

Decision Record
Central Washington Assembled Land Exchange - Phase I
(WAOR 53911)

Recommendation:

It is recommended that an *amended* Preferred Alternative (Alternative1) for the Central Washington Assembled Land Exchange (CWALE) Environmental Assessment (EA# OR134-00-03) be adopted, and an exchange transaction referenced as **Phase I** be completed. Following are the amendments to Alternative 1 and details of the proposed **Phase I** transaction:

1. In addition to retaining federal tracts C2, C3, C5, C6, and 116 acres of O2, as described in Alternative 1 of the CWALE EA, BLM should also retain federal tracts K10 and O16 in public ownership. Tract K10 would be retained because of its population of *Tauschia Hooveri*, a federal species of concern. The size of this tract (320 acres), its legal access, and lack of encroaching development make it feasible for BLM to manage the tract in the long term for the continued health of this plant population. Tract O16 should be withheld because it has good late-seral forest characteristics and potential for bighorn sheep use. The tract also fits together well with adjoining National Forest and State (DNR) ownership, and has only one side (0.25 mile) with a private land boundary. Nearby to this tract are larger BLM parcels that will be retained in public ownership in perpetuity. Therefore, BLM will continue to have a management presence here, and it will be feasible to manage and protect this tract's values over the long term.
2. BLM should retain the oil and gas mineral estate on federal tracts K1-K9 and K11. The BLM mineral report concluded that these tracts have a moderate potential for oil and gas. Because of this potential and recent interest in oil and gas leasing in Kittitas County, this possible revenue source should be retained in federal ownership.
3. BLM has *completed and approved* market value appraisals of 18 federal tracts: O3, O5, O7, O8, and O12-O25. **On the federal side of the exchange, the disposal of 17 of these appraised tracts (all except O16), comprising 1,119.79 acres, total, would constitute Phase I of the Central Washington Assembled Land Exchange.** Tract O16 would be retained in public ownership, as noted in #1 above. BLM must defer a final decision on the exchange of the following federal tracts until appraisal work is completed: C1, C4, C7-C11, D1-D3, K1-K9, K11, K12, KL1-KL4, O1, O2 (one acre), O4, O6, O9-O11, O26-O30, and Y1-Y11. It is anticipated that these remaining tracts will be appraised and then used to exchange for non-federal lands in successive phases of this land exchange (see item #4 below). Therefore, any decisions to dispose of these tracts, along with opportunities for public comment/protest, would be issued in the future.
4. BLM has *completed and approved* appraisals of market value on three of the six non-federal tracts: Billingsley (6,227 acres), Gerard (303.101 acres) and Mittelstaedt (1,102.63 acres). **On the non-federal side of the exchange, the acquisition of these three appraised tracts, comprising 7,632.731 acres, more or less, would constitute Phase I of the Central Washington Assembled Land Exchange.** The acreage to be acquired in both the Billingsley and Gerard parcels is less than the amount identified in the EA. After appraisals were completed on the Billingsley property, the landowner decided to retain a portion of the offered land. In the case of the Gerard property, BLM deleted 70.666 acres because of hazardous substance issues related to past mining activities. An appraisal of the WDFW property has been completed and approved; however, the acquisition of this parcel is tied to a simultaneous trade of BLM exchange tracts that have not yet been appraised. Because market appraisals have not yet been performed on the Hazzard and Weiss properties, BLM cannot yet issue a final decision to acquire them. It is

anticipated that BLM could acquire the WDFW, Hazzard, and Weiss lands in the next phase of the CWALE. BLM would also identify other suitable tracts of non-federal lands for acquisition in trade for the remaining un-appraised tracts of federal land noted in item #3 above. Newly identified non-federal lands would be published in an amended "Notice of Exchange Proposal," and analyzed in accordance with NEPA (National Environmental Policy Act), before any decisions are issued to acquire the lands.

Attached to this decision are the legal descriptions from Appendices 1a and 1b of the CWALE EA. Federal and non-federal **Phase I** trade lands are identified with asterisks. In Appendix 1b, the legal descriptions for the Billingsley and Gerard parcels have been modified to reflect deletions explained above in item #4.

