pat Ford
Executive Director
Idaho Conservation League
P. O. Box 844
Boise, ID 83701

ENVIRONMENTAL CHECKLIST

EXHIBIT E

The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be considered in all EA's if present and affected.

Resource Element	ID-030-1-8		Initial/ Date
1. Air Quality		Affected/ <u>Not Affected</u>	DJK 10/29/9
2. Areas of Critical Environmental Concern (ACEC)	Present/ Not Present	Affected/ <u>Not Affected</u>	bk 10/22/9
3. Cultural Resources	<u>Present</u> Not Present	Affected/ Not Affected	RDA/10-23-90
4. Farm Land (prime or unique)	Present/ Not Present	Affected/? <u>Not Affected</u>	10-26-90
5. Flood plains	Present/ Not Present	Affected/ Not Affected	DJK 10/29/90
6. Native American Religious Concerns	Present/ Not Present	Affected/ <u>Not Affected</u>	bk 10/22/9
7. Threatened or Endangered Species	Present/ <u>Not Present</u>	Affected/ <u>Not Affected</u>	Ru 10/26/90
8. Wastes, Hazardous or Solid	Present/ <u>Not Present</u>		bk 10/22/9
9. Water Quality Drinking/ Ground		Affected/ <u>Not Affected</u>	DJK 10/29/9
10. Does DEQ need to review this EA according to the Clean Water Act	Yes/ <u>No</u>		DJK 10/29/9
11. Is a Water Quality Monitoring Plan Required	Yes/ <u>No</u>		DJK 10/29/9
12. Wetlands/Riparian Zones	<u>Present</u> / Not Present	Affected/ <u>Not Affected</u>	DJK 10/29/9
13. Wild and Scenic Rivers	Present/ Not Present	Affected/ <u>Not Affected</u>	bk 10/22/90
14. Wilderness	Present/ <u>Not Present</u>	Affected/ Not Affected	bk 10/22/90

OTHER ITEMS NEEDING COVERAGE IN THE EA

- BLM Land Use Plan Conformance In Conformance/
Not in Conformance Needs planning amendment
- Is District Engineering Needed Yes/No 10/22/90 bk

also Attached is a feasibility study shown both selected (public) and affected (private)

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

ENDANGERED AND THREATENED PLANT CLEARANCE WORKSHEET

PART I. (To be completed by Requestor)

Project Title: <i>Pancheri Exchange</i>	Charging Code: <i>4212-13</i>	Legal Description (attach a map) T. <i>F</i> R. Section: <i>See attached maps</i>
Project/ Action Description: <i>Selected BLM lands in exchange for Pancheri lands</i>		
Date Clearance Requested by: <i>11/15/90</i>		

PART II: (To be completed by Resource Specialist)

<input checked="" type="checkbox"/> Full Clearance <input type="checkbox"/> Conditional Clearance <input type="checkbox"/> Negative Clearance	Individual Making Field Exam: <i>Russell McFaulin</i>	Date: <i>10/26/90</i>
Reason for Specified Clearance:		
Vegetation Type:		
Special Conditions (if any):		
<p>Endangered and threatened plant clearance will indicate the above action has not impact upon endangered, threatened, or State-sensitive plants, or that impacts have been satisfactorily resolved. A conditional or negative clearance will indicate that problems are not resolved and further steps must be taken to mitigate the impact. If mitigation is not possible, then the project or action shall be canceled.</p>		

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
[ID-030-09-4212-13]

Amendment of Little Lost/Birch Creek Management Framework Plan/Notice of Realty Action, I-23235

AGENCY: Bureau of Land Management

ACTION: Notice of Action - Amendment of the Little Lost/Birch Creek Management Framework Plan (MFP)/Notice of Realty Action (NORA), Exchange of Public Land in Clark County, Idaho

NOTICE: Notice is hereby given that the BLM has amended the Little Lost/Birch Creek MFP to allow for the transfer of certain public lands in exchange for privately owned lands in Butte County, Idaho. The exchange will include surface and mineral estates.

SUMMARY: The following described lands have been examined and through the public supported land use planning process have been determined to be suitable for transfer by land exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Public lands to be transferred are described as:

Boise Meridian, Idaho

T. 9 N., R. 30 E.,

Sec. 4, Lot 8, SE1/4SW1/4NW1/4, W1/2SW1/4SE1/4, W1/2E1/2SW1/4SE1/4.

Sec. 5, Lots 6 and 7.

Sec. 9, Lot 2.

Comprising 122.73 acres.

Non-federal lands to be acquired are described as:

Tract 1, Boise Meridian, Idaho

Beginning at the Northwest Corner of Section 9, T. 9 N., R. 30 E., and running North along section line into Section 4 a distance of 365 feet more or less to a fence on the West right-of-way line of Highway 28; thence South 23 degrees 22' East, along said right-of-way line 400 feet more or less to the North line of said Section 9; thence continuing along said right-of-way line 1436 feet more or less to the South line of the NW1/4NW1/4 of said Section 9; thence West along said South line 725 feet more or less to the West line of Section 9; thence North along said section line 1322 feet more or less to the point of beginning.

