

appropriate to ensure public access and proper management of the Federal lands and interest therein.

**ADDRESSES:** Detailed information concerning this action is available for review at the Office of the Bureau of Land Management, Arizona Strip District, 345 E. Riverside Drive, St. George, UT 84790.

**DATES:** 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, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. For a period until February 13, 2006, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, Arizona Strip District Office, 345 E. Riverside Drive, St. George, UT 84790.

*Classification Comments:* Interested parties may submit comments involving the suitability of the land for a wastewater treatment 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 a wastewater treatment facility.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective February 27, 2006.

**Scott R. Florence,**  
*District Manager.*

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**BILLING CODE 4310-32-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-055-5853-EU]

#### Notice of Realty Action: Direct Sale of Public Lands in Clark County, NV, N-79693

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

**ACTION:** Notice.

**SUMMARY:** The following described lands, aggregating approximately 5.0 acres, more or less, have been designated for disposal and will be offered as a direct sale of public lands within the City of Henderson in Clark County, Nevada, to M Holdings, LLC.

**DATES:** Comment regarding the proposed sale must be received by the Bureau of Land Management (BLM) on or before February 13, 2006.

**ADDRESSES:** Comments regarding the proposed sale should be addressed to: Field Manager, Las Vegas Field Office, Bureau of Land Management, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89103.

More detailed information regarding the proposed sale and the land involved may be reviewed during normal business hours (7:30 a.m. to 4:30 p.m.) at the Las Vegas Field Office (LVFO).

**FOR FURTHER INFORMATION CONTACT:** You may contact Judy Fry, Program Lead, Sales at (702) 515-5081 or by email at [jfry@blm.gov](mailto:jfry@blm.gov). You may also call (702) 515-5000 and ask to have your call directed to a member of the Sales Team.

**SUPPLEMENTARY INFORMATION:** The lands hereinafter described, consisting of 5.0 acres, more or less, have been authorized and designated for disposal under the Southern Nevada Public Land Management Act of 1998 (112 Stat. 3242), as amended by the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 1994) (hereinafter "SNPLMA"). The land will be offered noncompetitively as a direct sale in accordance with the applicable provisions of Sections 203 and 209 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1713 and 1719), respectively, its implementing regulations, and in accordance with 43 CFR 2710.0-2, at not less than the appraised Fair Market Value (FMV) of the parcel, which has been determined to be \$5,010,000.00.

It is determined that the sale meets the criteria for disposal in FLPMA and the regulations at 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 objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership; and, as stated in (a)(3) that "Such tract, because of its location or other characteristics is difficult and

uneconomic to manage as part of the management by another Federal department or agency.

43 CFR 2711.3-3 (a) states 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: (2) A tract identified for sale that is an integral part of a project of public importance and speculative bidding would jeopardize a timely completion and economic viability of the project; or (4) The adjoining ownership pattern and access indicate a direct sale is appropriate".

The City of Henderson (City), Nevada, has proposed that the 5.0 acre parcel be sold to M Holdings, LLC (MHLLC) as an integral part of a public project of vital economic development importance. The City is further interested in addressing critical transportation needs adjacent to the St. Rose Parkway/Las Vegas Boulevard/Haven Road interchange and enhancing the "gateway" to the City. MHLLC has been cooperative with the City and as the landowner of record, on all four sides of the subject parcel. MHLLC has entered into appropriate transportation and access agreements as part of an overall redevelopment agreement for the surrounding land. Based upon a direct request from the City, MHLLC has agreed to donate approximately 3.0 acres of private land to the City for a new interchange, finance and construct a new intersection for Haven Street from St. Rose Parkway to Bicentennial Parkway, and pay for the light and associated improvements at the proposed intersection.

The City has proposed to the BLM that Federal lands immediately adjacent to the donated property be sold to MHLLC at fair market value to enable MHLLC to replace the donated land and avoid unduly diminishing the size and value of their aggregate property. The City of Henderson expressed specific concerns that speculative bidding on the federal parcel could prevent MHLLC from purchasing the replacement lands, thus stopping the donation and impairing the City's ability to complete the public project. The 3.0 acre donation from MHLLC to the City, which will be recorded in the County, is a term and condition of the FMV direct sale to MHLLC. In the opinion of the authorized officer, a direct sale to MHLLC best serves the public interest.

