

**Authority:** 43 CFR 1784.4–2.

**Dennis C. Teitzel,**  
Prineville District Manager.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[19XL5017AR.LLUT921000.L54200000.  
BX0000.LVDIJ19J0010; UTU–94260]

#### Notice of Application for Recordable Disclaimer of Interest in Public Highway Rights-of-Way; Manganese Road in Washington County, UT

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

**ACTION:** Notice.

**SUMMARY:** On May 9, 2019, the State of Utah and Washington County (Applicants) filed an application with the Bureau of Land Management (BLM) for a Recordable Disclaimer of Interest (RDI) from the United States in a public highway right-of-way identified by BLM Serial Number UTU–94260 for Manganese Road in Washington County, Utah. An RDI, if issued, would disclaim the United States' interest in this public highway right-of-way. This Notice is to notify the public of the pending application and the Applicants' grounds supporting it. Specific details of the application are provided in the **SUPPLEMENTARY INFORMATION** section.

**DATES:** Submit written comments on this application on or before December 9, 2019. Public comments may be mailed or hand delivered to the BLM office address below. Comments on the Manganese Road should reference BLM Serial Number UTU–94260. The BLM will not consider comments received via telephone calls or faxes.

**ADDRESSES:** You may submit comments via mail or email on the State and Washington County's application for an RDI. Email comments may be submitted to [blm\\_ut\\_rdi@blm.gov](mailto:blm_ut_rdi@blm.gov). Written comments may be provided to Melinda Moffitt, Project Manager (R.S. 2477), BLM Utah State Office (UT–921), 440 West 200 South, Suite 500, Salt Lake City, Utah 84101–1345.

**FOR FURTHER INFORMATION CONTACT:** Melinda Moffitt, Project Manager (R.S. 2477), BLM Utah State Office at the above address or phone (801) 539–4045 and email to [blm\\_ut\\_rdi@blm.gov](mailto:blm_ut_rdi@blm.gov). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact the above individual. The FRS is available 24

hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** Section 315 of the Federal Land Policy and Management Act (FLPMA) of 1976, as amended (43 U.S.C. 1745), and the regulations at 43 CFR 1864 authorize the BLM to issue an RDI where: (1) The disclaimer will help remove a cloud on title, and (2) a record interest of the United States in lands has terminated by operation of law or is otherwise invalid.

In their application, the Applicants identify that the BLM's continued management and regulation of the Manganese Road, *i.e.*, the claimed Revised Statute (R.S.) 2477 (43 U.S.C. 932, repealed October 21, 1976) right-of-way that is the subject of the application, and the Applicants' Quiet Title Act lawsuit that seeks to quiet title in the road represent a cloud on the Applicants' title. Further, the Applicants assert that they hold a joint and undivided property interest in the public highway right-of-way for the Manganese Road as granted pursuant to the authority provided by R.S. 2477 over public lands administered by the BLM.

The Manganese Road is approximately 10.18 miles in length, located in western Washington County, and it extends from the Gunlock Road west to the Motoqua Road. It crosses approximately 9.88 miles of public lands administered by the BLM in townships 40 south, ranges 17 and 18 west, Salt Lake Meridian, Utah. The RDI application pertains only to those road segments across public lands administered by the BLM. One road segment is approximately 0.3 miles long across private property and is not a part of the application. This private property segment is the eastern 0.3 mile segment of the Manganese Road that connects to the Gunlock Road and crosses sections 28 and 29 of township 40 south, range 17 west, Salt Lake Meridian, Utah.

Application information submitted by the Applicants indicates that initial use of Manganese Road began no later than the 1940s. The road was and currently is used for grazing, ranching, hunting, wood gathering, prospecting, recreation, and general public access in the local area. The surface of the road is gravel and native soil and is graded throughout its length.

The Applicants submitted the following information with the application:

1. Narrative description of the location, characteristics and attributes of Manganese Road. The travel surface width ranges from 21 to 68 feet.

2. Centerline description of the road based on Global Positioning System (GPS) data.

3. Detailed descriptions of the right-of-way passing through public lands including beginning and end points, surface type, and disturbed width.

4. Maps showing the location of the public highway right-of-way.

5. Aerial photography dated 1976.

6. Depositions by seven persons attesting to the location of the road; its establishment as a public highway prior to October 21, 1976; familiarity with the character and attributes of the road including type of travel surface, disturbed width, associated improvements and ancillary features such as culverts, cattle-guards, etc.; current public usage of the road; the historic and current purposes for which the road is used; and evidence of periodic maintenance.

7. Recent photographs and 360 degree video depictions of the road at various points along its alignment.

The Applicants did not identify any known adverse claimants of the public highway right-of-way.

If approved, the RDI document would disclaim the United States' interest in the public highway right-of-way as of the date of the disclaimer document. The BLM's RDI document would disclaim the United States' interest in, or ownership of, specified interests in lands, but the disclaimer would not grant, convey, transfer, remise, quitclaim, release or renounce any title or interest in the lands, nor would it release any tax, judgment, or lien, or any other mortgage, deed or trust, or other security interest in lands that are held by or for the benefit of the United State or any instrumentality of the United States. This Notice is to inform the public of the pending application and the Applicants' supporting evidence, as well as to provide the opportunity to comment or provide additional information to the BLM.

