

Supporting Statement for Paperwork Reduction Act Submission

Leasing of Solid Minerals Other Than Coal and Oil Shale (43 CFR 3500 - 3590)

OMB Control Number 1004-0121

TERMS OF CLEARANCE: BLM is reminded to include the names and contact information of persons outside of the agency who were consulted on the information collection contained in this submission.

The terms of clearance are addressed in Item 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 approval from the Office of Management and Budget (OMB) to renew the information collection requirements for the regulations at 43 CFR Parts 3500, 3580, and 3590. These regulations cover the leasing of solid minerals other than coal and oil shale and operations on those leases. These regulations implement the following statutory authorities:

- (1) The Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.);
- (2) The Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 351-359);
- (3) Section 402 of Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix);
- (4) The Multiple Mineral Development Act of 1954 (30 U.S.C. 521-531);
- (5) The National Environmental Policy Act of 1969 (42 U.S.C. 4321); and
- (6) The Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1701 et seq.).

These statutes govern the leasing of minerals on Federal land and the development of those leases. The regulations at 43 CFR Part 3500 do not apply to Indian lands or minerals except where expressly noted. 43 CFR 3501.2. The regulations at 43 CFR Part 3580 apply to lands in private land claims patented pursuant to decrees of the Court of Private Land Claims where the grant did not convey the rights to deposits of gold, silver and quicksilver, and where the grantee has not otherwise become entitled in law or equity to the deposits. 43 CFR 3581.1. In addition to governing operations on mineral leases on Federal land, the regulations at 43 CFR Part 3590 also govern operations for all minerals on Indian tribal

lands and lands held in trust by the Federal Government for the benefit of individual Indians. 43 CFR 3590.0-7.

2. Indicate how, by whom, 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.]

The BLM regulations at 43 CFR Parts 3500, 3580, and 3590 have several sections requiring information collection. All of these information collection requirements are consistent with the authority of the Secretary of the Interior to manage the leasing of solid minerals other than coal or oil shale. The statutes give the Secretary the authority to issue prospecting permits, exploration licenses, leases, and use permits. The Secretary also has the authority to exchange leases and to regulate mining activities on both Federal and Indian mineral leases.

The regulations require an applicant, a permittee or a lessee to submit the following information to BLM to:

- Determine if applicants, permittees, and lessees meet the qualification criteria.
- Assure compliance with various other legal requirements relating to the leasing of solid minerals other than coal or oil shale.
- Gather data needed to determine the environmental impacts of developing solid leasable minerals other than coal or oil shale.
- Maintain accurate leasing records.
- Oversee and manage the leasing of solid minerals other than coal or oil shale.

The following discussion presents our requirements for information collection in the order in which these requirements are presented in the regulations.

a. Subpart 3501 Leasing of Solid Minerals Other Than Coal or Oil Shale – General

Section 3501.20 establishes the effective date of use authorizations as the first day of the month after BLM signs it. This section also allows an applicant to request that a land use authorization be effective on the first day of the month in which BLM signs it. In order for an applicant to receive the benefit of the earlier effective date, the applicant must make the request in writing. BLM establishes the effective date for use authorizations issued under this part as the first day of the month following the date BLM signs the authorization as an administrative convenience. This avoids the need to prorate any rentals or other fees for partial months. We offer an opportunity for applicants to request an earlier effective date if this earlier date better meets their needs.

b. Subpart 3502 Qualification Requirements

Sections 3502.27-30, 3502.33, 3502.34, and 3502.40 identify the qualification information

that an applicant must submit in order for BLM to verify that the applicant qualifies to hold all or part of a prospecting permit or lease. We also ensure that applicants do not exceed the acreage limits.

BLM requires that an applicant file different information to demonstrate qualifications depending on whether the applicant is an individual, an association (including a partnership or trust), a corporation, an attorney-in-fact, or an heir or devisee. Specific information collection requirements are shown below.

Section 3502.27 - If you are an individual, you must send us a signed statement showing that:

- You are a U.S. citizen; and
- Your acreage holdings do not exceed the limits in section 43 CFR 3503.37 of this part. This includes your holdings through a corporation, association or partnership in which you are the beneficial owner of more than 10 percent of the stock or other instruments of control.

Section 3502.28 - If you are an association, you must send us a signed statement showing:

- The names, addresses, and citizenship of all members who own or control 10 percent or more of the association or partnership;
- The names of the members authorized to act on behalf of the association or partnership;
- That the association or partnership's acreage holdings for the particular mineral concerned do not exceed the acreage limits in section 43 CFR 3503.37; and
- A copy of the articles of the association, or the partnership agreement

Section 3502.29 - If you are the guardian or trustee of a trust, you must send us a signed statement showing:

- The beneficiary's citizenship;
- Your citizenship;
- The grantor's citizenship, if the trust is revocable;
- That the acreage holdings of the beneficiary, the guardian or trustee, or the grantor, if the trust is revocable, cumulatively do not exceed the acreage limitations in section 43 CFR 3503.37 of this part; and
- A copy of the court order or other document authorizing or creating the trust or guardianship

Section 3502.30 - If you are a corporation, a corporate officer or authorized attorney-in-fact you must send BLM a signed statement stating:

- The State or territory of incorporation;
- The name and citizenship of, and percentage of stock owned, held, or controlled by, any

stockholder owning, holding, or controlling more than 10 percent of the stock of the corporation;

- The names of the officers authorized to act on behalf of the corporation; and
- That the corporation's acreage holdings and those of any stockholder identified under paragraph (ii) of this section do not exceed the acreage limitations in 43 CFR 3503.37

A corporation may hold title to mineral permits and leases only if it is incorporated under the laws of the United States, a state, or a U.S. territory. A citizen of a foreign country may acquire an interest in a permit or lease only through stock ownership in a U.S. corporation if the laws, customs, or regulations of their country do not deny similar privileges to U.S. citizens.

Section 3502.33 - If you are an attorney-in-fact, you must send us evidence of your authority to act on behalf of the applicant and a statement of the applicant's qualifications and acreage holdings, if you are empowered to make this statement. Otherwise, the applicant must send us this information separately.

Section 3502.34 - If you are not the sole party in interest in an application for a permit or lease, include with your application the names of all other parties who hold or will hold any interest in the application or in the permit or lease when BLM issues it. All interested parties must show they are qualified to hold permit or lease interests.

Section 3502.40 - Heirs and Devisees - BLM can issue a permit or a lease directly to an heir or devisee of an estate or to an executor or administrator of an estate if the applicant dies before BLM issues the permit or lease. If probate of the estate has been completed or is not required, BLM will issue the permit or lease to the heirs or devisees, or their guardian. They must send us:

- A certified copy of the will or decree of distribution, and if no will or decree exists, a statement signed by the heirs that they are the only heirs and citing the provisions of the law of the deceased's last domicile showing that no probate is required; and
- A statement signed by each of the heirs or devisees with reference to citizenship and holdings similar to that required by section 3502.27 for individuals. If the heir or devisee is a minor, the guardian or trustee must sign the statement.

If probate is required but not completed, BLM will issue the permit or lease to the executor or administrator of the estate. He or she must send:

- Evidence that the person who, as executor or administrator, submits lease and bond forms has authority to act in that capacity and to sign those forms;
- Evidence that the heirs or devisees are the only heirs or devisees of the deceased; and
- A statement signed by each heir or devisee concerning citizenship and holdings, as required by section 3502.27.

c. Subpart 3503 - Areas available for Leasing

Section 3503.21(b) - Applicants may lease Federal minerals where the surface is owned by state and local governments, colleges and other educational institutions, or charitable and religious institutions. BLM will give these entities up to 90 days to suggest any lease stipulations to protect existing surface improvements or uses, or to object to the permit or lease. We need this information to determine whether to issue the permit or lease, which stipulations suggested by the surface owner to include in the permit or lease, and how best to serve the interests of the United States.

