

2740 (ORB060)
OR-65757
OR-65757-01

CERTIFIED MAIL – 7008 3230 0001 3887 2747
RETURN RECEIPT REQUESTED

South Harney County School District #33
23657 Fields Denio Road
Fields, Oregon 97710

Dear Sir:

Enclosed is a copy of the signed Finding of No Significant Impact and signed Decision Record for the South Harney County School District #33, Fields, Oregon, Recreation and Public Purposes (R&PP) Classification and Land Sale Environmental Assessment DOI-BLM-OR-B060-2009-044-EA.

This decision to classify and sell 2.5 acres of Federal land under R&PP to the Fields School will provide the school compliance with the Oregon State Fire Marshall requirement to move hazardous substances away from the main school building and to develop a parking lot.

Your comments must address the action to which you are commenting, such as the Land Classification or the Land Sale. Comments must be made in writing and postmarked or delivered to this office by March 4, 2010 (30 days after the date of publication of the Notice of Realty Action in the Federal Register for the classification and land sale).

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.

If you have any questions/concerns, or would like further information, please call Holly Orr at (541) 573-4501.

Sincerely,

/signature on file/

Joan M. Suther
Andrews/Steens Resource Area Field Manager

3 Enclosures

- 1 - Decision Record
- 2 - Finding of No Significant Impact
- 3 - Federal Register Notice

2740 (ORB060)
OR-65757
OR-65757-01

CERTIFIED MAIL – 7008 3230 0001 3887 2754
RETURN RECEIPT REQUESTED

Sandy and Tom Downs
Fields General Store Motel and Café
22291 Fields Drive
Fields, Oregon 97710

Dear Mr. and Mrs. Downs:

Enclosed is a copy of the signed Finding of No Significant Impact and signed Decision Record for the South Harney County School District #33, Fields, Oregon, Recreation and Public Purposes (R&PP) Classification and Land Sale Environmental Assessment DOI-BLM-OR-B060-2009-044-EA.

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Joan M. Suther
Andrews/Steens Resource Area Field Manager

3 Enclosures

- 1 - Decision Record
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- 3 - Federal Register Notice

HORR:doris 02/03/10:LANDSAND

2740 (ORB060)
OR-65757
OR-65757-01

CERTIFIED MAIL – 7008 3230 0001 3887 2761
RETURN RECEIPT REQUESTED

Harney Educational Services District
P.O. Box 460
Burns, Oregon 97720

Dear Sir:

Enclosed is a copy of the signed Finding of No Significant Impact and signed Decision Record for the South Harney County School District #33, Fields, Oregon, Recreation and Public Purposes (R&PP) Classification and Land Sale Environmental Assessment DOI-BLM-OR-B060-2009-044-EA.

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Sincerely,

Joan M. Suther
Andrews/Steens Resource Area Field Manager

3 Enclosures

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- 2 - Finding of No Significant Impact
- 3 - Federal Register Notice

HORR:doris 02/03/10:LANDSAND

2740 (ORB060)
OR-65757
OR-65757-01

CERTIFIED MAIL – 7008 3230 0001 3887 2778
RETURN RECEIPT REQUESTED

The Honorable Steven E. Grasty
Harney County Courthouse
450 North Buena Vista Avenue #5
Burns, Oregon 97720

Dear Judge Grasty:

Enclosed is a copy of the signed Finding of No Significant Impact and signed Decision Record for the South Harney County School District #33, Fields, Oregon, Recreation and Public Purposes (R&PP) Classification and Land Sale Environmental Assessment DOI-BLM-OR-B060-2009-044-EA.

This decision to classify and sell 2.5 acres of Federal land under R&PP to the Fields School will provide the school compliance with the Oregon State Fire Marshall requirement to move hazardous substances away from the main school building and to develop a parking lot.