The BLM will not make a final determination on the Applicants' application before February 6, 2020. Interested parties and the public will have 30 days to provide comment and are encouraged to access the BLM RDI public web page at <https://www.blm.gov/programs/lands-and-realty/utah/rdi> to review a copy of the application and supporting evidence. Additionally, copies of the application materials are available for public review at the BLM Utah State Office (see **ADDRESSES** above), during regular business hours, 7:45 a.m. to 4:30 p.m. local time, Monday through Friday, except holidays.

Before including your address, phone number, email 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 the BLM in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 43 CFR 1864.

**Edward Roberson,**  
State Director.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Availability of the Final Environmental Impact Statement for the Proposed Dairy Syncline Mine and Reclamation Plan, Caribou County, Idaho

**AGENCY:** Bureau of Land Management, Interior; United States Forest Service, Agriculture.

**ACTION:** Notice of Availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Land Management (BLM), Idaho Falls District, and the U.S. Department of Agriculture, Forest Service (USFS) Caribou-Targhee National Forest (CTNF), have prepared a Final Environmental Impact Statement (EIS) for the proposed Dairy Syncline Mine Project (Project) and by this notice are announcing its availability. This notice also announces the availability of the associated Proposed Resource Management Plan (RMP) Amendment for the 2012 BLM Pocatello Resource Management Plan, in accordance with the Federal Land Policy and Management Act of 1976, as amended.

**DATES:** BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed RMP Amendment. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental

Protection Agency publishes its Notice of Availability (NOA) in the **Federal Register**. A 60-day objection period for the Draft USFS Record of Decision (ROD) will start when the USFS publishes a legal notice in the newspaper of record.

**ADDRESSES:** Copies of the Dairy Syncline Mine and Reclamation Plan Final EIS and Proposed RMP Amendment are available for public inspection at the BLM Pocatello Field Office at 4350 Cliffs Drive, Pocatello, ID 83204. Interested persons may also review the Final EIS on the internet at the following locations:

- *BLM Land Use Planning and NEPA Register:* <https://go.usa.gov/xUjcA>.
- Caribou-Targhee National Forest Current and Recent Projects <http://www.fs.usda.gov/projects/ctnf/landmanagement/projects>.

All protests must be in writing and filed with the BLM Director, either as a hard copy or electronically via the BLM's ePlanning project website listed previously. To submit a protest electronically, go to the ePlanning project website and follow the protest instructions highlighted at the top of the home page. If submitting a protest in hard copy, it must be mailed to one of the following addresses:

*Regular Mail:* BLM Director (210), Attention: Protest Coordinator, P.O. Box 71383, Washington, DC 20024-1383

*Overnight Delivery:* BLM Director (210), Attention: Protest Coordinator, 20 M Street SE, Room 2134LM, Washington, DC 20003

**FOR FURTHER INFORMATION CONTACT:** Bill Stout, BLM Pocatello Field Office, 4350 Cliffs Drive, Pocatello, ID 83204; phone (208) 478-6367; email: [jwstout@blm.gov](mailto:jwstout@blm.gov); fax (208) 478-6376. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact Mr. Stout. The FRS is available 24 hours a day, 7 days a week, to leave a message or question for Mr. Stout. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The J.R. Simplot Company (Simplot) submitted a Mine and Reclamation Plan (MRP) application for agency review to extract phosphate rock from the Dairy Syncline leases (IDI-28115 and IDI-0258) located approximately 14 miles east of Soda Springs in Caribou County, Idaho.

The BLM, as the Federal mineral lease administrator, is the lead agency, and the USFS is the co-lead agency for preparation of the EIS. The proposed project would disturb about 2,770 acres as described in the Final EIS. In order

to accommodate the proposed tailings pond, the BLM proposes a land sale and the USFS is considering a land exchange. The BLM land sale would require an amendment to the current Pocatello RMP and the land exchange would require a Forest Plan Amendment. The proposed decision to amend the 2012 Pocatello RMP clarifies that the lands proposed for sale meet the FLPMA 203(a) sale criteria and is the only decision subject to protest.

The NOA for the Draft EIS published on November 23, 2018, initiating a 90-day public comment period. Agencies, organizations, and interested parties provided comments on the Draft EIS/Draft RMP Amendment via mail, email, and public meetings. Comments on the Draft EIS/Draft RMP Amendment received from the public and internal BLM review were considered and incorporated, as appropriate, into the Final EIS and proposed plan amendment. Public comments resulted in the addition of clarifying text, but did not significantly change the proposed land use plan decisions.

The Final EIS fully addresses issues identified during scoping and during public review of the Draft EIS, and evaluates alternatives to the Proposed Action, including a No Action Alternative. The agency Preferred Alternative is the Proposed Action modified by Alternative 3 (reduces acreage of BLM land sale), Alternative 5 (reduce acreage of USFS land exchange), and Alternative 6 (reduces impacts to groundwater). The modifications made to the Proposed Action, making up the Preferred Alternative, result in a net gain of Federal land acreage and the fewest impacts to surface and groundwater of all the action alternatives.

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP Amendment may be found online at <https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest> and at 43 CFR 1610.5-2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above or submitted electronically through the BLM ePlanning project website as described above. Protests submitted electronically by any means other than the ePlanning project website protest section will be invalid unless a protest is also submitted in hard copy. Protests submitted by fax will also be invalid unless also submitted either through the ePlanning project website or in hard copy.

The BLM and USFS will make separate but coordinated decisions