Tract 2, Boise Meridian, Idaho

Beginning at the Southwest Corner of the NE1/4SW1/4 of Section 9, T. 9 N., R. 30 E., and running thence North along West side of said 1/16th line 1262 feet more or less to a fence on the West right-of-way line of Highway 28; thence South 23 degrees 22' East, along said right-of-way line 1373 feet more or less to the South line of the NE1/4SW1/4; thence West along said South line 543 feet more or less to the point of beginning.

Comprising 21.9 acres.

The purpose of this exchange is to acquire the non-federal lands which have high public values for prime riparian habitat, important fisheries and access to Birch Creek.

The lands were appraised and the value of the lands to be exchanged are equal.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions: ditches and canals (Act of August 30, 1890 - 43 U.S.C. 945) and road right-of-way BL-053972 to the Idaho State Transportation Department. Continued use of the land by valid right-of-way holders is proper, subject to the terms and conditions of the grant. Administrative responsibility previously held by the United States will be assumed by the patentee.

The publication of this notice in the Federal Register will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant.

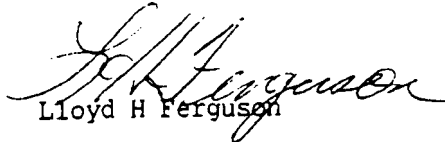
SUPPLEMENTARY INFORMATION: Detailed information concerning the conditions of the land exchange can be obtained by contacting Barbara Klingenberg, Realty Specialist, at (208) 529-1020.

PLANNING PROTEST: Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action only as it affects issues submitted for the record during the planning process. The protest shall be in writing and filed with the Director (760), Bureau of Land Management, 1800 "C" Street, N.W., Washington, D.C. 20240, within 30

days of this notice.

LAND EXCHANGE COMMENTS: For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments regarding the land exchange to the District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any planning protests or objections regarding the land exchange, this realty action will become the final determination of the Department of the Interior and the planning amendment will be in effect.

DATED: October 27, 1989



Lloyd H Ferguson

District Manager

Mr. Thomas D. Miller, County Exec. Dir.
ASCS Office (Clark County)
Dubois, Idaho 83436

Targhee National Forest
Dubois Ranger District
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Dubois, Idaho 83423

Jerry Jayne
Idaho Environmental Council
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Idaho Falls, Idaho 83401

Idaho Department of Transportation
P. O. Box 97
Rigby, Idaho 83442

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Rigby, Idaho 83442

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BLM Advisory Board
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Honorable Cecil Andrus
Governor of Idaho
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Boise, Idaho 83720

Senator James McClure
Georgia Dixon, District Assistant
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Senator Steve Symms
Dixie Richardson, Office Manager
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Congressman Richard Stallings
Cary Jones
482 C Street, Suite 212
Idaho Falls, Idaho 83402

[ID-943-03-4210-04; IDI-27422, IDI-28095, IDI-28601]

Notice of Exchanges and Order Providing for Opening of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of exchange and opening order.

SUMMARY: The United States has issued three exchange conveyance documents as shown below under section 206 of the Federal Land Policy and Management Act. In addition to providing official public notice of the exchanges, this document contains an order which opens lands received by the United States to the public land, mining, and mineral leasing laws.

EFFECTIVE DATE: January 4, 1993.

FOR FURTHER INFORMATION CONTACT: Sally Carpenter, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho, (208) 384-3163.

1. In three exchanges made under the provisions of section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following described lands have been conveyed from the United States:

Boise Meridian

IDI-27422 (Conveyed to Pancheri, Inc., of Howe, Idaho)

T. 5 N., R. 29 E.,

Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 14, S $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 7 N., R. 27 E.,

Sec. 1, lots 1 to 4, inclusive, and S $\frac{1}{2}$ N $\frac{1}{4}$.

T. 7 N., R. 28 E.,

Sec. 5, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 8, lots 1 to 5, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 8 N., R. 28 E.,

Sec. 31, lots 3 and 4 and E $\frac{1}{2}$ SW $\frac{1}{4}$.

IDI-28095 (Conveyed to Idaho Power Company, of Boise, Idaho)

T. 7 S., R. 17 E.,

Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 12, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$.

IDI-28601 (Conveyed to Highland Part and Parcels, Inc., of Halley, Idaho)

T. 9 S., R. 17 E.,

Sec. 15, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,

N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and

W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$,

E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and

E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Comprising 1,497.16 acres of public land.

2. In exchange for these lands, the United States acquired the following described lands:

Boise Meridian

(Acquired from Pancheri, Inc.)

T. 9 N., R. 26 E.,

Sec. 19, SE $\frac{1}{4}$;

Sec. 20, SW $\frac{1}{4}$;

Sec. 30, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 11 N., R. 26 E.,

Sec. 32, NE $\frac{1}{4}$;

Sec. 33, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$.

T. 9 N., R. 27 E.,

Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

(Acquired from Idaho Power Company)

T. 10 N., R. 21 E.,

Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ less U.S. Highway 93A right-of-way, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 3, NW $\frac{1}{4}$ less U.S. Highway 93A right-

of-way, SW $\frac{1}{4}$ NE $\frac{1}{4}$ less U.S. Highway

93A right-of-way, NE $\frac{1}{4}$ SE $\frac{1}{4}$ less U.S.

Highway 93A right-of-way, SE $\frac{1}{4}$ NE $\frac{1}{4}$,

and NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ less U.S. Highway 93A

right-of-way.

T. 11 N., R. 21 E.,

Sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$.

(Acquired from Highland Part and Parcels, Inc.)

