



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Nevada State Office
P.O. Box 12000 (1340 Financial Blvd.)
Reno, Nevada 89520-0006
<http://www.blm.gov/nv/st/en.html>

September 17, 2009

In Reply Refer To:
2200/2710/2720 P
(NV-930)

EMS TRANSMISSION 09/17/2009
Instruction Memorandum No. NV-2009-054
Expires: 9/30/2010

To: District Managers, Nevada

From: State Director, Nevada

Subject: FY2010 Proposed Disposals under the Federal Land Transaction Facilitation Act

DD: October 23, 2009

The Federal Land Transaction Facilitation Act of 2000 (P.L. 106-248) (FLTFA) provides authority for the use of receipts from disposal actions under the Federal Land Policy and Management Act (FLPMA) to fund administrative and other expenses necessary to carry out the land disposal program and may be used for qualifying acquisitions. Although the FLTFA is scheduled to expire July 25, 2010, current indications strongly suggest that it will be reauthorized. Thus, we will continue to process land disposal actions under the FLTFA, which includes sales under Section 203 of FLPMA, exchanges under Section 206 of FLPMA, and mineral conveyances under Section 209 of FLPMA. The FLTFA further limits the authority to utilize the receipts from the disposal of public lands to those lands identified for disposal in an approved land use plan (Resource Management Plan or Management Framework Plan) as of July 25, 2000.

Sales, mineral conveyances and exchanges will continue to be processed under FLPMA, the applicable regulations, and policies, guidance, and direction in BLM Manuals and Instruction Memoranda. An amount not to exceed 20 percent of the receipts deposited into the accounts established in the Federal Land Disposal Account by the FLTFA may be used to fund administrative expenses for disposal actions under subactivity 5874. The use of FLTFA funds in subactivity 5874 must be approved by the Nevada State Leadership Team (SLT) and the WO.

This Nevada Instruction Memorandum (IM) is issued for purposes of updating Nevada BLM policy issued under NV-IM-2006-003 (January 2006) and providing the opportunity for Nevada District Offices (DO) to request the FLTFA 5874 funds in support of the land disposal program. Attachment A, lists the Nevada Policy and Nomination Criteria under the FLTFA Program. Attachment B lists the information that should be included in a nomination package for FLTFA funding. Attachment C

is a list of the disposal projects with SLT approval to date, and their project codes. Attachment D lists all SLT approved FLTFA disposals.

With issuance of this IM, the DO's should confirm the continuation of SLT-approved sales or termination of incomplete sales. Please refer to the SLT-approved FLTFA disposals as shown in Attachment D in making such determinations. *Numerous previously approved sale nominations have languished and the DO's are encouraged to complete the processing and offering of these lands for sale.* Future FLTFA eligible land acquisitions are directly dependent upon successful FLTFA sales. From every indication available, funds for future acquisition nominations are expected to become more limited.

Emphasis should be placed on those nominations which have a high probability of selling and generating high revenue. Funds in the 5874 account are pooled nationally and due to declining nominations and subsiding sales, available funds may be tight in FY2010. Nominations will be judged more critically if available funds require rationing.

Funding requests for newly proposed FLTFA disposal projects or additional funding needs for SLT-approved sales shall be submitted to Fred Slagle in the Carson City District Office (NV-030) not later than October 23, 2009.

In Nevada, the FLTFA is not applicable to lands eligible for disposal under the Santini-Burton Act (P.L. 96-568), the Southern Nevada Public Land Management Act (SNPLMA) (P.L. 105-263), as amended by P. L. 106-113 and P.L. 107-282, and Ivanpah Valley Airport Public Lands Transfer Act (P.L. 106-362). The FLTFA-applicable lands identified within the Lincoln County Conservation, Recreation and Development Act of 2004 (P.L. 108-424) and White Pine Conservation, Recreation and Development Act (P.L. 109-432) are no longer eligible following approval of the Ely Resource Management Plan.

The prioritization criteria and process may be useful for prioritizing all disposal actions. Even if disposal projects are not being funded by 5874, DO's should keep Fred Slagle at the Carson City District Office informed of all FLTFA-related projects and their status workload planning and budget projections. The unit of measurement used for disposal workload is acres.

If you have any questions regarding this policy, please direct them to Fred Slagle at 775-885-6115.

