

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

**SURFACE MANAGEMENT ACTIVITIES UNDER THE GENERAL MINING LAW**

**(43 CFR SUBPART 3809)**

**OMB CONTROL NUMBER 1004-0194**

**Forms 3809-1, 3809-2, 3809-4, 3809-4a, and 3809-5**

**Terms of Clearance:** None.

**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 for an extension of the information collection requirements contained at 43 CFR subpart 3809. The regulations at subpart 3809 implement the following sections of the Federal Land Policy and Management Act (FLPMA), as they apply to exploration and mining activities on public lands under the General Mining Law (30 U.S.C. 22 - 54) :

- Section 302 of FLPMA (43 U.S.C. 1732) gives the Secretary of the Interior the authority to issue permits and other instruments regulating use, occupancy, and development of the public lands. It gives the Secretary authority to issue rules and impose terms or conditions necessary to regulate the use of the public lands.
- Section 302(b) (43 U.S.C. 1732(b)) instructs the Secretary to take any actions necessary to prevent the unnecessary or undue degradation of public lands when used for any purpose.
- Section 601(f) (43 U.S.C. 1782(f)) authorizes the Secretary to establish reasonable regulations for mining claims located within the California Desert Conservation Area and to apply the same regulations to patents issued for those claims.

The collection of information under 43 CFR subpart 3809 enables the BLM to determine whether operators and mining claimants are meeting their responsibility, under FLPMA, to prevent unnecessary or undue degradation while conducting exploration and mining activities on public lands. It also enables the BLM to obtain financial guarantees for the reclamation of public lands.

**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.]**

Exploration, mining, and reclamation operations on BLM-administered public lands are subject to the General Mining Law (30 U.S.C. 22 – 54) and regulations of the Secretary of the Interior at 43 CFR subpart 3809. These regulations require an operator to prevent unnecessary or undue degradation of the land, as required by FLPMA Section 302(b) (43 U.S.C. 1732(b)).

Operations, within the meaning of subpart 3809, include all functions, work facilities, and activities on public lands in connection with prospecting, discovery and assessment work, development, extraction, and processing of mineral deposits locatable under the mining laws; reclamation of disturbed areas; and all other reasonably incident uses, whether on a mining claim or not, including the construction of roads, transmission lines, pipeline, and other means of access across public lands for support facilities. 43 CFR 3809.5. The BLM needs to collect information under 43 CFR 3809 in order to:

- 1) Ensure that only necessary and timely mining-related surface disturbing activities are conducted;
- 2) Determine if proposed exploration or mining would be able to meet the performance standards;
- 3) Determine appropriate mitigation and reclamation measures for the site and the activity;
- 4) Comply with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA);
- 5) Monitor (conduct field inspections of) claimant or operator activities, especially reclamation activities, on mining claims;
- 6) Determine whether the claimant or operator plans reasonable measures to prevent or control on-site and off-site damage to Federal lands; and
- 7) Ensure compliance with environmental laws.

The type and amount of information the BLM needs to collect depends whether the activities are classified as –

- (a) Casual use;
- (b) Notice-level operations; or
- (c) Plan-level operations.

43 CFR 3809.5. Operations may qualify as “casual use” if they cause only negligible disturbance of the public lands and resources. Activities that qualify as casual use typically involve prospecting with hand tools such as picks, shovels, and metal detectors, but do not include the use of explosives, chemicals, or mechanized earth moving equipment. The BLM does not require prior notice of casual use activities, but reclamation is required for any disturbance that is created. 43 CFR 3809.10(a). If operations do not qualify as casual use, the operator must submit a notice of operations, or a plan of operations, whichever is applicable.

### **Notice of Operations**

Notice-level operations are those that cause a surface disturbance of five acres or less. At least 15 calendar days before beginning such operations, a complete notice of operations must be submitted to the local BLM office with jurisdiction over the lands involved. The following information is required:

- 1) Name and mailing address of claimant or operator;
- 2) Taxpayer identification number;
- 3) Serial numbers of any mining claims to disturb during surface activities;
- 4) Description and map of the proposed activities and location, together with a schedule of activities;
- 5) Access routes and the type of equipment used;
- 6) A reclamation plan describing how the surface disturbance will be reclaimed to the standards in 43 CFR 3809.420;
- 7) An estimate (43 CFR 3809.552) of the cost to fully reclaim the disturbance; and
- 8) If a notice is incomplete, any additional information that the BLM deems necessary.

The operator must also notify the BLM in writing within 30 calendar days after any:

- 1) Change of operator;
- 2) Change of corporate point of contact; or
- 3) Change of the mailing address of the operator or corporate point of contact.

43 CFR 3809.21, 3809.301 and 3890.311. Because approval by the BLM is not required before beginning notice-level operations, the receipt and review of a notice is not a Federal action that requires the preparation of an environmental assessment (EA) or environmental impact statement (EIS).

An operator may submit a notice modification at any time during operations under a notice. The BLM will review the notice modification the same way it reviewed the initial notice. 43 CFR 3809.330.

Notices expire after two years, but may be extended for an additional two years if the operator requests an extension in writing on or before the expiration date and meets the financial guarantee requirements of 43 CFR 3809.503. The notice may be extended more than once. 43 CFR 3809.333.

The regulations at 43 CFR subpart 3809 include performance standards for notices and plans of operations that are enforceable by the BLM. Section 3809.420(a) consists of general performance standards that provide an overview of how an operator should conduct operations, and clarify certain basic responsibilities, including the operator's responsibility to comply with applicable land use plans and BLM's responsibility to specify necessary mitigation measures. Paragraph (b) of section 3809.420 lists specific performance standards, which address matters such as the capture and treatment of acid-drainage and other undesirable effluent. Failure of the operator to prevent unnecessary or undue degradation or to complete reclamation in accordance

with the performance standards may cause the operator to be subject to enforcement actions. 43 CFR 3809.421.

At any time, the BLM may inspect operations that are subject to the regulations at 43 CFR subpart 3809. 43 CFR 3809.600. Upon finding a violation of a notice or plan of operations, or of any requirement set forth in subpart 3809, the BLM may issue various types of enforcement orders, nullify a notice of operations, or revoke a plan of operations. 43 CFR 3809.601 and 3809.602. A party adversely affected by such action may submit an administrative appeal to the State Director or to the Office of Hearings and Appeals. 43 CFR 3809.800 through 809. An appeal submitted to the State Director consists of a brief written statement explaining why the BLM should change its decision and any documents in support of the written statement. 43 CFR 3809.805. An appeal submitted to the Office of Hearings and Appeals is not within the scope of this submission.

