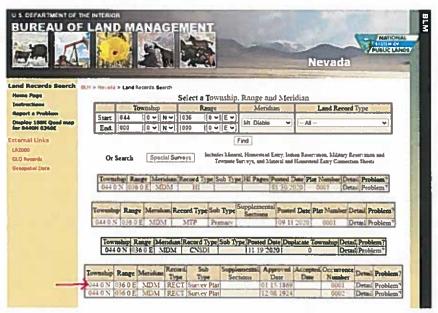
# EXHIBIT 1 Declaration of Jennifer Schonlau

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12
    Attorneys for Defendant-Intervenor
    Lithium Nevada Corp.
13
                            UNITED STATES DISTRICT COURT
14
                             FOR THE DISTRICT OF NEVADA
15
   BARTELL RANCH, LLC, et al.,
16
                                              Lead Case:
                                  Plaintiffs.
                                               Case No. 3:21-cv-00080-MMD-CLB
17
   v.
18
                                               DECLARATION OF JENNIFER
   ESTER M. MCCULLOUGH, et al.,
                                               SCHONLAU IN SUPPORT OF
19
                                               LITHIUM NEVADA CORP'S SUR-
                                Defendants,
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                                              REPLY IN OPPOSITION TO MOTION
                                               FOR PRELIMINARY INJUNCTION
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   and
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   LITHIUM NEVADA CORP.,
                       Defendant-Intervenor.
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24
    I, Jennifer Schonlau, declare as follows:
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           1.
                 I am over eighteen years old, have personal knowledge of the matters set forth in
26
    this Declaration, and am competent to testify as to the matters set forth herein.
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```

 I am the Environmental Engineer of Lithium Nevada Corp. ("Lithium Nevada"). I am a licensed professional engineer and my work at Lithium Nevada focuses on environmental compliance and permitting.

- 3. When the Reno-Sparks Indian Colony ("RSIC") raised arguments concerning (1) evidence of an Indian Camp and human remains in an 1868 Field Survey (ECF 73-1); and (2) other projects for which the BLM Winnemucca District Office sent the RSIC's Cultural Resources Manager and Tribal Historic Officer notices (ECF 73-2 at ¶ 18), I completed desktop research to map the 1868 Indian Camp relative to the Thacker Pass Project facilities and the other project locations within the Winnemucca District area in relation to the RSIC's identified area of cultural interest as well as Lithium Nevada's Thacker Pass Project.
- 4. The first step in the process was to find publicly available information concerning the locations of the Indian Camps described in the 1868 Field Survey. I used the link provided in RSIC's brief (ECF 73 at 6) to search BLM's Land Records related to Township 44 North, Range 36 East (https://www.nv.blm.gov/LandRecords/find.php?town=0440N&range=0360E). There, along with the handwritten notes that the RSIC provided to the Court, I also found an 1868 map, which I have attached here as **Attachment A**, using the link at the top of the search results, indicated by the red arrow in the website screen shot:



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5. The 1868 map identifies two areas with "Remains of Indian Lodgings." Attachment A.

- 6. In the process of reviewing BLM's Land Records for the 1868 map, I also ran searches for documents related to Township 44N, Range 34 East and Township 44N, Range 35 East – areas also covered by the Thacker Pass Project. This was done using the same website link RSIC provided by simply changing the range number in the search fields at the top of the page. The search results provided additional links to different documents. See attached search results, Attachments B and C. The process of viewing the search results is not easy. One must click on each numbered link in the chart to open an individual document. Navigating each document is equally difficult. One must use a drop-down menu to click on each page number to "jump to" the next page. As there were hundreds of links in the search results for the three Township/Range combinations, it would have taken many hours to view each document and page.
- 7. Using the 1868 map, I mapped the 1868 map's "Remains of Indian Lodgings" in relation to the Thacker Pass Project. To make this map I saved the 1868 map as a .tiff file, which is compatible with ArcMap. I uploaded the 1868 .tiff into Arcmap. Next I used the Public Land Survey System (PLSS) shape file as a background to reference the 1868 map. I zoomed in on the desired area (in this case, the desired area was section 22 of Township 44 North Range 36 E). Using the georeferenced tool bar, I chose the option "fit to display" to fit the 1868 map into the correct location on ArcMap. Next, I added ground control points to the 1868 map. I used the edges of section 22 of Township 44 N Range 36 E from the PLSS shape file as ground control points. Once the 1868 map was properly georeferenced, I added the Indian Lodging Remnant Information. I matched the Indian lodging on the paper map and added points on the digital map to mirror the paper map. I then included on the map the location of the Thacker Pass Project facilities, existing roads, existing transmission lines, and the land status to show BLM land and private property. When making this map, I noticed the Indian Lodging appeared to be on private property based on

