

USDI, Bureau of Land Management  
Burns District  
28910 Hwy 20 West  
Hines, OR 97738

FINDING OF NO SIGNIFICANT IMPACT  
and  
DECISION RECORD

for  
OR-60154-PT and OR-60154-FD, Rock Creek Ranch, Inc. (Gary Miller) Land Exchange  
and  
OR-63956, Rock Creek Ranch, Inc. (Gary Miller) Land Sale  
in Settlement of Trespass, OR-63956-01  
Environmental Assessment No. OR-03-027-034

INTRODUCTION

The attached Environmental Assessment (EA) is a site-specific analysis of potential effects that could result from implementation of a proposed action or alternatives to complete the Rock Creek Ranch, Inc., Land Exchange and Settlement of Trespass with Gary Miller. The EA was initially distributed to the same entities that received the published Notice of Exchange Proposal in May 2005.

In July of 2002, Gary Miller, President of Rock Creek Ranch, Inc., purchased from Wrench Ranch, LLC non-Federal land located 1.5 miles north of Mann Lake. This non-Federal property is surrounded by Federal land within the Congressionally-designated Steens Mountain Cooperative Management and Protection Area (CMPA) as established by the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000, Public Law 106-399 (114 Stat. 1655). In August of 2002, Gary Miller submitted a written proposal for a land exchange with the Bureau of Land Management (BLM) which would settle an unintentional trespass. In 2003, the BLM decided to proceed with a feasibility study and National Environmental Policy Act analysis for the proposed land exchange and settlement of trespass.

The Notice of Exchange Proposal was published in May 2005 and described approximately 1,411.17 acres of Federal lands located in Harney County, Oregon, that would be disposed of in the proposed exchange. Upon valuation of the Federal and non-Federal parcels, it was determined that approximately 47.08 acres would be dropped from the proposal. The lands withdrawn are described below:

W.M., T. 32 S., R. 31 E., sec. 25, lot 1 at 47.08 acres, more or less.





A new appraisal was reviewed and approved by the ASD and accepted for use by the BLM on September 7, 2007, and incorporates the water right for a spring which is located on adjacent Federal land. The spring feeds a BLM water pipeline that is partially located on the non-Federal land under a Cooperative Agreement for Range Improvements by a prior owner. The BLM pipeline will remain in operation for the current grazing permit for the South Mann Lake Seeding under a Cooperative Agreement for Rangeland Improvements with the current permittee.

Gary Miller applied for a water right (Application No. S-85626) with the Oregon Water Resources Department prior to the BLM applying for the spring water rights. The application filed by Gary Miller will be assigned to the BLM upon acquisition of the non-Federal parcel by the United States.

The Oregon Water Resources Department identifies a water right for irrigation for Emery Hill and a water right for irrigation for J.B. Balcomb. There is no evidence the parcel has been irrigated in the past 5 years and validation of the water right for irrigation purposes would have to be shown before irrigation could occur. The non-Federal land is located in Pastures #1 and #2 of Mann Lake Allotment #6026. The non-Federal land to be acquired would become part of this grazing allotment and managed under the Mann Lake Allotment Management Plan (AMP) by the current permittee.

The land exchange will include the mineral estate. Upon acquisition by the United States of the non-Federal land, the parcel would automatically be included in the area withdrawn from location, entry and patent under the mining laws, operation of the mineral leasing and geothermal leasing laws, and the minerals materials laws and all amendments thereto except as specified in subsection (b) of Title IV – Mineral Withdrawal Area, Sec. 401 (a), of the Steens Act (114 Stat. 1669).

The non-Federal land to be acquired by the United States is in Harney County, Oregon. It is completely surrounded by Federal lands and is located within the CMPA as designated by the above-mentioned Steens Act.

#### No Action Alternative

"No Action" means no land exchange would occur and if this alternative is selected, the existing land status would remain. Without this land exchange project, the BLM would not acquire 233.25 acres within the CMPA to promote multiple-use values, block up Federal land for wildlife habitat, provide casual recreation opportunities, and protect the east side of the Steens Mountain viewshed from development. All described Federal land would remain in Federal jurisdiction and managed by the BLM within the limitations of budgetary constraints, in accordance with the provisions of the Andrews and Drewsey MFP, September 1987, and a trespass case would remain unsettled.

## Purchase Alternative Considered but not Further Analyzed

Under this alternative, the BLM must have a "willing seller." This alternative has already been attempted through the negotiation process and has failed. The failure of this alternative has led to the proposed land exchange and land sale.

## FINDING OF NO SIGNIFICANT IMPACT

### Federal Land

The exchange proposal and direct sale proposal have been evaluated and are consistent with the Andrews and Drewsey MFP, September 1987, the Steens Act of October 30, 2000, and the provisions of the Steens Mountain CMPA RMP and ROD, dated July 15, 2005.

There was no evidence of hazardous materials on the Federal parcels during the initial site inspection. A preliminary analysis and initial assessment were completed in April 2005 and are in compliance with new regulations at 40 CFR 312, All Appropriate Inquiries. The preliminary analysis and initial assessment concluded that generally nontoxic ranch waste, haystacks, cattle supplement tanks, and metal debris are located on Section 28, T. 33 S., R. 30 E., W.M., of the Federal parcels. This is not expected to jeopardize public health or inhibit ranch operations in the future and Rock Creek Ranch, Inc., is the responsible trespass party. An updated Environmental Site Assessment (ESA) meeting the requirements of the new regulations will be prepared within the 180-day time-period prior to the acquisition and the disposal of the Rock Creek Ranch, Inc., land exchange. The ESA will include updated interviews, records review, site visit, and a declaration of the Environmental Professional.

The Federal land is zoned by Harney County for Exclusive Farm Range Use (EFRU)-1. This designation is intended to preserve and maintain agricultural land. Upon conveyance, up to 1,364.09 acres of Federal land would be incorporated into the existing operation of Rock Creek Ranch, Inc., and managed for agricultural purposes, consistent with Harney County zoning ordinances. The Federal land is currently within the boundaries of the grazing allotments permitted to Rock Creek Ranch, Inc., Gary Miller, Authorization numbers 3602576 and 3602591. There would be no change in the management of either grazing allotments. The Federal land would come under the County tax base and would likely remain as livestock grazing areas. Cattle grazing is the primary economic activity on the Federal land and would like remain as such after the land exchange.

The Andrews and Drewsey MFP, September 1987, identifies the Federal land as Zone 2. Land classified as Zone 2 may be considered for conveyance by sale or in voluntary exchange for land with higher public and resource values. Disposing of the Federal land would settle a trespass case. The lands are outside of the designated CMPA.