### **Plan of Operations**

BLM approval of a plan of operations generally is required for activities that do not qualify as casual use or notice-level operations. Plan-level operations also include activities causing surface disturbance greater than casual use in the following special status areas:

- 1) Lands in the California Desert Conservation Area (CDCA) designated by the CDCA plan as “controlled” or “limited” use areas;
- 2) Areas in the National Wild and Scenic Rivers System, and areas designated for potential addition to the system;
- 3) Designated Areas of Critical Environmental Concern;
- 4) Areas designated as part of the National Wilderness Preservation system and administered by the BLM;
- 5) Areas designated as “closed” to off-road vehicle use;
- 6) Any land or waters known to contain Federally proposed or listed threatened or endangered species or their proposed or designated critical habitat, unless the BLM allows for other action under a formal land-use plan or threatened or endangered species recovery plan; and
- 7) National Monuments and National Conservation Areas administered by the BLM.

43 CFR 3809.11.

If a plan of operations is required, it must be filed with the local BLM field office with jurisdiction over the lands involved. A plan of operations must contain the following information:

- 1) Name and mailing address of the operator (If the operator is a corporation, the applicant must identify an individual as the corporate point of contact. The applicant must also provide notice in writing within 30 days after any changes in operator or corporate contact.).
- 2) Serial numbers of any mining claims where the surface disturbance would occur.
- 3) A description of the proposed operations at a level of detail sufficient for BLM to determine if the plan would prevent unnecessary or undue degradation.

- 4) A description of the equipment, devices, or practices used during operations.
- 5) Maps and drawing, including preliminary or conceptual designs and operating plans for mining areas, processing facilities, and waste disposal.
- 6) Proposed and existing routes of access, aircraft landing areas, and other means of access.
- 7) Water management plans, waste rock handling plans, quality assurance plans, and spill contingency plans.
- 8) A description of how the operator will conduct the types of operations proposed and a general schedule of activities and reclamation. It must discuss the measures taken to prevent unnecessary or undue degradation and a plan to reclaim areas mining operations disturb.
- 9) Plans for monitoring the effect of the operations and interim management plans for maintaining the project area in a clean and safe condition during periods of non-operation.
- 10) Operational and baseline environmental information that the BLM needs to analyze the potential environmental impacts as required by NEPA.
- 11) An estimate of the cost to reclaim the surface disturbance. Operators proposing surface mining must also provide information on the feasibility of pit backfilling that details economic, environmental and safety concerns.

43 CFR 3809.11 and 3809.401. The BLM will review the plan of operations the operator submits and will notify the operator within 30 days if BLM requires any additional information.

Operations at the plan level may not commence until the plan is approved by the BLM after review for significant effects under NEPA. At the conclusion of the NEPA review, if the plan is approved, the local BLM office with jurisdiction over the lands involved sends a formal decision to the operator. The formal decision includes a Record of Decision that spells out what mitigating measures will be required, and the amount of the required financial guarantee required. The environmental impacts of proposed operations (and therefore the required mitigation and financial guarantee) will vary substantially depending on whether the nature of the operations is exploration, development, or processing, and on the scope of operations (such as size of operations, construction required, length of operations and equipment required), causing varying degrees of disturbance and impacts to vegetative resources, soil, water, air, or wildlife.

Activities conducted under a plan of operations may undergo changes that require modification of the initial plan of operations. Modification is required before making any changes to the operations described in the approved plan of operations; when the BLM requires modification to prevent unnecessary or undue degradation; and before final closure, to address impacts from unanticipated events or conditions or newly discovered circumstances or information, including the following:

- 1) Development of acid or toxic drainage;
- 2) Loss of surface springs or water supplies;
- 3) The need for long-term water treatment and site maintenance;
- 4) Repair of reclamation failures;
- 5) Plans for assuring the adequacy of containment structure and the integrity of closed waste units;

- 6) Providing for post-closure management; and
- 7) Eliminating hazards to public safety.

43 CFR 3809.431. Most mining operations undergo changes that require plan modifications. The BLM uses information in a plan modification to:

- 1) Contact and identify the claimant or operator;
- 2) Determine whether the proposed operation will prevent unnecessary or undue degradation;
- 3) Identify unnecessary or undue degradation and develop mitigating measures to prevent such degradation; and
- 4) Establish the appropriate amount for the financial guarantee BLM needs to ensure reclamation performance.

The process for review and approval of plans of operations, and modifications to existing plans of operations, is outlined at 43 CFR 3809.411. The BLM requires compliance with these additional statutes during the review process: NEPA, ESA, the Magnuson-Stevens Fishery Conservation and Management Act, and the National Historic Preservation Act (NHPA). The BLM may require the operator to consult with the state regulatory agencies, Native American tribes, other surface managing agencies, and the private surface owner in the case where a non-Federal entity owns the surface. The BLM requires the information in order to prepare a NEPA document that is required by 43 CFR 3809.411(a)(3)(ii). This requirement will have a substantial impact on the amount and type of pre- and post-filing information that applicants must submit to the BLM on a project. Before the BLM can approve a plan of operations, compliance with both NEPA and Section 106 of NHPA is required by the implementing regulations promulgated by the Council on Environmental Quality (CEQ) and the Advisory Council on Historic Preservation.

Plans of operations are subject to the same performance standards, enforcement provisions, and administrative-appeal regulations that apply to notices of operations. See 43 CFR 3809.420 and 3809.421.

### **Financial Guarantee Requirements**

All notice- and plan-level operators are required to estimate, and post a financial guarantee, adequate to cover the cost to complete reclamation as if the BLM were to hire a third-party contractor to perform reclamation after the project area has been vacated. 43 CFR 3809.500 and 3809.552(a). The BLM determines the amount of the required financial guarantee after reviewing the operator's estimate and, if necessary, after obtaining additional information.

If an operator has more than one notice- or plan-level operation underway, that operator may provide a blanket financial guarantee covering statewide or nationwide operations instead of individual financial guarantees for each operation. The BLM has the authority to accept a blanket financial guarantee upon determining that its terms and conditions are sufficient to comply with the regulations at 43 CFR subpart 3809. 43 CFR 3809.560.

