

1. Subject to valid existing rights, administrative jurisdiction of the following described public lands, including the mineral estate, is hereby transferred to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge:

#### New Mexico Principal Meridian

T. 41 N., R. 10 E.,  
Sec. 12, lot 1.  
T. 42 N., R. 10 E.,  
Sec. 12, lots 1 and 2;  
Sec. 13, lots 1 and 2;  
Sec. 24, lots 1 and 2;  
Sec. 25, lots 1 and 2.  
T. 43 N., R. 10 E.,  
Sec. 34, W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 41 N., R. 11 E.,  
Sec. 14, lots 1 to 4, inclusive, and S $\frac{1}{2}$ ;  
Sec. 23, N $\frac{1}{2}$  and SW $\frac{1}{4}$ .  
The areas described aggregate 1,178.57 acres in Saguache County.

2. Subject to valid existing rights, administrative jurisdiction of the reserved Federal mineral estate in the lands described below is hereby transferred to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge:

#### New Mexico Principal Meridian

T. 42 N., R. 10 E.,  
Sec. 2, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 42 N., R. 10 E.,  
Sec. 13, SW $\frac{1}{4}$ ;  
Sec. 24, W $\frac{1}{2}$ .  
T. 43 N., R. 10 E.,  
Sec. 23, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 41 N., R. 11 E.,  
Sec. 15, fractional N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 21, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 22, E $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ ;  
Sec. 26, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 34, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
Sec. 35, NE $\frac{1}{4}$  and SW $\frac{1}{4}$ .  
The areas described aggregate 3,991.40 acres in Saguache County.

3. In accordance Section 7(e) of Public Law 106-530, the lands and minerals described in Paragraphs 1 and 2 are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; location, entry and patent under the mining laws; and disposition under all laws relating to mineral and geothermal leasing. Future use and disposition of the lands and minerals described in this order shall be in accordance with the provisions of Public Law 106-530.

Dated: July 19, 2005.

**Rebecca W. Watson,**

*Assistant Secretary—Land and Minerals Management.*

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**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-065-5440 FR F514; N-62049]

#### Notice of Realty Action: Recreation and Public Purposes Act Classification for Conveyance; Esmeralda County, NV

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

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM) has examined and found suitable for classification for conveyance, under the provisions of the Recreation and Public Purposes (R&PP) Act of 1926, as amended (43 U.S.C. 869 *et seq.*), approximately 29.29 acres of public land near the community of Dyer, Esmeralda County, Nevada. Esmeralda County proposes to acquire and manage the parcel as a solid waste transfer station and drop box facility.

**ADDRESSES:** Send written comments to the Assistant Field Manager, BLM Tonopah Field Station, P.O. Box 911, Tonopah, Nevada 89049. 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 89049.

#### FOR FURTHER INFORMATION CONTACT:

Wendy Seley, Realty Specialist, Bureau of Land Management, Tonopah Field Station, at (775) 482-7806 or the address listed above.

**SUPPLEMENTARY INFORMATION:** The following described public land, is hereby classified as suitable for conveyance under the provisions of the R&PP Act (43 U.S.C. 869 *et seq.*):

#### Mount Diablo Meridian, Nevada

T. 3 S., R. 35 E.  
Sec. 36, lots 4, 5, 6, 7

Containing 29.29 acres, more or less, in Esmeralda County.

Esmeralda County has applied for patent to the public land under the R&PP Act. Esmeralda County proposes to use and manage the land for a municipal solid waste transfer station and drop box facility. The subject land is identified in the Tonopah Resource Management Plan, approved October 2, 1997, as not needed for federal purposes.

The conveyance is consistent with current Bureau planning for this area and would be in the public interest. The patent, when issued, 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, 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 such regulations as the Secretary of the Interior may prescribe.

3. A right-of-way authorized under the Act of October 21, 1976, (43 U.S.C. 1761) for powerline purposes granted to Valley Electric Association, its successors or assigns, by right-of-way No. Nev 051579.

4. A right-of-way authorized for a Federal Aid Highway (sec. 17) under the Act of November 9, 1921, as amended, (042 Stat. 0216) by right-of-way No. Nev 09885 granted to the Nevada Department of Transportation, its successors or assigns.

5. A right-of-way authorized under the Act of October 21, 1976 (43 U.S.C. 1761), for telephone and telegraph purposes granted to Nevada Bell, its successors or assigns, by right-of-way No. N-35352 and will be subject to:

1. All valid existing rights documented on the official public land records at the time of patent issuance.

Patent will contain the following provisions:

1. Esmeralda County, a political subdivision of the State of Nevada, 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. 3 S., R. 35 E., section 36, lots 4, 5, 6, 7, regardless of whether such claims shall be attributable to: (1) The concurrent,

contributory, or partial fault, failure or negligence of the United States; (2) the sole fault, failure, or negligence of the United States.