T. 2 N., R. 19 E.,

Sec. 4, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and

S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 5, SE $\frac{1}{4}$;

Sec. 7, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and

NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 16, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 17, W $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and

SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 18, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,

and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 19, lot 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, and

SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Also lands within secs. 19, 20, and 30 described by metes and bounds. Comprising 4,429.22 acres of private land.

The purpose of the exchanges was to acquire non-Federal lands which have high public values for water storage, increased water and forage for livestock, public access, recreation, wildlife and riparian habitat. The public interest was well served through completion of each exchange. The values of the Federal and private lands involved in the Pancheri exchange were each appraised at \$150,000. The values of the Federal and private lands involved in the Idaho Power Company exchange were each appraised at \$84,000. The values of the Federal and private lands involved in the Highland Part and Parcels, Inc. exchange were each appraised at \$287,000.

3. At 9 a.m. on January 4, 1993, the reconveyed private lands described in paragraph 2 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on January 4, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 9 a.m. on January 4, 1993, the reconveyed private lands described in paragraph 2 will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in paragraph 2 under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: November 23, 1992.

William E. Ireland,

Chief, Realty Operations Section.

(FR Doc. 92-29334 Filed 12-2-92; 8:45 am)

BILLING CODE 4310-00-M

Published 57 FR #233, Page 57535
thru 57536, FR Doc. Dec. 03 1992

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE

TITLE PAGE
PLAN AMENDMENT REPORT, RECOMMENDATION/RATIONALE,
FINDING OF NO SIGNIFICANT IMPACT

Applicant's Name		Proposed Action	Serial No.	EA No.
Wagoner, Mac		Private Exchange	I-23235	ID-030-9-92
State	County	District	Resource Area	
IDAHO	Clark	Idaho Falls	Big Butte Resource Area	
Land Use Plan Name		Prepared by	Title	
Little Lost/Birch Creek		Barbara Klingenberg	Realty Specialist	

LANDS INVOLVED

Meridian	Township	Range	Section	Subdivision	Acres
BOISE	See addenda for legal descriptions of both private and federal lands proposed for exchange.				

RECOMMENDATION/RATIONALE

It is recommended that the Little Lost/Birch Creek MFP be amended as proposed and that when the amendment is completed, the exchange be consummated. The exchange is consistent with Sec. 206 of FLPMA in that the exchange leads to better Federal land management along Birch Creek, considering recreation potential and riparian habitat while considering the needs of Mr. Wagoner in his ranching operation. The resource values on the public lands proposed for transfer do not exceed those that will be acquired in the exchange.

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment No. ID-030-9-92 adequately analyzes the impacts of the above action and indicates there will be no significant effects on the quality of the human environment. Consequently, an Environmental Impact Statement will not be prepared.

LeRoy Cook and Tom Wagoner (P+EC) 18 July 1989
AREA MANAGER DATE

W. A. Ferguson July 19, 1989
DISTRICT MANAGER DATE

I. INTRODUCTION

A. Purpose and Need:

The purpose of this amendment is to modify the Little Lost Birch Creek (LL/BC) MFP to allow for the acquisition of important riparian and wildlife habitat through the exchange of public and private land. The MFP was completed in June, 1981, and made recommendations about parcels of public land to be transferred out of public ownership. The transfer categories identified in the MFP include Recreation and Public Purposes disposals, agricultural development through Desert Land Entry on Carey Act, State exchanges, and private exchanges. The MFP recommends proceeding on exchanges which are in the public interest.

Under this proposal, BLM would exchange 122.73 acres of public land for 21.9 acres of private land adjacent to Birch Creek. The 122.73 acres of public land identified for exchange are dry grazing lands with no improvements attached. The 21.9 acres of private land to be acquired consist of prime riparian and good fisheries.

The Bureau's riparian management policy states that the Bureau will, to the extent practical, ensure that "existing plans, when revised, recognize the importance of riparian values, and initiate management to maintain, restore or improve them". Once the identified lands are acquired, they will be managed to enhance and preserve the woodlands in accordance with Executive Order 11990. Better federal land management would occur as a result of the exchange, and the exchange is consistent with Section 206 of the Federal Land Policy and Management Act (FLPMA).

B. Planning Conformance

The Little Lost/Birch Creek (LL/BC) MFP was prepared with public participation and in accordance with Bureau of Land Management Manual procedures. The plan was approved by the State Director on June 3, 1981. At the time the LL/BC plan was written, no specific decision was made to exchange lands within the area covered. Hence, disposal of the subject land would be inconsistent with the land use planning. Therefore, an amendment to the LL/BC plan is needed before the exchange can commence.

C. Planning Process

The Little Lost/Birch Creek (LL/BC) MFP was prepared with public participation and in accordance with the BLM Manual procedures and involved public participation. The MFP was published and distributed to all interested parties.

Upon concurrence of this plan amendment by the State Director, a public notice summarizing the proposed amendment and probable environmental impacts will be published in the local newspaper. In addition, copies of the proposed plan amendment will be made available to interested parties. If no protests are filed, the plan amendment will be finalized and the proposed action will be made part of the Little/Lost Birch Creek MFP. Implementation would follow.

D. Planning Issues and Criteria

1. Planning Issues:

Specific planning issues applicable to this amendment include:
(1) What impacts will the proposed exchange have on riparian habitat, (2) Is the proposed exchange in the public's interest, and (3) How would the acquired lands be managed after the exchange.