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Sincerely,

Joan M. Suther
Andrews/Steens Resource Area Field Manager

3 Enclosures

- 1 - Decision Record
- 2 - Finding of No Significant Impact
- 3 - Federal Register Notice

HORR:doris 02/03/10:LANDSAND

2740 (ORB060)
OR-65757
OR-65757-01

CERTIFIED MAIL – 7008 3230 0001 3887 2785
RETURN RECEIPT REQUESTED

Randall T. Whitaker
Harney Electric Cooperative, Inc.
1326 Hines Blvd
Burns, Oregon 97720

Dear Mr. Whitaker:

Enclosed is a copy of the signed Finding of No Significant Impact and signed Decision Record for the South Harney County School District #33, Fields, Oregon, Recreation and Public Purposes (R&PP) Classification and Land Sale Environmental Assessment DOI-BLM-OR-B060-2009-044-EA.

This decision to classify and sell 2.5 acres of Federal land under R&PP to the Fields School will provide the school compliance with the Oregon State Fire Marshall requirement to move hazardous substances away from the main school building and to develop a parking lot.

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Sincerely,

Joan M. Suther
Andrews/Steens Resource Area Field Manager

3 Enclosures

- 1 - Decision Record
- 2 - Finding of No Significant Impact
- 3 - Federal Register Notice

HORR:doris 02/03/10:LANDSAND

**United States Department of the Interior, Bureau of Land Management
Andrews Management Unit
Burns District**

FINDING OF NO SIGNIFICANT IMPACT

**South Harney County
School District #33, Fields, Oregon
Recreation and Public Purposes
Classification and Land Sale
Environmental Assessment
DOI-BLM-OR-B060-2009-0044-EA
Serial Number OR-65757 (Classification)
and OR-65757-01 (Land Sale)**

INTRODUCTION

Andrews Resource Area, Burns District, has prepared an Environmental Assessment (EA) to respond to a request to classify and sell 2.5 acres of Bureau of Land Management (BLM) administered land under Recreation and Public Purposes (R&PP) to South Harney County School District #33, Fields, Oregon (school).

The school has applied to purchase 2.5 acres of Federal land to comply with requirements of the Oregon State Fire Marshall and to develop a parking lot. The Oregon State Fire Marshall has required the school to move a storage container with hazardous substances and a gasoline tank away from the main school building. The school currently owns 2.5 acres which is not a large enough parcel to move the hazardous substances and gasoline the required distance from the main school building to be in compliance with the Oregon State Fire Marshall. The school's main parking lot is located on private property rather than school property and the school does not have an easement for access. The school needs a large enough area to provide for a storage unit for hazardous substances with a containment block, a gasoline tank with a containment block, and to develop a public parking area for the school.

SUMMARY OF THE PROPOSED ACTION

Under the Proposed Action, the BLM would classify and sell 2.5 acres of BLM-administered land to the school for hazardous material storage to meet requirements of the Oregon State Fire Marshall and to create a parking lot.

Land Sale

The R&PP land sale patent would not include minerals rights since the R&PP Act does not allow for conveyance of mineral interest.

The R&PP land sale patent would not include a reverter clause since hazardous materials would be stored on the parcel, ensuring BLM would not be in the chain of title in case of any future release of hazardous substances.

The R&PP land sale patent would include a reservation for ditches and canals to the United States under the authority of the Act of August 30, 1890 (26 Stat. 291; 43 U.S.C. 945).

No representation, warranty, or covenant of any kind, express or implied, would be given or made by the United States as to access to or from the land sale parcel.

The R&PP Act special pricing schedule for educational facilities allows for purchases at \$10 an acre, with a minimum price per transfer of \$50. The total cost would be \$50 to the school.

Land Classification

An administrative requirement of the proposed sale would be to classify the lands as suitable for an R&PP. The classification would segregate the lands from entry under all other public land laws, including mining but not mineral leasing. The land sale parcel is in the Mineral Withdrawal Area established by the Steens Mountain Cooperative Management and Protection Act of 2000.

The primary authority for BLM classification actions is Section 7 of the Taylor Grazing Act of 1934 and the implementing regulations at 43 CFR 2400. These regulations require consideration of several criteria in order to find the lands suitable for sale.

