

Supporting Statement A

Conveyance of Federally-Owned Mineral Interests (43 CFR Part 2720)

OMB Control Number 1004-0153

Terms of Clearance: None

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked “Yes,” then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The respondents in this information collection are owners of surface estates who apply for underlying Federally-owned mineral estates. The Bureau of Land Management (BLM) needs to conduct the information collection to determine if the applicants are eligible to receive title to the Federally-owned minerals lying beneath their lands. When certain specific conditions have been met, the United States will convey legal title to the Federally-owned minerals to the owner of the surface estate. Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA or Act), 43 U.S.C. 1719, authorizes the Secretary of the Interior to convey mineral interests owned by the United States to owners of surface estate. Regulations at 43 CFR Part 2720 establish guidelines and procedures for the processing of applications.

- 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.**

We do not require an applicant to use a specific application form. The BLM uses the information to determine if an applicant meets the statutory requirements of the Act and

regulations. An applicant who satisfies the requirement of the Act and regulations will be entitled to receive a conveyance for the mineral interest lying beneath their privately owned lands. The BLM collects the information from owners of land (surface estate) seeking to obtain ownership of the mineral interests (subsurface estate) lying beneath their lands. A land owner may be an individual, partnership, corporation, association or other business entity, or a State, local, or tribal government. Response to the information collection is required to obtain or retain a benefit, i.e., title to the Federally-owned mineral interests beneath a surface estate owned privately or by a state, local, or tribal government. If the information were not collected, the BLM would be unable to implement Section 209(b) of FLPMA. In accordance with Section 209(b) of FLPMA and the regulations at 43 CFR Part 2720, the BLM collects the following information from applicants:

- (1) The name, legal mailing address, and telephone number. We use the information to identify and communicate with the applicant.
- (2) Proof of ownership of the land included in the application. We use this information to determine if the applicant is the record title owner of the surface estate.
- (3) A certified copy of any patent or other instrument conveying the land included in the application. We use this information to verify the surface estate owner, legal land description, and location of the lands included in the application.
- (4) The applicant must submit a statement concerning (i) the nature of the Federally owned or reserved mineral values in the land; (ii) the existing and proposed uses of the land; (iii) why the mineral reservation is interfering with or precluding appropriate non-mineral development of the land; (iv) how and why such development would be a more beneficial use than mineral development; and (v) a showing that the proposed use will comply with State and local zoning or planning requirements. We use this information to evaluate the mineral interests in the land (subsurface estate); the applicant's current and proposed uses of the land; the impact of the Federal mineral reservation on the applicant's current use of the land; the impact of the Federal mineral reservation on the applicant's proposed development of the land; the benefit of land development over mineral development; and the compliance of the proposed land development with State and local zoning or planning laws.

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.

This is a non-form information collection, and there are no requirements to be met regarding electronic conversion. However, respondents may choose to submit the required information via e-mail. We estimate that 25 percent of respondents submit the information electronically.

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

There is no duplication between this information collection and other collections. The information is unique to each application and is unsuitable for other uses. We are not able to use or modify existing information collections to process new applications because the applicant's responses are distinct, unrelated, and specific to their individual proposed project.

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

The BLM does not collect information on whether the respondents are small businesses or small entities. There are no special methods used to minimize the burden because the information collection methods are uniform throughout the BLM regardless of the size of the entity. The information collected is limited to the information required for an applicant to meet statutory and regulatory requirements. Applicants responding to this information collection include individuals, businesses, and state, local, and tribal governments.

For purposes of this information collection request, the BLM estimates that 9 of the 11 applicants annually which are businesses (See Table 12-1) may qualify as 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.

If the collection is not conducted, the BLM cannot process applications lawfully submitted under FLPMA Section 209(b) and 43 CFR Part 2720. Less frequent collection would mean no collection at all. The information that the BLM collects is limited to the information required for the applicant to demonstrate that the proposed conveyance complies with FLPMA and the regulations. Reducing the burden would prevent the collection of sufficient information for the BLM to determine whether or not the applicant and the proposed conveyance meet the requirements of FLPMA and 43 CFR Part 2720.

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

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;

- * in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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

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

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three 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.

On February 6, 2012, the BLM published the required 60-day notice in the Federal Register (77 FR 5832), and the comment period ended April 6, 2012. The BLM received no comments.

The BLM has consulted with the following respondents to obtain their views on the availability of data; frequency of collection; the clarity of instructions; the recordkeeping, disclosure, and reporting formats; and on the data elements to be recorded, disclosed, or reported.

Applicants Consulted: An applicant representing each affected category of respondent was consulted.

- 1) Business: Bobby Acquistapace, (805) 361-7426, Owner, Acquistapace Ranches LLC, 290 Foxenwood Drive, Santa Maria, California 93455-4231

- 2) Individual: Don Bieber, (541) 545-6742, 5800 Happy Hollow Lane, Bonanza, Oregon 97623
- 3) State and Local Government: Cathy Van Horn- Economic Development, (760) 323-8175, P.O. Box 2742, City of Palm Springs, Palm Springs, California 92263

Consultation Results: The applicants indicated that the data required were obtained without much difficulty, although no application form was required; application instructions in 43 CFR 2720.1-2 were clear; and the cost and hour burden are accurate.

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.

The BLM provides no assurance of confidentiality to respondents.