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information from the Land Status shapefile. To double check this, I loaded the Humboldt County Nevada Parcel information shape file into ArcMap. The Humboldt County Nevada Parcel information shape file showed the Indian Lodges located on private property, parcel number 03032109. The resulting map is **Attachment D**.

8. We undertook a separate mapping exercise to evaluate RSIC's claims about the projects within the Winnemucca District for which RSIC asserts having received notice from the BLM. We first identified the locations of each, specific project listed in ECF 73-2 at ¶ 18. For this, we relied on BLM's website and e-planning web pages for the projects, most of which include maps:

Baltazor Geothermal Development Project	https://eplanning.blm.gov/eplanning- ui/project/2000508/510
Development Project	
Calico Complex	https://eplanning.blm.gov/eplanning- ui/project/2010516/510
Pueblo Fire House	https://eplanning.blm.gov/eplanning- ui/project/2011153/510
North Valley Geothermal Development Project at San	https://eplanning.blm.gov/eplanning- ui/project/1503204/510
Emidio Geothermal Field	unproject/1303204/310
Ormat Technologies Gerlach	https://www.blm.gov/press-release/bureau-
Area Geothermal Project	land-management-accepting-pre-scoping-
	comments-geothermal-project-near-gerlach <sup>2</sup>

9. I then mapped each project in relation to the RSIC area of interest and also identified the Thacker Pass Project. To make this map I used a PDF map of the Reno-Spark Indian Colony Areas of Cultural Interest and converted the PDF into a .tiff, so it was compatible with ArcMap. I uploaded the .tiff into ArcMap and, in a similar fashion to the 1868 map, used the georeferencing tool bar to re-create the Reno-Sparks Indian Colony Area of Interest on the map.

We disregarded the notice of staff changes at the BLM office and the EA concerning unidentified waters because neither appear to relate to a specific location.

<sup>&</sup>lt;sup>2</sup> While there does not appear to be an e-planning page with a map, the BLM's website indicates: "The power plants, substation, pipelines, wells, and access roads proposed will be located less than 1 mile north of Gerlach, Nevada in Washoe County."

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Here I used a base map showing satellite imagery and a shape file of Nevada Roads as ground control points to accurately reference the paper map into ArcMap.

