

6. The patentee, its successors or assigns, by accepting a patent, agrees to indemnify, defend, and hold harmless the United States, its officers, agents, representatives, and employees (hereinafter "United States") from any costs, damages, claims, causes of action in connection with the patentee's use, occupancy, or operations on the patented real property. This agreement includes, but is not limited to, acts or omissions of the patentee and its employees, agents, contractors, lessees, or any third party arising out of, or in connection with, the patentee's use, occupancy, or operations on the patented real property which cause or give rise to, in whole or in part: (1) Violations of Federal, State, and local laws and regulations that are now, or may in the future become, applicable to the real property and/or applicable to the use, occupancy, and/or operations thereon; (2) judgments, claims, or demands of any kind assessed against the United States; (3) costs, expenses, or damages of any kind incurred by the United States; (4) releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), pollutant(s), or contaminant(s), and/or petroleum product(s) or derivative(s) of a petroleum product, as defined by Federal or State environmental laws; of, on, into, or under land, property, and other interests of the United States; (5) other activities by which solid or hazardous substance(s) or waste(s), pollutant(s) or contaminant(s), or petroleum product(s) or derivative(s) of a petroleum product as defined by Federal or State environmental laws are generated, stored, used, or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to the said solid or hazardous substance(s) or waste(s) or contaminant(s), or petroleum product(s) or derivative(s) of a petroleum product as defined by Federal or State laws. Patentee shall stipulate that it will be solely responsible for compliance with all applicable Federal, State, and local environmental laws and regulatory provisions, throughout the life of the facility, including any closure and/or post-closure requirements that may be imposed with respect to any physical plant and or facility upon the real property under any Federal, State, or local environmental laws or regulatory provisions. In the case of a patent being issued, this covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

Additional detailed information concerning this Notice of Realty Action, including environmental records, is available for review at the BLM Challis Field Office, 801 Blue Mountain Road, Challis, Idaho 83226. Office hours are 7:45 a.m. to 4:30 p.m., Monday through Friday except holidays.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from appropriation under the public land laws, including the mining laws except for conveyance under the Recreation and Public Purposes Act.

You may submit comments regarding the proposed classification or conveyance of the land to the BLM Field Office Manager at the address stated above. You may submit comments involving the suitability of the lands for a waste transfer site. Comments on the classification are restricted to the following four subjects:

- (1) Whether the land is physically suited for the proposal;
- (2) Whether the use will maximize the future use or uses of the land;
- (3) Whether the use is consistent with local planning and zoning; and
- (4) If the use is consistent with State and Federal programs.

You may submit comments regarding the specific use proposed in the County's application; and whether the BLM followed proper administrative procedures in reaching the decision. Comments received during this process, including respondent's name, address, and other contact information will be available for public review.

The State Director will review any adverse comments. In the event the public does not submit adverse comments, the classification will become effective no sooner than September 11, 2007. The lands will not be offered for conveyance until after the classification becomes effective.

**FOR FURTHER INFORMATION CONTACT:** Tim Vanek, Realty Specialist, BLM Challis Field Office, (208) 879-6218.

**Authority:** 43 CFR Subpart 2741.

**David Rosenkrance,**  
*Challis Field Manager.*

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**BILLING CODE 4310-GG-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-020-5870-EU; N-66141]

### Notice of Realty Action: Direct (Non-Competitive) Sale of Public Land and Opening Order; Humboldt County, NV

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

**ACTION:** Notice of realty action.

**SUMMARY:** One parcel of public land (Parcel N-66141) located southwest of Winnemucca, Nevada, and totaling 177.31 acres, has been examined and found suitable for disposal utilizing direct sale procedures. The authority for the sale is found under Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) (Pub. L. 94-579), 43 U.S.C. 1713, 1719.

**DATES:** Comments regarding the proposed sale must be received by the Bureau of Land Management (BLM) on or before August 27, 2007.