Encumbrances: Conveyance of the 17 tracts of public lands in **Phase I** (as described above) would be subject to the valid existing rights and reservations shown in the attached Exhibit A. The 3 parcels of non-federal lands described above would be acquired subject to the encumbrances noted in the attached Exhibit B.

Appraised Market Values: The approved market value of the 17 tracts of federal land described above is \$1,089,000. The approved market value of the 3 tracts of non-federal land described above is \$1,059,000. As an assembled exchange, value equalization would be aided by use of a ledger account. Therefore, the \$30,000 difference would be listed on the ledger account as value owed to the United States by Clearwater Land Exchange, Inc. Equalization of values would take place in a future transaction, at the conclusion of the final phase of this assembled exchange.

Implementation Period: This decision to complete **Phase I** of the land exchange would be put into effect upon the completion of a 45-day comment/protest period that begins the day after publication of a Notice of Decision, and resolution of any protests duly filed within the 45-day comment/protest period.

Rationale:

Under the authority of Section 206 of the Federal Land Policy and Management Act of 1976, as amended by the Federal Land Exchange Facilitation Act of 1988, Phase I of the subject exchange may be completed. This exchange is consistent with provisions of these laws and current Bureau policy. The proposal is also in conformance with the exchange criteria in the Spokane District Resource Management Plan. Federal land management activities will be enhanced, because the public values of the non-Federal lands to be acquired are greater than those of the Federal lands to be disposed of [43 CFR 2200.0-6(1)]. The exchange is in the public interest.

Approval of Alternative 1, as amended above, will dispose of 17 isolated tracts of BLM land (comprising 1,119.79 acres) scattered across northeast and central Okanogan County, while significantly improving and enlarging the public land ownership pattern by the acquisition of 7,632.731 acres of non-federal lands in two distinct localities: the lower Moses Coulee area of southwestern Douglas and western Grant Counties, and the upper Salmon Creek/Arlington Ridge vicinity of central Okanogan County. These non-federal acquisition lands are situated in BLM's Moses Coulee and Okanogan Management Areas, respectively. The 17 tracts of public land are all within BLM's Scattered Tracts Management Area. The Spokane Resource Management Plan (RMP) guidance (RMP Amendment 1992, pages 13 and 14) for the Scattered Tracts MA allows disposal unless public resource values justify retention.

The Phase I transaction is viewed as an efficient way to meet the identified need of improving the public ownership pattern in central Washington, for the benefit of the public and BLM's public land management efforts. Gains to the public come from substantial increases in the amount of shrub-steppe

under federal protection, better access and more acres of public land available for recreation, protection of anadromous fisheries and increased access to ethnobotanical resources for Indian tribes. The benefit to the BLM of disposing of these 17 tracts will be increased management efficiency, including reduced costs in property line determination, trespass resolution, and weed control. Other administrative improvements will come from a reduced number of custodial grazing allotments and a reduced need for realty authorizations. Each of the respective Billingsley, Mittelstaedt, and Gerard ownerships interlock and block up with adjacent tracts of public land, yet do not possess the management problems inherent in the 17 small federal tracts that will be disposed. Property line determination will significantly decrease and noxious weed control can be performed much more efficiently. Because BLM presently has weed control projects on public lands adjacent to each of these non-federal ownerships, the acquired lands can be included in these projects if the need arises. BLM has previously acquired other private lands adjacent to all of the non-federal lands except Gerard. Through an approved land exchange with the State of Washington, BLM is about to acquire an additional 1,280 acres of non-federal shrub-steppe land in the Moses Coulee MA, half of which is directly adjacent to the Mittelstaedt parcels.