The BLM requires that a bonding form be submitted before surface-disturbing activities begin. The BLM developed these forms as a result of the interaction of field offices and operators. The BLM needs to collect the information in these forms in order to protect and restore the environment and to limit taxpayer liability. Either of the following forms may be submitted:

1. Form 3809-1, Surface Management Surety Bond or
2. Form 3809-2, Surface Management Personal Bond

Each of these forms is a bond, i.e., a written contract in which the operator formally recognizes an obligation to ensure that the lands disturbed from hardrock mining activities will be reclaimed. The operator is primarily liable for reclamation, and the operator is typically the bond principal.

Form 3809-1 is a contract among a surety, the principal, and the obligee (BLM), in which the surety agrees to protect the obligee if the principal defaults in performing the principal's contractual obligation to ensure reclamation. The bond is the instrument which binds the surety. Surety bonds must be accompanied by the surety's power of attorney. The form requires the operator to identify whether the surety bond will apply as individual, statewide, or nationwide financial guarantee. For individual financial guarantees, the BLM serial number for the notice or plan of operations is required. Alternatively if financial guarantee is intended for blanket coverage, for statewide or nationwide operations, then no serial number is required. For state coverage, the state for which the financial guarantee is intended is required. Nationwide financial guarantees simply require affirmation by writing "yes" at the appropriate line. Also required are the names and addresses of the principal and surety, the amount of the financial guarantee, and a statement that the surety agrees to give the principal and the BLM 90 day's written notice by certified mail, return receipt requested, should the surety elect to cancel the bond. The signatures of the principal and surety must be acknowledged by a notary.

Form 3809-2 is a personal bond, in which the principal promises to meet reclamation obligations. The form requires the operator to identify whether the personal bond will apply as individual, statewide, or nationwide financial guarantee. For individual financial guarantees, the BLM serial number for the notice or plan of operations is required. Alternatively if financial guarantee is intended for blanket coverage, for statewide or nationwide operations, then no serial number is required. For state coverage, the state for which the financial guarantee is intended is required. Nationwide financial guarantees simply require affirmation by writing "yes" at the appropriate line. . Also required are the name and address of the principal and the amount of the financial guarantee. The signature of the principal must be acknowledged by a notary.

Each of these bonds must be accompanied by at least one financial instrument (for example, a letter of credit) documenting a financial guarantee in an amount at least equal to the reclamation cost estimate as determined by the local BLM office for the notice or plan of operations. Acceptance of a bond may occur before BLM's review of the notice or plan of operations or before the required bond amount is determined by the local BLM office. After the required bond amount for a notice or a plan of operations is determined, any bond amount previously

committed will be adjusted, if necessary. If the operator has submitted a bond for more than the amount required, the uncommitted balance on the bond can be applied toward an increase to the bond requirement in the future without requiring additional information or paperwork from the operator.

The operator's bonding requirement may be met by a single bond, by a single bond with multiple financial instruments, such as more than one cash payment, or by multiple bonds. Multiple bonds may be accepted from various entities. If an operator wants to increase the bond amount, or if an increase is required and no funds remain available under your current bond, the operator may submit an additional bond or a rider and additional funds to increase the original current bond.

Forms 3809-4 and 3809-4a are riders that may be attached to the original bond when there are material changes to the bond. Form 3809-4 is used when someone other than the principal provides an additional financial guarantee. Changes that might prompt the use of Form 3809-4a may include the following:

- A decrease or increase in the amount of a personal bond;
- A change in the coverage of a personal bond from individual coverage (single operation) to statewide or nationwide coverage; or
- The addition of an operator as a co-principal to a personal bond.

Form 3809-5, Notification of Change of Operator and Assumption of Past Liability, is used to document the transfer of a mining claim or operation to a different operator under 43 CFR 3809.116. Such a transfer does not relieve a mining claimant's or operator's responsibility for obligations that accrued or conditions that were created while the mining claimant or operator was responsible for operations conducted on that mining claim or in the project area until:

1. The BLM receives documentation that a transferee accepts responsibility for the transferor's previously accrued obligations; and
2. The BLM accepts an adequate replacement financial guarantee adequate to cover such previously accrued obligations and the transferee's new obligations.

At or near the end of an active operation, the BLM begins consultations with the operator to monitor the progress of required reclamation activities, and determine whether the final guarantee can be released partially or completely. For a plan-level operation, the BLM will either post a notice of a final release in the local BLM office, or publish a notice in a local newspaper of general circulation and accept comments for 30 calendar days. 43 CFR 3809.590. Upon determining that release or reduction is appropriate, the local BLM office will issue a formal decision, with full right to appeal. Any refund or release will be sent to the operator and/or the appropriate financial institution.

In cases where the operator has failed to do necessary reclamation, the BLM will begin by contacting the operator to discuss the operator's responsibility to complete reclamation. If this contact does not produce the required reclamation, the BLM will issue an enforcement order. If the operator does not comply with the order, the BLM will initiate forfeiture of the financial guarantee pursuant to the procedures specified at 43 CFR 3809.596.



**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].**

Much of the non-form information consists of statements, sketches, maps, plans, and drawings, which are not amendable to electronic submission by the claimant or operator, or receipt by the BLM. In accordance with the Government Paperwork Elimination Act (GPEA), the forms associated with this collection of information are downloadable, fillable, and printable.

**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.**

The BLM and units of state government have similar information requirements based on their respective enabling legislation and regulations, such as plans of operation and financial guarantee requirements. In managing surface resources, the BLM generally does not seek information, *per se*, from the states. Where possible, the BLM and the states enter into formal agreements to create joint programs and to reduce administrative overlaps. The regulations at 43 CFR 3809.200 provide for Federal-state agreements to reduce duplication.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The Small Business Administration defines a small entity in the mining industry as an establishment with 500 or fewer employees. No small entities are respondents to the information collection component we have labeled “Federal / State Agreements (43 CFR 3809.200).” With the exception of that component, small entities make up the majority of respondents to this information collection.

The BLM estimates that small entities make up 70 percent of the respondents to the following components of this information collection:

- Initial or Extended Plan of Operations (43 CFR 3809.11);
- Initial or Extended Plan of Operations / Data for EIS (43 CFR 3809.401(c));
- Initial or Extended Plan of Operations / Data for Standard EA (43 CFR 3809.401(c));
- Initial or Extended Plan of Operations / Data for Simple Exploration EA (43 CFR 3809.401(c));
- Modification of Plan of Operations (43 CFR 3809.430 and 3809.431);

- Modification of Plan of Operations / Data for EIS (43 CFR 3809.432(a) and 3809.401(c));
- Modification of Plan of Operations / Data for Standard EA (43 CFR 3809.432(a) and 3809.401(c)); and
- Modification of Plan of Operations / Data for Simple Exploration EA (45 CFR 3809.401(c)).