In this instance, MHLLC's ownership of adjacent parcels meets the regulatory adjoining ownership and access test as well. MHLLC owns parcels adjacent to the federal parcel on all sides and

controls access to the subject parcel from those points. The federal parcel is landlocked, without access, on all sides and overall redevelopment efforts being advanced by MHLLC are an integral part of a project of public importance. Speculative bidding on the subject parcel would serve no useful purpose other than to jeopardize timely completion and economic viability of the project. Finally, the City recognizes MHLLC could suffer a substantial economic loss if the tract were purchased by anyone other than MHLLC, which would ultimately result in substantial economic loss to the City as it relates to redevelopment plan for land surrounding the subject parcel.

The proposed sale is consistent with the BLM Las Vegas Resource Management Plan and would serve important public objectives which cannot be achieved prudently or feasibly elsewhere. The land contains no other known public values. The environmental assessment, map, and approved appraisal report covering the proposed sale are available for review at the BLM, Las Vegas Field Office, Las Vegas, Nevada (LVFO).

#### Land Proposed for Sale

Mount Diablo Meridian, Nevada

T. 23 S., R. 61 E.

Sect. 9, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The lands described above contain 5.0 acres, more or less. Clark County APN No. 191-09-201-006.

When the parcel of land is sold, the locatable mineral interests therein will be sold simultaneously as part of the sale. The land identified for sale has no known locatable mineral value. Acceptance of the offer to purchase will constitute an application for conveyance of the locatable mineral interests. In conjunction with the final payment, the applicant will be required to pay a \$50.00 non-refundable filing fee for processing the conveyance of the locatable mineral interest.

**Terms and Conditions of Sale:** The proposed offer for direct sale to MHLLC is contingent upon the City receiving beforehand the 3.0 acre donation from MHLLC on terms satisfactory to the City. The BLM sale parcel is subject to the following:

1. All discretionary leaseable and saleable mineral deposits are reserved; but, permittees, licensees, and lessees retain the right to prospect for, mine, and remove such 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.

2. A right-of-way is reserved for ditches and canals constructed by

authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. The parcel is subject to valid existing rights. Parcels may also be subject to applications received prior to publication of this Notice if processing the application would have no adverse effect on the federally approved Fair Market Value (FMV).

4. The parcel is subject to reservations for road, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' Transportation Plans.

5. No warranty of any kind, express 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. However, to the extent required by law, all such parcels are subject to the requirements of section 120 (h) of the Comprehensive Environmental Response Compensation and Liability Act, as amended (CERCLA) (42 U.S.C. 9620)(h).

6. All purchasers/patentees, by accepting a patent, agree to indemnify, defend, and hold the United States harmless from any cost, 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 patentee or their employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentee's 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 patentee 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) Cost, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Other 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 patented real property and may be enforced by the United States in a court of competent jurisdiction.

7. Maps delineating the individual proposed sale parcel are available for public review at the BLM LVFO along with the appraisal.

8. Upon acceptance of the offer to purchase, MHLLC will submit 20% of the FMV to Bureau of Land Management (BLM), Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, NV, 89103. On or prior to the expiration of 180 days following payment of the required deposit, MHLLC will remit the balance of the FMV to BLM in the form of a certified check, money order, bank draft or cashier's check made payable to the order of the Bureau of Land Management.

9. The BLM may accept or reject any or all offers, or withdraw any parcel of land or interest therein from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws or are determined to not be in the public interest. If not sold, any parcel described above in this Notice may be identified for sale at a later date without further legal notice.

10. Federal law requires bidders to be U.S. citizens 18 years of age or older; a corporation subject to the laws of any State or of the United States; a State, State instrumentality, or political subdivision authorized to hold property, or an entity including, but not limited to, associations or partnerships capable of holding property or interest therein under the laws of the State of Nevada. Certification of qualification, including citizenship or corporation or partnership, must accompany the bid deposit.

**Additional Information:** In order to determine the value, through appraisal, of the parcel of land proposed to be sold, certain extraordinary assumptions may have been made of the attributes and limitations of the land and potential effects of local regulations and policies on potential future land uses. Through publication of this NORA, the BLM gives notice that these assumptions may not be endorsed or approved by units of local government. It is the buyer's responsibility to be aware of all applicable local government policies, laws, and regulations that would affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility

to be aware of existing or projected use of nearby properties. When conveyed out of federal ownership, the lands will be subject to any applicable reviews and approvals by the respective unit of local government for proposed future uses, and any such reviews and approvals will be the responsibility of the buyer. 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.