10. Next I used descriptions of the locations of the five projects listed on the BLM website to help locate the points on the map for each project. A map of the Baltazor Geothermal Development Project showed that the Project was located in Townships 46 and 47 North and 28 Ranges and 29 East (link map: to https://eplanning.blm.gov/public\_projects/2000508/200378654/20020984/250027188/Baltazor10 Ok.pdf). The approximate middle of the project is located in 11 of T 46 North Range 36 East, just north of Continental Lake. I found this location in ArcMap and placed a point on the map to represent the location of the Baltazor Geothermal Development Project. Next I found a description Calico of the Calico Complex (link to Complex Description https://eplanning.blm.gov/public\_projects/2010516/200473329/20043213/250049404/Calico%2 OWHB%20Gather%20Decision%20Record.pdf). This is a large Project, that encompasses a gather area of 1,041,000 acres and five herd management areas (HMAs) (The Black Rock Range, Calico Mountains, Granite Range, McGee Mountain, and Warm Springs Canyon HMAs). I loaded the HMA shape file onto ArcMap to locate the HMAs. All five HMAs are located within the Reno-Sparks Indian Colony Area of Interest. The Calico Complex HMA was located in the approximate center of the five HMA's so I placed a point in the center of the Calico Mountain HMA to represent the location of the Calico Complex. The Pueblo Fire House Project was a five acre project located off Highway 140 and Big Creek Road (link to location of project https://www.blm.gov/pressrelease/winnemucca-district-office-seeks-public-comment-preliminary-environmentalassessment). I found the intersection of Highway 140 and Big Creek Road in ArcMap and placed a point at the intersection to represent the location of the Pueblo Fire House Project. The North Valley Geothermal Development Project was described to be in all or portions of Sections 19-22 and 27-34 of Township 30 North Range 23 East, Sections 3-10, 15-22, and 27-34 of Township 29 North Range 23 East (link to North Valley Geothermal Development Project location description https://eplanning.blm.gov/public\_projects/1503204/200352910/20039905/250046100/Decision% 5441 KIETZKE LANE, SUITE 200 RENO, NV 89511-2094 1

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20Record.pdf). I placed a point where Sections 8, 9, 17, and 16 of Township 29 Range 23 meet to represent the North Valley Geothermal Development Project. This is approximately the center of the project area. The Ormat Technologies Gerlach Area Geothermal Development Project described major facilities including power plants, substation, pipelines, wells, and access roads located less than 1 mile north of Gerlach, Nevada (link to Ormat Technologies Gerlach Area location description https://www.blm.gov/press-release/bureau-land-management-accepting-prescoping-comments-geothermal-project-near-gerlach). I found the town of Gerlach on ArcMap. and placed a point on the map just north of Gerlach to represent the location of the Ormal Technologies Gerlach Area Project.

- I then overlaid RSIC's identified "Area of Cultural Interest" to determine whether 11. the noticed projects fall within that area, which they did. I confirmed that Thacker Pass is not within the "Area of Cultural Interest" identified by the RSIC and shared with the BLM. The resulting map is attached as Attachment E.
- 12. I also took the information available from the Historic Properties Treatment Plan to identify on the map the areas relevant to the Thacker Pass Project that had been subjected to Class III Surveys for cultural resources. That area also is reflected on the map that is Attachment D.