FINDING OF NO SIGNIFICANT IMPACT

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

Context

The Proposed Action would occur in Fields, Oregon, and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Andrews Management Unit/Steens Mountain Cooperative Management and Protection Area Proposed Resource Management Plan/Final Environmental Impact Statement (AMU/CMPA PRMP/FEIS), August 2004. There would be no substantial broad societal or regional impacts not previously considered in the PRMP/FEIS. The actions described represent anticipated program adjustments complying with the AMU RMP/Record of Decision (ROD), 2005, and implementation of the Lands and Realty Programs within the scope and context of this document.

Intensity

The CEQ's ten considerations for evaluating intensity (severity of effect):

1. *Impacts that may be both beneficial and adverse.* The EA considered potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the AMU/CMPA PRMP/FEIS 2004 to which the EA is tiered.

Under the Proposed Action, natural soil surface would likely be replaced by a hardened paved or gravel surface over most, if not all of the site. The vegetative community would be obliterated by construction of hardened surfaces and storage facilities. It is likely the same weedy species would continue to be present at the site, and native shrubs such as basin big sagebrush, rabbitbrush, and saltbush may become reestablished around the edges of the disturbed area. However, the site would not be managed to maintain any particular vegetative community, and control of noxious weeds and invasive plants would be at the discretion of the new owner.

Under the Proposed Action, the BLM would classify and sell 2.5 acres to the school for hazardous materials storage and a parking lot. There would be no loss of public access to adjacent public lands as a result of the Proposed Action. General public use and enjoyment of the proposed 2.5-acre land sale parcel would be lost. Public use of the property is already limited since it is located adjacent to the school and an airfield.

2. *Degree to which the Proposed Action affects public health and safety.* No aspect of the Proposed Action, Alternatives, or No Action Alternative would have an effect on public health and safety.
3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* There are no historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the project area. An archaeological clearance was completed in April 2009 and no concerns were identified.
4. *The degree to which effects on the quality of the human environment are likely to be highly controversial.* No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action or the No Action Alternative.
5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the AMU/CMPA PRMP /FEIS 2004 to which the EA is tiered.
6. *Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.* This project neither establishes a precedent nor represents a decision in principle about future actions.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the AMU/CMPA PRMP/FEIS 2004 which encompasses the community of Fields, Oregon.
8. *Degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.* There are no features within the project area listed or eligible for listing in the National Register of Historic Places.
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* There are no endangered or threatened species or their habitat on the land sale parcel.
10. *Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* Neither the Proposed Action or the No Action alternatives threaten to violate any law. The Proposed Action is in compliance with the AMU RMP/ROD 2005, which provides direction for the protection of the environment on public lands.

On the basis of the information contained in the EA and all other information available to me, it is my determination that:

- 1) The implementation of the Proposed Action or the No Action Alternative will not have significant environmental impacts beyond those already addressed in the AMU/CMPA PRMP/FEIS (2004);
- 2) The Proposed Action or the No Action Alternative is in conformance with the AMU RMP/ROD 2005;
- 3) There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and
- 4) The environmental effects against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment.

Therefore, an EIS is not necessary and will not be prepared.

/signature on file/
 Joan M. Suther
 Andrews/Steens Resource Area Field Manager

February 2, 2010
 Date

**United States Department of the Interior, Bureau of Land Management
Andrews Management Unit
Burns District**

**DECISION RECORD
South Harney County
School District #33, Fields, Oregon
Recreation and Public Purposes
Classification and Land Sale
Environmental Assessment
DOI-BLM-OR-B060-2009-0044-EA
Serial Number OR-65757(Classification)
and OR-65757-01 (Land Sale)**

INTRODUCTION

On October 14, 2008, the U.S. Bureau of Land Management (BLM) received an application for a Recreation and Public Purposes (R&PP) from South Harney County School District #33 (school) in Fields, Oregon. The R&PP application was to classify and purchase 2.5 acres of Federal land managed by the BLM adjacent to the east of the school at W.M., T. 38 S., R. 34 E., Section 24, SW¹/₄SW¹/₄NW¹/₄NE¹/₄. Additional information requested of the school was received on February 2, 2009.