The Billingsley, Mittelstaedt and WDFW parcels are characterized as shrub-steppe, which is considered an endangered ecosystem in eastern Washington. Shrub-steppe plant communities once covered most dryland areas of eastern Washington. Changes in land use over the past century, however, have resulted in loss of over half of Washington's shrub-steppe. The primary cause has been wide-spread conversion to dryland and irrigated agriculture. As a result, only 40 percent of the original 10.4 million acres remains, and it is highly fragmented with very few areas of native vegetation. Areas where shrub-steppe is in good ecological condition are even more rare, with only 12 percent existing as functional ecosystems and less than 1 percent protected in a form similar to the original vegetation. The shrub-steppe type is critical to numerous wildlife and plants that rely partly or wholly on it. For example, 14 species of birds, 8 mammal species, 4 reptiles and amphibians, and 38 species of plants known to inhabit shrub-steppe lands are listed as special status.

Because of past and continuing conversion of shrub-steppe lands to other uses, there is a distinct need to acquire and protect manageable blocks of shrub-steppe habitat. This is an ongoing goal of BLM, and it is strongly supported by the Washington State Department of Fish and Wildlife and The Nature Conservancy (TNC). On its own initiative, TNC has been actively acquiring shrub-steppe habitat in the Moses Coulee vicinity, and is working with BLM to coordinate and enhance future management efforts to protect and enhance it. The shrub-steppe habitat BLM will acquire through this exchange ranges from fair to good condition, with some areas in poor condition. However, acquisition of these lands will allow BLM to assemble a much larger block of public shrub-steppe land, eliminating most inholdings. The end result will be two sizeable contiguous land areas upon which BLM can effectively initiate management actions to improve and maintain the ecological condition of the vegetation, enhancing shrub-steppe dependent species.

In addition to having shrub-steppe terrain, the Mittelstaedt parcel also has riparian areas. Included are various springs and seeps, with attendant woody riparian vegetation. Although only a small acreage component of the shrub-steppe type, riparian zones such as these are tremendously important, being used by a majority of the wildlife species that inhabit shrub-steppe.

The Gerard parcel includes a portion of Salmon Creek, as well as adjacent forested land. Historically, prior to construction of an irrigation dam, steelhead and spring chinook salmon used Salmon Creek. Because fish passage has recently been provided at the dam, the stream could again serve as habitat for steelhead and spring chinook salmon. Steelhead and spring chinook salmon in the upper Columbia River region have both been federally listed as endangered under the Endangered Species Act. The goal of acquiring anadromous fishery habitat in Salmon Creek is supported by several agencies, organizations and entities, including the Washington Department of Fish and Wildlife, Bonneville Power

Administration, the U.S. Bureau of Reclamation, and the Confederated Tribes of the Colville Reservation. The portion of Salmon Creek on the Gerard property is in excellent condition and does not require restoration work. In a separate action from this exchange, BLM and BPA are working together to acquire an adjacent tract which also includes portion of Salmon Creek.

Public outreach efforts undertaken by the BLM have indicated low to moderate public interest in this proposal. Consultation with Native American Tribes has identified potential loss of use of federal lands in the former North Half of the Colville Indian Reservation as an important issue.

The BLM would mitigate any potential adverse impacts to historic cultural resources on tracts O13, O14, O20 and O25 prior to exchange of these tracts, as described in the CWALE EA. If for some reason mitigation cannot occur, tracts or portions with the cultural resources would be retained in federal ownership.

As noted in the CWALE EA (#OR134-00-03), only small portions of the lands to be acquired have infestations of noxious weeds. These infestations are primarily located along trails traversing the properties, and are at a small level. Because of the slight amount of infestation and the presence of weed control projects on adjacent BLM lands, future suppression efforts by the BLM will not entail significant expenditures of funds.

The lands in this exchange have been examined in accordance with Section 120(h) of the superfund Amendments and Reauthorization Act of 1986. No evidence has been found to indicate that any hazardous substance was stored for one year or more, disposed of, or released on the properties.

The intended use of the federal lands to be conveyed in CWALE Phase I will not significantly conflict with established management objectives on adjacent federal and Indian trust lands.

/s/ William Schurger
Realty Specialist

April 9, 2001
Date

DECISION:

It is my decision to implement Alternative 1 (Preferred Alternative) of the Central Washington Assembled Land Exchange Environmental Assessment #OR134-00-03, as amended by the above recommendations. This decision will result in disposal of 17 parcels totaling approximately 1,120 acres of public land in exchange for acquisition of three parcels of private land totaling approximately 7,630 acres. The completion of Phase I of this land exchange is in the public interest.