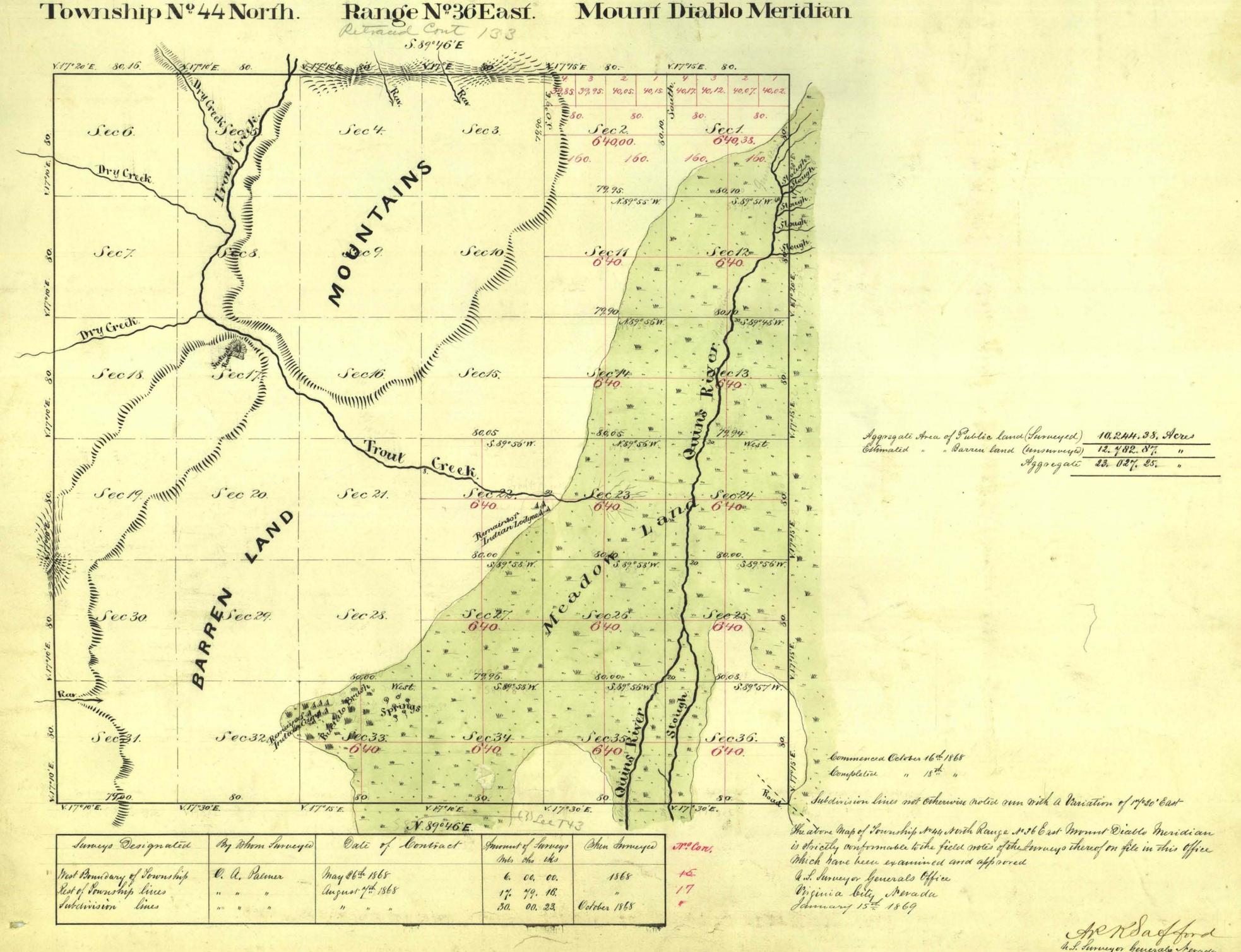
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 26, 2021 in Reno, Nevada

Jennifer Schonlau

17280351\_v1

## EXHIBIT 1-A BLM HI T44NR36E 1868



T44N,R36E.

# EXHIBIT 1-B Nevada Land Records R36E, R35-E

U.S. DEPARTMENT OF THE INTERIOR

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		Township		Range	Meridian	Land Record Type				
Start:	044	0 <b>V</b> N <b>V</b>	036	0 <b>~</b> E <b>~</b>	Mt. Diablo	All 🔻				
End:	000	0 <b>V</b> N <b>V</b>	000	0 <b>~</b> E <b>~</b>	IVIL DIADIO	All				

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T	ownship	Range	Meridian	Record Type	Sub Type	HI Pages	Posted Date	Plat Number	Detail	Problem?
C	044 0 N	036 0 E	MDM	HI			01/30/2020	0001	Detail	Problem?

Township	Range	Meridian	Record Type	Sub Type	Supplemental Sections	Posted Date	Plat Number	Detail	Problem?
044 0 N	036 0 E	MDM	MTP	Primary		09/11/2020	0001	Detail	Problem?

Township Ran	ge Meridian	Record Type	Sub Type	Posted Date	Duplicate Township	Detail	Problem?
044 0 N   036	0 E MDM	CNSDI		11/19/2020	0	Detail	Problem?