The BLM estimates that small entities make up 95 percent of the respondents to the following components of this information collection:

- Notice of Operations (43 CFR 3809.21);
- Modification of Notice of Operations (43 CFR 3809.330); and
- Extension of Notice of Operations (43 CFR 3809.333).

The BLM estimates that small entities make up 80 percent of the respondents to the following components of this information collection:

- Surface Management Surety Bond (43 CFR 3809.500, Form 3809-1);
- Surface Management Personal Bond (43 CFR 3809.500, Form 3809-2);
- Bond Rider Extending Coverage of Bond (43 CFR 3809.500, Form 3809-4);
- Surface Management Personal Bond Rider (43 CFR 3809.500, Form 3809-4a);
- Notification of Change of Operator and Assumption of Past Liability (43 CFR 3809.116, Form 3809-5);
- Notice of State Demand Against Financial Guarantee (43 CFR 3809.573);
- Request for BLM Acceptance of Replacement Financial Instrument (43 CFR 3809.581);
- Request for Reduction in Financial Guarantee and / or BLM Approval of Adequacy of Reclamation (43 CFR 3809.590);
- Response to Notice of Forfeiture of Financial Guarantee (43 CFR 3809.596); and
- Appeals to the State Director (43 CFR 3809.800).

The BLM limits the information collected to the minimum necessary to maintain a complete and accurate record of surface management activities and compliance with financial requirements. For example, the burdens for notice-level operations are lower than for plan-level operations.

**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.**

If the BLM does not collect the information associated with this information collection, the

following could happen:

1. Mining activities would proceed according to the General Mining Law, but in potential violation of the FLPMA mandate to prevent unnecessary or undue degradation of public lands;
2. Reclamation activities might not occur and would cause degradation of the land; and/or
3. BLM might not be able to locate the responsible party for reclamation, and the Federal Government would bear the burden of reclaiming surface disturbance.

Most of the information submitted to the BLM concerns operations for exploration activities. Many of these activities are single events that do not recur. On the other hand, those activities that result in good mining prospects will likely result in either new notices or plans of operations, as exploration continues and the operator decides the opportunities are worth pursuing. Each successful phase will result in the submission of a larger scale plan of operations to the BLM. For a successful mine, there will be a long history of notices and plan of operations submitted to the BLM.

For these reasons, the BLM cannot collect the information less frequently. An operator, when considering development of a mineral deposit, given the variability in natural resource endowments and exploration, would find it nearly impossible to develop a single submission that would cover all of the possible permutations found in the path to developing a mine.

**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 requiring the collection to be conducted in a manner inconsistent with OMB 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.**

As required in 5 CFR 1320.8(d), we published a 60-day notice in the Federal Register on January 8, 2010 (75 FR 1071), soliciting comments from the public and other interested parties. The comment period closed on March 9, 2010. We received one comment. The comment was a general invective about the Federal government, the Department of the Interior, and the BLM. It did not address, and was not germane to, this information collection. Therefore, we have no response to the comment.

**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. The burden estimates in Question 12 reflect the input from these consultations.

A majority those contacted felt that BLM's information practices in regard to 43 CFR 3809 were clear and consistently applied throughout the various field offices in the bureau. They felt that the information was readily available and that the type of information requested seemed reasonable. These consultations revealed that the development of a mine plan of operations (3809.11) may be more burdensome than originally estimated by the BLM. Reasons given included the increasing scrutiny by the public at large, NGOs (non-governmental organizations), and governmental organizations. In order to avoid litigation or unnecessary delays, these mining companies spend more time (labor hours) producing defensible plans of operations.

One operator, that has mining operations in multiple field offices, felt that the Bureau does not impose consistent information and data requirements throughout the bureau. In other words depending on the processing field office, the information requirement was different for a plan of operations (43 CFR 3809.411). However the same operator attempted to impugn field office staff for sharing documentation that served to assist with processing a plan of operation. This

operator suggested that BLM improve the consistency of its information requests between its field offices.

The following company representatives were contacted as part of BLM's consultation effort:

Eddie Humphries, Mine Manager  
Cobre Mining Co., Freeport McMoran,  
PO Box 7  
Hurley, NM 88043

Matt Call, Environmental Specialist  
WyoBen, Inc.  
8 Miles North  
Greybull, WY 82426

Bruce Lawson, Mine Development & Land Manager  
Black Hills Bentonite, LLC  
P.O. Box 9  
Mills, Wyoming 82644

**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 the respondents.

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

The BLM handles any proprietary data submitted under 43 CFR subpart 3890 in accordance with the regulations at 43 CFR part 2 (Records and Testimony; Freedom and Information Act) and 43 CFR 3809.111 (titled, "Will BLM disclose to the public the information I submit under this subpart?"). These regulations provide that data will be subject to disclosure under the Freedom of Information Act unless:

- Each page of data that the respondent believes is confidential is clearly marked, "CONFIDENTIAL INFORMATION," and
- The operator submits such data to the BLM separately from other materials.

The BLM will keep information marked in this manner confidential to the extent allowed by the Freedom of Information Act (5 U.S.C. 552) and 43 CFR part 2. Material not so marked will not be withheld from disclosure to the public.

**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 the applicants 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.**

***Hourly Cost Calculations:*** As shown at Tables 12-1, 12-2, and 12-3, below, the estimated weighted average respondent hourly cost is \$45.50 for initial, modified, and extended notices, plans of operations, and appeals, \$22.96 for financial guarantee requirements, and \$42.17 for federal / state agreements.

The basic hourly pay rate for Tables 12-1 and 12-2 was determined using national Bureau of Labor Statistics data at: [http://www.bls.gov/oes/2008/may/naics4\\_212200.htm](http://www.bls.gov/oes/2008/may/naics4_212200.htm). The basic hourly pay rate for Table 12-3 was determined by using national Bureau of Labor Statistics data at: [http://www.bls.gov/oes/2008/may/naics4\\_999200.htm](http://www.bls.gov/oes/2008/may/naics4_999200.htm). The benefits multipliers (1.4 in Tables 12-1 and 12-2, and 1.5 in Table-12-3) are supported by information in Table A of Bureau of Labor Statistics News Release USDL 10-0283, March 10, 2010, at <http://www.bls.gov/news.release/ecec.nr0.htm>.