2. Planning Criteria

The following list of planning criteria must be met if the exchange is to be initiated:

- a. Better federal land management after the exchange.
- b. The resource values of lands acquired are equal to or greater than on the selected public lands.
- c. The exchange would consolidate federal lands near Birch Creek.
- d. Public land users would be benefited with availability of additional recreational lands and access to public lands.

The following general criteria will be used to prepare this plan amendment:

- a. Social and economic value;
- b. Existing laws, regulations and BLM policy;
- c. Future needs and demands for existing or potential resource commodities and values;
- d. Public input;
- e. Past and present use of public and adjacent lands;
- f. Quantity and quality of noncommodity resource values; and
- g. Environmental impacts.

3. Consistency with other Governmental Land Use Plans

This proposal does not conflict with any State, County or Forest Service planning.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVE

A. Proposed Action

Mac Wagoner proposes to exchange two parcels of his private land west of Idaho State Highway 28 near Birch Creek for public land adjacent to his private property east of State Highway 28 in the same vicinity.

The private lands consist of two triangular shaped parcels totalling 21.9 acres. One parcel is bordered by Highway 28 on the east with the other parcel bordered by Highway 28 on the east with Birch Creek flowing through the middle of the parcel. The public land totalling 122.73 acres consist of 3 parcels, each 1/2 mile apart and located adjacent to Mr. Wagoner's property on three sides. The lands proposed

for exchange are located in the Birch Creek Valley in Clark County, about 45 miles south of Leadore and 89 miles northwest of Idaho Falls, Idaho. The lands are described in Exhibit 1 of the Addenda.

The acquired lands would be managed for recreation, fisheries and riparian vegetation. Grazing would not be allowed. Willows, birch and other riparian species would be planted where necessary. Recreation access would be maintained.

Although there is a disparity in acreage between the offered and selected lands, the offered lands were appraised and determined as of equal value with the selected lands based on the resources present on the offered lands:

1. Wetlands (Birch Creek flowing through one parcel)
2. Riparian vegetation
3. Fisheries
4. Wildlife habitat for raptors, antelope, deer, sage grouse, chukkers, and a variety of small birds and mammals
5. Important recreation access for camping and hunting.

B. No Action Alternative

Adoption of this alternative would result in rejection of the Wagoner Exchange. Under this alternative the land ownership status of the proposed exchange lands would not change.

III. AFFECTED ENVIRONMENT

A. General Setting

The offered and selected parcels are located in the Birch Creek Valley in Clark County, Idaho. The offered parcels lie on west side of State Highway 28 while the selected parcels are on the east side of the Highway. The topography of the valley varies from flat sagebrush covered desert lands to high, mountainous terrain. The economy of the County is supported primarily by farming and ranching. The valley is sparsely populated with only a few scattered ranches. There is a small combination store, cafe-bar locally known as Lone Pine about five miles to the north. The valley is the drainage for Birch Creek which flows in a southerly direction. Birch Creek is a popular fishing stream during the warmer months. Winters in the valley are long and cold.

B. Offered Lands

The offered lands (21.9 acres) are two triangular-shaped parcels which are 1/4 mile apart. The parcels, for the purpose of this report, are referred to as Parcel 1 and Parcel 2 (See map, Exhibit 2 of the addenda), Parcel 1 (14 acres) is bordered by Highway 28 on the east and public land on the west and south. Birch Creek flows through the center of the parcel. Parcel 2 (7.9 acres) is bordered by public land on the west and south and with Highway 28 on the east.

Where Birch Creek flows through parcel 1, the banks of the creek are lined with willow and water birch. The rest of the parcel is covered with a sagebrush-grass type vegetation. The dominant grass is Bluebunch wheatgrass interspersed with Big Sage. The vegetative cover on Parcel 2 is predominantly Big Sage and Bluebunch wheatgrass. No threatened or endangered plant species have been identified on the parcels.

Access to parcel 1 is from State Highway 28 from the east and via a dirt road which parallels the west side of Birch Creek. Parcel 2 is located about 200 feet east of Birch Creek. Access is by Highway 28. Both parcels have roads through them for recreation use and access to the public lands adjacent to them.

The parcels are located within the Birch Creek grazing allotment. Even though the parcels are not currently grazed by livestock, available forage amounts to about 3 AUMs.

The mineral potential on the offered lands is not considered significant. No oil and gas leases have been issued on the parcels. There are no mining claims on the offered lands.

Wildlife known to inhabit the parcels are antelope, chukkers, sagegrouse, a variety of raptors, song birds, jackrabbits, cottontail rabbits, rainbow trout, some brook trout, and short-head sculpin in Birch Creek. No threatened or endangered species have been identified on the parcels.

The parcels adjoin public land (approximately seven miles) that is managed for recreation. Heavy use occurs along the creek. The use is associated with fishing and hunting activities.

C. Selected Lands

The selected lands (122.73 acres) consist of 3 parcels each 1/2 miles apart are located adjacent to Mr. Wagoner's property on three sides. State Highway 28 borders two parcels which lie adjacent to Mr. Wagoner's property on the west and north. The terrain is level on the parcels near the highway. The parcel on the east is sloping to steep. The smallest parcel (See exhibit 2 of the addenda) which lies east of Highway 28 has been fenced in with Mr. Wagoner's private property.