Township	Range	Meridian	Record Type	Sub Type	Supplemental Sections	Approved Date	Accepted Date	Occurrence Number	Detail	Problem?
044 0 N	036 0 E	MDM	RECT	Survey Plat		01/15/1869		0001	Detail	Problem?
044 0 N	036 0 E	MDM	RECT	Survey Plat		12/08/1924		0002	Detail	Problem?

			Re	ctangular Sur	vey Field No	tes				
Boundary	Approved	Volume	Intro	Survey	Cert	Survey	Contract/	Survey	Cumricarion	Problem?
Boundary	Date	voiume	Pages	Pages	Pages	Type	Group	Year	Surveyor	Problem:
North	11/19/1868	R0046			79-82	О	0	1868	Palmer	Problem?
North	10/21/1868	R0042	1	23-24	67-72	О	0	1868	Palmer	Problem?
North		R0045	1	28-34	82-84	О	0	1868	Palmer	Problem?
North	08/11/1882	R0262	1-1C	1D	479-483	R	133	1882	Ward	Problem?
North	08/11/1882	R0262	1-1C	37-46	479-483	R	133	1882	Ward	Problem?
North	12/08/1924	R0529	327-331	332-338	378-382	R	88	1923	Good	Problem?
North	12/08/1924	R0529	327-331	343-344	378-382	R	88	1923	Good	Problem?
North	12/08/1924	R0529	327-331	362-363	378-382	R	88	1923	Good	Problem?
North	12/08/1924	R0529	327-331	371	378-382	R	88	1923	Good	Problem?
North	12/08/1924	R0529	327-331	377	378-382	R	88	1923	Good	Problem?
North	04/04/1958	R0564	171-173	182-183	232-235	R	326	1956	Russell Et Al	Problem?
South	11/19/1868	R0046			79-82	0	0	1868	Palmer	Problem?
South	10/21/1868	R0042	1	19-20	67-72	О	0	1868	Palmer	Problem?
South		R0045	1	20-25	82-84	О	0	1868	Palmer	Problem?
South	08/28/1919	R0520	69-74	81-83	100-104	R	57	1918	English Et Al	Problem?
South	12/08/1924		327-331	344	378-382	R	88	1923	Good	Problem?
South	12/08/1924	R0529	327-331	355	378-382	R	88	1923	Good	Problem?
South	02/27/1957	R0564	113-115	117-118	167-170	R	359	1955	Parker	Problem?
East	11/19/1868	R0046			79-82	О	0	1868	Palmer	Problem?
East		R0045	1	20	82-84	О	0	1868	Palmer	Problem?
East		R0045	1	25-29	82-84	О	0	1868	Palmer	Problem?
East	08/11/1882	R0262	1-1C	1D	479-483	R	133	1882	Ward	Problem?
East	02/27/1957	R0564	113-115	117-118	167-170	R	359	1955	Parker	Problem?
East	04/04/1958	R0564	171-173	182-183	232-235	R	326	1956	Russell Et Al	Problem?
East	06/16/1958	R0564	236-239	239-244	285-288	R	359	1956	Parker	Problem?
West	11/19/1868	R0046			79-82	О	0	1868	Palmer	Problem?

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West	10/21/1868	R0042	1	19-24	67-72	О	0	1868	Palmer	Problem?
West	08/11/1882	R0262	1-1C	45	479-483	R	133	1882	Ward	Problem?
West	08/28/1919	R0520	69-74	81	100-104	R	57	1918	English Et Al	Problem?
West	02/13/1925	R0536	249-253	265	305-310	R	110	1923	Good	Problem?
West	02/13/1925	R0536	249-253	267-268	305-310	R	110	1923	Good	Problem?
West	02/13/1925	R0536	249-253	270-271	305-310	R	110	1923	Good	Problem?
West	12/08/1924	R0529	327-331	339-344	378-382	R	88	1923	Good	Problem?
Subdivision	01/15/1869	R0046	295	296-317	317-320	O	0	1868	Palmer	Problem?
Subdivision	12/08/1924	R0529	327-331	355-377	378-382	О	88	1923	Good	Problem?
Subdivision	12/08/1924	R0529	327-331	344-355	378-382	R	88	1923	Good	Problem?