Section 3503.30 - Applicants must describe the lands they seek to permit or lease by legal subdivision, section, township, and range in public land survey states.

Section 3503.31 - Applicants must describe lands outside of public land states by metes and bounds in accordance with BLM standard survey practices for the public lands. Applicants must connect their land description by courses and distances between successive angle points to an official corner of the public land survey system or, for accreted lands, to an angle point that connects to a point on an official corner of the public land survey system to which the accretions belong.

Section 3503.32 - Applicants may describe acquired lands for which they wish to obtain a permit or lease by metes and bounds, or they may also use the description shown on the deed or other document that conveyed title to the United States. If they are applying for less than the entire tract acquired by the United States, they must describe the land using courses and distances tied to a point on the boundary of the requested tract. Where the acquiring agency assigned a tract number to the tract, the applicant may describe the lands by the tract number and include a map which clearly shows the lands with respect to the administrative unit or the project of which they are a part. In States outside of the public land survey system, the applicant should describe the lands by tract number and include a map.

BLM uses the information required by Sections 3503.30-32 to properly note the public land records and to conduct needed administrative and environmental reviews of the applications.

Section 3503.42 - When an applicant, permittee, or lessee submits information that they believe is exempt from disclosure by part 2 of this title, they must clearly mark each page that is believed to contain confidential information. BLM will review all material marked as confidential to determine if it is exempt from release under one of the named criteria or some other statute before releasing the information.

Section 3503.46 - BLM will notify the Indian mineral owner(s) identified in the records of the Bureau of Indian Affairs (BIA) and give them a reasonable period of time to state objections to disclosure, using the standards and procedures of 43 CFR 2.15(d), before making a decision about the applicability of FOIA exemption 4 to protect information obtained from a person outside the United States Government; when, following consultation

with a submitter, BLM determines that the submitter does not have an interest in withholding the records that can be protected under the FOIA; but BLM has reason to believe that disclosure of the information may result in commercial or financial injury to the Indian mineral owner(s), but is uncertain that such is the case.

d. Subpart 3504 - Fees, Rental, Royalty and Bonds

Sections 3504.50-71 list the bond requirements. Prior to the issuance of a prospecting permit or lease, the BLM requires an applicant to file a surety or personal bond on the approved form. Applicants must complete one of the following BLM forms:

BLM Form 3504-1, Personal Bond and Power of Attorney

BLM Form 3504-3, Bond under lease for Mining Deposits.

BLM Form 3504-4, Statewide or Nationwide Personal Mineral Bond

Each bond form requires identification of the serial number of the lease, the bond number, signature and address of the principal, and signatures of the witnesses.

The Federal Government requires and holds a bond to ensure that a permittee or lessee complies with the terms and conditions of the permit or lease as well as applicable regulatory and statutory requirements. BLM terminates the bond when all the terms and conditions of the lease or permit are met or when an acceptable replacement bond is filed.

Permittees or lessees may select the type of bond coverage they prefer. The only relevant information collection requirements that are entailed in filing a bond are the serial numbers and States of location of the permits or leases being covered by the bond and the name and address of the principal and signatures of the principal and surety.

e. Subpart 3505 - Prospecting Permits

Sections 3505.12 and 3505.13 — BLM requires that an applicant file three copies of Form 3510-1 and any maps to apply for a prospecting permit. This form is also used as the permit if BLM approves it. BLM requires the first year's rental, and a filing fee that is determined on a case-by-case basis under 43 CFR 3000.11. The form must be legible and dated. It must contain the applicant's signature or the signature of the applicant's agent. It must also include the name and address of the applicant, a statement of the applicant's qualifications, a complete and accurate land description and the names of all of the commodities covered by the application.

Section 3505.40 requires that applicants file three copies of an exploration plan reasonably designed to determine the existence or workability of the deposit. BLM does not require a specific form. We require that the applicant file the plan after we have completed a

preliminary review of the application and cleared it for further processing, but before we issue the prospecting permit. Section 3505.45 requires the following information in the plan:

- The names, addresses and telephone numbers of persons responsible for operations under your plan and to whom BLM will deliver notices and orders;
- A brief description of the environment your plan may affect. Focus on the affected geologic, water and other physical factors, and the distribution and abundance of vegetation and habitat of fish and wildlife, particularly threatened and endangered species. Include maps with your descriptions and discuss the present land use in and adjacent to the area;
- The method of exploration and types of equipment you will use;
- The measures you will take to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat, damage to other natural resources, and hazards to public health and safety, including specific actions necessary to meet all applicable laws and regulations;
- The method for plugging drill holes; and
- The measures you will take to reclaim the land, including:
 - A reclamation schedule;
 - The method of grading, backfilling, soil stabilization, compacting and contouring;
 - The method of soil preparation and fertilizer application;
 - The type and mixture of shrubs, trees, grasses, forbs or other vegetation you will plant;
 - The method of planting, including approximate quantity and spacing;
 - The estimated timetable for each phase of the work and for final completion of the program;
- Suitable topographic maps or aerial photographs showing existing bodies of surface water, topographic, cultural and drainage features, and the proposed location of drill holes, trenches and roads; and
- Any other data which BLM may require

We need this information to assess the potential impacts of mineral development on the lands included in the application, to ensure that adequate protective measures are taken to maintain the physical and biological balance of the surrounding environment, and to determine if the plan is reasonably designed to disclose the existence of a valuable deposit of minerals if one is present in the lands.

Sections 3505.30 and 3505.31 address information we need if applicants wish to amend or withdraw applications before they are issued. Applicants must submit both amendments and withdrawals to us in writing, but we require no specific form. An application to amend a prospecting permit application amendment must be accompanied by a \$60 processing fee, in accordance with 43 CFR 3000.12 and 3504.10.

Section 3505.51 allows applicants to file a revised application within 30 days after we reject their original application without submitting an additional filing fee. A revised application needs to be submitted on Form 3510-1. We need three copies of the application which must

contain the same information as is required for a new application. In addition to this information the applicant needs to show the serial number we assigned to the original application and it needs to be submitted within 30 days of our decision rejecting the original application.

Sections 3505.62, 3505.64 and 3505.65 address applications to extend prospecting permits for additional time. We require that an application for extension be in writing and include the first year's rental and a \$100 process fee, in accordance with 43 CFR 3000.12 and 3504.10. We require no specific form, but the application for extension must include evidence that the permittee explored with reasonable diligence but was unable to establish the existence or workability of a mineral deposit or that the permittee was prevented from diligently exploring by conditions outside of the control of the permittee. The applicant must also describe the exploration conducted and the amount of time needed to complete prospecting.

We need this information in order to determine the merits of the request for extension and to establish that the permittee has met the requirements for an extension under the provisions of the MLA.