**ADDRESSES:** Comments regarding the proposed sale should be addressed to Field Manager, BLM, Winnemucca Field Office, 5100 East Winnemucca Blvd., Winnemucca, Nevada 89445.

#### FOR FURTHER INFORMATION CONTACT:

Information regarding the proposed sale can be obtained at the public reception desk at the BLM, Winnemucca Field Office, from 7:30 a.m. to 4:30 p.m., Monday through Friday (except Federal holidays), or by contacting Barbara Kehrberg, Realty Specialist, at the above address, or at (775) 623-1500, or by e-mail [bkehrberg@nv.blm.gov](mailto:bkehrberg@nv.blm.gov). For general information on the BLM's public land sale procedures, refer to the following Web address: <http://www.blm.gov/nhp/what/lands/realsales.htm>.

**SUPPLEMENTARY INFORMATION:** Parcel N-66141 is located approximately 6 miles west of the city of Winnemucca, Nevada, west of Airport Road, south of and adjacent to the Union Pacific Railroad tracks, and is described as follows:

#### Mount Diablo Meridian

T. 35 N., R. 37 E.  
Sec. 16, lots 3, 8, 10, 11, 15, 16, and 17.

The area described contains 177.31 acres, more or less, in Humboldt County.

This parcel of public land is proposed for sale to the City of Winnemucca, Nevada, at no less than the appraised fair market value (FMV) of \$210,000.00, as determined by the authorized officer. An appraisal report has been prepared by a State-certified appraiser for the purposes of establishing the FMV.

Consistent with Section 203 of FLPMA, a tract of the public land may

be sold where, as a result of approved land use planning, the sale of the tract meets the disposal criteria of that section. The lands described above are identified as suitable for disposal in the BLM Sonoma-Gerlach Management Framework Plan (MFP) signed July 9, 1982, and in the BLM Paradise-Denio and Sonoma-Gerlach Management Framework Plan Lands Amendment (Amendment), signed January 1999. The proposed disposal action is consistent with the objectives, goals, and decisions of the MFP and Amendment. MFP objective and decision L2.2 provides that the Winnemucca Field Office should dispose of this property to local governmental entities as identified by a local government, consistent with community plans.

This sale also meets the criteria found in 43 CFR 2710.0-3(a)(2), which states: "Disposal of such tract shall serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on lands other than public lands and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership." The City of Winnemucca needs these lands to provide rail transportation to the City-developed industrial park and for proposed airport expansion.

The disposal (sale) of Parcel N-66141 also meets the criteria found under 43 CFR 2710.0-3(a)(3), which authorizes disposal where "such tract, because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands". The lands are isolated, surrounded by private lands, or intermingled with private lands as to make them difficult to manage for any Federal purpose. Parcel N-66141 is bordered on the north by the Union Pacific Railroad, on the east and south by city-owned property, and on the west by private property. There is no existing legal access to the subject lands.

Regulation 43 CFR 2711.3-3(a), provides that "direct sales (without competition) may be utilized, when in the opinion of the authorized officer, a competitive sale is not appropriate and the public interest would best be served by a direct sale. Examples include, but are not limited to: (1) A tract identified for transfer to State or local government." As noted above, these lands were identified in the MFP as to be disposed of to only a local governmental entity.

The BLM prepared a preliminary Environmental Assessment (EA) and

provided a 30-day comment period. All comments received have been considered and incorporated into the EA and Decision Record. The EA Number NV-020-06-EA-08, Decision Record, Environmental Site Assessment, map, and approved appraisal report covering the proposed sale are available for review at the BLM, Winnemucca Field Office, in Winnemucca, Nevada, at the address listed above.

#### Termination of Exchange Segregation

Lands described in this Notice were previously segregated under Exchange file N-80983, but a decision has been made not to proceed with this exchange. This Notice officially terminates that Exchange Segregation of the described lands. Pursuant to 43 CFR 2201.1-2(c) (2), this Notice will also serve as an opening order to restore the above described lands to operation of the sale provisions of sections 203 and 209 of the FLPMA, 43 U.S.C. 1713, 1719, and not the general mining laws, as of 7:30 a.m. on July 13, 2007.