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Start: 0	044 0 N V	035 0 <b>E V</b>	Mt. Diablo	All		
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Π	ownship	Range	Meridian	Record Type	Sub Type	HI Pages	Posted Date	Plat Number	Detail	Problem?
	044 0 N	035 0 E	MDM	HI			01/30/2020	0001	Detail	Problem?

Township	Range	Meridian	Record Type	Sub Type	Supplemental Sections	Posted Date	Plat Number	Detail	Problem?
044 0 N	035 0 E	MDM	MTPU			09/11/2020	0001	Detail	Problem?

Township Ran	ge Meridian	Record Type	Sub Type	Posted Date	Duplicate Township	Detail	Problem?
044 0 N   035	) E MDM	CNSDI		11/19/2020	0	Detail	Problem?

	Township	Range	Meridian	Record Type	Sub Type	Supplemental Sections	Approved Date	Accepted Date	Occurrence Number	Detail	Problem?
ľ	044 0 N	035 0 E	MDM	RECT	Survey Plat		02/13/1925		0001	Detail	Problem?

			Re	ctangular Sur	vey Field No	tes				
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Boundary	Date	voiume	Pages	Pages	Pages	Type	Group	Year	Surveyor	Problem?
North	10/21/1868	R0042	1	23-24	67-72	0	0	1868	Palmer	Problem?
North	02/13/1925	R0536	249-253	260-264	305-310	О	110	1923	Good	Problem?
North	08/11/1882	R0262	1-1C	45	479-483	R	133	1882	Ward	Problem?
North	12/08/1924	R0529	327-331	337-338	378-382	R	88	1923	Good	Problem?
North	12/08/1924	R0529	327-331	343-344	378-382	R	88	1923	Good	Problem?
South	10/21/1868	R0042	1	19-20	67-72	О	0	1868	Palmer	Problem?
South		R0134	1-2	11-12	52-54	О	0	1874	Preble	Problem?
South	08/28/1919	R0520	1-2	12-17	59-66	О	57	1918	English Et Al	Problem?
South	08/28/1919	R0520	69-74	81	100-104	R	57	1918	English Et Al	Problem?
South	02/13/1925	R0536	249-253	265	305-310	R	110	1923	Good	Problem?
South	02/13/1925	R0536	249-253	272	305-310	R	110	1923	Good	Problem?
South	02/13/1925	R0536	249-253	280	305-310	R	110	1923	Good	Problem?
South	02/13/1925	R0536	249-253	287	305-310	R	110	1923	Good	Problem?
South	02/13/1925	R0536	249-253	294	305-310	R	110	1923	Good	Problem?
East	11/19/1868	R0046			79-82	О	0	1868	Palmer	Problem?
East	10/21/1868	R0042	1	19-24	67-72	О	0	1868	Palmer	Problem?
East	08/11/1882	R0262	1-1C	45	479-483	R	133	1882	Ward	Problem?
East	08/28/1919	R0520	69-74	81	100-104	R	57	1918	English Et Al	Problem?
East	02/13/1925	R0536	249-253	265	305-310	R	110	1923	Good	Problem?
East	02/13/1925	R0536	249-253	267-268	305-310	R	110	1923	Good	Problem?
East	02/13/1925	R0536	249-253	270-271	305-310	R	110	1923	Good	Problem?
East	12/08/1924	R0529	327-331	339-344	378-382	R	88	1923	Good	Problem?
West	11/06/1873	R0126			329	О	58	0000	Preble	Problem?
West	03/25/1874	R0135			232	О	0	1874	Preble	Problem?
West		R0134	1-2	11-15	52-54	О	0	1874	Preble	Problem?
West	02/13/1925	R0536	249-253	264	305-310	О	110	1923	Good	Problem?
West	08/28/1919	R0520	1-2	16-17	59-66	R	57	1918	English	Problem?
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									Et Al	
West	02/13/1925	R0536	249-253	253-260	305-310	R	110	1923	Good	Problem?
Subdivision	02/13/1925	R0536	249-253	265-305	305-310	О	110	1923	Good	Problem?