Please share this memorandum with your Field Managers and Realty Specialists.

Signed By:
Amy L. Lueders
Associate State Director

Authenticated By:
Ellyn Darrah
Administrative Assistant

Attachments

- A – FLTFA Nevada Policy and Nomination Criteria (2 pp)
- B – FLTFA Land Disposal Nomination Package Requirements (3 pp)
- C – FLTFA Sales Summary Sheet (3 pp)
- D – SLT-approved FLTFA disposals

EXHIBIT A
Federal Land Transaction Facilitation Act
Nevada Policy and Nomination Criteria

The following is Nevada Policy implemented in support of the Federal Land Transaction Facilitation Act (FLTFA) program.

- The FLTFA limits the authority to utilize the receipts from the disposal of public lands to those lands identified for disposal in an approved land use plan (Resource Management Plan or Management Framework Plan) as of July 25, 2000.
- Nomination packages will be evaluated and recommendations made to the State Leadership Team (SLT) which will determine the priorities for funding.
- FLTFA conveyances should meet the Nevada BLM planning targets approved for FLTFA by the State Leadership Team (SLT).
- The FLTFA program will be managed as a statewide program. Overall program management will be the responsibility of NV-930.
- The primary funding source for FLTFA conveyances will be sub activity 5874 Federal Land Disposal Account. Field Offices may consider use of other MLR sub activities, as applicable, to supplement sales in support of management objectives. Field Offices should negotiate/consider contributed funds, especially from direct sale or exchange proponents, as a primary or co-lateral source for funding disposal projects. If contributed funds are considered for competitive or modified competitive sale projects, there should be clear written documentation that the contribution of funds does not provide any preference or competitive advantage to the contributor, and that the contribution simply allows for expediting the offering of the parcel for sale.
- Sub activity 5874 shall primarily be a funding source for contracted services such as appraisals. In general, a minimum base amount of \$200,000 will be maintained and allocations from 5874 shall be considered when the base amount is exceeded. Allocations from the 5874 account shall only be considered for costs directly related to a disposal project and shall not be considered for overhead or indirect costs (building rent, utilities, IRM, vehicles, etc.).
- To ensure violations of the Anti-Deficiency Act or other Federal appropriations law do not occur, all 5874 expenditures must have a direct and verifiable relationship to the FLTFA. 5874 funds cannot be used for disposal projects, or portions of disposal projects, that do not qualify under the FLTFA.

In general, nominations will be evaluated using the FLTFA Nomination Criteria listed below.

- Estimated market value. Projects with a high value shall be a priority as one of the goals will be to increase the funding available in the 5874 account.
- *Likelihood of sale occurring. There should be an “imminent known buyer” or other indications that the parcel will sell, at least at the estimated value. Parcels that have little or no prospect of generating an immediate sale shall be a low priority.*
- Ratio of estimated revenue to processing costs. Projects where estimated processing costs are less than 20 percent of the expected revenue shall be a priority. Priority will also be given to projects where there are other committed funding sources (MLR funds or

- contributed funds) that would eliminate or reduce the 5874 funding need.
- Resource issues. There should be a low likelihood of resource issues that would stop, or add lengthy delays to case processing or cause significant increases in processing costs.
 - Public opposition. There should be a low likelihood of protests, appeals to the IBLA, or litigation that would stop, or add lengthy delays to case processing or would cause significant increases in processing costs.
 - Public Support. Projects that have documented support from the Congressional delegation, State or local government, County Citizen Advisory Boards, interest groups, or the general public shall be a priority.

Annual Work Plan/Performance Measures. Projects identified in the annual work plan for planned accomplishment shall be a priority.

Revised: 8/27/09

EXHIBIT B

FLTFA LAND DISPOSAL NOMINATION PACKAGE REQUIREMENTS

All nominations will be submitted with a memorandum signed by the respective Field & District Managers recommending the nominations and their commitment to their processing completion.

Field Offices may submit nominations electronically via e-mail or in hard copy. GIS maps, Google aerial maps, assessor's parcel maps, and site pictures are required.

If submitted electronically, maps, photographs, and other documents which were not originally created or obtained electronically should be scanned. Maps and photographs must be provided in .jpg format. Text must be provided in MSWord 2003 or higher.