**Table 12-1 — Hourly Cost Calculation for Initial, Modified, and Extended Notices, Plans of Operations, and Appeals to the State Director**

<b>Position</b>	<b>Hourly Pay Rate (\$/hour)</b> *	<b>Hourly Rate with Benefits (x 1.4)</b>	<b>Percent of Time Spent on Collection</b>	<b>Weighted Avg. (\$/hour)</b>

General Office Clerk (43-9061)	\$14.07	\$19.70	5%	\$0.99
Surveyors (17-1022 )	\$23.60	\$33.04	10%	\$3.30
Mining Engineer (17-2151)	\$33.40	\$46.76	75%	\$35.07
Engineering Manager (11-9041)	\$43.85	\$61.39	10%	\$6.14
Totals			100%	\$45.50

\*Bureau of Labor Statistics, May 2008 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 212200 – Metal Ore Mining, Mean Hourly Wage

**Table 12-2 — Hourly Cost Calculation for Financial Guarantee Requirements**

<b>Position</b>	<b>Hourly Pay Rate (\$/hour)*</b>	<b>Hourly Rate with Benefits (x 1.4)</b>	<b>Percent of Time Spent on Collection</b>	<b>Weighted Avg. (\$/hour)</b>
General Office Clerk (43-9061)	\$14.07	\$19.70	90%	\$17.73
Mining Engineer (17-2151)	\$33.40	\$46.76	5%	\$2.34
Engineering Manager (11-9041)	\$43.85	\$61.39	5%	\$3.07
Totals			100%	\$23.14

\*Bureau of Labor Statistics, May 2008 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 212200 – Metal Ore Mining, Mean Hourly Wage

**Table 12-3 — Hourly Cost Calculation for Financial Guarantee Requirements  
State Government's Burden**

<b>Position</b>	<b>Hourly Pay Rate (\$/hour)*</b>	<b>Hourly Rate with Benefits (x 1.5)</b>	<b>Percent of Time Spent on Collection</b>	<b>Weighted Avg. (\$/hour)</b>
General Office Clerk (43-9061)	\$14.77	\$22.16	10%	\$2.22
Architecture and Engineering Occupations (17-0000)	\$28.81	\$43.22	85%	\$36.74
Engineering Manager (11-9041)	\$42.75	\$64.13	5%	\$3.21
Totals			100%	\$42.17

\*Bureau of Labor Statistics, May 2008 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 999200 – State Government, Mean Hourly Wage

***Estimates of Hour and Cost Burdens:*** Our estimates of respondents' hour burdens, and the dollar equivalents of those hour burdens, take into account time spent for researching, preparing, and submitting information, and were obtained by consultations with several respondents (see Item 8, above). The weighted average hourly wage associated with these information collections is shown at Tables 12-1 through 12-3, above.

The frequency of response for each component of this information collection is "on occasion."

The total number of responses is 1,495, the total hour burden is 183,808 hours, and the total dollar equivalent is \$8,282,814.00. The estimated burdens for the individual components of this information collection are shown below in Tables 12-4 through 12-9.

**Table 12-4 — Initial or Extended Plan of Operations**

<b>(a)</b> <b>Type of Response and 43</b> <b>CFR Citation</b>	<b>(b)</b> <b>Number of</b> <b>Responses</b>	<b>(c)</b> <b>Hours Per</b> <b>Response</b>	<b>(d)</b> <b>Total</b> <b>Hours</b> <b>(b x c)</b>	<b>(e)</b> <b>Total Wage</b> <b>Cost</b> <b>(d x \$45.50)</b>
Initial or Extended Plan of Operations (3809.11)	49	320*	15,680	\$713,440.00
Data for EIS (3809.401(c))	5	4,960	24,800	\$1,128,400.00
Data for Standard EA (3809.401(c))	15	890	13,350	\$607,525.00
Data for Simple Exploration EA	29	320	9,280	\$422,240.00



(3809.401(c))				
Totals	98		63,110	\$2,871,505.00

\*Consultation with mining-industry respondents indicated that the previously approved burden estimate of 245 hours is now outdated, and should be increased. Plans of operation submitted under this authority are widely varied. An operation requiring a plan of operations may range from less than an acre to several thousand acres. The inordinate difference in size of a plan of operations makes it difficult to estimate an accurate time burden. Factors that further exacerbate this difficulty include resource sensitivity, complexity, and the level of controversy associated with the proposal. The estimated burden was increased to reflect the BLM's recent experience with a medium-sized project with a level of controversy and resource impact that are not out of the ordinary.

**Table 12-5 — Modification of Plan of Operations**

<b>(a)</b> <b>Type of Response and 43 CFR Citation</b>	<b>(b)</b> <b>Number of Responses</b>	<b>(c)</b> <b>Hours Per Response</b>	<b>(d)</b> <b>Total Hours (b x c)</b>	<b>(e)</b> <b>Total Wage Cost (d x \$45.50)</b>
Modification of Plan of Operations (3809.430 and 3809.431)	107	320	34,240	\$1,557,920.00
Data for EIS (3809.432(a) and 3809.401(c))	2	4,960	9,920	\$451,360.00
Data for Standard EA	35	890	31,150	\$1,417,325.00

(3809.432(a) and 3809.401(c))				
Data for Simple Exploration EA (3809.432(a) and 3809.401(c))	70	320	22,400	\$1,019,200.00
Totals	214		97,710	\$4,445,805.00

**Table 12-6 — Initial, Modified, and Extended Notice of Operations**

<b>(a)</b> <b>Type of Response</b> <b>and 43 CFR</b> <b>Citation</b>	<b>(b)</b> <b>Number of</b> <b>Responses</b>	<b>(c)</b> <b>Hours Per</b> <b>Response</b>	<b>(d)</b> <b>Total</b> <b>Hours</b> <b>(b x c)</b>	<b>(e)</b> <b>Total Wage Cost</b> <b>(d x \$45.50)</b>
Notice of Operations (3809.21)	396	32	12,672	\$576,576.00
Modification of Notice of Operations (3809.330)	167	32	5,344	\$243,152.00
Extension of Notice of Operations (3809.333)	140	1	140	\$6,370.00