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# EXHIBIT 1-C Nevada Land Records Search R34E

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End:	000	0 <b>V</b> N <b>V</b>	000	0 <b>~</b> E <b>~</b>	IVIL DIADIO	All					

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Township   R	lange Mer	idian Record	l Type Sub T	Type HI Pages	Posted Date	Plat Number	Detail	Problem?
044 0 N 03	84 0 E M	DM H	I		01/30/2020	0001	Detail	Problem?

	Township	Range	Meridian	Record Type	Sub Type	Supplemental Sections	Posted Date	Plat Number	Detail	Problem?
ı	044 0 N	034 0 E	MDM	MTP	Primary		05/11/2021	0001	Detail	Problem?

Township Ran	ge Meridian	Record Type	Sub Type	Posted Date	Duplicate Township	Detail	Problem?
044 0 N   034 0	) E MDM	CNSDI		11/19/2020	0	Detail	Problem?

Township	Range	Meridian	Record		Supplemental Sections	Approved	Accepted	Occurrence Number	Detail	Problem?
			Type	Туре	Sections	Date	Date	Number		
044 0 N	034 0	MDM	RECT	Protraction		02/11/1964		0001	Dotoil	Problem?
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044 0 N	034 0	MDM	RECT	Survey Plat		03/25/1874		0001	Detail	Problem?
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044 0 N	034 0	MDM	RECT	Survey Plat			04/26/1960	0002	Dotoil	Problem?
044 U N	Е	MDM	KECI	Survey Flat			04/20/1900	0002	Detail	riobleiii:

			Re	ctangular Sur	vey Field No	otes				
Boundary	Approved Date	Volume	Intro Pages	Survey Pages	Cert Pages	Survey Type	Contract/ Group	Survey Year	Surveyor	Problem?
North	11/06/1873	R0126			329	0	58	0000	Preble	Problem?
North	03/25/1874	R0135			232	0	0	1874	Preble	Problem?
North		R0134	1-2	19-24	52-54	О	0	1874	Preble	Problem?
North	04/26/1960	R0567	1-3	5	27-30	R	370	1958	Sylvester	Problem?
North	04/26/1960	R0567	106-108	114-117	143-145	R	370	1958	Sylvester	Problem?
South	03/25/1874	R0135			232	О	0	1874	Preble	Problem?
South		R0134	1-2	6-12	52-54	О	0	1874	Preble	Problem?
South	08/28/1919	R0520	1-2	11	59-66	О	57	1918	English Et Al	Problem?
South	08/28/1919	R0520	1-2	16-17	59-66	R	57	1918	English Et Al	Problem?
South	04/26/1960	R0567	1-3	4	27-30	R	370	1958	Sylvester	Problem?
South	04/26/1960	R0567	106-108	108-112	143-145	R	370	1958	Sylvester	Problem?
East	11/06/1873	R0126			329	О	58	0000	Preble	Problem?
East	03/25/1874	R0135			232	О	0	1874	Preble	Problem?
East		R0134	1-2	11-15	52-54	О	0	1874	Preble	Problem?
East	08/28/1919	R0520	1-2	16-17	59-66	R	57	1918	English Et Al	Problem?
East	02/13/1925	R0536	249-253	253-260	305-310	R	110	1923	Good	Problem?
East	02/13/1925	R0536	249-253	264	305-310	R	110	1923	Good	Problem?
West	11/06/1873	R0126			329	О	58	0000	Preble	Problem?
West	03/25/1874	R0135			232	О	0	1874	Preble	Problem?
West		R0134	1-2	6-7	52-54	О	0	1874	Preble	Problem?
West		R0134	1-2	16-20	52-54	О	0	1874	Preble	Problem?
West	04/26/1960	R0567	1-3	4	27-30	R	370	1958	Sylvester	Problem?