AUTHORITY

The BLM goal in preparing its decision on the application is to provide authorizations for public and private uses while maintaining and improving resource values and public land administration. The objective of the BLM in making its decision is to make available for disposal public land meeting the disposal criteria contained in Section 203(a) of the Federal Land Policy and Management Act (FLPMA) of 1976, as stated in the Andrews Resource Management Plan (RMP) and Record of Decision (ROD) (BLM, August 2005), page RMP-59.

The following documents provide the framework and guidance for management of BLM lands within the Burns District relevant to the Proposed Action:

- a. Andrews Management Unit RMP/ROD (BLM, August 2005), page RMP-58 to 61. Land in Zone 2A may be disposed of only by exchange for nonpublic land in Steens Mountain Wilderness (Zone 1A of the Steens Mountain Cooperative Management and Protection Area (CMPA) RMP) or by R&PP sale for community expansion purposes. R&PP sales in 2A may not exceed 10 acres per transaction.
- b. National Environmental Policy Act, 42 U.S.C. 4321-4347 (1970).

- c. FLPMA, 43 U.S.C. 1701 (1976), Title II, Section 203 Sales and Section 212 R&PP Act.
- d. Code of Federal Regulations (CFR), Part 2410 Land Classification and Part 2740 R&PP Act.
- e. R&PP Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.).
- f. Harney County Comprehensive Land Use Plan which classifies the subject lands as Exclusive Farm and Range Use (EFRU-1) land.

DECISION

Having considered a range of alternatives and associated impacts and based on analysis in the South Harney County School District #33 DOI-BLM-OR-B060-2009-0044-EA, it is my decision to approve the Proposed Action to classify, find suitable, and sell 2.5 acres of public land under the provisions of the R&PP Act of 1926, as amended, to the South Harney County School District #33. The Proposed Action is described in detail in the EA. All right, title, and interest in the BLM-managed land will be conveyed, reserving all minerals to the United States. The sale will be subject to prior valid existing rights of record. Upon completion of all requirements, the conveyance will be made without reversion under the 1988 Amendments to the R&PP Act.

EA COMMENTS RECEIVED

T.E. Downs Comments

Comment #1 states, "BLM or School District needs to have the two identified corners located per a land survey."

BLM Response: The BLM can legally describe the R&PP land sale parcel in an aliquot part legal description to properly convey the parcel. The legal description is, Willamette Meridian, Township 28 South, Range 34 East, Section 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$. The original survey and field notes were examined and approved by BLM Cadastral Survey on February 2, 1898. BLM Handbook, H-1860-1, Conveyance Documents, Chapter 1, III. Land Descriptions states, "A patent land description will generally call first for the meridian and state, then township and range, followed by the section number and aliquot part (or lot number). Whether so stated in the patent or not, the description is understood to be referenced to the latest appropriate official plat as of the date the final certificate is issued."

Comment #2 states, "Who has easement to roadway?"

BLM Response: There are no known easements of record on either of the roads, which service the school property, or the road located on the north half of the proposed R&PP sale parcel (EA page 1).

Comment #3: Mr. Downs included a highlighted copy of the map and cover letter. The cover letter was highlighted to show an administrative error. The letter reads, "After reviewing comments, the BLM will select the course of action from the alternatives and issue a Decision Record describing the road rights-of-way authorized to the private parcels. People commenting on the EA will automatically receive a copy of the Decision Record."

BLM Response: The letter should have read, "After reviewing comments, the BLM will select the course of action from the alternatives and issue a Decision Record describing the rationale on the South Harney County School District #33, Fields, Oregon R&PP Classification and Land Sale EA. People commenting on the EA will automatically receive a copy of the Decision Record."

Harney County Court, Office of Judge Steven E. Grasty Comment

Comment states, "The Harney County Court has reviewed the South Harney County School District #33 Fields, Oregon Recreation and Public Purposes Classification and Land Sale EA which analyzes the decision whether to sell 2.5 acres of land to the South Harney School District #33 at Fields. The Harney County Court wholeheartly supports a decision to sell these acres to the School District #33. The District needs the property to meet state mandated requirements and providing education to the youth of all corners of this county is important. We request that this sale move ahead."