## Non-Federal Land

The non-Federal land is completely surrounded by Federal land within the CMPA. The non-Federal land is located in Zone 1B and is identified for acquisition due to high resource values. The Steens Act authorizes acquisition by voluntary exchange of non-Federal land and interests in land located within the boundaries of the CMPA. Land acquired would automatically, upon transfer of title, become part of the CMPA and managed by the BLM as such, ensuring no future residential development of the property.

No evidence of hazardous materials was found during the March 31, 2005, site inspection of the property. Rock Creek Ranch, Inc., has signed a statement declaring that, to the best of their knowledge, there has been no release, storage or disposal of hazardous materials on the non-Federal land involved in the exchange dated May 5, 2005. An updated ESA meeting the requirements of the new regulations at 40 CFR 312, All Appropriate Inquiries, will be prepared within the 180-day time-period prior to the acquisition and the disposal of the Rock Creek Ranch, Inc., land exchange. The ESA will include updated interviews, records review, site visit, and a declaration of the Environmental Professional.

The Steens Mountain CMPA RMP and ROD, dated July 15, 2005, have the land in Zone 1B for acquisition. The land exchange complies with the Steens Act since the land is inside of the designated CMPA.

The Oregon Water Resources Department identifies a water right for irrigation for Emery Hill and a water right for irrigation for J.B. Balcomb. There is no evidence the parcel has been irrigated in the past 5 years and validation of the water right for irrigation purposes would have to be shown before irrigation could occur. The non-Federal land is located in Pastures #1 and #2 of Mann Lake Allotment #6026. The non-Federal land to be acquired would become part of this grazing allotment and managed under the Mann Lake AMP with the current permittee.

Based on the analysis of potential environmental impacts contained in the EA and all other information, I have determined that the proposed action and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared.

### RATIONALE:

This determination is based on the information provided below:

This proposal is in conformance with Federal laws, regulations and executive orders.

The following critical elements of the human environment are not known to be present in the land exchange and the land sale area or affected by enacting either alternative: American Indian Traditional Practices, Areas of Critical Environmental Concern, Air Quality, Environmental Justice, Farmlands (prime or unique), Flood Plains, Hazardous Materials, Noxious Weeds, Paleontology, Water Quality (drinking/ground), Wild and Scenic Rivers, Wilderness, and Wilderness Study Areas.

All potentially impacted resources were analyzed in the EA specific to the proposed actions. Impacts to these resources are considered nonsignificant (based on the definition of significance in 40 CFR 1508.27) for the following reasons:

Cultural Heritage: Archaeological sites within the Federal exchange land are not eligible for nomination to the National Register of Historic Places and would not be afforded statutory protection by the BLM. Under the proposed action alternative, they would be lost from BLM management. However, their importance would not be greatly affected if the sites are transferred to a private owner.

Archaeological sites within non-Federal land could be affected by the proposed action. If found to be eligible for nomination to the National Register of Historic Places, statutory protection of such sites and mitigation of future effects would be required.

No cumulative effects are anticipated through implementation of this alternative.

Migratory Birds: No effects are anticipated through implementation of this alternative.

Special Status Species - Fauna: There would be no effect on observed Special Status animal species through implementation of this alternative on the Federal lands. Acquisition of the non-Federal land would block up land within bighorn sheep winter range which enhances management capabilities.

Special Status Species - Flora: There would be no effect to Special Status plant species existing on the non-Federal parcel near Mann Lake because management would not be expected to change; the BLM would manage the land the same as the surrounding Federal land. Special Status plant species existing on the Federal parcels in Catlow Valley could be at risk if the landowner changes management to alter the existing habitat. Two Special Status plant species were discovered to be growing on the parcels in the area of Rock Creek Ranch, Inc. The two species are Raven's lomatium (*Lomatium ravenii*) and four-winged milkvetch (*Astragalus tetraapterus*). Both species are in no danger of being listed as Threatened or Endangered as there are stable populations in other places.

Wetlands and Riparian Zones: There are no foreseeable effects with selection of this alternative.

## Noncritical Elements

Grazing Management: There would be no change in the management of the allotments under this alternative.

Lands and Realty: The BLM would acquire the fee simple estate of approximately 233.25 acres of non-Federal land in exchange and direct land sale for the fee simple estate of up to approximately 1,364.09 acres of Federal land, both surface and minerals. The land values would be equalized based on a market value appraisal. Rock Creek Ranch, Inc. (Gary Miller) would apply a cash payment of up to 25 percent if necessary for equalization and a trespass case would be settled. The BLM would consolidate Federal land within the CMPA.

The Federal lands would be consolidated into the existing operation of Rock Creek Ranch, Inc., and would not conflict with other adjacent Federal lands. The Federal lands and adjacent Federal lands are zoned by Harney County for EFRU-1. The Federal land is currently within the boundaries of the grazing allotments permitted to Rock Creek Ranch, Inc. There would be no change in the management of allotments.

Minerals: There would be no effect on mineral resources because the exchanged Federal land and the non-Federal land both have low to moderate mineral potential and no development potential and are considered to be of no known value. The mineral estate would remain united with the surface estate for both the Federal land and the non-Federal land eliminating a split-estate situation that can be difficult to manage for both the private landowner and the BLM. The land proposed for transfer into Federal ownership would automatically, upon transfer of title, become part of the Mineral Withdrawal Area established by the Steens Act.

Recreation/Off-Highway Vehicle (OHV): Recreation use of the Federal parcels would generally not be affected if they are transferred to private ownership, because there has been limited public access to those parcels. Public use of the non-Federal parcel would continue, but under the BLM's management.

Land transferred out of Federal ownership would no longer have an OHV designation. Land acquired by the BLM would be designated as "limited to designated roads" for OHV and mechanized vehicle use. Public use of both the non-Federal and Federal lands would not be affected because the Federal parcels are generally not accessible, while the non-Federal parcel has never been closed to the public.

Social and Economic Values: With selection of the proposed action the parcels under Federal management would come under the County tax base and would likely remain as livestock grazing areas. The current private property would fall out of the tax base.

The current Federal parcels could be lost for public recreational activities, but these are at a negligible level currently. The property slated for Federal ownership would retain its scenic values and would remain open to recreational activities.



Soils: There would be no effect to the soils on the offered parcel near Mann Lake. There would be no effect on the soils in the Catlow Valley parcels unless the landowner changes the management that could cause an increase in compaction or erosion in some areas.