Nomination packages for a 5874 land disposal project MUST include the following information and documents:

- Name of Project (include LR2000 serial number).
- District and specific Field Office.
- Field Office Contact (name and phone number). This should be the project manager, realty specialist, or other person who can answer technical questions concerning the proposed project.
- The county in which the property is located.
- The community in which the property is located (if applicable) or closest community and distance.
- Land use plan(s) (e.g., RMP or MFP) in which property(ies) were identified as suitable for disposal and date of approval; if not all of the property is covered under the FLTFA, specify the portion of the property to which each land use plan/plan amendment is applicable.
- The legal description and the size of the property in acres; if not all of the property is covered under the FLTFA, specify the portion and size of the property to which FLTFA is, or is not, applicable. If the project includes multiple sale parcels, identify the legal description and acreage for each sale parcel. Include map.
- The encumbrances of record (e.g., rights-of-way, mining claims, grazing permits, special recreation permits, etc.); include any applications for land use authorizations that may have to be processed in conjunction with the sale processing.
- The estimated value anticipated for the property and an explanation of how the estimated value was developed, including anticipated highest and best use, effects of local zoning, or other factors that would affect estimated value, as applicable. Examples are: (a) previous appraisal of the property – if so, provide appraiser name and date of approval of appraisal; (b) consultation with Appraisal Services Directorate appraisal staff; (c) recent appraisal of a similar, nearby property (either private or public lands), include appraiser name and date; (c) recent (last twelve

months) sales of similar nearby property; (d) broker's estimate of market price. For competitive or modified competitive sales, the estimated value would be the anticipated minimum bid amount. If the project includes multiple sale parcels, also identify the estimated value for each sale parcel. If a parcel is to be divided into multiple sale parcels, identify the rationale for the configuration of the parcels, including the effect on estimated value. If not all of the property is covered under the FLTFA, specify the portion of the estimated value to which FLTFA is, or is not, applicable.

Costs and proposed schedule for completing sale processing actions. Identify total costs, specifying the costs for which 5874 funds are being requested, as well as other funding sources (MLR by subactivity(ies), contributed funds (7122), etc.) proposed or committed by the field office for processing. If not all of the property is covered under the FLTFA, specify the portion of the costs which is applicable to the FLTFA. Also, identify whether the task would be completed in-house or by contract. At a minimum, the following tasks must be addressed: appraisal, cadastral survey, environmental site assessments, mineral report, cultural resource clearance, T&E clearance (plant and animal), NEPA compliance, notice to grazing permittee(s)/waivers, NORA publication and other public information/marketing, and auction costs. Identify tasks that have been completed or are not necessary, as applicable. If the project includes multiple sale parcels, identify if the costs are equally attributable to each parcel

Ratio of processing costs to expected revenue. This percentage (rounded to nearest whole number) is the product of the estimated processing expenses divided by the estimated value of the land.

Known or anticipated processing actions, including costs, above "standard" clearances (e.g., validity examinations because of mining claims, cultural resource treatment plans and treatments, Section 7 consultation, etc.). If the project includes multiple sale parcels, identify whether all parcels are affected.

Known or anticipated conflicts or issues.

Known or anticipated support or opposition by State/Local Government, interest groups, general public, adjacent or nearby landowners, permittees, etc. Identify the likelihood of protests/IBLA appeals/litigation.

Reason for nomination of parcel; identify entity(ies) interested in having parcel offered for sale and rationale (e.g., community expansion, trespass resolution, etc.); identify known imminent willing buyer(s) and/or other rationale explaining the expected likelihood of sale at the estimated value. If the project includes multiple sale parcels, identify the likelihood of sale for each parcel.

Nominator or proponent – Party who has proposed or suggested BLM to offer the nominated parcel for sale. Was the parcel proposed larger or smaller than the one being nominated?

Known potential bidders. Have any potential bidders stepped forward? If so, how many and do they have the expected wherewithal to consummate the sale if they are the high bidder?

Proposed method of sale (competitive, modified competitive, or direct); for methods other than competitive, provide justification in accordance with WO I.M. 2002-143 and 2003-259. If the

method of sale proposed is competitive or modified competitive, is it anticipated to be offered by auction or sealed bid? Why?