BLM Response: The BLM acknowledges the support of the Harney County Court for this project.

RATIONALE

This decision is based on conformance to applicable laws and regulations for R&PP, meeting the Purpose of and Need for the Action under FLPMA, and support by Harney County Court. Additionally, a Finding of No Significant Impact found the Proposed Action and No Action Alternative analyzed did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement was unnecessary and will not be prepared.

An administrative requirement of the proposed sale is to classify the lands as suitable for an R&PP. The primary authority for BLM classification actions is Section 7 of the Taylor Grazing Act of 1934 and the implementing regulations at 43 CFR 2400. These regulations require consideration of several criteria in order to find the lands suitable for sale and all the criteria have been met.

The school applied for the R&PP land sale parcel to comply with requirements of the Oregon State Fire Marshall and to develop a parking lot. This decision allows the school to meet the requirements of the Oregon State Fire Marshall by providing a storage area for hazardous substances the required distance from the school and provides legal access to a parking lot.

I selected the Proposed Decision based on the following Decision Factors (outside laws and regulations). Decision Factors are additional questions or statements used by the decision maker to choose between alternatives that best meet project goals and resource objectives. These factors generally do not include satisfying legal mandates, which must occur under all alternatives. Rather, Decision Factors assess, for example, the comparative cost, applicability, or adaptability of the alternatives considered.

The following Decisions Factors were relied upon by the authorized officer in selecting a course of action from the range of alternatives fully analyzed that best achieves the goals and objectives of the project:

Decision Factor	No Action Alternative
<p>1. Would the Proposed Action balance the proposed project's purpose and need with the BLM's other responsibilities to manage lands it administers?</p>	<p>It does not achieve RMP management objective to make available for disposal public land meeting the disposal criteria contained in Section 203(a) of the FLPMA, as stated in the Andrews RMP and ROD (BLM, August 2005), page RMP-59; and, land in Zone 2A may be disposed of only by exchange for nonpublic land in Steens Mountain Wilderness (Zone 1A of the CMPA RMP) or by R&PP sale for community expansion purposes. R&PP sales in 2A may not exceed 10 acres per transaction, page RMP-61.</p>
<p>2. Would the Proposed Action have unreasonable management costs to the public in achieving the purpose and need?</p>	<p>No cost to the public.</p>
<p>3. Does the Proposed Action have unreasonable costs to the applicant (school) in achieving the purpose and need?</p>	<p>Taking No Action will require the BLM to reject the R&PP application for classification and sale of 2.5 acres of Federal land. The school will not comply with the Oregon State Fire Marshall and will not have legal access to the parking area.</p>

APPEAL PROCEDURES

A Notice of Realty Action for the R&PP land sale will be published in the *Federal Register* segregating the affected lands from all forms of disposal under the public land laws, including the mining laws except for the form of disposal for which it is proposed to classify the lands.

A newspaper notice will also supplement the *Federal Register* Notice. The notice will provide the opportunity and information to protest the classification and, if appropriate, appeal the land sale to the Interior Board of Land Appeals.

