

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****[NV-930-1430-ES; N-75424]****Notice of Realty Action: Recreation and Public Purposes (R&PP) Act Classification; Lease and Conveyance of Public Lands near Silver Peak, Nevada****AGENCY:** Bureau of Land Management.**ACTION:** Classification of public land for lease and conveyance pursuant to the Recreation and Public Purposes Act.

**SUMMARY:** The following described public land in Esmeralda County, Nevada has been examined and found suitable for lease and conveyance under provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*), for the purposes of an emergency services training center, in the town of Silver Peak, Nevada.

**Mount Diablo Meridian, Nevada**

T. 2 S., R. 39 E.,

Section 21, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;Section 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;Section 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Containing 40 acres more or less.

These lands are hereby classified as suitable for lease or conveyance in accordance with section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and Executive Order No. 6910.

The lands are not needed for Federal purposes. Conveyance is consistent with BLM land use planning and would be in the public interest. Lease and patent will be issued to Esmeralda County and will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

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

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

3. A right-of-way authorized under the Act of March 4, 1911, 36 Stat. 1253 (43 U.S.C. 961) for powerline purposes granted to Sierra Pacific Power Company, its successor or assignees, by right-of-way No. N-3931.

4. A right-of-way authorized under the Act of October 21, 1976, 90 Stat. 2776 (U.S.C. 1761) for a power

transmission line granted to Sierra Pacific Power Company, its successor or assignees, by right-of-way No. N-13241.

5. A right-of-way authorized under the Act of October 21, 1976, 90 Stat. 2776 (U.S.C. 1761) for a waterline to serve Silver Peak, granted to Esmeralda County, its successor or assignees, by right-of-way No. N-15898.

6. A right-of-way authorized under the Act of October 21, 1976, 90 Stat. 2776 (U.S.C. 1761) for a power transmission line granted to Sierra Pacific Power Company, its successor or assignees, by right-of-way No. N-30965.

7. A right-of-way authorized under the Act of October 21, 1976, 90 Stat. 2776 (U.S.C. 1761) for a water line granted to Foote Mineral Company, its successor or assignees, by right-of-way No. N-44618.

8. A right-of-way authorized under the Act of October 21, 1976, 90 Stat. 2776 (U.S.C. 1761) for a road granted to Homestead Minerals Company, its successor or assignees, by right-of-way No. N-51529.

9. A right-of-way authorized under the Act of February 15, 1901, 31 Stat. 790 (U.S.C. 959) for a water facility pipeline granted to Esmeralda County, its successor or assignees, by right-of-way No. N-74296.

Patent will contain the following provisions:

1. Esmeralda County, a political subdivision of the State of Nevada, 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 actions, 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 patentees 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 Mount Diablo Meridian, Nevada, T. 2 S., R. 39 E., section 21, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; section 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; section 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; regardless of whether such claims shall be attributable to: (1) The concurrent, contributory, or partial fault, failure or negligence of the United States;

2. No portion of the land shall under any circumstances revert to the United States if any portion has been used for solid waste disposal or for any other

purpose which may result in the disposal, placement, storage, or release of any hazardous substance; and will be subject to valid existing rights.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Tonopah Field Station, 1553 South Main Street, Tonopah, Nevada.

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 proposed conveyance or classification of the lands to the Assistant Field Manager, Tonopah Field Station, P.O. Box 911, Tonopah, NV 89049.

**Classification Comments:** Interested parties may submit comments involving the suitability of the land for use as an emergency services training center. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

**Application Comments:** Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for the uses described.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land will become effective 60 days from the date of publication of this notice in the **Federal Register**. The lands will not be conveyed until after the classification becomes effective.

Dated: February 2, 2003.

**William S. Fisher,***Assistant Field Manager, Tonopah.*

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**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****[NV-030-1430-ES; NVN 61027]****Notice of Realty Action; Recreation and Public Purposes Act Classification; Douglas County, NV****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.

**SUMMARY:** The following described land, comprising 85.67 acres, has been examined and is determined to be suitable for classification for lease or conveyance pursuant to the authority in the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*):

**Mt. Diablo Meridian, Nevada**

T. 14 N., R. 20 E.

sec. 5, Lots 3, 4, 9 and 10 and

S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,

S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,

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

sec. 6, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,

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

sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

sec. 8, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,

N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,

SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing 85.67 acres.