#### Sales Segregation

Publication of this Notice in the **Federal Register** segregates the subject land from all forms of appropriations under the public land laws, including the general mining laws, except sale under the Sections 203 and 209 of FLPMA. The segregation will terminate upon issuance of the patent, upon publication in the **Federal Register** of a termination of the segregation, on July 13, 2009, whichever occurs first.

#### Terms and Conditions of Sale

The patent issued would contain the following numbered reservations, covenants, terms and conditions:

1. 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).

2. Oil, gas, and geothermal resources are reserved from the land sold; permittees, licensees, and lessees retain the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and any regulations that the Secretary of the Interior may prescribe, including all necessary access and exit rights.

3. All valid existing rights.

4. A right-of-way authorized under the Act of March 4, 1911, 36 Stat. 1253, (43 U.S.C. 961), for an aerial transmission line granted to Sierra Pacific Power Company, its successor or assignees, by right-of-way NEV-042767, for Parcel N-66141.

5. A right-of-way authorized under Title V of FLPMA, (43 U.S.C. 1761), for an aerial transmission line granted to

Sierra Pacific Power Company, its successor or assignees, by right-of-way NVN-041642, for Parcel N-66141.

6. The patentee, by accepting patent, agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind arising from the past, present, or future acts or omissions of the patentee, its employees, agents, contractors, lessees, or any third-party arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property resulting in: (1) Violations of Federal, State, and local laws and regulations that are now, or in the future become, applicable to the real property; (2) Judgments, claims, or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), pollutant(s) or containment(s), and/or petroleum product or derivative of a petroleum product, as defined by Federal and State environmental laws, off, on, into, or under land, property, and other interests of the United States; (5) Other activities by which solid or hazardous substance(s), pollutant(s) or contaminant(s), and/or petroleum product or derivative of a petroleum product, or waste(s), as defined by Federal and State environmental laws, are generated, released, stored, used, or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substance(s) or waste(s), pollutant(s) or contaminant(s), and/or petroleum product or derivative of a petroleum product; or (6) natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

7. Pursuant to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), (43 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), notice is hereby given that the above-described lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for one year or more, nor have any hazardous substances been disposed of or released on the subject property.

No warranty of any kind, expressed or implied, is given by the United States as

to the title, physical condition, or potential uses of the parcel of land proposed for sale, and the conveyance of any such parcel will not be on a contingency basis. It is the buyer's responsibility to be aware of all applicable Federal, State, and local government policies and regulations that would affect the subject lands. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

In the event of a sale, the unreserved mineral interests will be conveyed simultaneously with the sale of the land. These unreserved mineral interests have been determined to have no known mineral value pursuant to 43 CFR 2720.0-6 and 2720.2(a). Acceptance of the sale offer will constitute an application for conveyance of those unreserved mineral interests. The purchaser will be required to pay a \$50.00 non-refundable filing fee for conveyance of mineral interests, and for payment of publication costs. The purchaser must remit the remainder of the purchase price within 180 days from the date the sale offer is received. Payments must be by certified check, postal money order, bank draft, or cashiers check payable to the U.S. Department of the Interior—BLM. Failure to meet conditions established for this sale will void the sale and any monies received will be forfeited.

#### Public Comments

The subject parcel of land will not be offered for sale prior to the 60-day publication of this Notice of Realty Action. For a period until August 27, 2007, interested persons may submit written comments to the BLM Winnemucca Field Office at the address listed above. Facsimiles, telephone calls, and e-mails are unacceptable means of notification.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the Nevada State Director, who may sustain, vacate, or modify this realty action and issue a final determination.