Vegetation: There would be no effect to existing vegetation on the Federal parcel near Mann Lake because management would not be expected to change. The vegetation on the selected parcels in Catlow Valley could be at risk if the landowner changes the management to alter the existing habitat by such activities as seeding or brush beating.

Visual Resources: Land transferred out of Federal ownership would no longer have a Visual Resource Management (VRM) class designation. Land acquired by the BLM would be designated VRM Class II.

Transportation/Roads: There are currently valid existing right-of-ways for roads which ensure public access to other Federal lands. These rights would continue with both alternatives.

Wildlife: No effects are anticipated to wildlife or their habitat through implementation of this alternative. Except the Federal parcels, once in private ownership, could be converted to alfalfa, for example, which could have both positive and negative effects on wildlife.

The market values of the Federal land and non-Federal land were determined through complete appraisals performed by a qualified fee appraiser considered to be most appropriate for this assignment. The selected fee appraiser was chosen from the contract appraiser panel approved by the BLM. The ASD provided management oversight for the entire appraisal process, including but not limited to, producing appraisal instructions and scope, as well as, contracting with the chosen real estate appraiser.

The complete self-contained appraisals complied with specifications and requirements set forth in the most current additions of the Uniform Standards of Professional Appraisal Practice, and Uniform Appraisal Standards for Federal Land Acquisitions. The appraisals were subject to ASD review and were approved by ASD and accepted for use by the BLM.

Upon acceptance of the initial approved market values as of October 2005 and subsequent negotiations, the proponent selected enough Federal land for equalization. The values will be equalized by the payment of money to the Secretary as the circumstances require not exceeding 25 per centum of the total value of the land or interests in land transferred out of Federal ownership.

An appraisal validity consultation/market analysis was completed in June 2007 to determine if the initially estimated market values, as of October 20, 2005, had changed significantly to require a new appraisal. It was determined that a new appraisal was required as the non-Federal land value increased by approximately 20 percent and the Federal land values increased by approximately 10 percent. A new appraisal was reviewed and approved by the ASD and accepted for use by the BLM on September 7, 2007.

In addition, it was determined that Parcel C and a portion of Parcel D would remain in the exchange package as negotiated because the Federal land will be incorporated into existing ranching operations; the lands will be managed consistent with Harney County zoning ordinances i.e., agricultural/grazing; the lands fall within the boundary of grazing allotments permitted to the Rock Creek Ranch, Inc., (Gary Miller); there is no foreseeable expectation of rural residential development; access to parcels would be controlled by the Rock Creek Ranch, Inc., if sold competitively; and, the expectation of parcels being sold and having competitive value is extremely doubtful.

Sections 203 and 206 of the FLPMA provides authority to the Secretary of the Interior to dispose of Federal land or interests in land when a determination is made that the public interest would be well served. When considering the public interest, full consideration was given to better Federal land management and the needs of State and local people, including needs for land for the economy, community expansion, fish and wildlife, and recreation.

This proposed land exchange is consistent with the provisions of 43 CFR 2200.0-6 (b)(2) in that it has been determined the resource values and the public objectives that the Federal lands or interests to be conveyed may serve if retained in Federal ownership are not more than the resource values of the non-Federal lands or interests and the public objectives they could serve if acquired. Specifically, the public interest is well served by consolidating Federal landownership patterns providing for more efficient Federal land management, promoting multiple-use values, acquiring wildlife habitat within mule deer winter range, pronghorn yearlong range, and bighorn sheep winter range on the east side of Steens Mountain, protecting the east side of Steens Mountain viewshed from development, increasing the potential for casual recreational activities in connection with Mann Lake and settlement of a trespass case.

Conveyance of the Federal lands will not conflict with established management objectives on adjacent Federal land and Indian trust lands. The Federal lands to be conveyed and the remaining adjacent Federal lands are zoned by Harney County for EFRU-1. The Federal land is currently within the boundaries of the grazing allotments permitted to Rock Creek Ranch, Inc., and there would be no change in the management of the allotments.

The proposed direct land sale is consistent with the provisions of the FLPMA and 43 CFR 2710.0-3(a)(3) in that the parcel is considered difficult and uneconomic to manage in addition to the cost of remediation of the land too costly. The proposed direct land sale is also consistent with 43 CFR 2710.0-6(c)(3)(iii) in that it will resolve an unintentional trespass.

Disposal by direct sale to the responsible party of the 240-acre parcel will resolve an unintentional trespass and remove the parcel from Federal jurisdiction and potential liabilities. Various facilities are spread over most of the tract and it would not be feasible to carve out each specific situation without creating multiple isolated tracts of Federal land. It is determined to be appropriate to convey the entire 240 acres.

Summary of Scoping prior to the EA:

- Burns Paiute Tribal consultation was conducted in May 2004.
- Concurrence processes with the State Historic Preservation Office were completed in December 2004.
- The Notice of Exchange Proposal (NOEP) was sent to all adjacent landowners; the U.S. Congressional Delegation for the State of Oregon; the Governor of the State of Oregon; the Division of State Lands in Bend, Oregon, and Salem, Oregon; the Oregon Department of Fish and Wildlife (ODFW); U.S. Fish and Wildlife Service; Western Land Exchange Project; Burns Paiute Tribal Council; Harney Electric Cooperative; CenturyTel of Eastern Oregon; the Harney County Road Department; the Harney County Court; and the NOEP was published in the local newspaper, in accordance with BLM Handbook, H-2200-1, Land Exchange Handbook guidance, on May 11, 18, 25, and June 1, 2005.

Public Comments on the NOEP and the BLM Responses to Comments in the EA:

Letter #1: A Steens Mountain Advisory Council (SMAC) member requested a map and information concerning equalization, acres, and market value.

Response #1: The land exchange proposal was presented to the SMAC prior to the BLM feasibility process in 2003 and the recommendation was to proceed with the exchange process. The non-Federal land is located in the Steens Mountain CMPA but is not a wilderness inholding. The land exchange is authorized under the Steens Act; however, it is not one of the legislated land exchanges identified in the Steens Act.

Market values of the Federal land and non-Federal land would be estimated through complete appraisals performed by a qualified fee appraiser considered to be most appropriate for this assignment. The selected fee appraiser would be chosen from the contract appraiser panel approved by the BLM. The ASD shall provide management oversight for the entire appraisal process, including but not limited to, producing appraisal instructions and scope, as well as, contracting with the chosen real estate appraiser.