Section 3505.70 allows permittees to relinquish prospecting permits with BLM's approval. We require no special form. If a permittee only relinquishes part of the permit, the permittee must clearly describe the exact acreage that the permittee wishes to relinquish. Under certain conditions a prospecting permittee may be entitled to a mineral lease. We need clear land descriptions for partial relinquishments, because with the relinquishment the permittee gives up any entitlement to a lease for the land described in the relinquishment.

f. Subpart 3506 - Exploration Licenses

Sections 3506.11 and 3506.13 describe the information we require applicants to submit for exploration licenses. Section 3506.25 describes information we require licensees to submit. . The BLM issues exploration licenses to private parties so they can explore known, unleased mineral deposits and obtain geologic and environmental data. We require no specific application form. We require applicants to publish a notice at least three times in a newspaper of general circulation in the area where exploration will be conducted inviting others to participate in the exploration on a pro rata cost sharing basis. The notice of exploration contains the name and address of the applicant and a description of the lands and is prepared by the BLM. Once the application is approved, the licensee is required to furnish exploration data to the BLM so we can update records relating to the extent and quality of the publicly owned mineral resources in the exploration area. The information is necessary for the BLM in carrying out its multiple use management activities.

g. Subpart 3507- Preference Right Lease Applications

This Subpart addresses the procedures for application for a preference right lease for

phosphate, sodium, potassium, sulphur, gilsonite and hardrock minerals. BLM will use form 3520-7 if we issue the lease. Preference right leases are not available for asphalt.

Applicants must submit three copies of an application for a preference right lease to the proper BLM office no later than 60 days after the associated prospecting permit has expired. The first year's rent, and a processing fee determined in accordance with 43 CFR 3000.11, are also required. 43 CFR 3507.16. We do not require any specific application form but the application must include the following information:

- A current statement of qualifications including acreage holdings;
- Three copies of a map showing: utility systems, the location of any proposed development or mining operations and incidental facilities, the approximate locations and the extent of the areas you will use for pits, overburden, and tailings, and the location of water sources or other resources which you may use in the proposed operations or incidental facilities;
- A narrative statement addressing the anticipated scope, method, and schedule of development operations including the type of equipment you will use, the method of mining anticipated, including the best available estimate of the mining sequence and production rate, and the relationship, if any, between the planned mining operations and facilities on adjacent Federal or non-Federal land;
- Financial information that will enable the BLM to determine if the applicant found a valuable deposit, including at least an estimate of projected mining and processing costs, saleable products and markets, and projected selling prices;
- Complete and accurate description of the lands as found in the associated prospecting permit if the application is for less than the lands covered by the original prospecting permit; and
- Other data the BLM may require, for example, the extent and character of the deposit, the anticipated mining and processing methods and costs, the anticipated location, kind, and extent of necessary surface disturbance, the measures planned to reclaim the disturbance, an estimate of the profitability of mineral development, or whether there is a reasonable prospect of success in developing a profitable mine.

BLM needs the map and narrative statement to assess potential impacts of the proposed activities on the environment, so that any necessary measures can be made to the lease terms. We use the information on the financial aspects of the proposed mining operation to determine if the prospecting permittee has made the showing of a valuable deposit.

h. Subpart 3508 - Competitive Lease Applications

A person may nominate an area for competitive sale by notifying the BLM. No specific form is required. BLM may also decide to offer a competitive sale. BLM leases lands that are known to contain a valuable deposit only through a competitive sale except for certain limited situations when we can issue a fringe acreage lease or include additional lands in a lease through a lease modification. Once BLM publishes a notice of competitive lease sale,

anyone interested in obtaining a lease can submit a bid. A bidder must include a statement of their qualifications and one fifth of the bid amount with their bid. The bid must exceed the BLM's estimate of the fair market value of the parcel. BLM will use Form 3520-7 if we issue the lease.

Before the BLM publishes a notice of lease sale, the applicant must pay a processing fee on a case-by-case basis as described in 43 CFR 3000.11, as modified by §§ 3508.14 and 3508.21. If someone else is the successful bidder, the BLM will refund the amount paid for processing. If there is no successful bidder, the applicant is responsible for all processing fees. 43 CFR 3508.12.

If BLM decides that it will issue a competitive lease, the highest qualified bidder must sign and return the lease form, pay the balance of the bonus bid and the first year's rental, pay the publication costs and furnish the lease bond.

i. Subpart 3509 – Fractional and Future Interest Lease Applications

No specific form is required for these applications. An application for a fractional or future interest lease must be accompanied by a processing fee, the amount of which is determined on a case-by-case basis in accordance with 43 CFR 3000.11. See 43 CFR 3509.16 and 3509.46.

BLM may issue these kinds of leases on lands where the Federal Government owns either a future interest or a partial interest of the mineral estate of specific parcels of land. BLM may also issue fractional interest prospecting permits for all commodities leased under this rule, except asphalt in Oklahoma. These kinds of leases and permits are issued noncompetitively or through a modified competitive process when we determine it is in the public interest to do so. BLM will use Form 3520-7 if we choose to issue the lease.

Section 3509.17 lists the information that a person must file with their future interest lease application, including the following:

- A land description;
- A certification of qualifications to hold a Federal mineral lease;
- Evidence of present ownership or other interest in the mineral estate. BLM may only issue a future interest lease to someone who has a present mineral interest in the land; and
- The names of any others with a present interest in the mineral estate.

Section 3509.47 lists the information that a person must file with their application for a fractional interest permit or lease, including the following:

- A land description;
- A certification of qualifications to hold a Federal mineral lease;
- Evidence of a fractional ownership or other interest in the mineral estate. BLM may only issue a fractional interest lease or permit to someone who has a fractional mineral interest

- in the same land; and
- The names of any others with a fractional interest in the mineral estate.

Section 3509.48 requires BLM to notify other parties who have a fractional interest in the same mineral estate and provide them an opportunity to file an application for the fractional interest lease or permit. Should other qualified parties apply, BLM will issue the lease or permit competitively. We will issue the lease or permit noncompetitively if no other qualified parties apply

We require applicants to submit information on other people who have an interest in the subject property so that these other parties will have an equal opportunity to participate in the leasing or permitting process.

j. Subpart 3510 - Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications

We require three copies of applications for either of these kinds of authorizations, but require no specific form. Section 3510.12 requires the application to contain the following materials and information:

- A \$30 filing fee;
- The first year's rental;
- The serial number of any adjoining Federal mineral leases;
- Information about the mineral deposit showing that it extends from adjoining lands that you control to the lands for which you are making application; and
- Proof that you own or control the mineral deposit in the adjoining lands if they are not under a Federal lease

Section 3510.20 requires an applicant to pay a bonus in an amount determined by BLM to acquire a fringe acreage lease or a lease modification. BLM will use Form 3520-7 if it chooses to grant a fringe acreage lease.

k. Subpart 3511 - Lease Terms and Conditions

Section 3511.26 addresses information that a person must file within 60 days if he or she objects to the terms of a readjusted phosphate, potash or gilsonite lease.

Section 3511.27 requires that a person apply for sodium, sulphur, hard rock and asphalt lease renewals at least 90 days before the lease term expires. No specific form is required, but BLM must receive three copies of the application together with a \$480 filing fee and an advance rental payment of \$1 per acre or fraction of an acre.

l. Subpart 3512 - Assignments and Subleases

Any prospecting permit or lease may be assigned or subleased in whole or in part to any person, association, or corporation qualified to hold a lease or permit. Assignment

agreements and subleases are not valid unless BLM approves them.

Section 3512.13 lists the information BLM must receive in order to process an application for assignment. BLM requires information from both the assignor and the assignee. The assignor must submit three copies of the assignment document that must contain:

- The assignee's name and address;
- The interest held by the assignor that is included in the assignment;
- The serial number of the affected permit or lease;
- The amount of overriding royalties that will be retained; and
- The date and original signatures on each copy

The assignee must also send BLM a request for approval of assignment that must contain:

- The assignee's qualification statement, including a statement of holdings;
- The original signature of the assignee, the date on the assignment, and a \$30 fee

Section 3512.16 lists the information BLM must receive in order to approve a sublease of a lease. An applicant for approval of a sublease must provide BLM with the following:

- One copy of the sublease agreement;
- A request for approval of the sublease signed by the sublessee and a \$30 filing fee

Section 3512.17 describes the approval process for the transfer of operating rights on a permit or lease. An applicant for approval of a transfer of operating rights must provide BLM with the following:

- One copy of the agreement to transfer operating rights; and
- A request for approval of the transfer signed by the transferee and a \$30 filing fee.