(Authority: 43 CFR 2711.1-2(a))

**Rodger T. Bryan,**  
*Acting Field Manager, Winnemucca.*  
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**BILLING CODE 4310-HC-P**

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management, Interior

[ID-410-1232-FU-ID27]

#### Notice of Intent to Collect Fees on Public Land in Kootenai County, ID Under the Federal Lands Recreation Enhancement Act

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

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to applicable provisions of the Federal Lands Recreation Enhancement Act (REA), 16 U.S.C. 6801, *et seq.*, the Bureau of Land Management (BLM)'s Coeur d'Alene Field Office is proposing to begin collecting fees in 2008 at the Mineral Ridge Public Boat Launch site on Lake Coeur d'Alene, Kootenai County, Idaho. The site is located within section 1 of Township 49 North, Range 3 West.

**DATES:** The public comment period will expire on August 13, 2007. The public is encouraged to participate in the public comment period. Effective six months after the publication of this notice, the BLM Coeur d'Alene Field Office will initiate fee collection at the Mineral Ridge Public Boat Launch site. The Coeur d'Alene District Resource Advisory Council (RAC) was presented this proposal on December 6, 2006 and supports initiation of fees at this site. Fees will be established by separate supplemental rules pursuant to 43 CFR 8365.1-6. Future adjustments in the fee amount will be modified in accordance with the Coeur d'Alene Field Office Recreation Fee Business Plan, consultation with the Coeur d'Alene District RAC and other public notice prior to a fee increase.

**ADDRESSES:** Mail: Field Manager, Coeur d'Alene Field Office, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815.

**FOR FURTHER INFORMATION CONTACT:** Eric Thomson, Field Manager, or Brian White, Outdoor Recreation Planner, Coeur d'Alene Field Office, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815. (208) 769-5030 or (208) 769-5031.

**SUPPLEMENTARY INFORMATION:** The Coeur d'Alene Field Office is proposing a fee structure of \$4.00 per vehicle for parking and/or boat launching at the

Mineral Ridge Boat Launch site which is commensurate with other public facilities on Lake Coeur d'Alene. An annual pass would be available for \$30.00 that would additionally be accepted at the BLM's Blackwell Island Public Boat Launch which is also located on Lake Coeur d'Alene. Development of this site is consistent with the Emerald Empire Management Framework Plan (1981) and was analyzed in the Coeur d'Alene Lake Recreation Area Management Plan Environmental Assessment of May, 1993.

The BLM is committed to providing, and receiving fair value for the use of, developed recreation facilities and services in a manner that meets public use demands, provides quality experiences and protects important resources. The BLM's policy is to collect fees at all specialized recreation sites, or where the BLM provides facilities, equipment or services, at federal expense, in connection with outdoor use. In an effort to meet increasing demands for services and maintenance of developed facilities, the BLM would implement a fee program for the Mineral Ridge Public Boat Launch. The BLM's mission for the site is to ensure that funding is available to maintain existing facilities and recreational opportunities, to provide for law enforcement presence, to develop additional services, and to protect resources. This mission entails communication with those who will be most directly affected by this project, including recreationists, other recreation providers, partners, neighbors, elected officials, other agencies and others who have a stake in addressing concerns that may arise from the BLM management of the site.

Under section 3(g) of the REA, the Mineral Ridge Public Boat Launch on Lake Coeur d'Alene qualifies as a site wherein visitors can be charged an "Expanded Amenity Recreation Fee." Visitors wishing to use the amenities at the site could purchase a recreation use permit (RUP) as described in 43 CFR Part 2930. Pursuant to the REA and implementing regulations at 43 CFR Subpart 2933, fees may be charged for day-use facilities such as the Mineral Ridge Public Boat Launch. Specific visitor fees and payment instructions will be clearly posted on site. Persons holding the America the Beautiful—The National Parks and Federal Recreational Lands—Senior Pass (i.e. Interagency Senior Pass), a Golden Age Passport, or the America the Beautiful—The National Parks and Federal Recreational Lands—Access Pass (i.e. Interagency Access Pass) or a Golden Access Passport will be entitled to a 50 percent