The predominant vegetation on the selected land is a low-sagebrush type. There are no threatened or endangered plant species on the parcels.

Mr. Wagoner's cattle graze on the selected parcel which lies east of his private ground. This parcel is part of the Spring Canyon Allotment. The parcel has a grazing capacity of an estimated 3 AUMs.

Wildlife observed in the area are antelope, sagegrouse, jackrabbits, cottontails, with some raptors, mule deer and Rocky Mountain sheep on the rocks and cliffs north and east of the selected parcels.

A cultural clearance was completed on the selected lands. A copy of the report is in the Idaho Falls District office.

The mineral potential on the selected lands is not considered significant. No oil and gas leases have been issued on the parcels. There are no mining claims on the selected lands.

IV. ENVIRONMENTAL CONSEQUENCES

It was determined (by resource specialists) that the following resource items would not be adversely affected by the proposed exchange: Threatened/endangered species, flood plains and woodlands, wilderness values, ACEC, wild and scenic rivers, visual resources, prime or unique farmlands, social and economic values, water quality and air quality. See attached environmental checklist for the negative declaration record.

A. Proposed Action

Exchanging public lands would allow both BLM and Mac Wagoner to combine lands for better and more efficient land management.

1. Offered Lands

Should the proposed action be selected and the exchange completed the public will acquire 1200 feet of live stream and associated riparian habitat. Upon acquisition of the riparian, special management practices as outlined under the proposed action alternative will be implemented. With proper management, it is anticipated that the ecological condition of the area will improve and fisheries habitat will significantly improve. Access to the subject lands will also improve for both management and public needs (see map). The exchange will allow for permanent access without the cost of acquiring an easement from a private party.

The private land owner would lose vegetation for approximately 3 AUMs of cattle production. However, this is not currently grazed and is insignificant as it can be easily compensated by the owner's other holding. If the acquired lands are closed to grazing, they would not impact the resource area's grazing programs. The loss of the 3 AUMs is insignificant compared to the gain in riparian vegetation, quality fisheries habitat and good large and small game wildlife habitat. Recreation would also benefit do to the potential to provide good to excellent fishing on the adjoining creek. In harsh weather, this area may provide crucial habitat for mule deer and furbearers.

Cumulative Effects

Approximately seven miles of continuous riparian habitat would be kept in excellent condition. Willows, Birch and other riparian vegetative species would become established. Increase vegetative cover would promote increased wildlife habitat. In time, more stream shading would also occur providing for better fish habitat.

2. Selected Lands

By adding the selected lands to his private lands, Mr. Wagoner would increase his ranching operations. He would gain highway frontage on the east side of highway 28 (Sec. 5 and Sec. 9) and bordering the west boundaries of his property. Mr. Wagoner presently has 3 AUMs (Spring Creek Allotment) on the 30 acres of selected public land which lies east of his property. With the exchange he would not lose the forage but there would be a decrease of 3 AUMs allotted to him in the Spring Creek Allotment.

According to the Clark County Assessor, approximately \$17.60 in taxes could be netted annually from the subject lands should they be transferred to private ownership.

The selected lands maintain little or no winter range for big game, and sage grouse habitat. There are no woodlands/riparian lands selected and as a result no impacts are anticipated.

Although the subject lands are not identified for disposal and the private lands were not identified for acquisition, transfer of the subject lands through exchange would be consistent with the objectives of the Little Lost Birch Creek MFP planning criteria. Several wildlife planning objectives would be met through acquisition of the subject private land. These objectives include an increase in wetland/riparian habitat in public ownership and improvement and enhancement of fisheries habitat on Birch Creek.

Cumulative Effect

The cumulative effect of additional exchanges or other disposals of public land in the area near Wagoner's property would result in decreases in allocations for grazing to the permittees. There would also be a difference of the total acreage managed by BLM in the area east of Highway 28.

B. Alternative (No Action)

Adoption of the "no action" alternative would result in rejection of Wagoner's exchange application. The current land ownership pattern would not be altered and management of the lands would remain the same.

Cumulative Effect

The cumulative effect of this action could result in the offered lands leaving the Wagoner family's management in the future through sale to another private individual. In which event, the area could be disturbed and BLM would lose the opportunity to manage riparian and recreation values. The BLM would be required to pursue easements through the parcels. The Wagoner family would be denied the addition of the 122.73 acres of selected lands to enhance and enlarge their current ranching operation.

V. CONSULTATION AND COORDINATION

A. Agencies, Groups or Individuals Contacted

Mac Wagoner, Dubois, Idaho
Bill Simmons, Terreton, Idaho
Robert Kimball, BLM Advisory Council, Pocatello, ID
James Mays, BLM Advisory Board, Howe, ID
Idaho Department of Lands, Idaho Falls, ID
Clark County Commissioners, Dubois, ID
Idaho Department of Fish and Game, Idaho Falls, ID
Idaho Department of Water Resources, Idaho Falls, ID
U. S. Soil Conservation Service, Rigby, ID
Targhee National Forest, Ranger District, Dubois, Idaho
Targhee National Forest, St. Anthony, Idaho
Jerry Jayne, Idaho Environmental Council, Idaho Falls
ASCS, Dubois, Idaho
Idaho Department of Transportation, Rigby, Idaho

