

documented on the BLM public land records at the time of sale;

4. Rights for a railroad granted to Los Angeles and Salt Lake Railroad Company, its successors and assigns, by BLM right-of-way No. CC-014956, pursuant to the Act of February 15, 1901 (30 Stat 790; 43 U.S.C. 959);

5. Rights for an aerial telephone line granted to Central Telephone, its successors and assigns, by BLM right-of-way No. N-03983, pursuant to the Act of February 15, 1901 (30 Stat 790; 43 U.S.C. 959);

6. Rights for an overhead distribution powerline and substation granted to Nevada Power, its successors and assigns, by BLM right-of-way No. N-58888, pursuant to section 501 of FLPMA (43 U.S.C. 1761).

7. Rights for a temporary use area granted to Nevada Power with an expiration date of February 27, 2007, its successors and assigns, by BLM right-of-way No. N-58888-02, pursuant to section 501 of FLPMA (43 U.S.C. 1761).

8. Rights for a natural gas pipeline granted to the Southwest Gas Corporation, its successors and assigns, by BLM right-of-way No. N-60107, pursuant to the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 185 Sec.28).

9. Rights for a highway granted to Nevada Department of Transportation, its successors and assigns, by BLM right-of-way No. Nev-012728, pursuant to the Act of August 27, 1958 (62 Stat. 892; 23 U.S.C. 107(D)).

The patentee, by accepting a patent, covenants and 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 or nature arising from the past, present, and future acts or omissions of the patentees or their employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentees' use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentees and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now or may 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 substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (5) Activities by which solids or hazardous substances or wastes, 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 substances or wastes; or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the above described parcel of land patented or otherwise conveyed by the United States, and may be enforced by the United States in a court of competent jurisdiction.

No warranty of any kind, express or implied is given or will be given by the United States as to the title, physical condition or potential uses of the land proposed for sale. However, to the extent required by law, such land is subject to the requirements of section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended (42 U.S. C. 9620(h)).

Publication of this notice in the **Federal Register** temporarily segregates the above described land from appropriation under the public land laws, including the mining laws. The segregative effect of this notice will terminate upon issuance of a patent or upon expiration of 270 days from the date of publication in the **Federal Register**, whichever occurs first (43 CFR 2711.1-2(d)). The above described land was previously segregated from mineral entry under BLM case file number N-66364, with record notation as of October 19, 1998. This previous segregation will terminate upon publication of this notice in the **Federal Register**.

Detailed information concerning the proposed sale, including an environmental assessment and the approved appraisal report is available for review at the BLM Las Vegas Field Office at the address above. The Field Manager, BLM, Las Vegas Field Office, will review the comments of all interested parties concerning the sale. To be considered, comments must be received at the BLM Las Vegas Field Office on or before the date stated above in this notice for that purpose. Comments received during this process, including respondent's name, address, and other contact information, will be available for public review. Individual respondents may request

confidentiality. If you wish to request that BLM consider withholding your name, address, and other contact information from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. The BLM will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. The BLM will make available for public review, in their entirety, all comments submitted by businesses or organizations, including comments by individuals in their capacity as an official or representative of a business or organization. Any adverse comments will be reviewed by the BLM, Nevada State Director.

In the absence of any adverse comments, the decision will become effective on July 31, 2006. The lands will not be offered for sale until after the decision becomes effective.

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

Dated: April 20, 2006.

**Sharon DiPinto,**

*Assistant Field Manager, Division of Lands, Las Vegas, Nevada.*

[FR Doc. E6-8257 Filed 5-26-06; 8:45 am]

**BILLING CODE 4310-HC-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-210-1430-01; NMNM113248]

#### Notice of Realty Action—Recreation and Public Purpose (R&PP) Act Classification, New Mexico

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

**ACTION:** Notice of R&PP lease/patent of public land in McKinley County; New Mexico.

**SUMMARY:** The following described public land is determined suitable for classification for leasing or conveyance to the Faith Tabernacle Navajo Missions Church, Ojo Encino, New Mexico under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 et seq.). The Faith Tabernacle Navajo Missions Church proposes to use the land for a church with related buildings, and recreational facilities to serve the residents of the area.

#### New Mexico Principal Meridian

T. 20 N., R. 5 W.,  
Sec. 15:E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 5 acres, more or less.

**Comment Dates:** On or before July 14, 2006 interested parties may submit

comments regarding the proposed leasing/conveyance or classification of the lands to the Bureau of Land Management at the following address. Any adverse comments will be reviewed by the Bureau of Land Management, Farmington District Manager, 1235 La Plata Highway, Farmington, NM 87401, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action becomes the final determination of the Department of the Interior and effective July 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mary Jo Albin, Realty Specialist, at the Bureau of Land Management, Farmington Field Office, at (505) 599-6332. Information related to this action, including the environmental assessment, is available for review at the 1235 La Plata Highway, Farmington, NM 87401.