The complete self-contained appraisals shall comply with specifications and requirements set forth in the most current additions of the "Uniform Standards of Professional Appraisal Practice," and "Uniform Appraisal Standards for Federal Land Acquisitions." The draft appraisal(s) are subject to ASD review and approval.

The proponent has selected enough Federal land for equalization, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary concerned as the circumstances require not exceeding 25 per centum of the total value of the land or interests in land transferred out of Federal ownership.

Letter #2: The Western Land Exchange Project has requested that the EA provide some discussion of the land-value trends in the area since 2000 ensuring that the land values from the legislated Steens Act land exchanges do not artificially inflate the value of Steens Mountain Inholdings.

Response #2: The following is a discussion on land value from the BLM Feasibility Analysis approved on April 14, 2005.

Non-Federal Land:

BLM Appraiser, Barbara Kehrberg, appraised the property at \$250.00 per acre on February 22, 2001.

Gary Miller of Rock Creek Ranch, Inc., purchased the 233.25-acre parcel in July of 2002, for \$75,000.00 or \$321.54 per acre. The deed was recorded on July 12, 2002.

The BLM has acquired the Huett, Askins, Keller, and Miles parcels within the CMPA Wilderness at \$250.00 per acre between the years of 2002 to 2004.

It is expected that range of appraised value would be \$250.00 to \$350.00 per acre on the non-Federal land:  $233.25 \times \$250.00 = \$58,312.50$  to  $233.25 \times \$350.00 = \$81,637.50$

Federal Land:

The 2003 Harney County Land Sales Appraisal of 24 BLM land parcels were completed in October 20, 2002, by Elwood Wirth. He looked at 52 comparative sales in the Harney County area. The appraised land was scattered parcels in outlying areas of the County that were unimproved, dry grazing land with variable native vegetation, zoned EFRU-1, 160.00-acre minimum outright segregations, and used mostly as assemblage for grazing purposes. Values ranged from \$65.00 per acre to \$165.00 per acre. The exchange parcels have similar characteristics and zoning as the land sale parcels and it is expected the land would appraise for similar values.

1,040 X \$65.00 = \$67,600.00 to 1,040 X \$165.00 = \$171,600.00

Additional

133.71 X \$65.00 = \$8,691.15 to 133.71 X \$165.00 = \$22,062.15

Additional

237.46 X \$65.00 = \$15,434.90 to 237.46 X \$165.00 = \$39,180.90

The proponent has selected enough Federal land for equalization, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary of the Interior as the circumstances require not exceeding 25 per centum of the total value of the land or interests in land transferred out of Federal ownership.

The non-Federal land is located within the CMPA but is not a Wilderness Inholding.

Public Comments on EA OR-03-027-034 and the BLM Responses to Comments in Decision:

Letter #1: A letter from ODFW generally supporting the land exchange, however, listing two concerns in Parcel D which contains 133.71 acres; 1) Parcel D is within the expected range of a proposed Bighorn Sheep Herd Management Area (HMA), and 2) Parcel D would be an excellent location for a potential residence, if it exchanged into private ownership.

Response #1: The BLM will lose 86.63 acres in Parcel D which is identified for a proposed ODFW Bighorn Sheep HMA, however; it will gain 233.25 acres above Mann Lake on the east side of the Steens Mountain which is also considered large game habitat. Parcel D will be used as grazing and assemblage into existing ranching operations by Rock Creek Ranch, Inc. There are no reasonable foreseeable expectations of a residence being built on this site. The management of Parcel D is not expected to change since Rock Creek Ranch, Inc., is the current permittee in the range allotment. Rock Creek Ranch, Inc., allowed ODFW to determine the acres which were to be retained by the BLM since it would not affect current or future grazing use of the property.

Letter #2: An e-mail was received from Western Land Exchange Project which states "1) Thank you for including a discussion on land valuation, as we requested, and 2) the value issue is of greatest concern to us, so we are not submitting comments on other aspects of the EA. We have filed a FOIA for the appraisal if and when it is completed."

Response #2: The contracted appraisals were prepared by Elwood Wirth, Appraiser, comply with UASFLA and USPAP, and were reviewed and approved by Doug Braun, MAI Senior Review Appraiser, ASD. The Market Value conclusions rendered in the Approved Appraisals \* were similar to the values discussed in the EA. The Freedom of Information Act (FOIA) request for the appraisal was made to the ASD's FOIA Officer and appraisals were made available to Western Land Exchange Project upon approval of the market value by the ASD and acceptance by the BLM.

\* Please note: The "approved appraisal" referenced above relates to the first appraisal valued in October 2005. In addition, the FOIA request was also for the October 2005 appraisal.

## DECISION RECORD

Having considered the range of alternatives (the proposed action, the no action, and the purchase alternative) and associated impacts and based on the analysis in the Rock Creek Ranch, Inc. (Gary Miller) Land Exchange and Settlement of Trespass EA, it is my decision to implement the proposed actions.

Pursuant to Section 206 of the FLPMA, the acquisition of the fee simple estate of the non-Federal land comprised of approximately 233.25 acres north of Mann Lake in Harney County, Oregon, would occur by warranty deed. In exchange, disposal of the fee simple estate of the Federal lands comprised of approximately 1,124.09 acres would occur by quitclaim deed and/or patent. The properties are situated on the east side of Steens Mountain. It was determined there are no known mineral values; therefore, the surface and mineral estates of the Federal and non-Federal land would be conveyed, also ensuring no split estate.

Pursuant to Sections 203 and 209 of the FLPMA, approximately 240.00 acres in Catlow Valley, Harney County, Oregon, would be disposed of by quitclaim deed and/or patent. The property is situated adjacent to Rock Creek Ranch, Inc. Disposal by direct sale to the responsible party of the 240-acre parcel will resolve an unintentional trespass and remove the parcel from Federal jurisdiction and potential liabilities. Various facilities are spread over most of the tract and it would not be feasible to carve out each specific situation without creating multiple isolated tracts of Federal land. It is determined to be appropriate to convey the entire 240 acres. It was determined there are no known mineral values; therefore, the surface and mineral estates of the Federal land would be conveyed also ensuring no split estate.

Public Interest Determination:

Pursuant to 43 CFR § 2200.0-6(b), it has been determined that the public interest will be well served by the land exchange. The resource values and the public objectives that the Federal lands or interests to be conveyed may serve if retained in Federal ownership are not more than the resource values of the non-Federal lands or interests and the public objectives they could serve if acquired. Specifically, the public interest is well served by consolidating Federal landownership patterns providing for more efficient Federal land management, promoting multiple-use values, acquiring wildlife habitat within mule deer winter range, pronghorn yearlong range, and bighorn sheep winter range on the east side of Steens Mountain, protecting the east side of Steens Mountain viewshed from development, and, increasing the potential for casual recreational activities in connection with Mann Lake.

