

The public is encouraged to attend and hear information from BLM about the issue.

**DATES:** Thursday, August 13, 2009, 5:30 p.m. PDT.

**ADDRESSES:** Harney County Senior Center, 17 South Alder, in Burns, Oregon.

**FOR FURTHER INFORMATION CONTACT:** Tara Martinak, (541) 573-4519, or [Tara.Martinak@blm.gov](mailto:Tara.Martinak@blm.gov) or the Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738.

**SUPPLEMENTARY INFORMATION:** The BLM estimates about 36,000 wild horses and burros are roaming on BLM-administered rangelands in 10 Western states. Wild horses and burros have virtually no natural predators and their herd sizes can double about every four years. As a result, the agency must remove thousands of animals from the range each year to control herd sizes. The estimated current free-roaming population is 9,400 more than the level that the BLM has determined can exist in balance with other public rangeland resources and uses. Oregon/Washington BLM averages 400-500 horses gathered annually from public lands. For 2009, gathers are tentatively planned for Herd Management Areas within the Burns, Lakeview, and Prineville Districts.

Dated: July 1, 2009.

Approved:

**Kenny McDaniel,**  
District Manager.

[FR Doc. E9-16145 Filed 7-7-09; 8:45 am]

**BILLING CODE** 4310-33-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLAZP01000-09-L14300000.ES0000; AZA-32053]

#### Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Arizona

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

**ACTION:** Notice of realty action.

**SUMMARY:** The following public lands in Maricopa County, Arizona, have been examined by the Bureau of Land Management (BLM) and found suitable for classification for lease and/or conveyance to the Town of Buckeye under the provisions of the R&PP Act, as amended, 43 United States Code (U.S.C.) 869 *et seq.*, and under Sec. 7 of the Taylor Grazing Act, 43 U.S.C. 315(f), and Executive Order No. 6910.

#### Gila and Salt River Meridian

T. 2 N., R. 3 W.,

Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;

Sec. 5, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 9;

Sec. 14, W $\frac{1}{2}$ ;

secs. 15 and 17;

Sec. 18, lots 1 to 4, inclusive, and E $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 19, lots 1 to 4, inclusive, and E $\frac{1}{2}$ E $\frac{1}{2}$ ;

Secs. 20, 21, and 22;

Sec. 26, S $\frac{1}{2}$ ;

Sec. 27, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 28, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 29;

Sec. 33, lots 1 to 4, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and N $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 34, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 8675.36 acres in Maricopa County.

The Town of Buckeye has applied for more than the 6,400 acre limitation for recreation uses in a year. Under the provisions of the R&PP Act, BLM will not lease or convey more than 6,400 acres (with limited exceptions) to the Town of Buckeye in any one calendar year.

The Town of Buckeye has submitted a statement in compliance with the regulations at 43 Code of Federal Regulations (CFR) 2741.4(b). The Town of Buckeye proposes to use the land as open space and for recreational park purposes. Related facilities will include hiking trails, picnicking and camping areas, restroom facilities, and parking.

**DATES:** Submit comments on or before August 24, 2009.

**ADDRESSES:** Detailed information including, but not limited to, a proposed development plan and documentation relating to compliance with applicable environmental and cultural resource laws is available for review at the Bureau of Land Management, Phoenix District, 21605 North 7th Avenue, Phoenix, Arizona 85027. Written comments should also be directed to this address.

**FOR FURTHER INFORMATION CONTACT:** Jo Ann Goodlow, Realty Specialist, at 623-580-5548.

**SUPPLEMENTARY INFORMATION:** The lands are not needed for any Federal purposes.

Lease and/or conveyance of the lands for recreational or public purposes use is consistent with the BLM *Amendment and Environmental Assessment to the Lower Gila North Management Framework Plan and the Lower Gila South Resource Management Plan* dated July 2005, and would be in the public interest.

All interested parties will receive a copy of this notice once it is published in the **Federal Register**. The notice will be published in the newspaper of local circulation for 3 consecutive weeks.

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.

The lease and/or patent of the land, if issued, will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890, 26 Statute (Stat.) 391 (43 U.S.C. 945).