/s/ James F. Fisher
Field Manager, Wenatchee Resource Area

April 9, 2001
Date

**FINDING OF NO SIGNIFICANT IMPACT
CENTRAL WASHINGTON ASSEMBLED LAND EXCHANGE - Phase I (WAOR 53911)**

Through the CWALE environmental assessment (EA#OR134-00-03), the Bureau of Land Management-Spokane District analyzed four alternatives for the proposed land exchange, including the No Action. Based on the following considerations and other available information, no significant impacts to the quality of the human environment are anticipated from completion of Phase I of the land exchange:

- The analysis of alternatives did not reveal any actions that would constitute an irreversible or irretrievable commitment of important resource values on the subject lands.
- The analysis did not reveal any significant adverse impacts to society as a whole, the affected region, the affected interests, or the locality.
- Public health or safety will not be affected.
- The Proposed Action does not violate federal, state, or local laws regarding floodplains, wild and scenic rivers, prime or unique farmlands, or known paleontological resources within the area.
- The Proposed Action will not result in cumulative significant adverse impacts to the important and relevant resource values of the areas involved.
- The Proposed Action will not significantly affect endangered or threatened species or critical habitat as determined under the Endangered Species Act of 1973.
- Invasive plant species have been analyzed in the EA; the exchange is expected to improve control efforts of invasive plant species in the area.
- Completing the exchange will not result in significant changes in land use, i.e., not in context with uses taking place on adjacent lands.
- Pursuant to Executive Order 12898 of February 11, 1994 (Environmental Justice), it has been determined that completion of the exchange will not cause disproportionately high and adverse human health effects or environmental impacts upon minority or low-income populations, or Native Americans.
- There are no known inconsistencies with officially approved or adopted federal, state, or local natural resource related plans, policies, or programs.
- Based on comments received in response to BLM's "Notice of Exchange Proposal" and BLM's contact with affected Indian Tribes and other interested groups, this exchange proposal is low to moderately controversial.
- Under the authority of Section 206 of the Federal Land Policy and Management Act of 1976, as amended, the subject exchange may be completed.

Finding Of No Significant Impact Determination

On the basis of the information in the CWALE environmental assessment (EA#OR134-00-03) and all other information available to me, as summarized above, it is my determination that Alternative 1 (Preferred Alternative), as amended by the CWALE Decision Record-Phase I, does not constitute a major federal action significantly affecting the quality of the human environment (a finding of no significant impact). Therefore, an environmental impact statement is unnecessary and will not be prepared.

/s/ James F. Fisher
James F. Fisher, Wenatchee Field Manager

April 9, 2001
Date

Appendix 1a: Legal Descriptions of Federal Lands

Note: This appendix is the same as Appendix 1a of the Central Washington Assembled Land Exchange environmental assessment (EA#OR134-09-03), with asterisks (*) added to identify Federal lands to be conveyed in Phase 1 of the exchange.

Chelan County:

<u>Tract No.</u>	<u>Legal Description</u>	<u>Acreage</u>
C1	T.21N., R.21E., W.M., Section 4: SW ¹ / ₄ , W ¹ / ₂ SE ¹ / ₄	240.00
C2	T.27N., R.21E., W.M., Section 5: LOT 3, SW ¹ / ₄ SE ¹ / ₄	67.38
C3	Section 9: LOT 3	52.00
C4	T.28N., R.21E., W.M., Section 14: W ¹ / ₂ SE ¹ / ₄	80.00
C5	Section 29: W ¹ / ₂ NE ¹ / ₄ , N ¹ / ₂ NW ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄ E ¹ / ₂ SE ¹ / ₄	280.00
C6	Section 32: W ¹ / ₂ NW ¹ / ₄	80.00
C7	T.21N., R.22E., W.M., Section 8: LOT 2, W ¹ / ₂ SE ¹ / ₄ SE ¹ / ₄	35.00
C8	T.28N., R.22E., W.M., Section 19: LOT 3	25.51
C9	Section 23: SE ¹ / ₄ SE ¹ / ₄	40.00
C10	Section 26: NE ¹ / ₄ SW ¹ / ₄	40.00
C11	T.27N., R.23E., W.M. Section 17: NW ¹ / ₄ SE ¹ / ₄	40.00
Chelan County Total		979.89 Acres