In addition, the intended use of the conveyed Federal lands will not, in the determination of the authorized officer, significantly conflict with established management objectives on adjacent Federal lands and Indian trust lands. The Federal land is zoned by Harney County for EFRU-1, which is intended to preserve and maintain agricultural land. Upon conveyance of the Federal lands, up to 1,364.09 acres of Federal land would be incorporated into the existing operation of Rock Creek Ranch, Inc., and managed for agricultural purposes, consistent with Harney County zoning ordinances. The Federal land is currently within the boundaries of the grazing allotments permitted to Rock Creek Ranch, Inc., Gary Miller. There would be no change in the management of either grazing allotment. The Federal land would come under the County tax base and would likely remain as livestock grazing areas. Cattle grazing is the primary economic activity on the Federal land and would likely remain as such after the land exchange.

Pursuant to 43 CFR § 2711.3-3(a)(5), it has been determined that the public interest will be well served by the direct sale of the land to resolve an inadvertent unauthorized use of the Federal land by the responsible party.

Rationale for Decision: I have selected the proposed actions for the following reasons:

1. Both the land exchange and land sale are in compliance with the provisions of the Andrews and Drewsey MFP, September 1987.
2. Acquisition of the non-Federal parcel would block up Federal landownership within the CMPA providing for more efficient Federal land management and ease in promoting multiple-use values.
3. Acquisition of the non-Federal parcel provides consolidation of wildlife habitat within mule deer winter range, pronghorn yearlong range, and bighorn sheep winter range on the east side of Steens Mountain. Management capabilities of habitat are enhanced further with larger landownership blocks.
4. Acquisition of the non-Federal parcel would ensure public recreational opportunities.

This property is located 1.5 miles north of Mann Lake, near a soon to be paved County road. Mann Lake comprises approximately 200.00 acres and is largely managed for fishing and camping. The parcel is surrounded by Federal land and would become part of the CMPA and be managed pursuant to the laws applicable to the CMPA.

5. Acquisition of the non-Federal parcel would ensure protection of the east side of Steens Mountain viewshed from rural residential development.
6. The subject Federal parcels are identified for disposal in the MFP, September 1987.
7. The subject Federal parcels are difficult and uneconomical to manage.
8. The subject Federal parcels would be incorporated into the existing Rock Creek Ranch, Inc., operations and managed for agricultural and grazing purposes which are consistent with Harney County zoning ordinances of EFRU-1.
9. The subject Federal land is currently within the boundaries of the grazing allotments permitted to Rock Creek Ranch, Inc. (Gary Miller).
10. There would be no conflict in future management of the subject Federal lands with the remaining adjacent Federal lands as cattle grazing is the primary economic activity on the Federal lands.
11. Disposal of the Federal parcel located in Section 28, T. 33 S., R. 30 E., W.M., by direct sale would settle a trespass case.

This decision to acquire 233.25 acres of non-Federal land in exchange for 1,124.09 acres of Federal Land in the Rock Creek Ranch, Inc., exchange would be put into effect upon the completion of the 45-day comment/protest period and the 60-day Governor's review period that begin the day after publication of a Notice of Decision and resolution of any protests duly filed within the 45-day comment/protest period.

This decision to convey 240.00 acres of Federal Land to resolve a trespass to Gary Miller of Rock Creek Ranch Inc., would be put into effect upon the completion of the 45-day comment/protest period and the 60-day Governor's review period that begin the day after initial publication of a Notice of Realty Action and resolution of any protests duly filed within the 45-day comment/protest period.



Your comments must address the action to which you are commenting, such as the Land Exchange or the Land Sale. Comments must be made in writing and postmarked or delivered to this office by November 16, 2007 (45 days after the date of newspaper publication of the Notice of Decision for the land exchange and 45 days after the first date of publication of the Notice of Realty Action in the Federal Register for the 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.

/signature on file/

Dana R. Shuford  
Burns District Manager

October 3, 2007

Date

manner in which such distribution shall occur;

v. Details of all provisions made by the applicant for sanitation, security and other measures to protect the health and welfare of participants at the event;

vi. Certification that the event will be covered by a policy of public liability insurance as described in Section 158(C) of this Liquor Code, that includes the Pueblo as a co-insured.

vii. Any other information required by the Tribal Council relative to the event.

B. The Tribal Council shall consider the application at its next meeting after the application is submitted, and shall vote to approve or reject the application. If the Council votes to approve the application, it shall also decide whether the license should be conditioned or limited in any fashion. If the application is approved, the Governor shall issue the license, including any conditions or limitations approved by the Council, and specifying the hours during which and the premises within which sales, distribution and consumption of alcoholic beverages may occur.

C. Alcoholic beverages may be sold or distributed pursuant to a special event license only at the location and during the hours specified in such license, in connection with the special event, only to participants in such special event, and only for consumption on the premises described in the license. Such sales or distribution must comply with any conditions imposed by the license, and with all other applicable provisions of this Liquor Code. All such alcoholic beverages must have been obtained from a New Mexico licensed wholesaler or retailer.

#### Section 161: Display of License

Every person licensed by the Pueblo to sell alcoholic beverages within Picuris Pueblo Indian Lands shall prominently display the license on the licensed premises during hours of operation.

#### *Subchapter Four: Offenses*

#### Section 181: Purchase From or Sale to Unauthorized Persons

Within Picuris Pueblo Indian Lands, no person shall purchase any alcoholic beverage at retail except from a person licensed by the Pueblo under the provisions of this title; no person except a person licensed by the Pueblo under the provisions of this title shall sell any alcoholic beverage at retail; nor shall any person sell any alcoholic beverage for resale within Picuris Pueblo Indian Lands to any person other than a person properly licensed by the Pueblo under the provisions of this chapter.

#### Section 182: Sale to Minors

A. No person shall sell or provide any alcoholic beverage to any person under the age of 21 years.

B. It shall be a defense to an alleged violation of this Section that the purchaser presented to the seller an apparently valid identification document showing the purchaser's age to be 21 years or older, and that the seller had no actual or constructive knowledge of the falsity of the identification document and relied in good faith on its apparent validity.

#### Section 183: Purchase by Minor

No person under the age of 21 years shall purchase, attempt to purchase or possess any alcoholic beverage.