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West	04/26/1960	R0567	1-3	5	27-30	R	370	1958	Sylvester	Problem?
West	04/26/1960	R0567	106-108	111-115	143-145	R	370	1958	Sylvester	Problem?
Subdivision	03/25/1874	R0135			229-232	О	0	1874	Preble	Problem?
Subdivision		R0134	55-57	58-102		О	0	1874	Preble	Problem?
Subdivision	04/26/1960	R0567	106-108	118-143	143-145	R	370	1958	Sylvester	Problem?

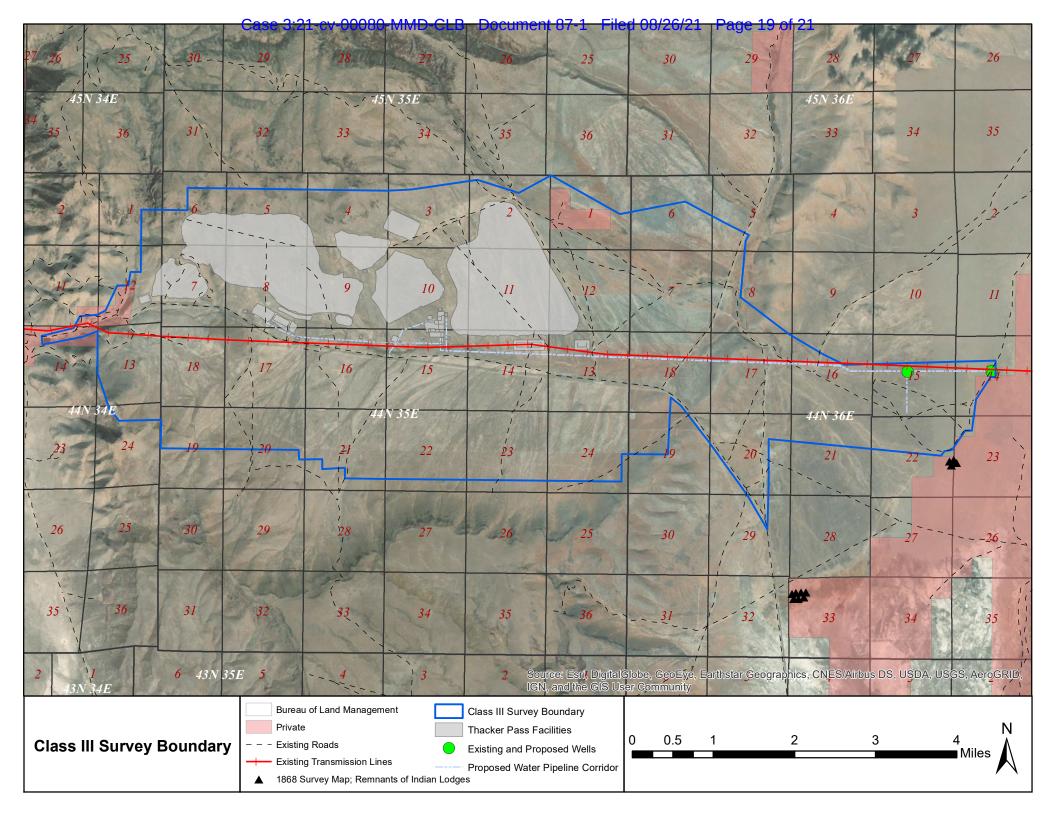
#### Display 100K Quad Land Use Map that includes 0440N 0340E

Zip decompressor required to view CadNSDI records. Adobe Reader required to view all other record types.

LandRecords Version 6.2

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## EXHIBIT 1-D 1868 Map with Annotations overlay



## EXHIBIT 1-E RSIC Areas of Cultural Interest RevC