B. Preparers

LeRoy Cook, Area Manager, Idaho Falls District
Glenn DeVoe, Range Conservationist, Idaho Falls District
Larry Doughty, Wildlife Biologist, Idaho Falls District
Dick Hill, Archaeologist, Idaho Falls District
Chuck Horsburgh, Minerals Specialist, Idaho Falls District
Tom Dyer, Planning and Environmental Coordinator, Idaho Falls District
Tom Gooch, Supervisory Range Conservationist, Idaho Falls District
Dan Kotansky, Hydrologist, Idaho Falls District
Barbara Klingenberg, Realty Specialist, Idaho Falls District
Larry Shiflet, Appraiser, Idaho State Office, Boise, Idaho

C. References

Little Lost/Birch Creek MFP
Little Lost/Birch Creek MFP Monitoring Plan
Little Lost/Birch Creek Recreation Area Management Plan

VI. ATTACHMENT

See Addenda following report.

VII. DECISION FACTORS

There is no evidence of saleable material or mining activity on either the offered or selected lands. Both the federal and non-federal lands are prospectively valuable for oil and gas. The leasable mineral rights would be exchanged without reservation by either party.

There is a 100 ft. road easement to the Idaho State Transportation Department (R/W BL-053972) on the selected lands and a 50 ft. road easement to the Idaho State Transportation Department (R/W BL-053972) on the offered lands. Utah Power and Light has a 20' wide powerline R/W on the selected lands east of State Highway 28.

There is no local planning which would prohibit the exchange. Clark County has general zoning regulations which mostly pertain to development restrictions.

ADDENDA

SELECTED LANDS

Boise Meridian, Idaho
T. 9 N., R. 30 E.
Sec. 4, Lot 8, SE1/4SW1/4NW1/4, W1/2SW1/4SE1/4,
W1/2E1/2SW1/4SE1/4
Sec. 5, Lots 6 and 7
Sec. 9, Lot 2.

Total Selected Public Lands 122.73 acres

OFFERED LANDS

Parcel 1, Boise Meridian, Idaho

Beginning at the Northwest Corner of Section 9, T. 9 N., R. 30 E., and running North along section line into Section 4 a distance of 365 feet more or less to a fence on the West right-of-way line of Highway 28; thence S 23 degrees 22' E, along said right-of-way line 400 feet more or less to the North line of said Section 9; thence continuing along said right-of-way line 1436 feet more or less to the South line of NW1/4NW1/4 of said Section 9; thence West along said South line 725 feet more or less to the West line of Section 9; thence North along said section line 1322 feet more or less to the point of beginning.