#### Section 184: Sale to Person Under the Influence of Alcohol

No person shall sell any alcoholic beverage to a person who the seller has reason to believe is under the influence of alcohol or who the seller has reason to believe intends to provide such alcoholic beverage to a person under the influence of alcohol.

#### Section 185: Purchase by Person Under the Influence of Alcohol

No person under the influence of alcohol shall purchase any alcoholic beverage.

#### Section 186: Bringing Liquor Onto Licensed Premises

No person shall bring any alcoholic beverage for personal consumption onto any premises within Picuris Pueblo Indian Lands where liquor is authorized to be sold by the drink, unless such beverage was purchased on such premises, or unless the possession or distribution of such beverages on such premises is otherwise licensed under the provisions of this Liquor Code.

#### Section 187: Use of False or Altered Identification

No person shall purchase or attempt to purchase any alcoholic beverage by the use of any false or altered identification document that falsely purports to show the individual to be 21 years of age or older.

#### Section 188: Penalties

A. Any person convicted of committing any violation of this Chapter shall be subject to punishment of up to one (1) year imprisonment or a fine not to exceed Five Thousand Dollars (\$5,000.00), or to both such imprisonment and fine.

B. Any person not a member of a federally recognized Indian tribe, upon committing any violation of any

provision of this Chapter, may be subject to a civil action for trespass, and upon having been determined by the court to have committed the alleged violation, shall be found to have trespassed upon the Lands of the Pueblo, and shall be assessed such damages as the court deems appropriate in the circumstances.

C. Any person suspected of having violated any provision of this Chapter shall, in addition to any other penalty imposed hereunder, be required to surrender any alcoholic beverages in such person's possession to the officer making the arrest or issuing the complaint.

#### Section 189: Jurisdiction

Any and all actions, whether civil or criminal, pertaining to alleged violations of this title, or seeking any relief against the Pueblo or any officer or employee of the Pueblo with respect to any matter addressed by this Liquor Code, shall be brought in the Tribal Court of the Pueblo, which court shall have exclusive jurisdiction thereof.

[FR Doc. E7-19364 Filed 10-2-07; 8:45 am]

BILLING CODE 4310-4J-P

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-930-07-5870-EU; OR-63956; HAG-07-0135]

#### Notice of Realty Action; Non-Competitive (Direct) Sale of Public Land; Harney County, OR

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

**ACTION:** Notice of Realty Action.

**SUMMARY:** A 240-acre parcel of public land in Harney County, Oregon, is being considered for direct sale to resolve an inadvertent occupancy trespass. The parcel is the minimum size possible to resolve the encroachment. The parcel proposed for sale is identified as suitable for disposal in the BLM Andrews and Drewsey Management Framework Plan, dated September 1987, and the BLM Andrews Resource Management Plan and Record of Decision, dated July 15, 2005.

**DATES:** Submit comments on or before November 16, 2007. Only written comments will be accepted.

**ADDRESSES:** Address all written comments to Karla Bird, Andrews Resource Area Field Manager, Burns District Office, Bureau of Land Management, 28910 Hwy 20 West, Hines, Oregon 97738. Comments

expressed verbally or in electronic format will not be accepted.

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

**SUPPLEMENTARY INFORMATION:** The following described public land in Harney County, Oregon, has been examined and found suitable for sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713 and 1719). The parcel proposed for sale is identified as follows:

**Willamette Meridian, Oregon**

T. 33 S., R. 30 E., Sec. 28, N $\frac{1}{2}$ S $\frac{1}{2}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described contains 240 acres in Harney County.

This parcel will be sold at not less than the appraised market value, currently determined to be \$42,500. In accordance with 43 CFR 2711.3-3(a)(5), direct sale procedures are appropriate to resolve inadvertent unauthorized use or occupancy of the land. The encroachment involves portions of outbuildings, an abandoned airstrip, ranch waste, haystacks, cattle supplement tanks, and metal debris that are spread over the entire 240-acre parcel.

Gary Miller, Rock Creek Ranch, Inc., will be allowed 30 days from receipt of a written offer to submit a deposit or at least 10 percent of the appraised market value of the parcel and within 180 days thereafter to submit the balance. No representation, warranty or covenant of any kind, express or implied, will be given or made by the United States, its officers or employees, as to access to or from the above described parcel of land, the title to the land, whether or to what extent the land may be developed, its physical condition or its past, present or potential uses. However, to the extent required by law, the sale will be subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(h)).

As proposed, the sale will be made, and the land will be conveyed, subject to:

1. Valid existing rights;
2. A right-of-way for ditches and canals reserved by the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945);
3. Local zoning and subdivision laws, if any.

By accepting deed/patent, and to the extent allowed by law, the purchaser agrees to indemnify, defend and hold harmless the United States from any cost, damages, claims, causes of action,

penalties, fines, liabilities, and judgments of any kind or nature arising from past, present and future acts or omissions of the purchaser, previous landowners or subsequent landowners or contractors, or lessees, or any third party, arising out of, or in connection with the purchaser's use, occupancy, or operations on the real property which has already resulted or does hereafter result in:

(1) Violations of federal, State, and local laws and regulations which are now or may in the future become applicable to the real property;

(2) Judgments, claims and demands of any kind assessed against the United States;

(3) Cost, expense or damages of any kind incurred by the United States;

(4) Other releases or threatened releases on, into, or under land, property and other interests of the United States by solid or hazardous waste(s), or substance(s) as defined by federal and state law;

(5) Natural resource damages as defined by federal and state law; or

(6) Other activities by which solid or hazardous wastes, as defined by federal and state law were generated, used, stored, released or otherwise disposed of on the real property, and any clean-up, response or remedial action, or other action related in any manner to said solid or hazardous substances or wastes.

This covenant shall be construed as running with the real property, and may be enforced by the United States in a court of competent jurisdiction.

The United States Government shall be neither responsible for compliance with a provision of, nor liability arising from the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA 42 U.S.C. 6901 *et. seq.*), the Resource Conservation and Recovery Act of 1976, as amended (RCRA 42 U.S.C. 6901 *et. seq.*) or any other applicable provision of Federal Law with respect to a release or threat of release of hazardous substance, pollutant or contaminant, or hazardous waste on the real property conveyed under this deed, except to the extent described in the CERCLA Notice, attached hereto and incorporated herein by reference. (Be sure to attach a copy of the CERCLA Notice).

All persons claiming to own unauthorized improvements on the land are allowed 60 days from the date of sale to remove the improvements.

The mineral interests being offered for conveyance have no known mineral value.