Section 3512.19 requires that anyone transferring overriding royalty rights on a Federal lease submit a copy of the transfer document, a statement of the transferee's qualifications to hold a Federal lease, and a \$30 fee.

m. Subpart 3513 - Waiver, Suspension or Reduction of Rental and Minimum Royalties

In accordance with Section 39 of the MLA, BLM may waive, suspend, or reduce rental, minimum royalty or royalty payments whenever it is determined by the Secretary that such action is necessary to promote development, or that the lease cannot be successfully operated under the lease terms. In order to properly identify the lease in question, the BLM requires that an application for any of these benefits contain the serial number of the lease, the name of the record title holder, the operator or sublessee and a description of the lands by legal subdivision. These requirements are listed in section 3513.15. No specific application form is required. For each application, the BLM will charge a processing fee on a case-by-case basis in accordance with 43 CFR 3000.11. See 43 CFR 3513.16. Additional information collection requirements in section 3513.15 include:

- A map showing the serial number and location of each mine or excavation and the extent

- of the mining operation;
- A statement of leasable minerals mined each month for at least the 12 months preceding the date the application was filed, with a statement of the average mined per day for each month;
- If the application is for relief from minimum production requirements, the lessee must provide information explaining why minimum production was not achieved;
- A detailed statement of expenses and costs of operating the entire lease and the income from the sale of any leased products;
- All facts showing why the lessee cannot successfully operate the mine under the royalty or rental fixed in the lease and other lease terms.
- If the application is for reduction of royalty, full information about any royalties the lessee pays to anyone other than the United States and a description of the efforts the lessee has made to reduce the other royalties;
- Documents showing that the total amount of overriding royalties the lessee will pay will not exceed one-half the proposed reduced royalties due the United States; and
- Any other information the BLM needs to determine whether the request satisfies the standards in section 3513.12.

Section 3513.22 requires that a lessee submit two copies of an application for a suspension (conservation concerns) explaining why it is in the interest of conservation to suspend operations and production on the lease. Section 3513.32 requires that a lessee submit two copies of an application for a suspension (economic concerns) showing why the lease cannot be operated except at a loss. No specific form is needed for either application.

n. Subpart 3514 - Lease Relinquishments and Cancellations

Section 3514.11 provides that a lessee may relinquish an entire lease or any legal subdivision of it only upon showing, to the BLM's satisfaction, that the public interest will not be impaired. Section 3514.12 requires the lessee provide the BLM a complete legal description of any land in a partial relinquishment of a lease.

o. Subpart 3515 – Mineral Lease Exchanges

Section 3515.23 requires permittees and lessees who propose to exchange their leases for other Federal leases to provide BLM with the geologic and economic data BLM needs to determine the fair market value of the offered preference right or lease. No specific format is required. FLPMA requires the BLM to assure that fair market value is obtained in exchanges of land or interest in land. Section 3515.25 requires that BLM publish a notice of the proposed exchange requesting public comments on its merits.

p. Subpart 3516 - Use Permits

Sections 3516.15 and 3516.16 describe the procedures to follow in order to obtain a phosphate or sodium use permit. BLM may permit a phosphate or sodium prospecting

permittee or lessee to use the surface of unappropriated, unentered public land administered by the BLM if the surface is needed for the proper evaluation or extraction of the mineral deposit. BLM requires no specific form for the application. The applicant must submit three copies of the application with the first year's rental and a \$30 filing fee. The applicant must agree to pay the annual rental. The application must contain the following information:

- A legal description of the lands needed;
- The purpose for which the applicant needs the lands and specific reasons why the requested lands are needed for this purpose;
- Any information demonstrating that the lands are suitable and appropriate for use; and
- Evidence that the lands are unoccupied and unappropriated.

Upon approval of an application, we complete and execute the use permit on Form 3510-2.

q. Subpart 3517 - Hardrock Mineral Development Contracts; Processing and Milling Arrangements

Section 3517.15 describes the procedures for applying to BLM for approval of a hardrock mineral development contract and processing and milling arrangement. These contracts or agreements are made by one or more lessees with one or more individuals, associations, or corporations to develop necessary economies of scale in the discovery, development, production or transportation of leasable hardrock ores. BLM requires no specific form. Applicants must submit three copies of an application that includes the following:

- Copies of the contract affecting the Federal leases or permits;
- A statement showing the nature and reasons for the requested approval;
- A statement showing all of the interests held in the contract area by the designated contractor; and
- The proposed or agreed upon plan of operations or development of the leased lands

BLM needs this information to assess the proposed activities and to determine if conservation of the natural resources or the public interest would best be served by BLM's approval of the contract.

r. Subpart 3581 - Gold, Silver, or Quicksilver in Confirmed Private Land Grants

This subpart applies to lands in private land claims patented as a result of decrees of the Court of Private Land Claims, where the grant did not convey the rights to gold, silver or quicksilver and where the grantee has not otherwise become entitled to the deposits. BLM may issue leases to the original grantee or his or her successor in title. No specific form is required, but the application must include the following:

- The name and address of the applicant and the legal land description of the subject lands, or if the application includes the entire land grant, the name of the grant and the date of

- the patent;
- The proposed mining methods;
- The estimate of the investment needed for successful operation of the mine;
- The estimated amount of production;
- Any other information the applicant considers important including what he or she considers to be a reasonable royalty rate; and
- A duly authenticated abstract of title

If BLM approves the application it will send a lease to the prospective lessee on form 3520-7 and notify the applicant that they must furnish a bond, sign the lease and return it to the proper BLM office in 30 days.

s. Subpart 3583 - Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area

This subpart addresses hardrock mineral leasing in the Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area. BLM requires no specific form for this lease application. Applicants must send BLM three copies of an application that includes the following:

- The applicant's name and address;
- A statement of the applicant's acreage holdings;
- A legal description of the lands;
- A statement that the mineral deposit described in the application can be developed in paying quantities and information that supports this statement; and
- Any available facts relating to the known occurrence of the mineral and its probable value.

t. Subpart 3585 - White Mountains National Recreation Area – Alaska

This subpart governs hardrock leasing procedures for lands in the White Mountain National Recreation Area in Alaska that have been opened to mineral leasing and development through the findings of the land use plan for the area. Preference right lease applications may be filed by holders of unperfected mining claims in this area. No specific form is required. Any application for this kind of lease filed with BLM must be filed within two years of the date the lands are opened for mineral leasing and development. The application must contain:

- The applicant's name, address and signature in ink;
- The serial number of each claim in the application;
- The name of the mineral or minerals; and
- A separate map showing each claim

Section 3585.5 addresses the procedures private parties must use to obtain an exploration

license to explore for minerals in this area, which are the same procedures described under Section 3506 above.

u. Subpart 3592 - Plans and Maps

Section 3592.1(a) requires that permittees and lessees file plans and have those plans approved before beginning operations on a permit or lease. Section 3592.1(d)(2) provides that the authorized officer may require a modification to an approved exploration or mining plan if conditions warrant. (The requirements for exploration plans are presented in Section 3505.45 above. The requirements for mining plans are discussed here.) BLM requires two copies of a mine plan if BLM is the surface managing agency and three copies if another Federal agency manages the surface. No specific form for the plan is required but the plan must contain the following information:

- The names, addresses and telephone numbers of the people responsible for the operations, the lessees and any surface and mineral owners of record of land in the operations area;
- The Federal lease serial numbers;
- A general description of the geologic conditions and mineral resources, with appropriate maps, within the area to be mined;
- A copy of a suitable map or aerial photograph showing the topography of the area, cultural features and the drainage pattern away from the area;
- A statement of proposed methods of operating including a description of the surface or underground mining methods, the proposed roads, the size and location of proposed structures and facilities, mining sequence, production rate, estimated recovery factors, stripping ratios and number of acres in the Federal or Indian leases, licenses or permits;
- An estimate of the quantity and quality of the mineral resources, proposed cutoff grade and any proposed blending procedures for all the leases covered by the plan;
- An explanation of how the applicant will achieve the ultimate maximum recovery of the resource under Federal or Indian leases. If a mineral deposit or portion thereof is not mined or is rendered unminable by the operation, the operator or lessee must submit appropriate justification to the BLM for approval.