2. A portion of the above described land was used as a solid waste disposal site, and will be used as a solid waste transfer station and drop box facility. Upon closure, the site may contain small quantities of commercial and household wastes as determined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901), and defined in 40 CFR 261.4 and 261.5. Although there is no indication these materials pose any significant risk to human health or the environment, future land uses should be limited to those which do not penetrate the liner of final cover of the site unless excavation is conducted subject to applicable State and Federal requirements.

3. 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.

A portion of the subject lands (19.70 acres, according to the survey records as of October 20, 2003) were previously classified and segregated for the purposes of a lease or sale under N-24695, authorizing a sanitary landfill pursuant to the Recreation and Public Purposes Act. Commencing on August 10, 2005, above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws. Interested parties may submit comments regarding the proposed conveyance or classification of the lands until September 26, 2005.

On August 26, 1997, Esmeralda County filed a R&PP application for approximately 20 acres of public land to be developed as a drop box facility with related facilities. A supplemental plat map was issued on October 21, 2003, increasing the application size to 29.29 acres. Esmeralda County is a political subdivision of the State of Nevada. Esmeralda County is a qualified local government entity. Additional detailed information pertaining to this application and plan of development is on file in case file N-62049 located at the address listed above.

*Classification Comments:* Interested parties may submit comments involving the suitability of the land for municipal

solid waste transfer station and drop box facility. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, 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 R&PP use.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this notice will become effective October 11, 2005. The lands will not be offered for conveyance until after the classification becomes effective.

**Authority:** 43 CFR 2741.

Dated: June 30, 2005.

**William S. Fisher,**

*Assistant Field Manager, Tonopah.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-111-05-1220-EB-ID33]

#### Cove Recreation Site Use Fees and Supplementary Rules

**AGENCY:** Bureau of Land Management, Boise District, Idaho.

**ACTION:** Establishment of use fees and proposal of supplementary rules at Cove Recreation Site, Owyhee County, Idaho.

**SUMMARY:** The Bureau of Land Management is establishing use fees for the Cove Recreation Site in Birds of Prey National Conservation Area, and proposing supplementary rules at Cove Recreation Site for public use of the campground and day use areas. The fees are authorized by law, and the supplementary rules are necessary for human health and safety and to protect the natural resources of the site.

**DATES:** The use fees for Cove Recreation site will be effective beginning February 6, 2006. You should submit your written comments on the proposed supplementary rules by September 9, 2005. BLM may not necessarily consider or include in the Administrative Record for the final supplementary rules

comments that are received after the close of the comment period (see DATES) or comments delivered to an address other than those listed under ADDRESSES.

#### ADDRESSES:

(1) You may mail comments on the proposed supplementary rules to Bureau of Land Management, Four Rivers Field Office, 3948 Development Avenue, Boise, Idaho 83705; (2) You may hand deliver comments to the Bureau of Land Management, at the same address.

#### FOR FURTHER INFORMATION CONTACT:

Larry Ridenhour, Outdoor Recreation Planner, Bureau of Land Management, Four Rivers Field Office, 3948 Development Avenue, Boise, Idaho 83705 (208) 384-3300.

#### SUPPLEMENTARY INFORMATION:

- I. Procedures for Submitting Comments
- II. Background
- III. Procedural Matters
- IV. Recreation Site Fees and Proposed Supplementary Rules

#### I. Procedures for Submitting Comments

Comments on the proposed supplementary rules should be specific, should be confined to issues pertinent to the proposals, and should explain the reason for any recommended change. Where possible, your comments should reference the specific section or paragraph of the proposed supplementary rules that you are addressing.

BLM will have all comments, including names and addresses, available for public review at the Four Rivers Field Office office in Boise, ID, during regular business hours (8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays). Under certain conditions, BLM can keep your personal information confidential. You must prominently state your request for confidentiality at the beginning of your comment. BLM will consider withholding your name, street address, and other identifying information on a case-by-case basis to the extent allowed by law. BLM will make available to the public all submissions from organizations and businesses and from individuals identifying themselves as representatives or officials of organizations or businesses.

#### II. Background

Cove Recreation Site is a 29-unit campground and day-use site located along C.J. Strike Reservoir, about 35 miles southwest of Mountain Home in southwestern Idaho.

Pursuant to the Federal Lands Recreation Enhancement Act of 2004, a fee per vehicle will be charged for day use and a fee per campsite will be charged for overnight use at Cove Recreation Site. BLM will charge