**SUPPLEMENTARY INFORMATION:** Publication of this notice segregates the public land described above from all other forms of appropriation under the public land laws, including the general mining laws, except for leasing and conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws for a period until November 30, 2007. The segregative affect will terminate upon issuance of the lease and patent to the Faith Tabernacle Navajo Missions Church, or eighteen months from the date of this publication, whichever occurs first.

The lease, when issued, will be subject to the following terms:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.
2. Provisions of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. 6901-6987 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. 9601 and all applicable regulations.
3. Provisions of Title VI of the Civil Rights Act of 1964.

4. Provisions that the lease be operated in compliance with the approved Development Plan.

The patent, when issued, will be subject to the following terms:

1. Reservation to the United States of a right-of-way for ditches and canals in accordance with 43 U.S.C. 945.
2. Reservation to the United States of coal.
3. All valid existing rights, e.g. rights-of-way and leases of record.
4. Provisions that if the patentee or its successor attempts to transfer title to or

control over the land to another or the land is devoted to a use other than that for which the land was conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits it agents, employees, contractors, or subcontractors, including without limitation, lessees, sublessees and permittees, to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities whereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States.

The lands are not needed for Federal purposes. Leasing and later patenting is consistent with current Bureau of Land Management policies and land use planning. The proposal serves the public interest since it would provide a church, related buildings, and recreation facilities that would meet the needs of the surrounding population.

**Authority:** 43 CFR part 2741.

Dated: April 24, 2006.

**Ray Sanchez,**

*Acting Assistant District Manager, Lands and Renewable Resources.*

[FR Doc. E6-8261 Filed 5-26-06; 8:45 am]

**BILLING CODE 4310-VB-P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Outer Continental Shelf, Headquarters, Cape Wind Offshore Wind Development 2007

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), request for written scoping comments and invitation for participation by cooperating agencies.

**SUMMARY:** The MMS has received a request from Cape Wind Associates, LLC (CWA) for a lease, easement or right-of-way to construct and operate a wind park located in Federal waters 4.7 miles offshore Cape Cod, Massachusetts. The purpose of this project is to provide a utility-scale wind energy facility providing power to the New England power grid. By this document, the MMS announces: (1) Its intention to prepare an EIS; (2) commencement of a 45-day written scoping period under the National Environmental Policy Act (NEPA); and (3) invitation for participation by interested cooperating agencies.

**DATES:** Comments must be received no later than July 14, 2006 in envelopes

labeled "Comments on the Notice of Intent to Prepare an EIS for Proposed Cape Wind Project." Further instructions on submitting comments is contained in Section 3 of the

#### SUPPLEMENTARY INFORMATION

**FOR FURTHER INFORMATION CONTACT:** Dr. Rodney E. Cluck, Project Coordinator, at (703) 787-1087 in MMS's Headquarters office regarding questions on the NOI.

#### SUPPLEMENTARY INFORMATION

### 1. Background

In November 2001, CWA filed a permit application with the U.S. Army Corps of Engineers (USACE), New England District, under section 10 of the Rivers and Harbors Act of 1899, in anticipation of constructing a wind park located on Horseshoe Shoal in Nantucket Sound, Massachusetts. The proposed wind park would consist of 130 offshore wind turbine generators arranged to maximize the park's maximum potential electric output of approximately 454 megawatts. The wind-generated electricity from each of the turbines would be transmitted via a 33 kilovolt submarine transmission cable system to a centrally located electric service platform. This platform would transform and transmit electric power to the Cape Cod mainland (12+ miles) via two 115 kilovolt lines, where it would ultimately connect with the existing power grid.

The Energy Policy Act of 2005 was enacted on August 8, 2005, giving the Department of the Interior authority for issuing leases, easements, or rights-of-way for alternative energy projects on the Outer Continental Shelf (OCS). Since its establishment in 1982, the DOI's Minerals Management Service (MMS) has been responsible for management of oil, natural gas, and other mineral resource activities on offshore Federal lands. With the new authority in the Energy Policy Act of 2005, the MMS will now also manage the alternative energy-related uses on Federal OCS lands, act as a lead agency for coordinating the permitting process with other Federal agencies, and monitor and regulate those facilities used for alternative energy production and energy support services. As such, the MMS must comply with NEPA when considering the CWA application.

In addition to the MMS' analysis under NEPA, the Massachusetts Environmental Policy Act (MEPA) will apply to the project's upland and submarine cable system components in Nantucket Sound out to the 3-mile State/Federal boundary. In order to address all the environmental analyses in the most efficient manner, the State