- Appropriate maps and cross sections showing:
 - Federal or Indian lease boundaries and serial numbers;
 - Surface ownership and boundaries;
 - Locations of existing and abandoned mines;
 - Typical structure cross sections;
 - Location of shafts or mining entries, strip pits, waste dumps and surface facilities, and
 - Typical mining sequence with appropriate time frames

- A narrative addressing the environmental aspects associated with the proposed mine including the following:

- An estimate of the quantity of water needed and pollutants that may enter receiving waters;
- A design for the necessary impoundment, treatment or control of all runoff water and drainage from workings to reduce soil erosion and sedimentation and to prevent pollution of receiving waters; and
- A description of measures to be taken to prevent or control fire, soil erosion, subsidence, pollution of surface and ground water, pollution of air, damage to fish or wildlife or other natural resources and hazards to public health and safety.

A reclamation schedule and the measures to be taken for surface reclamation of the Federal or Indian leases, licenses or permits. The mining plan must also address the following aspects of re-vegetation:

- Proposed methods of preparation and fertilizing the soil prior to replanting;
- Types and mixtures of shrubs, trees or tree seedlings, grasses or legumes to be planted; and
- Types and methods of planting, including the amount of grasses or legumes per acre, or the number and spacing of trees or tree seedlings, or combinations of grasses and trees.
- The method of abandonment of operations on Federal or Indian leases, licenses, or permits proposed to protect the unmined recoverable reserves and other resources, including the method proposed to fill in, fence or close all surface openings that are a hazard to people or animals; and
- Any additional information that the BLM needs to approve the plan

Section 3592.2 requires operators to prepare and maintain accurate maps of underground workings and surface operations. The BLM may also require operators to prepare cross section drawings and vertical projections. The BLM may require operators to submit copies of these maps and cross sections. No special form is required, but BLM may specify the level of accuracy and the scale it requires.

Section 3592.3 requires operators to prepare production maps for each royalty period or such other period BLM determines showing mineral production and measuring points for production. No special form is required, but BLM may specify a level of accuracy and the scale it requires.

Most of the information required from permittees and lessees by this subpart is prepared by permittees and lessees for their own internal use or to meet their obligations to State governments and is not unique to Federal requirements. Without this information, BLM would be unable to meet its statutory obligations.

v. Subpart 3593 - Bore Holes and Samples

Section 3593.1 requires permittees and lessees to give BLM a signed copy of all of the records of core or test holes made on the lands covered by the lease, license, or permit. These records must include the position and direction of the hole, a log of all strata encountered, the water level, gas or unusual conditions encountered and a record of all analyses made on samples. BLM may also require samples of the strata, drill cuttings, and mill products. Operators must retain core samples for at least 1 year and allow the BLM to inspect these cores and obtain portions of these core samples.

The records we require in this section are routinely prepared by operators for their own purposes.

w. Subpart 3597 - Production Records

Section 3597.1 requires operators to maintain records that show the amount of ore and rock mined, the amount of ore processed, the amount of mineral products produced, and the amount of mineral products sold. These records will also record relevant quality information and the percentage of mineral products recovered or lost. Operators must record most of this information for their own internal use and these requirements are not unique to BLM. BLM requires no special form for these recording requirements.

Section 3597.2 requires operators to allow BLM to review production records during regular business hours and allows BLM to require operators to submit portions of the production records that the operator has not already submitted to the Mineral Management Service.

BLM needs this information to meet its obligations under the MLA and the FLPMA. The records we require in this section are routinely prepared by operators for their own purposes.

x. Forms

The specific information collection requirements, detailed in the regulations at 43 CFR Parts 3500, 3580, and 3590 and discussed above involve the submission of data, both with and without the use of BLM-approved forms. Since the information collection requirements addressed in this package note when the use of a BLM-approved form is required, we request that OMB clearance for this package include approval for use of the specific BLM forms identified below. With the exception of a signature and date, these forms do not require that an applicant, permittee or lessee provide any information in addition to that identified in specific regulatory provisions discussed above.

BLM Form Number	Title or Description
3504-1	Personal Bond and Power of Attorney

3504-3	Lease Bond for Mining Deposits
3504-4	Statewide or Nationwide Mineral Bond
3510-1	Prospecting Application and Permit
3510-2	Phosphate or Sodium Use Permit
3520-7	Mineral Lease

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 Financial Business Management System (FBMS) to compile the information. The use of the various data bases allows BLM to track and compile the information without having to go out with additional requests to the public or the field offices. The requested information is unique to each applicant or operator and to each operation. With the exception of a signature and date, the BLM-approved forms do not require that an applicant, permittee, or lessee provide any information in addition to that identified in the regulations.

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.**

BLM uses the information we collect to maintain an accurate account of operations being conducted on public land and to identify responsible parties if there is damage to the land. Each action is specific to an individual case and therefore there is no duplication. We have no similar information available. The information we request can only be supplied by the entity proposing to conduct operations on the land involved and is not available from any other data source.

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

The information required has been limited to the minimum necessary to authorize and conduct operations on the lands, which reduces the paperwork burden on small businesses or

other small entities.

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.

This collection of information is required only when an entity desires to obtain the right to conduct hardrock mineral operations on the public lands. If BLM failed to collect the requested information, we would not know where operations were conducted and who was responsible for these operations. We would not be able to account for the rentals and royalties required by statute or identify the responsible party should environmental damage occur. Most of this information is required to be submitted once, and periodic submittals have been reduced to the minimum required to adequately monitor operations.

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 us to collect the information in a manner inconsistent with the guidelines. We do not exceed the guidelines in 5 CFR 1320.5. However, we require respondents to provide detailed financial information, potential trade secrets, and geologic and geophysical information concerning wells. BLM needs this information to protect the public interest. We have regulations at 43 CFR 2.13 which allow us to protect this information from release under a Freedom of Information Act request. Each BLM office that collects this kind of information maintains it in secured and locked facilities.

- 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.**

As required in 5 CFR 1320.8(d), the BLM published a 60-day notice in the Federal Register on June 17, 2009 (74 FR 28718), soliciting comments from the public and other interested parties. The comment period closed on August 17, 2009. The BLM did not receive any comments from the public in response to this notice or unsolicited comments from respondents covered under these regulations. A copy of the notice is attached.

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.

During the approval period, we consulted with the following respondents 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 Item 12 reflect their input.

Lori Hamann
Engineer
J. R. Simplot Company
P.O. Box 912
Pocatello, ID 83204
Telephone Number: (208) 235-5670

- | | |
|---|-----------|
| ▪ Hours to prepare bid for competitive lease sale | 20 |
| ▪ Hours to provide info for exploration license application | 24 |
| ▪ Hours to provide exploration plan for exploration license | 120 |
| ▪ Time required to prepare mine plan | 10 months |
| ▪ Hours to review/sign a Mineral Lease Form | 2 |

- Hours to prepare lease modification application 4

Lori commented that the forms are easy to fill out and the other information required is straight-forward, but it takes a long time to get anything approved. She said the Idaho BLM people are very good to work with.