**DATES:** For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments.

**ADDRESSES:** Written comments should be sent to: Carson City Field Office, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, NV 89701. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Charles J. Kihm, Realty Specialist, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, Nevada 89701; (702) 885-6000.

**SUPPLEMENTARY INFORMATION:** The public land is located within Douglas County, Nevada. The land is not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest. The Carson City Field Office has received several applications from churches expressing an interest in constructing churches and schools on the land.

The lease/patent, when issued will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. 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).

3. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

4. Those rights for highway purposes granted to the Nevada Department of Transportation, by right-of-way CC 018400, and its assigns, under the Act of November 9, 1921 (42 Stat. 216).

5. Those rights for gas pipeline purposes that have been granted to Paiute Pipeline Company, and its assigns, by rights-of-way Nev 064632 and N 17001 under the Act of February 25, 1920 (41 Stat. 0437; 30 U.S.C. 185, sec. 28).

6. Those rights for gas pipeline purposes that have been granted to Southwest Gas Corporation, and its assigns, by rights-of-way N 58973 and N 59816 under the Act of February 25, 1920 (41 Stat. 0437; 30 U.S.C. 185, sec. 28).

7. Those rights for communication line purposes that have been granted to Verizon California, Inc., and its assigns, by right-of-way N 40377 under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

8. Those rights for access road purposes that have been granted to Hilltop Community Church, and its assigns, by right-of-way N 39139 under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

9. Those rights for road and water pipeline purposes that have been granted to Douglas County, and its assigns, by rights-of-way N 56768, N 59346, N 59540 and N 74267 under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

10. Those rights for drainage facility purposes that have been granted to the Indian Hills GID, and its assigns, by right-of-way N 58950 under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, the material disposal laws, or the Geothermal Steam Act. The segregation shall terminate upon issuance of a conveyance document or publication in the **Federal Register** of an order specifying the date and time of opening. A previous classification for Recreation and Public Purposes under case number N 4481, as it affects the described land, is no longer appropriate and is hereby terminated.

Dated: March 7, 2003.

**Charles P. Pope,**

*Assistant Manager, Non-renewable Resources, Carson City Field Office.*

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**BILLING CODE 4310-HC-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[ID-086-1430-AE]

**Restriction Order for Blackwell Island, Kootenai County, ID**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Restriction Order for Blackwell Island, Kootenai County, Idaho, Order No. ID-080-34.

**SUMMARY:** By order the following restrictions apply to Blackwell Island described as all public lands administered by the Bureau of Land Management (BLM) located in Lots 1, 2, 3, 4, 7, 8, 10, 11, 14, 17, and 18 of the Aqua Terrace plat, portions of Government Lots 3, 4, and 5 all in the NW $\frac{1}{4}$  sec. 14, T.50N., R.4W., B.M. and a portion of Government Lot 23 in the SW $\frac{1}{4}$  sec. 11, T.50N., R.4W., B.M. all in Kootenai County, Idaho.

1. Overnight camping by any person or groups of persons is prohibited. Camping means entering, using or remaining in the closed area during the established night closure period from 11 p.m. to 5 a.m. or as otherwise posted.

2. Overnight boat moorage is prohibited. Moorage means making fast any vessel by use of anchor, line, painter or other means during the established night closure period from 11 p.m. to 5 a.m. or as otherwise posted.

3. Motorized boating use of the Blackwell Canals is prohibited except that portion from the developed boat launch ramp extending downstream to the Spokane River.

4. The consumption of or the possession of open containers of any alcoholic beverage is prohibited.

A map depicting the restricted areas is available for public inspection at the Bureau of Land Management, Coeur d'Alene Field Office, 1808 North Third Street, Coeur d'Alene, Idaho. These restrictions become effective immediately and shall remain in effect unless revoked and/or replaced with supplemental rules.

**FOR FURTHER INFORMATION CONTACT:** Terry Kincaid at BLM UCSC District, 1808 N. Third St., Coeur d'Alene, ID, 83814 or call (208) 769-5431.

**SUPPLEMENTARY INFORMATION:** The authority for establishing these restrictions is Title 43, Code of Federal Regulations, 8364.1.

*These restrictions do not apply to:*

(1) Any federal, state or local government officer or member of an organized rescue or fire fighting force while in the performance of an official duty.