Douglas County:

<u>Tract No.</u>	<u>Legal Description</u>	<u>Acreage</u>
D1	T.26N., R.23E., W.M., Section 5: SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄	80.00
D2	T.27N., R.23E., W.M., Section 33: NW ¹ / ₄ NE ¹ / ₄	40.00
D3	T.26N., R.25E., W.M., Section 17: E ¹ / ₂ NW ¹ / ₄	80.00
Douglas County Total		200.00 Acres

Kittitas County:

<u>Tract No.</u>	<u>Legal Description</u>	<u>Acreage</u>
K12	T.19N., R.14E., W.M., Section 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
K1	T.18N., R.18E., W.M., Section 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
K2	T.18N., R.19E., W.M., Section 2: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$	80.56
K3	T.17N., R.20E., W.M., Section 2: SE $\frac{1}{4}$	160.00
K4	Section 12: ALL	640.00
K5	Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	60.00
K6	Section 14: NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
K7	Section 24: N $\frac{1}{2}$ N $\frac{1}{2}$,S $\frac{1}{2}$ NE $\frac{1}{4}$, North of I-90 (est.acres)	220.00
K8	T.18N., R.20E., W.M., Section 2: Lot 2	40.74
K9	Section 28: NE $\frac{1}{4}$,N $\frac{1}{2}$ SE $\frac{1}{4}$	240.00
K10	T.17N., R.21E., W.M., Section 8: W $\frac{1}{2}$ NE $\frac{1}{4}$,NW $\frac{1}{4}$,W $\frac{1}{2}$ SW $\frac{1}{4}$	320.00
K11	Section 18: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	317.40
Kittitas County Total		2,198.70 Acres

Klickitat County:

<u>Tract No.</u>	<u>Legal Description</u>	<u>Acreage</u>
KL1	T.5N., R.19E., W.M. Section 4: SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
KL2	T.6N., R.19E., W.M. Section 22: SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
KL3	Section 24: E $\frac{1}{2}$ NE $\frac{1}{4}$	80.00
KL4	Section 26: W $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
Klickitat County Total		240.00 Acres

Okanogan County:

<u>Tract No.</u>	<u>Legal Description</u>	<u>Acreage</u>
O1	T.33N., R.21E., W.M., Section 12: Lot 4, M.S. 1069 and 1070, Except portions within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$	23.74
O2	T.30N., R.23E., W.M., Section 30: Lot 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$	117.79
O3	T.32N., R.24E., W.M., Section 6: NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00*
O4	T.30N., R.25E., W.M., Section 18: Lots 1 & 2	13.35
O5	T.33N., R.25E., W.M., Section 1: Lots 3 & 4	80.66*
O6	T.34N., R.26E., W.M., Section 20,29: BROOK LODGE (calc. acres)	13.06
O7	T.35N., R.26E., W.M., Section 5: W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00*
O8	T.36N., R.26E., W.M., Section 23: E $\frac{1}{2}$ E $\frac{1}{2}$	160.00*
O26	T.39N., R.26E., W.M. Section 22: Garden Sheaf & Bounty Quartz Lodes	12.72
O27	Section 22: Golden Axe Lode	5.62
O28	Section 23: Lots 3, 4, 6	14.19
O29	Section 23: Lot 5	1.08
O30	Section 25: Lot 2	1.04
O27	Section 27: Golden Axe Lode	11.95
O9	T.39N., R.27E., W.M., Section 17: SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
O10	Section 20: NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
O11	T.40N., R.27E., W.M., Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00
O11	Section 30: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
O11	Section 32: W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	340.00
O12	T.35N., R.28E., W.M., Section 33: NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00*
O13	T.36N., R.28E., W.M., Section 3: Lot 6	80.00*
O14	T.37N., R.28E., W.M., Section 12: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00*
O15	Section 28: SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00*