Totals	703		18,156	\$826,098.00
--------	-----	--	--------	--------------

**Table 12-7 — Financial Guarantee Requirements**

<b>(a)</b> <b>Type of Response and 43 CFR Citation</b>	<b>(b)</b> <b>Number of Responses</b>	<b>(c)</b> <b>Hours Per Response</b>	<b>(d)</b> <b>Total Hours (b x c)</b>	<b>(e)</b> <b>Total Wage Cost (d x \$23.14)</b>
Surface Management Surety Bond, Form 3809-1 (3809.500)	28	8	224	\$5,183.36
Surface Management Personal Bond, Form 3809-2 (3809.500)	170	8	1,360	\$31,470.40
Bond Rider Extending Coverage of Bond, Form 3809-4 (3809.500)	25	8	200	\$4,628.00

Surface Management Personal Bond Rider, Form 3809-4a (3809.500)	69	8	552	\$12,773.28
Notification of Change of Operator and Assumption of Past Liability, Form 3809-5 (3809.116)	52	8	416	\$9,626.24
Notice of State Demand Against Financial Guarantee (3809.573)	1	8	8	\$185.12
Request for BLM Acceptance of Replacement Financial Instrument (3809.581)	13	8	104	\$2,406.56
Request for	78	8	624	\$14,439.36

Reduction in Financial Guarantee and / or BLM Approval of Adequacy of Reclamation (3809.590)				
Response to Notice of Forfeiture of Financial Guarantee (3809.596)	13	8	104	\$2,406.56
Totals	449		3,592	\$83,118.88

**Table 12-8 — Appeals to the State Director**

<b>(a)</b> <b>Type of Response and 43</b> <b>CFR Citation</b>	<b>(b)</b> <b>Number of</b> <b>Responses</b>	<b>(c)</b> <b>Hours Per</b> <b>Response</b>	<b>(d)</b> <b>Total</b> <b>Hours</b> <b>(b x c)</b>	<b>(e)</b> <b>Total Wage</b> <b>Cost</b> <b>(d x \$45.50)</b>
Appeals to the State Director	30	40	1200	\$54,600.00

(3809.800)				
------------	--	--	--	--

**Table 12-9 — Federal / State Agreements**

(a) Type of Response and 43 CFR Citation	(b) Number of Responses	(c) Hours Per Response	(d) Total Hours (b x c)	(e) Total Wage Cost (d x \$42.17)
Federal / State Agreements (3809.200)	1	40	40	\$1,686.80

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

- 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.

Claimants and operators will not need to purchase any new computer hardware or software to comply with this collection of information. The only non-hour burdens associated with this collection of information are fees for notarizing Forms 3809-2 and 3809-4a. We estimate \$20 to notarize each form. As shown under Item No. 12 of this supporting statement, we estimate 239 responses annually for these forms (170 for Form 3809-2, and 69 for Form 3809-4a). At \$20 per response, the estimated total non-hour burden is \$4,780.

**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.**

***Hourly Cost Calculations:*** As shown at Tables 14-1 and 14-2, below, the weighted average government hourly cost is \$45.76 for initial, modified, and extended notices, plans of operations, and appeals and \$38.41 for financial guarantee requirements. The hourly cost to the Federal Government is based on the U.S. Office of Personnel Management Salary Table 2010-RUS located at [http://www.opm.gov/oca/10tables/html/RUS\\_h.asp](http://www.opm.gov/oca/10tables/html/RUS_h.asp). The benefits multiplier of 1.5 is implied by information in Table A of Bureau of Labor Statistics News Release USDL 10-0283, March 10, 2010, at <http://www.bls.gov/news.release/ecec.nr0.htm>.

**Table 14-1 — Hourly Cost Calculation for Initial, Modified, and Extended Notices, Plans of Operations, Appeals to the State Director, and Federal / State Agreements**

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	\$17.00	\$25.50	5%	\$1.28
Land Law Examiner	GS-9/5	\$25.77	\$38.66	5%	\$1.93
Biologist	GS-11/5	\$31.17	\$46.76	5%	\$2.34
Geologist	GS-11/5	\$31.17	\$46.76	80%	\$37.41
Supr. Geologist	GS-12/5	\$37.37	\$56.06	5%	\$2.80
Totals				100%	\$45.76

**Table 14-2 — Hourly Cost Calculation for Financial Guarantee Requirements**

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	\$17.00	\$25.50	5%	\$1.28

Land Law Examiner	GS-9/5	\$25.77	\$38.66	90%	\$34.79
Supr. Land Law Examiner	GS-11/5	\$31.17	\$46.76	5%	\$2.34
Totals				100%	\$38.41

***Estimates of Hour and Cost to the Government:*** Hour and cost to respondents include time spent for processing the information provided by the respondents as required by 43 CFR 3809. The weighted average hourly wage is shown at Tables 14-1 and 14-2, 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).

Tables 14-3 through 14-8, below, show the annualized Federal costs for each component of this collection of information. The estimated time spent to process the information collections is based on the BLM's experience, in light of the consultations described under Item 8, above. The weighted average hourly wage is shown at Table 14-1 and 14-2, above.

The frequency of response for each of the information collections is "on occasion." As shown below, the total number of responses is 1,495, the total federal hour burden is 77,516 hours, and the total wage cost burden is \$3,516,144.56.

**Table 14-3 — Estimated Annual Cost to the Government for Initial and Extended Plan of Operations**

(a) Type of Response and 43 CFR 3809 Citation	(b) Number of Responses	(c) Hours Per Response	(d) Total Hours (b x c)	(e) Total Wage Cost (d x \$45.76)
Plan of Operations (3809.11)	49	160	7,840	\$358,758.40
Data for EIS (3809.401(c))	5	640	3,200	\$146,432.00



Data for Standard EA (3809.401(c))	15	320	4,800	\$219,648.00
Data for Simple Exploration EA (3809.401(c))	29	40	1,160	\$53,081.60
Totals	98		17,000	\$777,920.00

**Table 14-4 — Estimated Annual Cost to the Government for Modification of Plan of Operations**

<b>(a)</b> <b>Type of Response and 43 CFR 3500 Citation</b>	<b>(b)</b> <b>Number of Responses</b>	<b>(c)</b> <b>Hours Per Response</b>	<b>(d)</b> <b>Total Hours (b x c)</b>	<b>(e)</b> <b>Total Wage Cost (d x \$45.76)</b>
Modification of Plan of Operations (3809.430 and 3809.431)	107	160	17,120	\$783,411.20
Data for EIS (3809.432(a) and	2	640	1,280	\$58,572.80