- Why nominated parcel should sell? Summarize why the parcel should sell. This could be due to its location, zoning, community expansion, lack of similarly suitable land in the private sector or other reasons.
- Why nominated parcel might not sell? Summarize why the parcel wouldn't sell. Factors to consider are: current real estate market, difficulty in obtaining financing in current market, location, or other undesirable or marketing factors.
- Chance (percentage) of successful offering of the parcel – Given all the parcel's positives and negatives state a percentage estimation of the chances of the parcel selling in the current market place at the time of nomination.
- Annual work plan - Identify if the project is a planned accomplishment/performance measure in the annual work plan.
- Nevada Legacy Plan goals and objectives - Identify how the project would meet Nevada BLM planning targets and workload goals.

Revised: 8/31/09

POTENTIAL EVALUATION CRITERIA FOR SALE NOMINATION PACKAGES

- High estimated value parcels and high likelihood that estimated value is reasonable.
- High likelihood of sale occurring.
- Expected low ratio processing costs to revenue generated (e.g., processing costs would be less than 20% of estimated value and/or there are other committed funding sources that would eliminate/reduce FLTFA funding need); could also include projects in which various processing tasks were completed through other means (i.e., lands considered in an exchange but dropped because of equalization).
- High profile sale (Congressional/State/Local Government/County Citizen Advisory Board support).
- Low chance of protests/appeals/litigation.
- Low chance of resource issues that would stop or add lengthy delays to sale processing or would cause significant processing costs.
- Comparison of Nevada targets and goals with costs (e.g., SLT willing to do “deficit” sale because of P.R. or other factors).
- Comparison of disposal actions and Federal land acquisitions, by county.
- Identified in annual work plan as a planned accomplishment/performance measure.

Revised: 8/31/09

FEDERAL LAND TRANSACTION FACILITATION ACT

Exhibit C

Nevada SLT Approved FLTFA Sales FY 2009 - FY 2010

7/20/09

(1) Office	(2) Sale Geographics Serial Number	(3) Nom App	(4) Total Acres	(5) Est. Value	(6) Est 5874 Costs/ WBS Code	(7) Sale Meth	(8) Proj Sale Date	(9) Phase (See Legend) / Comments
Battle Mountain / NV-060								
1	Antelope Valley (N-79242) Eureka County	FY05	409.34	60,000 app	62,200 LXSS064F0000	MSB	FY09	Phase 2 Tenative appraisal completion date Dec 08
2	Hendrickson Sale (N-82413) Lander County	FY08	2.65	12,000 app	34,000 LXSS061F0000	D	FY09	Phase 2 Appraisal rec'd 12/08
3	Reese River Valley (N-84039) Lander County	FY06	878.34	439,000	89,500 LXSS076F0000	C	FY10	Phase 1
4	Eureka (N-84336) Eureka County	FY06	42.32	42,000	34,500 LXSS057F0000	C	FY10	Phase 1
Approved			411.99	553,000	220,200			FY2008
Requested			0	-	-			FY2009
Total 5874			411.99	553,000	220,200			
Carson City / NV-030								
1	Fernley Airport (N-82711) Lyon County	FY07	320	450,000 app 1/09	50,000 LXSS059F0000	D	FY09	Phase 2
2	Fernley Competitive (N-82710) Lyon County	FY07	628.20	880,000 app 1/09	80,000 LXSS060F0000	SB	FY09	Phase 2
3	Fernley L N-85769 Lyon County	FY09	50	37,500	29,000 LXSS105F0000	C	FY10	New approved FY09 nomination
4	1060 New Pass Road N-77727 Steamboat Springs	FY04	5	175,000	13,000 LXSS058F0000	C	FY10	Phase 1 Cultural resource mitigation Locklocked
4	15385 Yankee Blade Rd N-77966 Steamboat Springs	FY04	5	200,000	13,000 LXSS101F0000	C	FY10	Phase 1 Cultural resource mitigation