O16	T.39N., R.28E., W.M., Section 29: Lot 4	42.56
O17	T.37N., R.30E., W.M., Section 30: Lot 6, S½SE¼NW¼	42.52*
O18	T.37N., R.31E., W.M., Section 19: Lots 1,2,5,6	112.87*
O19	Section 20: SE¼NE¼	40.00*
O20	T.38N., R.31E., W.M., Section 2: GRETHE LODGE	16.71*
O21	Section 3: Lots 1,2,3 EXCEPT MS 721 and MS 1163, S½NE¼ EXCEPT MS 1163	164.94*
O22	Section 7: NE¼SE¼	40.00*
O23	Section 24: SE¼SW¼ EXCEPT MS1086	23.83*
O24	T.39N., R.31E., W.M., Section 7: Lot 3	24.41*
O25	Section 34: Lots 6-9	93.85*

Okanogan County Total 1,876.89 Acres

(Total Okanogan County federal lands to be traded in Phase I = 1,119.79 Acres)

Yakima County:

<u>Tract No.</u>	<u>Legal Description</u>	<u>Acreage</u>
Y1	T.12N., R.16E., W.M., Section 10: SE¼SE¼	40.00
Y7	T.14N., R.16E., W.M., Section 12: SE¼SW¼	40.00
Y8	T.12N., R.17E., W.M., Section 6: LOT 10	5.45
Y9	T.13N., R.17E., W.M., Section 10: SE¼NE¼, E½E½SE¼SW¼NE¼	42.50
Y10	Section 20: NE¼NW¼NW¼	10.00
Y11	T.14N., R.17E., W.M., Section 34: E½E½NE¼	40.00
Y2	T.14N., R.18E., W.M., Section 18: LOTS 1,2,3, NE¼SW¼	157.21
Y3	T.7N., R.21E., W.M., Section 10: LOT 1	2.57
Y4	Section 12: LOTS 9 AND 10	20.20
Y5	T.8N., R.22E., W.M., Section 10: LOT 1	1.19
Y6	Section 28: LOT 2, NW¼SW¼	74.36
	Yakima County Total	433.48 Acres

Total Federal Land (All Counties)	5,928.96 Acres
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(Total federal lands to be traded in Phase I of CWALE = 1,119.79 Acres)

Appendix 1b: Legal Description of Non-Federal Lands

Note: This appendix is the same as Appendix 1b of the Central Washington Assembled Land Exchange environmental assessment (EA# OR134-09-03), with double asterisks (***) added to indicate non-federal lands to be acquired through Phase I of the exchange, and descriptions of lands removed from the exchange shown by striking out the text (XX).

Billingsley Ranch Partnership:***

<u>Legal Description</u>	<u>Acreage</u>
T.22N., R.23E., Willamette Meridian, Douglas County	
Section 1: E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	60**
Section 12: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	240**
T.22N., R.24E., Willamette Meridian, Grant County	
Section 2: Lots 1-4, S$\frac{1}{2}$N$\frac{1}{2}$, S$\frac{1}{2}$	642.80
Section 3: The NE$\frac{1}{4}$ of Lot 2 and those portions of Lots 1-3 and the S$\frac{1}{2}$NE$\frac{1}{4}$ situated north and east of the centerline of Grant County road #24NW, that portion of the N$\frac{1}{2}$ of Lot 3 located west of the centerline of said Grant County road	109.70
Section 3: Lot 1, the W $\frac{1}{2}$ and NW $\frac{1}{4}$ of Lot 2, that portion of Lot 3 located west of the centerline of Grant County road #24NW, the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, those portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ located south and west of the centerline of Grant County road #24NW	531.48**
Section 4: SE $\frac{1}{4}$	160**
Section 5: Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$	640.18**
Section 7: Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$	638.34**
Section 9: All	640**
Section 10: NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	320**
Section 10: NE $\frac{1}{4}$ SE $\frac{1}{4}$	40**
Section 11: The East 309.26 acres	309.26**
Section 11: All except the East 309.26 acres	330.74**
Section 13: N $\frac{1}{2}$	320**
Section 14: All, less School District (1 acre) & County (2 acre) tracts and S $\frac{1}{2}$ SE $\frac{1}{4}$	557**
Section 15: All	640**
Section 18: E $\frac{1}{2}$ E $\frac{1}{2}$	160**
Section 22: All	640**
T.23N., R.24E., Willamette Meridian, Douglas County	
Section 35: All	640
Section 36: E$\frac{1}{2}$NW$\frac{1}{4}$, SW$\frac{1}{4}$NW$\frac{1}{4}$, NW$\frac{1}{4}$SW$\frac{1}{4}$	160
Total	6,227.00 Acres**