Tom McGuire
Mining Engineer
Intrepid Potash – New Mexico, LLC
P.O. Box 101
Carlsbad, NM 88220
Telephone Number: (575) 234-3814

- Hours to complete exploration license application 8
- Hours to prepare competitive lease bid 2
- Hours to prepare lease modification application 2
- Time required to prepare mine plan 48

Tom said he has worked with the Carlsbad Field Office (CFO) for a long time and understands the forms and procedures very well, and when he has questions, the CFO people are always very helpful.

Susan Wartman
Risk Management Assistant
J. R. Simplot Company
P.O. Box 27
Boise, ID 83707
Telephone Number: (208) 336-2110

- Hours to complete a Statewide or Nationwide Mineral Bond 1

Susan said Simplot has lots of bonds and they are very familiar with the requirements.

Don Taylor
Exploration Manager
The Doe Run Company
P.O. Box 500
Viburnum, MO 65566
Telephone Number: (573) 244-8622

- Hours to complete Prospecting Permit Application 10
- Hours to complete exploration plan for prospecting permit 20
- Hours to prepare lease modification application 20

- Hours to develop development contract

20

Don said they were struggling with the regulatory requirements and having a hard time getting correct guidance because of the “revolving doors” at the BLM, Minerals Management Service and Forest Service. He says new people are constantly coming in with no background in minerals management. He said they constantly have to start at “ground zero” with new people. He speculated that the agencies may need to do more training.

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.

BLM will treat as confidential all data identified as proprietary by the applicant and will not disclose the information until the areas involved are leased or BLM determines that the information is not exempt from disclosure under the Freedom of Information Act, whichever occurs first. Some of the information we collect is exempt from disclosure under the Freedom of Information Act under the exemption for:

- Trade secrets;
- Commercial or financial information; and
- Geological and geophysical information and data, including maps, concerning wells.

43 CFR 3503.41 through 43 CFR 3503.46 identify how the BLM will handle confidential information. All information submitted to the BLM is subject to 43 CFR Part 2.

Under the privacy provisions of the E-Government Act of 2002, respondents were informed as to whether or not providing the information is required to obtain a benefit. BLM has firewalls to protect website access, strong security and password protection of the information in data bases, and other 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. Instead, this cost should be included in Item 14.**

Table 12-1 – Hourly Cost Calculations: As shown at Table 12-1, below, the weighted average respondent cost is \$53 per hour. This cost was determined using national Bureau of Labor Statistics data at: http://www.bls.gov/oes/current/oes_nat.htm. The benefits multiplier of 1.4 is implied by information on page 4 of USDL 09-1098, September 10, 2009, at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

Position	BLS Occupation Code	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.4)	Percent of time spent on collection	Weighted Avg. (\$/hour)
General Office Clerk	43-9061	\$12.90	\$18.06	10%	\$2.00
Mining Engineer	17-2151	\$38.42	\$53.80	80%	\$43.00
Supr. Mining Engineer	11-9041	\$57.97	\$81.16	10%	\$8.00
Weighted Average Hourly Pay Rate (\$/hour): \$53.00					

Table 12-2 – Estimates of Hour and Cost Burdens: Hour and cost burdens to respondents include time spent for researching, preparing, and submitting information. The derivation of the weighted average hourly wage associated with these information collections is shown at Table 12-1, above. The BLM’s estimate of the time it takes a respondent to supply the information was verified by consultations with several respondents (see Item 8, above). The estimated total hours and resulting costs are potentially higher than actual

requirements due to the difficulty in separating time required for normal mine activities from specific time required to provide information to the BLM.

The frequency of response for each of the information collections is “on occasion.” As shown below, the total number of responses is 473, the total hour burden is 16,346 hours, and the cost burden is \$865,861.00.

(a) Type of Response and 43 CFR 3500 Citation	(b) Number of Responses	(c) Hours Per Response	(d) Total Hours (b x c)	(e) Total Wage Cost (d x \$53.00)
Request for Effective Date (3501)	10	1	10	\$53.00
Qualification Requirements / Individuals or Households (3502)	3	2	6	\$318.00
Qualification Requirements / Private Sector (3502)	47	2	94	\$4,982.00
Areas Avail. For Leasing / Applicants (3503)	50	2	100	\$5,300.00
Areas Avail. For Leasing / State, Local Government (3503)	1	2	2	\$106.00

Areas Avail. For Leasing / Education or Associations (3503)	2	2	4	\$212.00
Fees, Rental, Royalty, and Bonds (3504)	40	4	160	\$8,480.00
Prospecting Permits / Application (3505)	50	10	500	\$26,500.00
Prospecting Permits / Amendments (3505)	10	5	50	\$2,650.00
Prospecting Permits / Exploration Plan (3505)	25	400	10,000	\$530,000.00
Prospecting Permits / Extension (3505)	5	40	200	\$10,600.00
Exploration Licenses (3506)	4	10	40	\$2,120.00
Preference Right Lease Applications (3507)	2	300	600	\$31,800.00

Competitive Leasing (3508)	5	20	100	\$5,300.00
Fractional and Future Interest Lease Applications (3509)	1	80	80	\$4,240.00
Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications (3510)	10	20	200	\$10,600.00
Lease Terms and Conditions (Lease Renewals or Adjustments) (3511)	40	2	80	\$4,240.00
Assignments and Subleases (3512)	30	6	180	\$9,540.00
Waiver, Suspension or Reduction of Rental and Minimum Royalties (3513)	2	100	200	\$10,600.00
Lease Relinquishments and Cancellations (3514)	10	40	400	\$21,200.00

Mineral Lease Exchanges (3515)	1	40	40	\$2,120.00
Use Permits (3516)	1	10	10	\$530.00
Hardrock Mineral Development Contracts; Processing and Milling Arrangements (3517)	1	20	20	\$1,060.00
Gold, Silver, or Quicksilver in Confirmed Private Land Grants (3581)	1	20	20	\$1,060.00
Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area (3583)	1	20	20	\$1,060.00
White Mountains National Recreation Area, Alaska (3585)	1	20	20	\$1,060.00
Plans and Maps / Plans (3592)	5	300	1,500	\$79,500.00

Plans and Maps / Modifications (3592)	10	150	1,500	\$79,500.00
Bore Holes and Samples (3593)	25	2	50	\$2,650.00
Production Records (3597)	80	2	160	\$8,480.00
Totals	473	-----	16,346	\$865,861.00

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or record keepers 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.

No capital and startup costs are involved because the information requested is either available in the BLM public reading rooms or maintained by the respondents for their own use. Respondents are familiar with the regulatory requirements.

Document processing fees for these information collections are shown at 43 CFR 3504.10, a regulation that incorporates by reference two other regulations (§§ 3000.11 and 3000.12) in which the BLM established or revised certain fees and service charges, and established a method by which those fees and charges are adjusted annually. 70 FR 58853 (Oct. 7, 2005). Some of these information collections are subject to fees in that rule, as updated at 72 FR 50882 (Sept. 5, 2007); 73 FR 54717 (Sept. 23, 2008); and 74 FR 49334 (Sept. 28, 2009). All of these regulations were promulgated under Section 304 of the Federal Land Policy and Management Act (43 U.S.C. 1734), and the Independent Offices Appropriation Act (31 U.S.C. 9701), which authorize the BLM to charge processing costs. Moreover, OMB Circular No. A-25, titled “User Charges,” provides that the Federal policy is to assess a charge against each identifiable recipient for special Federal benefits beyond those received by the general public.