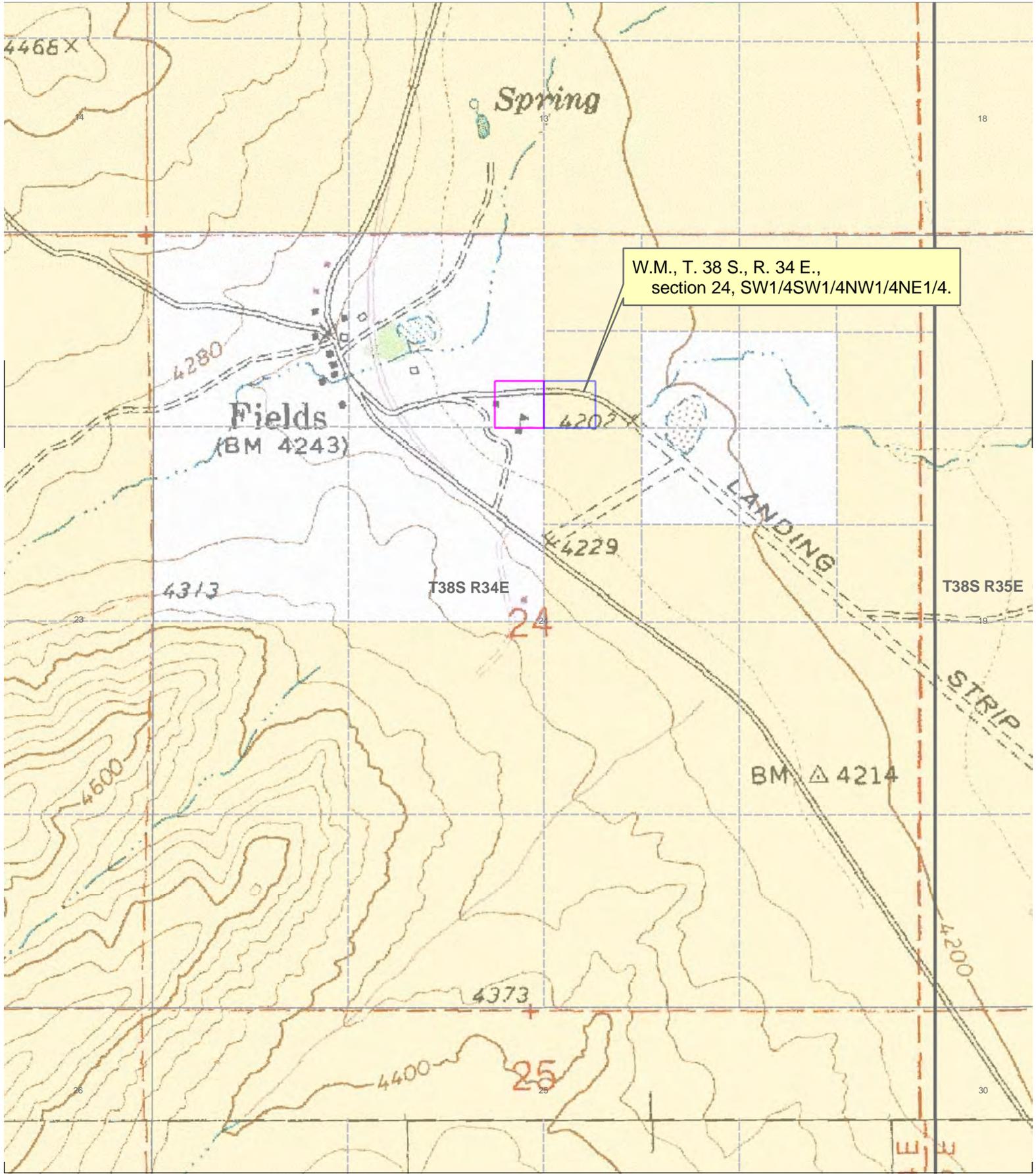
/signature on file/

Joan M. Suther

Andrews/Steens Resource Area Field Manager

February 2, 2010

Date



W.M., T. 38 S., R. 34 E.,
section 24, SW1/4SW1/4NW1/4NE1/4.

OR-65757-01
South Harney School District #33
Fields School
Recreation and Public Purposes (R&PP)
Land Sale

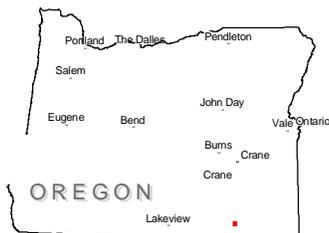
South Harney County School District #33 (Taxlots)

Fields School R&PP Land Sale

Vicinity Land Status

- Bureau of Land Management
- Private

8



US DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Burns District, Oregon



Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.
 workarea/horr/or65757_01_Fields_School_R&PP_Land_Sale.mxd, 02/17/2009

Ownership Boundaries are accurate within plus or minus 200 feet

Abstract: We have contracted with the U.S. Geological Survey (USGS) to conduct a survey of national wildlife refuge visitors so that we can better understand their recreational, educational, and information experiences. The Policy Analysis and Science Assistance Branch of the USGS will conduct the survey onsite at approximately 75 national wildlife refuges nationwide. Respondents will have the option to return the survey by mail or to complete it online.