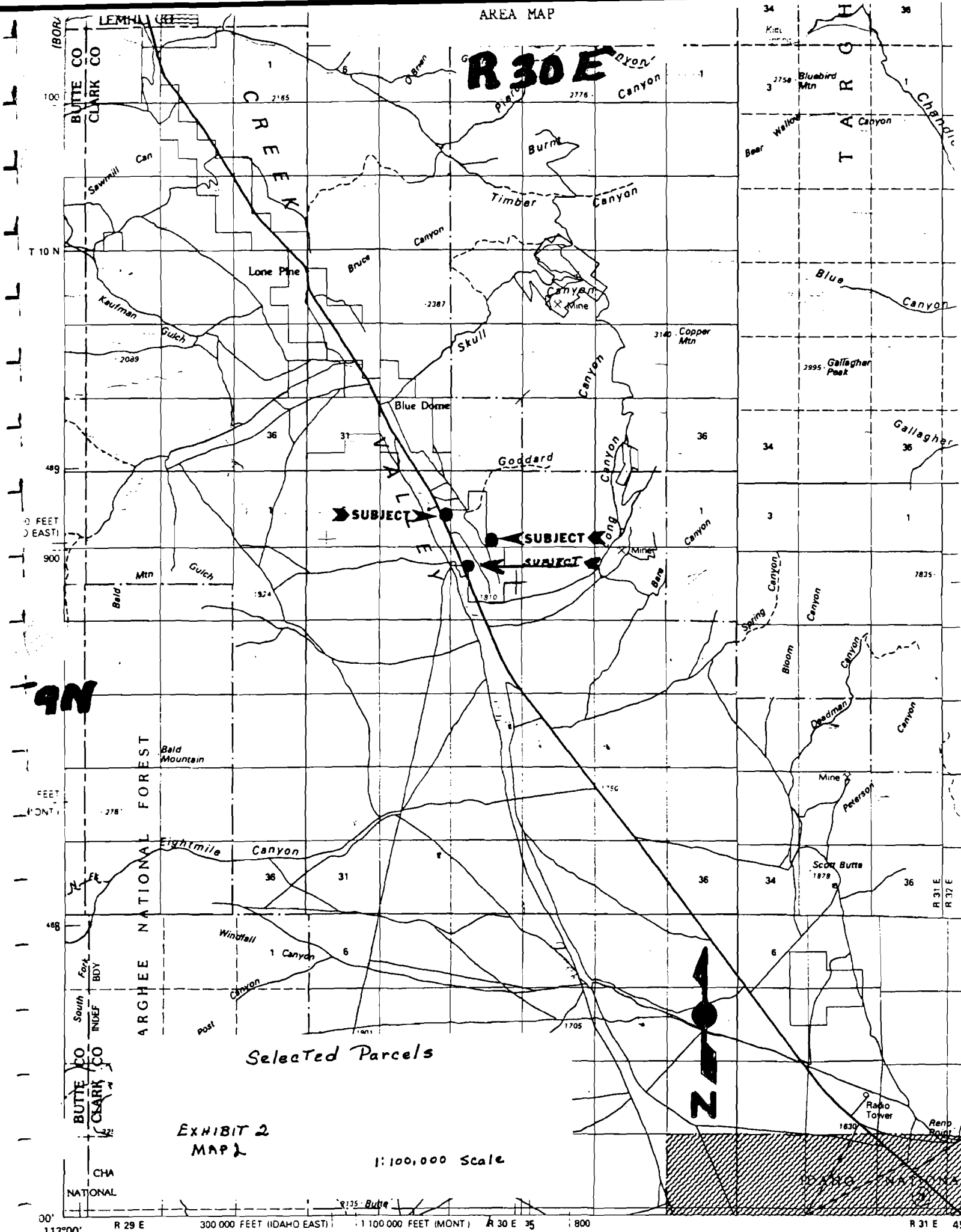
Parcel 2, Boise Meridian, Idaho

Beginning at the Southwest Corner of the Northeast Quarter of the Southwest Quarter of Section 9, T. 9 N., R. 30 E., and running thence North along West side of said 1/16th line 1262 feet more or less to a fence on the West right-of-way line of Highway 28; thence S 23 degrees 22' E., along said right-of-way line 1373 feet more or less to the South line of the NE1/4SW1/4; thence West along said South line 543 feet more or less to the point of beginning.