3809.401(c))				
Data for Standard EA (3809.432(a)) and 3809.401(c))	35	320	11,200	\$512,512.00
Data for Simple Exploration EA (3809.432(a)) and 3809.401(c))	70	40	2,800	\$128,128.00
Totals	214		32,400	\$1,482,624.00

**Table 14-5 — Estimated Annual Cost to the Government for Initial, Modified, and Extended Notice of Operations**

<b>(a)</b>  <b>Type of Response and 43 CFR Citation</b>	<b>(b)</b>  <b>Number of Responses</b>	<b>(c)</b>  <b>Hours Per Response</b>	<b>(d)</b>  <b>Total Hours</b>	<b>(e)</b>  <b>Total Wage Cost (d x \$45.76)</b>
Notice of Operations	396	40	15,840	\$724,838.40

(3809.21)				
Modification of Notice of Operations (3809.330)	167	40	6,680	\$305,676.80
Extension of Notice of Operations (3809.333)	140	1	140	\$6,406.40
Totals	703		22,660	\$1,036,921.60

**Table 14-6 — Estimated Annual Cost to the Government for Financial Guarantee Requirements**

<b>(a)</b>  <b>Type of Response and 43 CFR Citation</b>	<b>(b)</b>  <b>Number of Responses</b>	<b>(c)</b>  <b>Hours Per Response</b>	<b>(d)</b>  <b>Total Hours</b>	<b>(e)</b>  <b>Total Wage Cost (d x \$38.41)</b>
Surface Management Surety Bond, Form 3809-1	28	8	224	\$8,603.84

(3809.500)				
Surface Management Personal Bond, Form 3809-2 (3809.500)	170	8	1,360	\$52,237.60
Bond Rider Extending Coverage of Bond, Form 3809-4 (3809.500)	25	8	200	\$7,682.00
Surface Management Personal Bond Rider, Form 3809-4a (3809.500)	69	8	552	\$21,202.32
Notification of Change of Operator and Assumption of	52	8	416	\$15,978.56

Past Liability, Form 3809-5 (3809.116)				
Notice of State Demand Against Financial Guarantee (3809.573)	1	8	8	\$307.28
Request for BLM Acceptance of Replacement Financial Instrument (3809.581)	13	8	104	\$3,994.64
Request for Reduction in Financial Guarantee and / or BLM Approval of	78	16	1,248	\$47,935.68

Adequacy of Reclamation (3809.590)				
Response to Notice of Forfeiture of Financial Guarantee (3809.596)	13	8	104	\$3,994.64
Totals	449		4,216	\$161,936.56

**Table 14-7 — Appeals to the State Director**

<b>(a)</b> <b>Type of Response and 43 CFR Citation</b>	<b>(b)</b> <b>Number of Responses</b>	<b>(c)</b> <b>Hours Per Response</b>	<b>(d)</b> <b>Total Hours</b>	<b>(e)</b> <b>Total Wage Cost (d x \$45.76)</b>
Appeals to the State Director (3809.800)	30	40	1,200	\$54,912.00

**Table 14-8 — Federal / State Agreements**

<b>(a)</b> <b>Type of Response and 43 CFR Citation</b>	<b>(b)</b> <b>Number of Responses</b>	<b>(c)</b> <b>Hours Per Response</b>	<b>(d)</b> <b>Total Hours</b>	<b>(e)</b> <b>Total Wage Cost (d x \$45.76)</b>
Federal / State Agreements (3809.200)	1	40	40	\$1,830.40

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

Several program changes are due to our efforts to improve the precision of our submission. The following information collection requirements were erroneously omitted from the previous submission, but are included here:

- Notice of State Demand Against Financial Guarantee (43 CFR 3809.573);
- Request for BLM Acceptance of Replacement Financial Instrument (43 CFR 3809.581);
- Request for Reduction in Financial Guarantee and / or BLM Approval of Adequacy of Reclamation (43 CFR 3809.590);
- Response to Notice of Forfeiture of Financial Guarantee (43 CFR 3809.596);
- Appeals to the State Director (43 CFR 3809.800); and
- Federal / State Agreements (43 CFR 3809.200).

The previously approved number of responses was 1,369. In this submission, we are requesting approval for 1,495 responses. The net increase of 126 responses is due to adjustments in our burden estimates, and due to the program changes discussed above.

The total estimated hour burden for this submission is 183,808 hours, compared to 166,661 hours for the previous submission. The net increase of 17,147 hours is due to adjustments in our burden estimates and due to the program changes described above.

The total estimated non-hour cost burden for this submission is \$4,780, compared to \$5,600 for the previous submission. The non-hour cost burden for this information collection stems from requirements to notarize Forms 3809-2 and 3809-4a. The estimated cost of notarization (\$20 per changed) has not changed. What has changed is the estimated number of responses, i.e., a net

decrease of 41. The product of the estimated net decrease in responses (41), multiplied by the estimated cost of notarizing one response (\$20), comes out to a net decrease of \$820.

The program changes and adjustments are itemized in Tables 15-1 and 15-2, below.

**Table 15-1 — Changes in Estimated Responses**

<b>(a) Type of Response and 43 CFR Citation</b>	<b>(b) Responses Approved Previously</b>	<b>(c) Responses Requested Now</b>	<b>(d) Net Difference</b>	<b>(e) Explanation</b>
Initial or Extended Plan of Operations  (3809.11)	54	49	-5	Adjustment due to a decrease in the estimated number of responses.
Initial or Extended Plan of Operations / Data for EIS  (3809.401(c))	6	5	-1	Adjustment due to a decrease in the estimated number of responses.
Initial or Extended Plan of Operations / Data for Standard EA  (3809.401(c))	16	15	-1	Adjustment due to a decrease in the estimated number of responses.
Initial or Extended Plan of Operations / Data for Simple Exploration EA	35	29	-6	Adjustment due to a decrease in the estimated number of responses.