(1) Office	(2) Sale Geographics Serial Number	(3) Nom App	(4) Total Acres	(5) Est. Value	(6) Est 5874 Costs/ WBS Code	(7) Sale Meth	(8) Proj Sale Date	(9) Phase (See Legend) / Comments
4	1505 Secret Pass Ct 1500 Secret Pass Rd N-77967 Steamboat Springs	FY04	5 1.25	175,000	13,000 LXSS102F0000	C	FY10	Phase 1 Abutting parcels
4	Temple Hill Rd N-77970 Steamboat Springs	FY04	5	200,000	13,000 LXSS103F0000	C	FY10	Phase 1 Washoe County floodplain mitigation Awaiting county studies
4	15380 Pinion Dr 15230 Westwind Dr N-77971 Steamboat Springs	FY04	30 5	700,000	13,000 LXSS104F0000	C	FY10	Phase 1 Washoe County floodplain mitigation Abutting parcels Awaiting county studies
Approved			1003.20	2,817,500	195,000			FY2008
Requested			50.00	37,500	29,000			FY2009
Total 5874			1,053.20	2,855,000	224,000			
Elko / NV-010								
Approved			0.00	-	-			
Requested			0	-	-			
Total 5874			0.00	-	-			
Ely / NV-040 - All future land sales to be conducted under White Pine & Lincoln Counties Lands Bills								
Las Vegas / NV-050								
1	Pahrump N-86294	FY09	120	336,000	91,089 LXSS106F0000	C	FY11	New approved FY09 nomination
2	Nye County N-86295	FY09	40	112,000	30,363 LXSS107F0000	C	FY11	New approved FY09 nomination
2	Nye County N-86296	FY09	40	112,000	30,363 LXSS108F0000	C	FY11	New approved FY09 nomination
2	Nye County N-86297	FY09	39.33	110,000	29,854 LXSS109F0000	C	FY11	New approved FY09 nomination
2	Nye County N-86298	FY09	329.6	894,600	250,191 LXSS110F0000	C	FY11	New approved FY09 nomination
2	Nye County N-86299	FY09	320.29	896,000	243,124 LXSS111F0000	C	FY11	New approved FY09 nomination
Approved			n/a	n/a				FY2008
Requested			889.22	2,460,600	674,984			FY2009
Total 5874			889.22	2,460,600	674,984			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Office 2009 Priority	Sale Geographics Serial Number	Nom App	Total Acres	Est. Value	Est 5874 Costs/ WBS Code	Sale Meth	Proj Sale Date	Phase (See Legend) / Comments
Winnemucca / NV-020								
1	Jungo Hills (N-65802) Humboldt County	FY04	1440.00	144,000	84,300 LXSS062F0000	A	FY10	Phase 1 Awaiting cultural report review.
2	Schoolhouse Butte (N-85116) Humboldt County	FY04	440.00	44,000	28,000 LXSS077F0000	A	FY10	Phase 1 FONSI/DOR report signed? Appraisal requested
Approved			1880.00	188,000	112,300			FY2008
Requested			0	-	-			FY2009
Total 5874			1,880.00	188,000	112,300			
Nevada State Wide Summary								
Approved	19 Sales		6856.44	4,218,000	639,800			
Requested	7 Sales		939.22	2,498,100	703,984			28% Projected Expenses of Projected Est. Value
Total 5874	26 Sales		7,795.66	6,716,100	1,343,784			20% Projected Expenses of Projected Est. Value

Legend:

Field Office with 2009-2010 Priority;

Sale Geographics Serial # - nearby location and case serial number

Nom App - Nomination approval date fiscal year

Total Acres - Total acreage of property to be sold; all FLTFA

Est. Value - Office's estimated sales value. Use "app" for FMV, if available.

SLT Concurred 5874 Processing Costs Estimates

Sale Method - D (Direct), A (Auction), C (Competitive), SB (Sealed Bid), Mod-Comp.

Sale - Anticipated sale FY. Use scheduled or actual sale date, if known.

Sale equates to making an offer for sale

Comments - Phase of processing and any abbreviated comments significant to the property

Phase 1 NEPA & other studies ongoing - Typical time for completion 8 months +++++

Phase 2 EA/FONSI/Decision Record signed; appraisal/sales NORA in progress - Typical elapsed time 12 months

Phase 3 Marketing property - Typical time elapsed 2 months

Phase 4 Land offered; parcel is either sold pending final payment or unsold (specify which) - Higher bidder has 180 days to make final payment

FEDERAL LAND TRANSACTION FACILITATION ACT

Exhibit D

Nevada SLT Approved FLTFA Sales FY 2009 - FY 2010

7/20/09

(1) Office	(2) Sale Geographics	(3) Nom	(4) Total	(5) Est.	(6) Est 5874 Costs/ WBS Code	(7) Sale	(8) Proj	(9) Phase (See Legend) / Comments
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