Total Offered Private Lands 21.9 acres

AREA MAP

R 30 E



SUBJECT

SUBJECT

SUBJECT

Selected Parcels

EXHIBIT 2
MAP 2

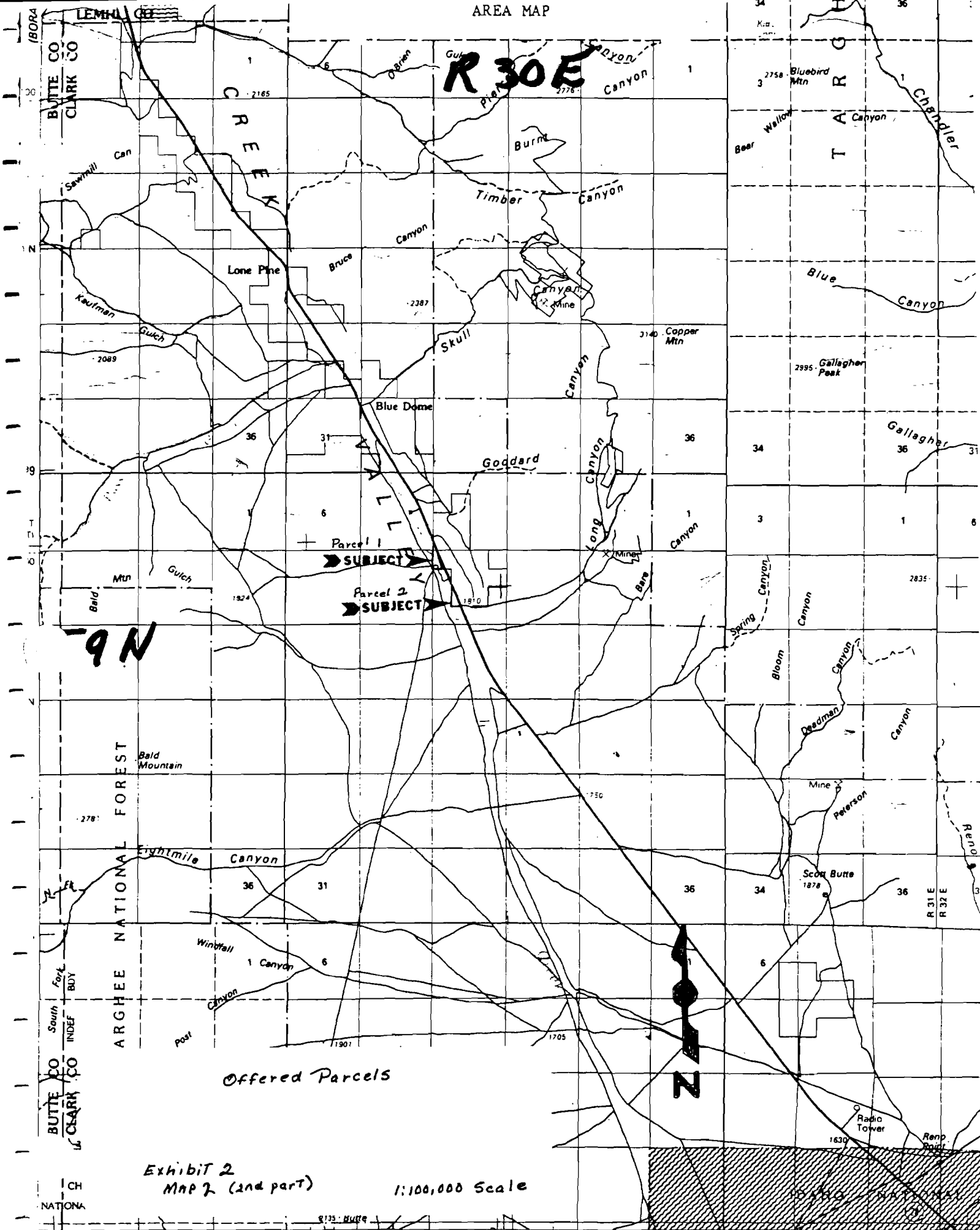
1:100,000 Scale



Map labels include: BUTTE CO, CLARK CO, ARGEE NATIONAL FOREST, Bald Mountain, Lone Pine, Bruce, Skull, Goddard, Copper Mtn, Blue Canyon, Timber Canyon, Burnt, Canyon Mine, Blue Dome, Bald Mtn Gulch, Mtn Gulch, Spring Canyon, Bloom Canyon, Deadman Canyon, Mine St, Peterson, Scott Butte 1878, Radio Tower, R 29 E, R 30 E, R 31 E, T 10 N, T 11 N, 300 000 FEET (IDAHO EAST), 1 100 000 FEET (MONT), 113°00', 800, 900, 950, 1000, 1050, 1100, 1150, 1200, 1250, 1300, 1350, 1400, 1450, 1500, 1550, 1600, 1650, 1700, 1750, 1800, 1850, 1900, 1950, 2000, 2050, 2100, 2150, 2200, 2250, 2300, 2350, 2400, 2450, 2500, 2550, 2600, 2650, 2700, 2750, 2800, 2850, 2900, 2950, 3000, 3050, 3100, 3150, 3200, 3250, 3300, 3350, 3400, 3450, 3500, 3550, 3600, 3650, 3700, 3750, 3800, 3850, 3900, 3950, 4000, 4050, 4100, 4150, 4200, 4250, 4300, 4350, 4400, 4450, 4500, 4550, 4600, 4650, 4700, 4750, 4800, 4850, 4900, 4950, 5000, 5050, 5100, 5150, 5200, 5250, 5300, 5350, 5400, 5450, 5500, 5550, 5600, 5650, 5700, 5750, 5800, 5850, 5900, 5950, 6000, 6050, 6100, 6150, 6200, 6250, 6300, 6350, 6400, 6450, 6500, 6550, 6600, 6650, 6700, 6750, 6800, 6850, 6900, 6950, 7000, 7050, 7100, 7150, 7200, 7250, 7300, 7350, 7400, 7450, 7500, 7550, 7600, 7650, 7700, 7750, 7800, 7850, 7900, 7950, 8000, 8050, 8100, 8150, 8200, 8250, 8300, 8350, 8400, 8450, 8500, 8550, 8600, 8650, 8700, 8750, 8800, 8850, 8900, 8950, 9000, 9050, 9100, 9150, 9200, 9250, 9300, 9350, 9400, 9450, 9500, 9550, 9600, 9650, 9700, 9750, 9800, 9850, 9900, 9950.

AREA MAP

R 30 E



Parcel 1
 Parcel 2
 SUBJECT
 SUBJECT

Offered Parcels

Exhibit 2
MNP 2 (2nd part)

1:100,000 Scale

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
FINAL DECISIONS - STEP 3

Name (MFP)

Little Lost-Birch Creek

Activity
Lands

Overlay Reference

Step 1 L-10.2 Step 3

Decision #8

Initiate an exchange program with the State of Idaho to acquire isolated state tracts which lie adjacent to public lands within the planning unit.

Reason

Coordinated efforts with the Idaho Department of Lands could result in exchange proposals which could ultimately benefit both agencies through better blocking of administered lands. As a whole, land blocking activities are needed in the Little Lost and Birch Creek Valleys and benefits derived could be significant.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
Recommendations which were Rejected

Name (MFP)	
Little Lost-Birch Creek	
Activity	
Lands	
Overlay Reference	
Step 1	Step 3

Decision

L-3.1

Approval of R/W applications (utility) will be considered on an individual basis, taking into consideration the impacts on the resources which would be affected.

L-4.1 & L-4.2

There is no foreseeable demand for communication sites in the Little Lost-Birch Creek Planning Unit. American Communications has developed a site on Jump Off Peak (Forest Service) within the area. This should be adequate to serve future needs.

L-5.1

This review does not need a MFP recommendation. This action is required under Section 204 (1) of FLPMA (withdrawal review).

L-6.4

Survey was accomplished in summer of 1979. The boundary is now correct and fence moved. The trespass area has been rehabilitated.

L-7.2

North Creek Poison area was fenced off in spring of 1980.

L-7.3

Butte County has met county and state health requirements in managing the Howe Dumpsite. The county brought the site up to standards in summer of 1979. The State Health Department has stated that the site is one of the best solid disposal sites in Southeastern Idaho.

L-8.1

Not a lands recommendation. Addressed under Recreation and Forestry. See R-6.1 and F-1.3, 1.4.

L-9.1

Should not be a MFP recommendation. Review of classifications required under Section 102 (3) of FLPMA.

Note: Attach additional sheets, if needed

(Instructions on reverse)

Form 1600-21 (April 1975)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN
Recommendations which were Rejected

Name (MFP)	Little Lost-Birch Creek
Activity	Lands
Overlay Reference	Step 1 L-10.1 Step 3

L-10.1

There is not an application or letter on file concerning this exchange. No discussion concerning the exchange have taken place since the recommendation was made. Because of funding and work priorities over the next few years, this exchange will not be considered at this time.

re: **Attach additional sheets, if needed**

(Instructions on reverse)