Acceptance of the direct sale offer constitutes an application for conveyance of the mineral interests also

being offered under the authority of section 209(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719). In addition to the full purchase price, a nonrefundable fee of \$50 will be required for the purchase of the mineral interest to be conveyed simultaneously with the sale of the land.

On October 3, 2007, the above described land will be segregated from appropriation under the public land laws, including the mining laws, except the sale provisions of the Federal Land Policy and Management Act of 1976. Until completion of the sale, the Bureau of Land Management is no longer accepting land use applications affecting the identified public lands, except applications for the amendment of previously filed rights-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregative effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or October 5, 2009, unless extended by the Bureau of Land Management, State Director, in accordance with 43 CFR 2711.1-2(d) prior to the termination date.

**Public Comments:** On or before November 16, 2007, any person may submit written comments regarding the proposed sale to the Andrews Resource Area Field Manager at the Burns District Office, Bureau of Land Management, 28910 Hwy. 20 West, Hines, Oregon 97738.

Comments, including names, street addresses, and other contact information of respondents, will be available for public review. 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.

Detailed information, including the appraisal, the Environmental Assessment and the Decision relative to this direct land sale is available at the Burns District Office (address above) during business hours. Inquiries may also be directed to Holly Orr, Realty Specialist, Burns District Office at the above address, or by phone (541) 573-4400. Objections will be reviewed by the Bureau of Land Management, Burns District Manager, who may sustain,

vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

(Authority: 43 CFR 2711.1-2)

Dated: August 9, 2007.

**Mark W. Sherbourne,**

*Acting Andrews Resource Area Field Manager.*

[FR Doc. E7-19514 Filed 10-2-07; 8:45 am]

**BILLING CODE 4310-33-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. AGOA-07]

### Commercial Availability of Fabric and Yarns in AGOA Countries: Certain Denim

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of determination.

*Determination:* Based on the information developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 112(c)(2)(B)(ii) of the African Growth and Opportunity Act (AGOA),<sup>1</sup> (1) that denim fabric<sup>2</sup> produced in beneficiary sub-Saharan African (SSA) countries will be available in commercial quantities during the period October 1, 2007–September 30, 2008 (fiscal year 2008) for use by lesser developed beneficiary (LDB) SSA countries in the production of apparel articles receiving U.S. preferential treatment, and (2) that the quantity of such denim fabric that will be so available during fiscal year 2008 is 21,303,613 square meter equivalents.<sup>3</sup>

*Background:* Section 112(c)(2)(A) of AGOA requires the Commission, following receipt of a petition, to determine whether a fabric or yarn is available in commercial quantities for use by LDB SSA countries, and if the Commission makes an affirmative determination, section 112(c)(2)(B)(i) of AGOA requires the Commission to determine the quantity of such fabric or yarn that will be so available in the following fiscal year. Section 112(c)(2)(B)(ii) of AGOA requires the

Commission to make similar determinations for the following year and each year thereafter through 2012 with respect to whether the fabric or yarn will be available in commercial quantities and the quantity so available. Section 112(c)(2)(B)(iii) of AGOA requires the Commission to determine, after the end of each year for which an availability determination was made, the extent to which the fabric or yarn determined to be available in commercial quantities for use in LDB SSA countries was used in the production of apparel articles receiving U.S. preferential treatment. Section 112(c)(2)(C) of AGOA deemed denim fabric to be available in commercial quantities in the amount of 30 million square meter equivalents (smes) during fiscal year 2007, as if the Commission had made an affirmative determination in response to a petition.

The determinations that the Commission has made here are made under section 112(c)(2)(B)(ii) of AGOA and concern whether the subject denim fabric will be available in commercial quantities during fiscal year 2008, and the quantity that will be so available.

Notice of the institution of the Commission's investigation and of the scheduling of a public hearing in connection therewith was given by posting a copy of the notice on the Commission's Web site ([www.usitc.gov](http://www.usitc.gov)) and by publishing the notice in the **Federal Register** of April 9, 2007 (72 F.R. 17578). The hearing was held on June 5, 2007, in Washington, DC; all persons who requested the opportunity were permitted to appear in person or by counsel.

The views of the Commission are contained in USITC Publication 3950 (September 2007), entitled *Commercial Availability of Fabric and Yarns in AGOA Countries: Certain Denim*.

By order of the Commission.

Issued: September 25, 2007.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7-19476 Filed 10-2-07; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-365-366 and 731-TA-734-735 (Second Review)]

### Certain Pasta From Italy and Turkey Determinations

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the countervailing duty and antidumping duty orders on certain pasta from Italy and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

### Background

The Commission instituted these reviews on October 2, 2006 (71 FR 57999) and determined on January 5, 2007 that it would conduct full reviews (72 FR 2558, January 19, 2007). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on February 8, 2007 (72 FR 5996). The hearing was held in Washington, DC, on July 17, 2007, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these reviews to the Secretary of Commerce on September 27, 2007. The views of the Commission are contained in USITC Publication 3947 (September 2007), entitled *Certain Pasta From Italy and Turkey: Investigation Nos. 701-TA-365-366 and 731-TA-734-735 (Second Review)*.

By order of the Commission.

Issued: September 27, 2007.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7-19472 Filed 10-2-07; 8:45 am]

**BILLING CODE 7020-02-P**

<sup>1</sup> 19 U.S.C. 3721(c)(2)(B)(ii).

<sup>2</sup> Denim articles provided for in subheading 5209.42.00 of the Harmonized Tariff Schedule. See section 112(c)(2)(C) of AGOA, 19 U.S.C. 3721(c)(2)(C).

<sup>3</sup> Commissioner Dean A. Pinkert determines that the quantity that will be so available during fiscal year 2008 is within a range from 21,303,613 smes to 25,017,171 smes.

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

**NOTICE OF DECISION TO EXCHANGE LANDS  
IN HARNEY COUNTY, OREGON**

UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Burns District Office  
28910 Hwy 20 West  
Hines, Oregon 97738

Notice is hereby given that on October 3, 2007, I, Dana R. Shuford, Burns District Manager, Bureau of Land Management (BLM), issued a decision to approve a land exchange (reference BLM Serial No. OR-61054-FD/PT) in Harney County, Oregon, with Gary Miller of Rock Creek Ranch, Inc.

The following-described Federal lands have been determined to be suitable for disposal by exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), as amended, and with an equalization payment from Gary Miller to the BLM:

<u>Parcel B:</u>		<u>Acres</u>
T. 33 S., R. 30 E., W.M.	sec. 15, S½; sec. 22, N½, N½S½.	800.00
<u>Parcel C:</u>		
T. 32 S., R. 32 E., W.M.	sec. 30, lots 1 and 2, W½NE¼, E½NW¼.	237.46
<u>Parcel D:</u>		
T. 32 S., R. 31 E., W.M.	sec. 25, lot 2, SW¼NE¼.	86.63

Containing a total of 1,124.09 acres.