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.**
- * **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 under “Annual Cost to Federal Government.”

The estimates shown below were not adjusted as a result of the consultations described under Item No. 8, above. Table 12-1, below, shows the BLM’s estimate of the hourly cost burdens for businesses and individuals. The mean hourly wages for Table 12-1 were 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 supported by information at <http://www.bls.gov/news.r/ecec.nr0.htm>.

Table 12-1 – Hourly Cost Calculation for Businesses and Individuals

A. Occupational Category	B. Mean Hourly Wage	C. Total Mean Hourly Wage (B x 1.4)
11—3011 Administrative Services Managers	\$41.69	\$58.37

The estimated annual reporting burdens for businesses and individuals are shown below in Table 12-2:

Table 12-2 - Estimates of Hour and Cost Burdens for Businesses and Individuals

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (B x C)	E. Annual Cost (D x \$58.37)
Conveyance of Federally-Owned Mineral Interests — Businesses	11	10	110	\$6,421
Conveyance of Federally-Owned Mineral Interests — Individuals	10	10	100	\$5,837
Totals	21	20	210	\$12,258

Table 12-3, below, shows the BLM’s estimate of the hourly cost burdens for state, local, and tribal governments. The mean hourly wages for Table 12-3 were determined using data for “management, professional, and related” state and local government workers at Table 4 at http://www.bls.gov/oes/current/naics3_999000.htm. The benefits multiplier of 1.5 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 12-3 – Hourly Cost Calculation for State / Local / Tribal Governments

A. Occupational Category	B. Mean Hourly Wage	C. Total Mean Hourly Wage (B x 1.5)
11—3011 Administrative Services Managers	\$38..83	\$58.25

The estimated annual reporting burdens for state, local, and tribal governments are shown below in Table 12-4:

Table 12-4 - Estimates of Hour and Cost Burdens for State / Local / Tribal Governments

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (B x C)	E. Annual Cost (D x \$58.25)
Conveyance of Federally-Owned Mineral Interests — State / Local / Tribal Governments	3	10	30	\$1,748

The estimated annual “hour” burdens for all categories of respondents are as follows:

- 24 respondents;
- 240 hours; and
- \$14,006.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * 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 for form processing). 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.

Respondents incur no annual capital or start-up costs to comply with this information collection. They do not need to purchase any computer software or hardware to comply with this information collection. In accordance with 43 CFR 2720.1-2(c), a nonrefundable filing fee of \$50 must accompany each application. In light of our estimate of 24 responses annually, we estimate that respondents pay a total of \$1,200 in filing fees annually.

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.

Table 14-1, below, shows the BLM's estimate of the hourly cost burdens to the Federal government. The hourly cost to the Federal Government is based on the U.S. Office of Personnel Management Salary Table 2012-RUS at http://www.opm.gov/oca/12tables/html/RUS_h.asp. The benefits multiplier of 1.5 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 14 -1 — Hourly Cost Calculations

A. Position	B. Pay Grade	C. Hourly Pay Rate (\$/hour)	D. Hourly Rate with Benefits (C x 1.5)	E. Percent of the Information Collection Completed by Each Occupation	F. Weighted Avg. (\$/hour) (D x E)
Clerical	GS-7, Step 1	\$18.59	\$27.89	20%	\$5.58
Technical	GS-11, Step 1	\$27.51	\$41.27	70%	\$28.89
Manager	GS-13, Step 1	\$39.21	\$58.82	10%	\$5.88
Total					\$40.35

Table 14-2, below, shows the estimated Federal hours and costs for each component of this information collection.

Table 14-2 — Estimated Annual Cost to the Government

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (B x C)	E. Total Wage Cost (D x \$40.35)
Conveyance of Federally-Owned Mineral Interests — Businesses	11	42	462	\$18,642
Conveyance of Federally-Owned Mineral Interests — Individuals	10	42	420	\$16,947
Conveyance of Federally-Owned Mineral Interests — State / Local / Tribal Governments	3	42	126	\$5,084
Totals	24		1008	\$40,673

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

There are no program changes. There are no adjustments in per-response times (i.e., 10 hours per response). We have made adjustments in numbers of responses and in non-hour cost burdens.

The adjustments in numbers of responses resulted in an increase in the total burden hours (from 210 to 240 hours).

The adjustments in non-hour costs are due to the erroneous entry of hour-related costs as non-hour costs in the previous information collection request, as well as to the adjustments in numbers of responses. The adjustments are shown in the following table:

Table 15 — Adjustments

A. Type of Response	B. Number of Responses and Non-Hour Cost Burdens Approved Previously	C. Number of Responses and Non-Hour Cost Burdens Requested Now	D. Net Effect on Number of Responses	E. Net Effect on Non- Hour Cost Burdens
Conveyance of Federally-Owned Mineral Interests — Businesses	9 responses and \$4,451	11 responses and \$550	+ 2	– \$3,901
Conveyance of Federally-Owned Mineral Interests — Individuals	9 responses and \$3,688	10 responses and \$500	+ 1	– \$3,188
Conveyance of Federally-Owned Mineral Interests — State / Local / Tribal Governments	3 responses and \$1,478	3 responses and \$150	No change	– \$1,328
Totals	21 responses and \$9,617	24 responses and \$1,200	+ 3	– \$8,417

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

We have no plans to publish this information collection.

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

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

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

There are no exceptions to the certification statement.