We will use this survey to measure visitor satisfaction with current visitor services and facilities and their desire for future services and facilities. Information from this survey will provide refuge managers, planners, and visitor services professionals with scientifically sound data that can be used to:

- Prepare conservation planning documents,
 - Improve the design of visitor facilities,
 - Tailor visitor services and facilities to match visitor interests and needs,
 - Better protect refuge resources by combining this data with biological data, and
 - Understand the economic impact of visitors to the local community.
- Additionally, this survey can target public access and transportation planning issues related to wildlife-oriented recreational opportunities such as automobile tour routes, trails, parking lots, and roads.

Comments: On February 3, 2009, we published in the **Federal Register** (74 FR 5940) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on April 6, 2009. We received three comments and addressed them as follows:

- Comment:** One commenter requested that the survey include questions on:
- Whether the visitor is a consumptive or nonconsumptive wildlife user,
 - What activities visitors do on national wildlife refuges,
 - Whether or not visitors are aware that hunting and trapping are allowed on national wildlife refuges,
 - Appropriateness of allowing sport hunting and trapping on national wildlife refuges, and
 - Compatibility of sport hunting and trapping to the purpose of national wildlife refuges.

Response: The survey contains questions that directly address the first two issues. Measuring public understanding or perceptions about the appropriateness of hunting on national wildlife refuges is not an objective of

this study. However, the survey asks visitors to rate the importance of and their satisfaction with a list of uses and services provided on refuges, including hunting. The survey also provides an opportunity for visitors to express their opinions or concerns concerning national wildlife refuge policies (such as hunting and trapping on refuges).

Comment: The commenter stated that we have conducted this survey every 5 years and that is enough. The commenter also stated opposition to hunting.

Response: We believe the commenter is referring to the National Survey of Fishing, Hunting and Wildlife-Associated Recreation. That survey is of the general public and asks questions about activities on all types of lands (Federal, State, local, and private). The proposed survey is of visitors to national wildlife refuges only. Responses to questions on the proposed survey will help us better manage national wildlife refuges.

Comment: We received a request for a copy of the survey instrument and information on sampling frames.

Response: The USGS provided a copy of the draft survey instrument and a description of the sampling frames.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: January 26, 2010

Hope Grey,

*Information Collection Clearance Officer,
Fish and Wildlife Service.*

FR Doc. 2010-2165 Filed 2-1-10; 8:45 am

BILLING CODE 4310-55-S

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-65757; LLOBR06000;
L14300000.FR0000; HAG-09-0326]

Classification and Conveyance for Recreation and Public Purposes Act of Public Lands in Harney County, OR

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 and conveyance under the provisions of the Recreation and Public Purposes Act (R&PP), as amended, approximately 2.5 acres of public land in Harney County, Oregon. South Harney County School District #33 in Fields, Oregon, applied to purchase 2.5 acres of the land for hazardous material storage and a parking lot for the school.

DATES: Interested parties may submit written comments regarding the conveyance or classification of the lands by close of business on March 4, 2010.

ADDRESSES: Mail written comments to Joan M. Suther, Andrews/Steens Field Manager, BLM, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738.

FOR FURTHER INFORMATION CONTACT: Holly M. Orr, Realty Specialist, (541) 573-4501.

SUPPLEMENTARY INFORMATION: In accordance with Section 7 of the Taylor Grazing Act, (43 U.S.C. 315f) and Executive Order No. 6910, the following described public land in Harney County, Oregon, has been examined and found suitable for classification conveyance under the provisions of the R&PP Act, as amended, (43 U.S.C. 869 *et seq.*):

Willamette Meridian, Oregon

T. 38 S., R. 34 E.,
Section 24, SW¹/₄SW¹/₄NW¹/₄NE¹/₄.

The area described contains 2.5 acres, more or less, in Harney County.