Mittelstaedt Ranch Parcel:**

<u>Legal Description</u>	<u>Acreage</u>
T.24N., R.22E., Willamette Meridian, Douglas County	
Section 25: Portions of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ described as follows: Beginning at the Southwest corner of said Section 25; thence East along the South line of said Section 25 for a distance of 2850 feet, more or less, to its intersection with the centerline of County Road No. 522, said road having a 60 foot right-of-way; thence along the centerline of said County Road No. 522, in a Northeasterly direction to its intersection with County Road No. 854, said road having a 40 foot right-of-way; thence along the centerline of said County Road No. 854 in a Northeasterly direction to its intersection with County Road No. 173, said road having a 60 foot right-of-way; thence along the centerline of said County Road No. 173 in a Northwesterly direction to its intersection with the North line of the SW $\frac{1}{4}$ of said Section 25; thence West along the North line of said SW $\frac{1}{4}$ to its intersection with the West line of said Section 25; thence South along the West line of said Section 25 for a distance of 2640 feet, more or less, to the Southwest corner of said Section 25, said corner being the True Point of Beginning, EXCEPT that portion of right-of-way lying within County Road Numbers 522, 854 and 173. SUBJECT TO right-of-way for county roads as disclosed by Douglas County Engineer's Maps.	<u>164 acres</u>
Section 35: All	<u>640 acres</u>
T.23N., R.22E., Willamette Meridian, Douglas County	
Section 1: Lots 2,3,4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	<u>240.83 acres</u>
T.24N., R.23E., Willamette Meridian, Douglas County	
Section 31: Government Lot 1, EXCEPTING the Easterly 30 feet thereof; North half of Government Lot 2, EXCEPTING the Easterly 30 feet thereof and EXCEPT an additional tract in the Southeast corner of the above described land, to include the road curve where it swings to the West in making a proper grade to meet with A.J. Hensel road as now graded, AND EXCEPT the southeast 0.05 acres.	<u>57.80 acres</u>
Total	<u>1,102.63 Acres**</u>

Weiss Parcel:

<u>Legal Description</u>	<u>Acreage</u>
T.22N., R.23E., Willamette Meridian, Grant County Section 34: NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	
Total	80.00 Acres

Gerard Parcel:**

<u>Legal Description</u>	<u>Acreage</u>
T.35N., R.25E., Willamette Meridian, Okanogan County Section 30: MS229 , MS746- <i>Except for Last Chance Fraction</i> Section 31: MS68, MS75, MS80 , MS102, MS107, MS149, MS150, MS229 , MS230, MS746- <i>Except for Last Chance Fraction</i> <i>and Last Chance Lode</i> Section 32: MS107, MS108	
T.34N., R.25E., Willamette Meridian, Okanogan County Section 5: MS68 Section 6: MS68, MS102	
Total	303.101 Acres**

Washington Department of Fish And Wildlife (WDFW):

T.23N., R.23E., Willamette Meridian, Douglas County Section 24: W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT, portions conveyed to Great Northern Railway Company	
Total	258.29 Acres

Hazzard Parcel:

T.15N., R.27E., Willamette Meridian, Grant County Section 23: Portion of NE $\frac{1}{4}$	
Total	88.6 Acres