Some of the fees that apply to these information collections are fixed, and others are determined on a case-by-case basis. The case-by-case fees that are shown in the table below are averages of fees charged during the past three years, based on criteria at 43 CFR 3000.11. The fixed fees can be found at 43 C.F.R. 3000.12, as revised at 74 FR 29334 (Sept. 28, 2009).

In the table below, the notation “N/A” means that there is no processing fee for that particular information collection. In the following cases, “N/A” signifies that the information collection is part of a larger application for a lease, license, or permit, and an overall processing fee is charged for that application:

- Qualification Statement / Individual (3502);
- Qualification Statement / Association (Including Partnership or Trust) (3502);
- Qualification Statement / Corporation (3502);
- Qualification Statement / Attorney-In-Fact (3502);
- Qualification Statement / Heir or Devisee (3502);
- Areas Available for Leasing / Applicant (3503);
- Mine Plans (3592); and
- Mine Plan Modifications (3592).

The following information collections are designated “N/A” because they are not applications for special Federal benefits beyond those received by the general public, but are intended to serve other purposes:

- Areas Available for Leasing / State, County, or Local Government (3503);
- Areas Available for Leasing / College or Other Educational Corporation or Association

- (3503);
- Areas Available for Leasing / Charitable or Religious Corporation or Association (3503);
- Bond (3504);
- Bore Holes and Samples (3593); and
- Production Records (3597).

Table 13 – Processing Fees Associated with These Information Collections

(a) Type of Response and 43 CFR 3500 Citation	(b) Number of Responses	(c) Amount of Fee Per Response	(d) Total Fees (b x c)	(e) Type of Fee
Request for Effective Date (3501)	10	\$35.00	\$350.00	Fixed
Qualification Requirements / Individuals or Households (3502)	3	N/A	N/A	N/A
Qualification Requirements / Private Sector (3502)	47	N/A	N/A	N/A
Areas Avail. For Leasing / Applicants (3503)	50	N/A	N/A	N/A
Areas Avail. For Leasing / State, Local Government	1	N/A	N/A	N/A

(3503)				
Areas Avail. For Leasing / Education or Associations (3503)	2	N/A	N/A	N/A
Fees, Rental, Royalty, and Bonds (3504)	40	N/A	N/A	N/A
Prospecting Permits / Applications (3505)	50	\$2,500.00	\$125,000.00	Case-By-Case
Prospecting Permits / Amendments (3505)	10	\$60.00	\$600.00	Fixed
Prospecting Permits / Exploration Plan (3505)	25	N/A	N/A	N/A
Prospecting Permits / Extension (3505)	5	\$100.00	\$500.00	Fixed
Exploration Licenses (3506)	4	\$35.00	\$140.00	Fixed
Preference Right Lease Applications	2	\$53,000.00	\$106,000.00	Case-by-case

(3507)				
Competitive Leasing (3508) ¹	5	\$53,000.00	\$265,000.00	Case-by-case
Fractional and Future Interest Lease Applications (3509)	1	\$26,500.00	\$26,500.00	Case-by-case
Noncompetitive Leasing: Fringe Acreage Leases and Lease Modification (3510)	10	\$30.00	\$300.00	Fixed
Lease Terms and Conditions (Lease Renewals or Adjustments) (3511)	40	\$480.00	\$19,200.00	Fixed
Assignments and Subleases (3512)	30	\$30.00	\$900.00	Fixed
Waiver, Suspension or Reduction of Rental and Minimum Royalties (3513)	2	\$8,500.00	\$17,000.00	Case-by-case

¹ Only successful applicants pay the processing costs associated with these applications. We estimate that five successful applications are submitted annually.

Lease Relinquishments and Cancellations (3514)	10	\$35.00	\$350.00	Fixed
Mineral Lease Exchanges (3515)	1	\$35.00	\$35.00	Fixed
Use Permits (3516)	1	\$30.00	\$30.00	Fixed
Hardrock Mineral Development Contracts; Processing and Milling Arrangements (3517)	1	\$35.00	\$35.00	Fixed
Gold, Silver, or Quicksilver in Confirmed Private Land Grants (3581)	1	\$35.00	\$35.00	Fixed
Shasta and Trinity Units of the Whiskeytown-Shasta-Trinity National Recreation Area (3583)	1	\$30.00	\$30.00	Fixed

White Mountains National Recreation Area, Alaska (3585)	1	\$35.00	\$35.00	Fixed
Plans and Maps / Plans(3592)	5	N/A	N/A	N/A
Plans and Maps / Modifications (3592)	10	N/A	N/A	N/A
Bore Holes and Samples (3593)	25	N/A	N/A	N/A
Production Records (3597)	80	N/A	N/A	N/A

The estimated processing fees for these information collections total \$562,040 annually. In addition to these fees, respondents incur an estimated \$200.00 per response in publication charges under 43 CFR 3506.11(a), when applying for an exploration license. An estimated total of four applications for exploration licenses are filed annually — the estimated total publication costs for these information collections is \$800. The estimated total nonhour burdens for these information collections is \$562,840.

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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Table 14-1 — Weighted Average Federal Wage Cost Associated With These Information Collections

The hourly cost to the Federal Government is based on the U.S. Office of Personnel Management 2009 General Pay Schedule located at <http://www.opm.gov/oca/09tables/indexGS.asp>. The benefits multiplier is implied by information on page 4 of USDL 09-1098, September 10, 2009, at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

Position	Pay Grade	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.5)	Percent of time spent on these collections	Weighted Avg. (\$/hour)
Clerical	GS-5/5	\$16.71	\$25.06	10%	\$2.50
Mining Engineer	GS-12/5	\$36.72	\$55.08	80%	\$44.00
Supr. Mining Engineer	GS-13/5	\$43.66	\$65.50	10%	\$6.50
Weighted Average Hourly Pay Rate (\$/hour)					\$53.00

The Table below shows the annualized Federal costs for each collection. The estimated time spent to process the information collections is based on the BLM's experience. The derivation of the weighted average hourly wage associated with these information collections is shown at Table 14-1, above.

Table 14-2 — Estimated Annual Cost to the Government

(a) Type of Response and 43 CFR 3500 Citation	(b) Number of Responses	(c) Hours Per Response	(d) Total Hours (b x c)	(e) Total Wage Cost (d x \$53.00)
Request for Effective Date (3501)	10	1	10	\$53.00
Qualification Requirements / Individuals or Households (3502)	3	2	6	\$318.00
Qualification Requirements / Private Sector	47	2	94	\$4,982.00

(3502)				
Areas Avail. For Leasing / Applicants (3503)	50	2	100	\$5,300.00
Areas Avail. For Leasing / State, Local Government (3503)	1	2	2	\$106.00
Areas Avail. For Leasing / Education or Associations (3503)	2	2	4	\$212.00
Fees, Rental, Royalty, and Bonds (3504)	40	4	160	\$8,480.00
Prospecting Permits / Applications (3505)	50	80	4,000	\$212,000.00
Prospecting Permits / Amendments (3505)	10	5	50	\$2,650.00
Prospecting Permits / Exploration Plan (3505)	25	400	10,000	\$530,000.00

Prospecting Permits / Extension (3505)	5	40	200	\$10,600.00
Exploration Licenses (3506)	4	80	320	\$16,960.00
Preference Right Lease Applications (3507)	2	1,000	2,000	\$106,000.00
Competitive Leasing (3508)	5	1,000	5,000	\$265,000.00
Fractional and Future Interest Lease Applications (3509)	1	500	500	\$26,500
Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications (3510)	10	1,000	10,000	\$530,000.00
Lease Terms and Conditions (Lease Renewals or Adjustments) (3511)	40	80	3,200	\$169,600.00
Assignments and Subleases (3512)	30	40	1,200	\$63,000.00