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior, including, but not limited to, those terms required by 43 CFR 2741.9.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

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

5. **CERCLA Term:** "Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, (42 U.S.C. 9620 (h)) (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670) notice is hereby given that the above-described land has been examined and no evidence was found to indicate that any hazardous substances had been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property."

6. **Indemnification Term:** "All lessees, purchasers, or patentees, by accepting a lease or patent, covenant and agree 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 lessee's/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 lessee/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 leased/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, 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. Lessee/patentee shall stipulate that it will be solely responsible for compliance with all applicable Federal, State, and local environmental and regulatory provisions, throughout the life of the facility, including any closure or post-closure requirements that may be imposed with respect to any physical plant or facility upon the real property under any Federal, State, or local environmental laws or regulatory provisions. 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."

**Classification Comments:** Interested persons may submit comments involving the suitability of the land for development of open space and recreational park purposes. 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 persons 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 lands for open space and recreational park purposes. Any adverse comments will be reviewed by the BLM State Director. In the absence of any adverse comments, the classification will become effective on September 8, 2009. The lands will not be offered for conveyance until after the classification becomes effective.

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.

**Authority:** 43 CFR 2741.5.

**Teresa A. Raml,**  
District Manager.

[FR Doc. E9-16129 Filed 7-7-09; 8:45 am]

**BILLING CODE 4310-32-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLES002000.L1430000.ES0000; FLES 051657]

#### Notice of Realty Action: Recreation and Public Purposes Act (R&PP) Act Classification and Conveyance; Lee County, FL

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

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM) has examined and found suitable for lease and/or conveyance to the City of Sanibel Island under the provisions of the Recreation and Public Purposes (R&PP) Act of 1926, as amended (43 U.S.C. 869 *et seq.*), approximately 44.77 acres of public land in Sanibel Island, Lee County, Florida. The City of Sanibel Island proposes to use the land for a park.

**DATES:** Interested parties may submit written comments regarding this proposed classification or lease/conveyance of public land until August 24, 2009.

**ADDRESSES:** Please submit your written comments to the Field Manager, Bureau of Land Management—Eastern States (BLM-ES), Jackson Field Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206. Comments received in electronic form, such as e-mail or facsimile, will not be considered.

**FOR FURTHER INFORMATION CONTACT:** Vicky Craft, BLM-ES Jackson Field Office at (601) 977-5435 or at the address above.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 7 of the Act of June 28, 1943, as amended, (43 U.S.C. 315f), and Executive Order (EO) 6964, the following described public land in Lee County, Florida has been examined and found suitable for classification for lease and/or conveyance under the provisions of the R&PP Act, as amended, (43 U.S.C. 869 *et seq.*) and, accordingly, opened for only that purpose.

#### Tallahassee Meridian

T. 46 S., R.23 E.,

Sec. 21, lots 1 and 4.

The area described contains 44.77 acres, more or less, in Lee County, Florida.

The parcel contains the Sanibel Island Lighthouse and is located on the eastern point of the island. The land had been withdrawn to the United States Coast Guard (USCG) for lighthouse purposes by Executive Order on December 19, 1883. The withdrawal was revoked by Public Land Order (PLO) No. 7711, which made the land available for lease and/or conveyance under the R&PP Act. Conveyance of the land to the City of Sanibel Island is consistent with the Florida Resource Management Plan, dated June 21, 1995, and would be in the public interest. Additional detailed information pertaining to this application, including a plan of development, and map depicting the public land is available for review at the BLM-ES Jackson Field Office.

The City of Sanibel Island has not applied for more than the 640 acre limitation for recreation uses in a year and has submitted a statement in compliance with the regulations at 43 CFR 2741.4(b). The City of Sanibel Island proposes to use the land as a park.

The City of Sanibel Island has applied for patent to the land under the R&PP Act of 1926. The patent or a lease, if issued, would be subject to the following terms, conditions and reservations to the United States:

1. Provisions of the R&PP Act of 1926, as amended, and all applicable regulations of the Secretary of the Interior, including, but not limited to, those terms required by 43 CFR 2741.9.

2. Valid existing rights.

3. Reserved right of the USCG to maintain the light and have ingress and egress rights to the light.

4. All minerals are reserved to the United States, together with the right to prospect, mine and remove the minerals.