(3809.401(c))				
Modification of Plan of Operations (3809.430 and 3809.431)	96	107	+11	Adjustment due to an increase in the estimated number of responses.
Modification of Plan of Operations / Data for EIS (3809.432(a) and 3809.401(c))	2	2	Unchanged	Unchanged
Modification of Plan of Operations / Data for Standard EA (3809.432(a) and 3809.401(c))	29	35	+6	Adjustment due to an increase in the estimated number of responses.
Modification of Plan of Operations / Data for Simple Exploration EA (3809.432(a) and 3809.401(c))	62	70	+8	Adjustment due to an increase in the estimated number of responses.
Notice of Operations (3809.21)	386	396	+10	Adjustment due to an increase in the estimated number of responses.
Modification of Notice	108	167	+59	Adjustment due to

of Operations (3809.330)				an increase in the estimated number of responses.
Extension of Notice of Operations (3809.333)	169	140	-29	Adjustment due to a decrease in the estimated number of responses.
Surface Management Surety Bond, Form 3809-1 (3809.500)	67	28	-39	Adjustment due to a decrease in the estimated number of responses.
Surface Management Personal Bond, Form 3809-2 (3809.500)	270	170	-100	Adjustment due to a decrease in the estimated number of responses.
Bond Rider Extending Coverage of Bond, Form 3809-4 (3809.500)	13	25	+12	Adjustment due to an increase in the estimated number of responses.
Surface Management Personal Bond Rider, Form 3809-4a (3809.500)	10	69	+59	Adjustment due to an increase in the estimated number of responses.
Notification of Change	46	52	+6	Adjustment due to an increase in the

of Operator and Assumption of Past Liability, Form 3809-5 (3809.116)				estimated number of responses.
Notice of State Demand Against Financial Guarantee (3809.573)	0	1	+1	Program change correcting erroneous omission from previous submission.
Request for BLM Acceptance of Replacement Financial Instrument (3809.581)	0	13	+13	Program change correcting erroneous omission from previous submission.
Request for Reduction in Financial Guarantee and / or BLM Approval of Adequacy of Reclamation (3809.590)	0	78	+78	Program change correcting erroneous omission from previous submission.
Response to Notice of Forfeiture of Financial	0	13	+13	Program change correcting erroneous omission from previous

Guarantee (3809.596)				submission.
Appeals to the State Director (3809.800)	0	30	+30	Program change correcting erroneous omission from previous submission.
Federal / State Agreements (3809.200)	0	1	+1	Program change correcting erroneous omission from previous submission.

**Table 15-2 — Changes in Estimated Hour Burdens**

(a) Type of Response and 43 CFR Citation	(b) Hours Approved Previously	(c) Hours Requested Now	(d) Net Difference (Hours)	(e) Explanation
Initial or Extended Plan of Operations (3809.11)	13,230	15,680	+2,450	Adjustment due to an increase in the estimated hours per response (from 245 to 320), and a decrease in the number of responses (from 54 to 49).
Initial or Extended Plan of Operations /	29,760	24,800	-4,960	Adjustment due to a decrease in the estimated responses (from 6 to 5). No change in the estimated hours

Data for EIS (3809.401(c))				per response (4,960).
Initial or Extended Plan of Operations / Data for Standard EA (3809.401(c))	14,240	13,350	-890	Adjustment due to a decrease in the estimated responses (from 16 to 15). No change in the estimated hours per response (890).
Initial or Extended Plan of Operations / Data for Simple Exploration EA (3809.401(c))	11,200	9,280	-1,920	Adjustment due to a decrease in the estimated responses (from 35 to 29). No change in the estimated hours per response (320).
Modification of Plan of Operations (3809.430 and 3809.431)	23,520	34,240	+10,720	Adjustment due to an increase in the estimated responses (from 96 to 107) and due to an increase in the estimated hours per response (from 245 to 320).
Modification of	9,920	9,920	Unchanged	Unchanged

Plan of Operations / Data for EIS (3809.432(a) and 3809.401(c))				
Modification of Plan of Operations / Data for Standard EA (3809.432(a) and 3809.401(c))	25,810	31,150	+5,340	Adjustment due to an increase in the estimated responses (from 29 to 35). No change in the estimated hours per response (890).
Modification of Plan of Operations / Data for Simple Exploration EA (3809.432(a) and 3809.401(c))	19,840	22,400	+2,560	Adjustment due to an increase in the estimated responses (from 62 to 70). No change in the estimated hours per response (320).

3809.401(c))				
Notice of Operations (3809.21)	12,352	12,672	+320	Adjustment due to an increase in the estimated responses (from 386 to 396). No change in the estimated hours per response (32).
Modification of Notice of Operations (3809.330)	3,456	5,344	+1,888	Adjustment due to an increase in the estimated responses (from 108 to 167). No change in the estimated hours per response (32).
Extension of Notice of Operations (3809.333)	85	140	+55	Adjustment due to a decrease in the estimated responses (from 169 to 140) and an increase in the estimated time per response (from 30 minutes to 1 hour).
Surface Management Surety Bond (3809.500) Form 3809-1	536	224	-312	Adjustment due to a decrease in the estimated responses (from 67 to 28). No change in the estimated hours per response (8).
Surface	2,160	1,360	-800	Adjustment due to a decrease in

Management Personal Bond (3809.500) Form 3809-2				the estimated responses (from 270 to 170). No change in the estimated hours per response (8).
Bond Rider Extending Coverage of Bond (3809.500) Form 3809-4	104	200	+96	Adjustment due to an increase in the responses (from 13 to 25). No change in the estimated hours per response (8).
Surface Management Personal Bond Rider (3809.500) Form 3809-4a	80	552	+472	Adjustment due to an increase in the responses (from 10 to 69). No change in the estimated hours per response (8).
Notification of Change of Operator and Assumption of Past Liability	368	416	+48	Adjustment due to an increase in the responses (from 46 to 52). No change in the estimated hours per response (8).



(3809.116) Form 3809-5				
Notice of State Demand Against Financial Guarantee (3809.573)	0	8	+8	Program change correcting erroneous omission from previous submission.
Request for BLM Acceptance of Replacement Financial Instrument (3809.581)	0	104	+104	Program change correcting erroneous omission from previous submission.
Request for Reduction in Financial Guarantee and / or BLM Approval of Adequacy of	0	624	+624	Program change correcting erroneous omission from previous submission.

Reclamation (3809.590)				
Response to Notice of Forfeiture of Financial Guarantee (3809.596)	0	104	+104	Program change correcting erroneous omission from previous submission.
Appeals to the State Director (3809.800)	0	1,200	+1,200	Program change correcting erroneous omission from previous submission.
Federal / State Agreements (3809.200)	0	40	+40	Program change correcting erroneous omission from previous submission.

**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 the information in this 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 will display the expiration date of the OMB approval.

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

There are no exceptions to the certification statement.