The conveyance of the Federal lands will reserve to the United States a right-of-way for ditches and canals constructed thereon by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945) and contain an indemnification statement holding the United States harmless from liabilities associated with any third party use of the property.

Both the surface estate and mineral estate of the Federal and non-Federal lands will be conveyed subject to valid existing rights and encumbrances of record.

The parcels of Federal land to be disposed of are located in Catlow Valley, Harney County, Oregon. Public access will be preserved on a County road right-of-way (Parcel A) and on a Federal road right-of-way reservation (Parcel A and B).

In the land exchange, the United States will acquire the following-described non-Federal land and an appurtenant water right from Gary Miller of Rock Creek Ranch, Inc.:

<u>Mann Lake Parcel:</u>		<u>Acres</u>
T. 31 S., R. 35 E., W.M.	sec. 31, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .	154.08
T. 32 S., R. 35 E., W.M.	sec. 6, lots 1 and 2.	79.17

Containing a total of 233.25 acres

The parcel of non-Federal land to be acquired by the United States is in Harney County, Oregon. It is completely surrounded with other public lands and is located within the Steens Mountain Cooperative Management and Protection Area.

The resource values and the public objectives that the Federal lands or interests to be conveyed may serve if retained in Federal ownership are not more than the resource values of the non-Federal lands or interests and the public objectives they could serve if acquired. In addition, the intended use of the conveyed Federal lands will not, in the determination of the authorized officer, significantly conflict with established management objectives on adjacent Federal lands and Indian trust lands. Therefore, the public interest will be well served by making the land exchange. A copy of the decision may be obtained by writing the Burns District Office at the above address or calling (541) 573-4400.

For a period of 45 days from the date of publication of this notice in the newspaper, interested parties may submit written protests to the District Manager, Burns District Office, at the above address. Facsimiles, telephone calls, and electronic mail are unacceptable means of submission.

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.

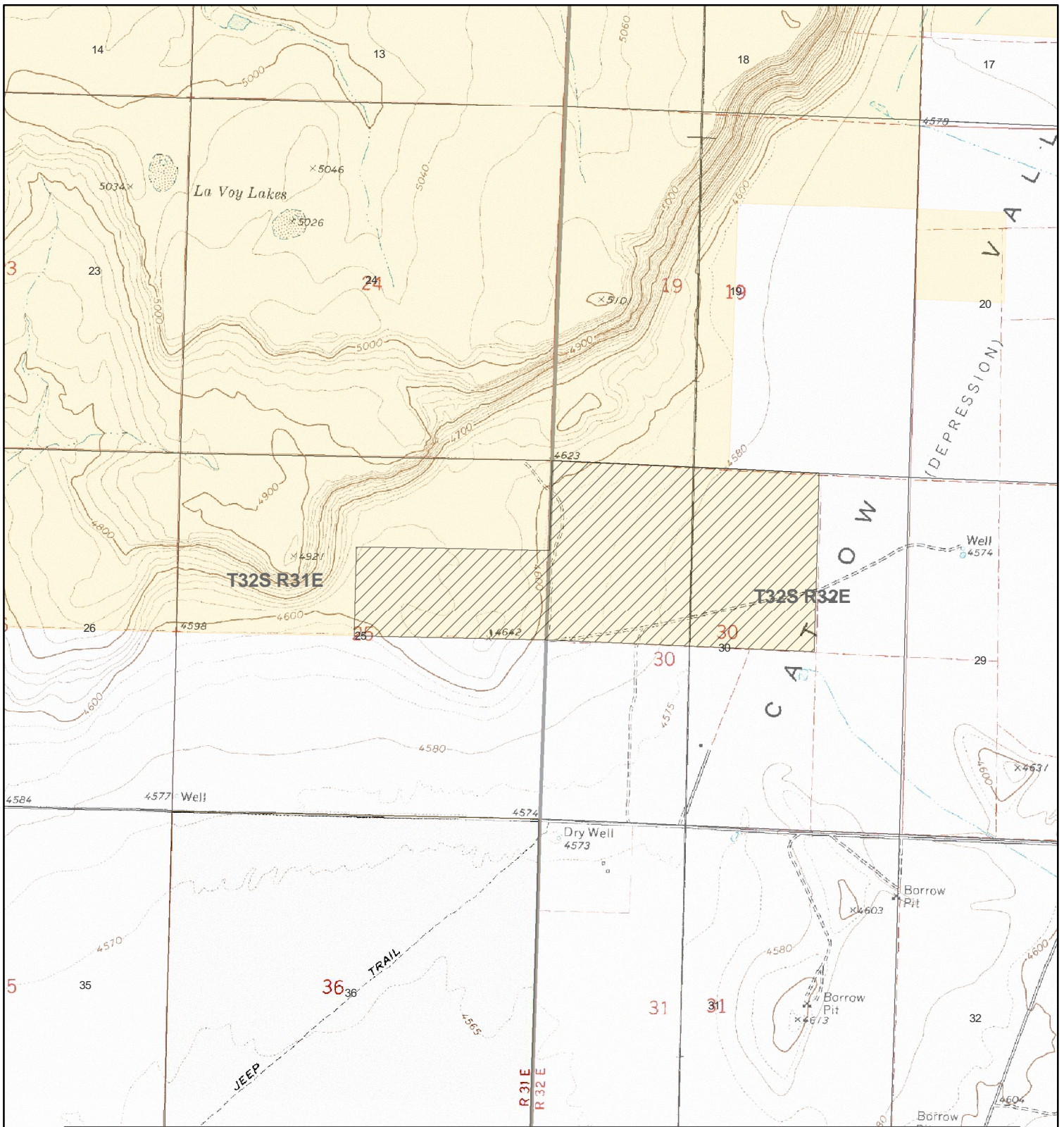
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Dana R. Shuford, Burns District Manager

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October 3, 2007

Date



**Exhibit C, OR-60154-FD  
Rock Creek Ranch, Inc.  
(Gary Miller) Land Exchange**

- Bureau of Land Management
- Private
- Federal (Selected)



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

No warranty is made by the Bureau of Land Management 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/rock\_crk\_miller\_land\_exchg\_parcel\_c\_d.mxd, 02/27/2007



\*\*Ownership Boundaries are accurate within plus or minus 200 feet\*\*