Total Non-Federal Lands	8,059.621 Acres
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Total non-federal lands to be acquired through Phase I of CWALE = 7,632.731 Acres

EXHIBIT A

Title Encumbrances/Reservations for Federal Lands to be Traded in Phase I of CWALE:

The U.S. Patent(s) to be issued for the federal tracts included in Phase I of the exchange (Tracts O3, O5, O7, O8, O12, O13, O14, O15, O17, O18, O19, O20, O21, O22, O23, O24 and O25) will all include the following reservation:

“A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945)”

In addition, the following encumbrances will be noted in the U.S. Patents issued for the specified tracts:

<u>Tract No.</u>	<u>Encumbrance</u>
O5, O20, O25	1. Those rights as Okanogan County, its successors in interest, may have for public road purposes, granted, created, or established by or for the use of the public and by or under Local, State, or Federal laws, or decisions, or otherwise.
O8	1. Subject to 60 feet x 300 feet right-of-way issued to Okanogan County for a public road (Serial No. WAOR 41669).
O18	1. Subject to 150 feet wide right-of-way granted to Washington State Department of Transportation for State Route No. 20 (Serial No. WAW 4029).

EXHIBIT B**Title Encumbrances for Non-Federal Lands to be Acquired in Phase I of CWALE**

<u>Parcel Name</u>	<u>Encumbrance</u>
Billingsley Ranch	<ol style="list-style-type: none"> 1. Transmission line easement to the USA, recorded under Auditor's File No. 97921, records of Grant County, Washington, to construct, reconstruct, operate, maintain, patrol and keep clear an electric transmission line and appurtenances over that portion of the SE$\frac{1}{4}$SW$\frac{1}{4}$, SE$\frac{1}{4}$, and SE$\frac{1}{4}$NE$\frac{1}{4}$, Section 13, T.22N., R.24E., W.M., lying within a strip of land 250' in width, as specifically described in said instrument.. 1. Easement to USA, recorded under Auditor's File No. 612132, records of Grant County, Washington, to construct, operate and maintain an access road and appurtenances over that portion of the SE$\frac{1}{4}$NE$\frac{1}{4}$, Section 13, T.22N., R.24E., W.M.
Mittelstaedt Ranch	<ol style="list-style-type: none"> 1. Separate 15-foot wide easements across the southwest corner of the NE$\frac{1}{4}$ of Section 1, T.23N., R.22E., W. M., as recorded under Auditor's File Nos. 42308 and 55274, respectively, records of Douglas County, Washington. 2. Easement for a public road and highway granted to Douglas County across portions of the SE$\frac{1}{4}$ and the SW$\frac{1}{4}$, Section 25, T.24N., R.22E., W.M., recorded under Auditor's File No. 78069, records of Douglas County, Washington. 3. Easement granted to Douglas County for all state and county roads now established or that may be hereafter established, and all telegraph, telephone, electric, railway or pipelines on Lots 2, 3 and 4, and the S$\frac{1}{2}$NW$\frac{1}{4}$ and SW$\frac{1}{4}$NE$\frac{1}{4}$ of Section 1, T.23N., R.22E., W.M., recorded under Auditor's File No. 96013, records of Douglas County, Washington. 4. Easement granted to the Public Utility District No. 1 of Douglas County for an electric transmission or distribution line or system across a portion of the SE$\frac{1}{4}$ and the SW$\frac{1}{4}$ of Section 25, T.24N., R.22E., W.M., recorded under Auditor's File No. 107801, records of Douglas County, Washington. 5. Easement granted to the Public Utility District No. 1 of Douglas County for an electric transmission or distribution line or system across a portion of Section 35, T.24N., R.22E., W.M., recorded under Auditor's File No. 107927, records of Douglas County, Washington.

6. Rights of the public to that portion of said land, if any lying within the right-of-way for county road, as disclosed by various instruments of record.
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Gerard

1. Rights of the public to use that portion of said premises lying within the bounds of Okanogan County Road Nos. 9221 (Salmon Creek Road), 2065 (Buzzard Lake Road) and 2045 (Loup Loup Canyon Road).
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