In accordance with the R&PP Act, South Harney County School District #33 filed an application for the above-described 2.5 acres of public land to store hazardous materials and develop a parking area for the school. Additional detailed information pertaining to this application and site plan can be reviewed in case file OR-65757 located in the BLM Burns District Office at the above address.

Pursuant to the requirements established by section 120(h) of the Comprehensive Environmental

Response, Compensation and Liability Act, 42 U.S.C. 9620(h), as amended by the Superfund Amendments and Reauthorization Act of 1988, 100 Stat. 1670, notice is hereby given that the above-described lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for 1 year or more, nor had any hazardous substances been disposed of or released on the property.

The conveyance of this parcel is consistent with the BLM Andrews Management Unit Resource Management Plan and Record of Decision (August 2005), page RMP-61, which states that the land may be disposed of by R&PP sale for community expansion purposes not to exceed 10 acres per transaction and that such disposal would be in the public interest. The conveyance, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the R&PP Act and applicable regulations of the Secretary of the Interior;
2. 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);
3. Valid existing rights. Subject to limitations prescribed by law and regulation, and prior to patent issuance, a holder of any right-of-way within the land sale area will be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable;
4. The United States maintains ownership of all minerals, 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;
5. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operation of the premises will be included; and
6. Any other terms and conditions deemed necessary or appropriate by the Authorized Officer.

On February 2, 2010, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

Interested parties may submit comments involving the suitability of the land for a school and related facilities. Comments on the classification should be limited to whether the land is physically suited for

the proposals, whether the use will maximize future uses of the land, whether the use is consistent with local planning and zoning, or whether the use is consistent with state and Federal programs.

Interested parties may also submit comments regarding other proposed decisions for the R&PP application and site plan, whether the BLM followed proper administrative procedures in reaching the decision to convey the land under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use.

Only written comments submitted via the U.S. Postal Service or other delivery services, or hand-delivered to the Andrews/Steens Field Manager, BLM Burns District Office, will be considered properly filed. Electronic mail, facsimile, or telephone comments will not be considered properly filed. Comments, including names and addresses of respondents, will be available for public review. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, be advised 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.

Any adverse comments will be reviewed by the BLM Oregon State Director. In the absence of any adverse comments, the classification of the land described in this notice will become effective on April 5, 2010. The land will not be available for conveyance until after the classification becomes effective.

Authority: 43 CFR 2741.5.

Cathie Jensen,
Acting Chief, Branch of Land and Mineral Resources.

[FR Doc. 2010-2130 Filed 2-1-10; 8:45 am]

BILLING CODE 4310-33-P

NATIONAL INDIAN GAMING COMMISSION

Fee Rate

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted preliminary annual fee

rates of 0.00% for tier 1 and 0.060% (.00060) for tier 2 for calendar year 2010. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation under 25 CFR part 518, the preliminary fee rate on class II revenues for calendar year 2010 shall be one-half of the annual fee rate, which is 0.030% (.00030).

FOR FURTHER INFORMATION CONTACT: Chris White, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005; telephone (202) 632-7003; fax (202) 632-7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission which is charged with, among other things, regulating gaming on Indian lands.

The regulations of the Commission (25 CFR part 514), as amended, provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission on a semi-annual basis.

The regulations of the Commission and the preliminary rate being adopted today are effective for calendar year 2010. Therefore, all gaming operations within the jurisdiction of the Commission are required to self administer the provisions of these regulations, and report and pay any fees that are due to the Commission by June 30, 2010.

Dated: January 28, 2010.

George Skibine,
Acting Chairman, National Indian Gaming Commission.

[FR Doc. 2010-2183 Filed 2-1-10; 8:45 am]

BILLING CODE 7565-01-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000-09-L19100000-BJ0000-LRCM08RS4045]

Notice of Filing of Plats of Survey; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey.