

Supporting Statement for Paperwork Reduction Act Submission
OMB Control Number 1004-0114

Terms of Clearance: The agency shall provide names and contact information for those persons outside the agency it has contacted to obtain their views on the burden associated with this information collection.

The terms of clearance are addressed in question 8 of this supporting statement.

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Bureau of Land Management (BLM) seeks an extension of the previously approved information collection for the regulations in 43 CFR subparts 3730 and parts 3810, 3820, and 3830 through 3838, which cover the location and recording of mining claims and sites, payment and collection of required location and processing fees, annual maintenance fees, performance of annual assessment work and deferments from it, and waivers from payments of annual maintenance fees for certain statutory situations. These regulations implement those portions of the General Mining Law of 1872 (GML), as amended, the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Stock Raising Homestead Act (SRHA), as amended, and certain special mining acts, that provide for the acquisition and continual holding of Federal lands for mining purposes.

2. Explain how, by whom, how frequently, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

Part 3830-Locating, Recording, and Maintaining Mining Claims or Sites; General Provisions

The BLM collects the location and maintenance fees as directed by statute and processed through the Combined Business System (CBS). The information we collect from the payee is governed by our financial management office under the regulations of the Department of the Treasury. We collect the processing fees through CBS to offset our costs of processing documents pertaining to the location, recording, and annual maintenance of mining claims and sites.

Part 3832-Locating Mining Claims or Sites

The BLM collects and uses the information on locating a mining claim or tunnel site as required by the GML, FLPMA, and 43 CFR part 3832.

Part 3833-Recording Mining Claims and Sites

The BLM collects and uses the information to record a mining claim, mill, or tunnel site, assign it a serial number, and determine the geographic location of the claim as required by the GML, FLPMA, and 43 CFR part 3833.

Part 3834-Required Fees for Mining Claims or Sites

The BLM collects and uses the information on locating a mining claim or tunnel site as required by the GML, FLPMA, and 43 CFR part 3834.

Part 3835-Waivers from Annual Maintenance Fees

Form 3830-2. The BLM uses Form 3830-2 to collect the standardized filing of information for those qualified owners of 10 or fewer claims and sites that elect to take the waiver from the \$125 annual maintenance fee and perform the assessment work instead.

We require the following information on Form 3830-2:

Paragraphs 1-7 provide the standard “boiler plate” of the law that requires certification by the owners in order to qualify for a small miner waiver. Lines 1-10 ask owners to certify that they are a small miner and list the names of the claims or sites and its assigned BLM serial number for proper identification on our records. This information is required to ensure that the 10-claim limit is not violated and to allow us to update our records on the current addresses of the owners involved.

Part 3836-Annual Assessment Work Requirements for Mining Claims

The BLM collects and uses information from the claimant on the annual assessment work performed or deferment from assessment work on mining claims.

Part 3837-Acquiring a Delinquent Co-claimant’s Interests in a Mining Claim or Site

After the owners provide the required evidence and processing fee on mining claims or sites, BLM collects and uses the information to remove delinquent co-owners from ownership.

Part 3838-Special Procedures for Locating and Recording Mining Claims and Tunnel Sites on Stock Raising Homestead Act (SRHA) Lands

Form 3830-3. The BLM uses Form 3830-3 to collect the information required of those entities that desire to locate mining claims on the mineral estate reserved under SRHA. This information must be filed with us when recording the location of mining claims.

We require the following information on Form 3830-3:

The initial block is for the SRHA patent number. The opening language contains the statements needed to alert all concerned parties as to the intent of the locator and the action contemplated, and the required statement of acreage held by the locator. The next section allows the person to provide us with the proper legal land description applied for. This information is required (1) so that we may properly note our official records as to the exact lands to be segregated on behalf of the locator, and (2) to serve as proper notice to the surface owners. The following blocks provide for names and addresses of the locator(s) and of the surface owners taken from the county tax records. There is also space for a description of the exploration activities, the date(s) on which activities are to commence, and the name, address, and telephone number of the person who will manage these activities. The final block provides for the signature and affiliation (if any) of the person filing the form.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].

We use the Legacy Rehost 2000 case file system and the CBS to collect the location, annual maintenance, and processing fees. We now have an electronic system that brings together the location, maintenance, and processing fees, recordation, waivers, and annual filings into one cross-linked tracking and reporting system.

In accordance with the Government Paperwork Elimination Act (GPEA), the public can fill out and download forms; however, they cannot submit electronically at this time.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

There is no duplication between this information collection and other collections. The information is unique to each owner and is unsuitable for other uses. In addition, State laws require filing in the county or borough offices documents that attest that the claimants comply with the Federal requirements in order to maintain their mining claims or sites.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.

We do not collect information on whether the respondents are small businesses or small entities. We estimate 75 percent of the respondents may qualify as a small business. The information we require from all respondents is limited to the minimum necessary to authorize and conduct mining operations on the public lands.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Claimants submit the certificate or notice of location once along with the location fee and initial processing fee. Those filing a waiver certificate submit the annual filing, either an affidavit of assessment work or a notice of intention to hold, once each year for each mining claim or site. The transfer of interest and amendment of location documents are submitted when the action occurs. Less frequent collection would mean no collection at all. If the location notices are not recorded and the annual filings are not made, compliance with the statutes would not exist, and the mining claims and sites would be lost by operation of law. If transfers and amendments are not recorded, the BLM would not be able to comply with the terms of FLPMA, and the ability to manage the public lands would be compromised, due to our lack of information on mining claim ownership and the land claimed.

We collect the maintenance fee (or waiver request) once each year on or before September 1. If the claimant fails to pay the fee or, if qualified, file for a waiver, it will result in a statutory forfeiture of the claim or site.

If the BLM does not collect the required maintenance and location fees, the Government will incur an annual loss in excess of \$29 million dollars in receipts.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- *requiring respondents to report information to the agency more often than quarterly;**
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- *requiring respondents to submit more than an original and two copies of any document;**
- *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- *requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that require collection to be conducted in a manner inconsistent with the guidelines. We do not exceed the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

As required in 5 CFR 1320.8(d), the required 60-day notice was published in the **Federal Register** (70 FR 20768) on April 21, 2005, soliciting comments from the public and other interested parties. The comment period closed on June 20, 2005. The BLM did not receive any comments in response to this notice or unsolicited comments from respondents covered under these regulations. A copy of the notice is attached.

During the approval period, we consulted with the following respondents that are affected by this information collection to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. Based on these discussions, the burden estimates in Question 12 reflect their input.

We consulted the following respondents:

Claimant	Address	Telephone	Minutes Req.	Costs (\$)
Form 3830-2				
Cathy Jones	330 S. Summit, Newcastle, WY 82701	(307)-746-4554 10	10	Not given
Clark Smith	1447 Mars- Evans Rd, Evens City, PA 16033	(724)-538-4870	10	50
Laurie Holt	P O Box 1082, Soldotna, AK 99669	(907)-260-2701	10	Postage
Mary Anderson	11969 Enright	(907)-247-8528	15	Postage

	Lane North, Ketchikan, AK 99901			
Form 3830-3				
Vern Jones	P O Box 753, Salt Lake City, UT 84110	(801)-597-7814	30	Not given
Don Bowman (208)-543- 6602 25 + certified mail	5200 E. Grand Forest Dr. Boise, Idaho 83716	(208)-543-6602	30	25 + certified mail
Russ Berbes	224 14th Ave. North Buhl, Idaho 83316 1704	(208)-861-2839	20	25 + certified mail

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We do not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

We protect the confidentiality of respondents to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

Under the privacy provisions of the E-Government Act of 2002, individuals/respondents were informed as to whether or not providing the information is mandatory to obtain a benefit. BLM has firewalls to protect website access, strong security and password protection of the information in the data base, and other security measures to protect electronic information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

We do not require respondents to answer questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

Estimates are based on data within a three year period from FY 2003 through FY 2005.

Form 3830-2 - Estimates of the hour burden of the collection of information

(a) Number of responses received (FY 2003 through FY 2005)	17,024
(b) Frequency of response	annually
(c) Annual number of responses (a ÷ 3) (17,024 ÷ 3)	5,675
(d) Response time per respondent	20 minutes (0.333 hour)
(e) Annual hourly response time for this collection (c x d)	1,892 hours

Annualized Cost to the Respondents for the Hour Burden for the collection

(f) Hourly cost per respondent	\$25
(g) Annual cost per respondent (d x f) (0.333 x \$25)	\$9
(h) Annualized cost to respondents for this collection (c x g) (5,675 x \$9)	\$51,075

Form 3830-3 - Estimates of the hour burden of the collection of information

(a) Number of responses received (FY 2003 through FY 2005)	813
(b) Frequency of response	On occasion
(c) Annual number of responses (a ÷ 3) (813 ÷ 3)	271
(d) Response time per respondent	25 minutes (0.417 hours)
(e) Annual hourly response time for this collection (c x d)	113 hours

Annualized Cost to the Respondents for the Hour Burden for the collection

(f) Hourly cost per respondent	\$25
(g) Annual cost per respondent (d x f) (0.417 hours x \$25)	\$10
(h) Annualized cost to respondents for this collection (c x g) (271 x \$10)	\$2,710

The BLM estimate of the time it takes a respondent to supply the nonform information is indicated below:

43 CFR CITATION	ANNUAL # OF RESPONSES	HOURS/RESPONSE	TOTAL HOURS	COST TO PUBLIC
3830	111,274	8 minutes	14,837	\$148,370
3832	1,800	8 minutes	240	\$ 2,400
3833	1,800	8 minutes	240	\$ 2,400
3834	100,000	8 minutes	13,333	\$133,330
3836	1,800	8 minutes	240	\$ 2,400
3837	1,800	8 minutes	240	\$ 2,400
TOTALS	224,420		31,135	

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Form 3830-3 requires a \$25 filing fee. This cost adds up to an annual burden each year of \$6,775. Since this information collection has been in place for many years, respondents incur no annual capital or start up costs to prepare for or respond to the information collection.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

This program is partially cost reimbursable through 43 U.S.C. 1474. This statute allows us to retain all processing fees collected for actions in 43 CFR Groups 3700 and 3800 and expend them on labor and operations costs in the Mining law Administration budget activity. These processing fees are for partial reimbursement of our expenses in recording new mining claims, amendments, and transfers of interests for such claims, and recordation and processing of annual filings. We estimate the approximate labor and operations cost expended to administer the mining claim recording process, adjudicate land and mineral rights and ownerships, and collect the annual fees or waivers is \$2,903,287. Our current Financial Management System does not allow the detailed breakdown of expenditures in the program elements of the Mining Law Administration program.

15. Explain the reasons for any program changes or adjustments.

The 450-hour adjustment for this collection is due to a decrease in the annual number of responses and respondents. The non-hour burden decreased from \$368,000 to \$6,775 because we inadvertently counted fees other than filing fees.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We have no plans to publish this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not requesting approval to not display the expiration date.