**Public Comments:** The BLM Field Manager, Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89103 will receive the comments of the general public and interested parties up to 45 days after publication of this Notice in the **Federal Register**. Any adverse comments will be reviewed by the State Director, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of any adverse comments this realty action will become the final determination of the Department of the Interior. Any comments received during this process, as well as the commentor's name and address, will be available to the public in the administrative record and/or pursuant to a Freedom of Information Act request. You may indicate for the record that you do not wish to have your name and/or address made available to the public. Any determination by the BLM to release or withhold the names and/or addresses of those who comment will be made on a case-by-case basis. A request from a commentor to have their name and/or address withheld from public release will be honored to the extent permissible by law.

**Authority:** 43 CFR 2711.1-2.

Dated: October 26, 2005.

Angie Lara,

Associate Field Manager.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT-020-1220-MA]

#### Final Supplementary Rules on Public Lands Within the Knolls Special Recreation Management Area Managed by the Salt Lake Field Office, Utah

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

**ACTION:** Notice of final supplementary rules.

**SUMMARY:** In accordance with the Knolls Recreation Area Management Plan, the

Bureau of Land Management (BLM), Salt Lake Field Office is issuing final supplementary rules. The BLM has determined that these rules are necessary to enhance the safety of visitors, protect natural resources, improve recreation opportunities, and protect public health.

**DATES:** The rules are effective January 30, 2006.

**ADDRESSES:** You may send inquiries or suggestions to the Bureau of Land Management, Salt Lake Field Office, 2370 S. 2300 W. Salt Lake City, Utah 84119, or via Internet email to: [Mail\\_UT-Salt\\_Lake@ut.blm.gov](mailto:Mail_UT-Salt_Lake@ut.blm.gov).

**FOR FURTHER INFORMATION CONTACT:** Mandy Rigby, Outdoor Recreation Planner, 2370 S. 2300 W. Salt Lake City, Utah 84119, 801-977-4300. Persons who use a telecommunications device for the deaf (TDD) may contact this individual by calling the Federal Information Relay Service (FIRS) at (800) 877-8339, 24 hours a day, 7 days a week.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The BLM is establishing these final supplementary rules under the authority of 43 CFR 8365.1-6. BLM is issuing these supplementary rules because of health and safety concerns due to current off-highway vehicle use within the Knolls Special Recreation Management Area (SRMA). A significant increase in visitation has occurred within the SRMA, which has led to numerous safety concerns including, but not limited to: glass and campfire remains left in sand dune areas, use of dangerous motorcycle jumps, and excessive motor vehicle speed on maintained roads.

##### II. Discussion of Comments

These supplementary rules were published as interim final supplementary rules on September 2, 2005, in the **Federal Register** (70 FR 52440-52443). Comments were solicited in that publication until November 1, 2005, and could be submitted by mail, electronic means, or by telephone. The Salt Lake Field Office received two comments, for which responses are given below. We made no changes as a result of these comments to the supplementary rules.

One comment requested that target shooting be allowed in predefined areas within the Knolls SRMA. An emergency closure to target shooting has been in effect within the Knolls SRMA since July 2000 to protect the safety of visitors. Knolls has been designated as a Special Recreation Management Area

for off-highway vehicle (OHV) use and it was determined that the high amount of OHV use and target shooting are not compatible. Target shooting is still allowed on over 96 percent of lands managed by the BLM Salt Lake Field Office.

The second comment questioned the purpose of the fire pan requirement. Because of the high use that is occurring and will increase at Knolls, we determined that requiring the use of fire pans will help prevent the degradation of the natural appearance of the area due to the proliferation of rock fire rings, fire debris, and blackening of the soil. This allows for the continued use of campfires while maintaining and protecting natural resources for all visitors to enjoy. For groups who desire to build a fire that would go beyond the limits of a fire pan, a permit system has been developed to authorize such use on a case-by-case basis.

##### III. Procedural Matters

###### *Executive Order 12866, Regulatory Planning and Review*

These supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866. These supplementary rules will not have an effect of \$100 million or more on the economy. They are not intended to affect commercial activity, but contain rules of conduct for public use of a certain recreational area. They will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. They will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. These supplementary rules do not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor do they raise novel legal or policy issues. They merely impose certain rules on recreational activities on a limited portion of the public lands in Utah in order to protect human health, safety, and the environment.

###### *National Environmental Policy Act*

BLM has prepared an environmental assessment (EA) and has found that these supplementary rules would not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). These supplementary rules