Waiver, Suspension or Reduction of Rental and Minimum Royalties (3513)	2	160	320	\$17,000.00
Lease Relinquishments and Cancellations (3514)	10	40	400	\$21,200.00
Mineral Lease Exchanges (3515)	1	40	40	\$2,120.00
Use Permits (3516)	1	160	160	\$8,480.00
Hardrock Mineral Development Contracts; Processing and Milling Arrangements (3517)	1	160	160	\$8,480.00
Gold, Silver, or Quicksilver in Confirmed Private Land Grants (3581)	1	20	20	\$1,060.00
Shasta and Trinity Units of the Whiskeytown-	1	20	20	\$1,060.00

Shasta-Trinity National Recreation Area (3583)				
White Mountains National Recreation Area, Alaska (3585)	1	20	20	\$1,060.00
Plans and Maps / Plans (3592)	5	1,000	5,000	\$265,000.00
Plans and Maps / Modifications (3592)	10	500	5,000	\$265,000.00
Bore Holes and Samples (3593)	25	2	50	\$2,650.00
Production Records (3597)	80	2	160	\$8,480.00
Total	473	-----	48,196	\$2,553,351.00

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The previously approved number of responses was 308. In this submission, we are requesting approval for 473 responses. Of the total increase of 165, there are 90 program changes in this submission to correct omissions from the previous submission, and 75 adjustments due to changes in our burden estimates.

The total estimated hour burden for this submission is 16,346 hours, compared to 6,522 hours for the previous submission, a net increase of 9,824 hours. The net change is due to an increase of 10,350 due to program changes in this submission to correct omissions in the previous submission, and a decrease of 526 hours due to adjustments in our estimated burdens.

The total annual cost burden for this submission is \$562,040, compared to \$7,611 for the previous submission. This increase is due to an increase of \$553,640 in program changes in this submission to correct omissions in the previous submission, and also due to an increase of \$789 due to adjustments in our estimated burden.

These program changes and adjustments are itemized in Table 15, below.

Table 15- — Changes in Estimated Hour Burdens

(a) Type of Response and 43 CFR 3500 Citation	(b) Hours Approved Previously	(c) Hours Requested Now	(d) Net Difference (Hours)	(e) Explanation
Request for Effective Date (3501)	1	10	+9	Program Change — IC was inadvertently omitted from previous submission.
Qualification Requirements / Individuals or Households (3502)	10	6	-4	Adjustment — Due to a decrease in the number of responses received annually (from 10 to 3) and due to an increase in the estimated hours per response (from 1 to 2).
Qualification Requirements / Private Sector (3502)	0	94	+94	Program Change — IC was inadvertently omitted from previous submission.
Areas Avail. For Leasing / Applicants (3503)	10	100	+90	Adjustment — Due to an increase in the number of responses received annually (from 10 to 50) and due to an increase in the estimated hours

				per response (from 1 to 2)
Areas Avail. For Leasing / State, Local Government (3503)	0	2	---	Program Change — IC was inadvertently omitted from previous submission.
Areas Avail. For Leasing / Education or Associations (3503)	0	4	---	Program Change — IC was inadvertently omitted from previous submission.
Bond (3504)	144	160	+16	Adjustment — Due to an increase in the number of responses received annually (from 36 to 40).
Prospecting Permits / Applications (3505)	460	500	+40	Adjustment — Due to an increase in the number of responses received annually (from 46 to 50).
Prospecting Permits / Amendments (3505)	0	50	+50	Program Change — IC was inadvertently omitted from previous submission.
Prospecting Permits / Exploration Plan (3505)	0	10,000	+10,000	Program Change — IC was inadvertently omitted from previous submission.
Prospecting Permits / Extension (3505)	0	200	+200	Program Change — IC was inadvertently omitted from previous submission.
Exploration Licenses (3506)	6	40	+34	Adjustment — Due to an increase in the number of

				responses received annually (from 2 to 4) and due to an increase in the estimated hours per response (from 3 hours to 10 hours).
Preference Right Lease Applications (3507)	600	600	No change	No change
Competitive Leasing (3508)	100	100	No change	No change
Fractional and Future Interest Lease Applications (3509)	20	80	+60	Adjustment — Due to an increase in the estimated hours per response (from 20 to 80).
Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications (3510)	100	200	+10	Adjustment — Due to an increase in the number of responses received annually (from 5 to 10).
Lease Terms and Conditions (Lease Renewals or Adjustments) (3511)	22	80	+58	Adjustment — Due an increase in the number of responses received annually (from 22 to 40) and due to an increase in the estimated hours per response (from 1 hour to 2 hours).
Assignments and Subleases (3512)	168	180	+12	Adjustment — Due to an increase in the number of responses received annually (from 28 to 30).
Waiver, Suspension	40	200	+560	Adjustment — Due to an

or Reduction of Rental and Minimum Reductions (3513)				increase in the number of responses received annually (from 1 to 2) and due to an increase in the estimated hours per response (from 40 hours to 300 hours)/
Lease Relinquishments and Cancellations (3514)	40	400	+360	Adjustment — due to an increase in the number of responses received annually (from 1 to 10).
Mineral Lease Exchanges (3515)	40	40	No change	No change
Use Permits (3516)	1	10	+9	Adjustment — Due to an increase in the estimated hours per response (from 1 hour to 10 hours).
Hardrock Mineral Development Contracts; Processing and Milling Arrangements (3517)	1	20	+19	Adjustment — Due to an increase in the estimated hours per response (from 1 hour to 20 hours).
Gold, Silver, or Quicksilver in Confirmed Private Land Grants (3581)	40	20	-20	Adjustment — Due to a decrease in the estimated hours per response (from 40 hours to 20 hours).
Shasta and Trinity Units of the Whiskeytown-	20	20	No change	No change

Shasta-Trinity National Recreation Area (3583)				
White Mountains National Recreation Area (3585)	20	20	No change	No change
Plans and Maps / Plans (3592)	4,500	1,500	-3,000	Adjustment — Due to a net decrease in the number of responses received annually under 43 CFR Subpart 3592 (from 30 total, to 5 mine plans and 10 mine plan modifications), and due to the inclusion in this submission of Mine Plan Modifications, which were inadvertently omitted from the previous submission.
Plans and Maps / Modifications (3592)	0	1,500	+1,500	Program Change — IC was inadvertently omitted from previous submission.
Bore Holes and Samples (3593)	23	50	+27	Adjustment — Due to an increase in the number of responses received annually (from 23 to 25) and due to an increase in the estimated number of hours per response (from 1 hour to 2 hours).
Production Records (3597)	160	160	No change	No change

Total	6,522	16,346	See statement, above.	Combination of adjustments and program changes, as shown above.
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The previous submission estimated \$7,611 in nonhour burdens for these information collections overall. As discussed above in Item 13, this submission estimates \$562,040 in total nonhour burdens for these information collections. The previous submission stated that there is a \$25 filing fee associated with some of the responses here, but did not itemize the nonhour costs, so it is difficult to determine how the previous estimate was derived. As shown in Item 13, the fixed fees for these information collections now range from \$30 to \$480 per response, and the estimated case-by-case fees range from \$2,500 to \$53,000 per response. We have also factored into our current estimate the estimated number of responses, and have provided an estimate for the publication cost associated with 43 CFR 3506.11(a). We consider these changes in the nonhour burden estimates to be program changes, since they were not presented to the OMB for approval in 2006.

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.

The information collected is not for publication and BLM has no plans to publish the information.

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 seeking approval to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

We are not seeking any exception to this certification.