

## Supporting Statement A

### 30 CFR Parts 779 & 783: Surface and Underground Mining Permit Applications - Minimum Requirements for Information on Environmental Resources

OMB Control Number 1029-0035

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

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.***
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.***
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.***

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*
10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*
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.*
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."*
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.*

- 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.*
- 15. Explain the reasons for any program changes or adjustments in hour or cost burden.*
- 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.*
- 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.*
- 18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

## Introduction

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (OSM) to request information collection renewal authority for 30 CFR Part 779 - Surface Mining Permit Applications – Minimum Requirements for Information on Environmental Resources, and 30 CFR Part 783 - Underground Mining Permit Applications – Minimum Requirements for Information on Environmental Resources. These regulations govern the minimum requirements for information on environmental resources for coal mining permit applications.

Since the last collection clearance package was approved in 2009, there have been no program changes. There has been a significant decrease in the number of permit applications since the last request (314 to 219), which outweighs a smaller increase in the amount of time to prepare and review each application according to the recent data received from the engineering consultants and regulatory authorities.

The following table summarizes the information collection requirements and changes to the current collection burden for 30 CFR Parts 779 and 783.

INFORMATION COLLECTION SUMMARY FOR 30 CFR PARTS 779 & 783							
Sections (30 CFR)	Applicant Responses	State Responses	Hours per Applicant	Hours per State	Total Hours Requested	Current ICB hours	Change to ICB hours
779/783.11 & .12	219	216	485	7	107,727	136,117	-28,390
779/783.18	219	216	4	1	1,092	1,251	-159
779/783.19	219	216	16	.25	3,558	5,101	-1,543
779/783.24	219	216	142	7	32,610	37,331	-4,721
779/783.25	219	216	193	7.25	43,833	60,644	-16,811
TOTALS	1,095	1,080			188,820	240,444	-51,624

It should be noted that the above numbers of responses do not include additional responses under the category of “other facilities” shown on Table 3 data submitted by individual states and Tribes.

Each section for Part 779/783 will be discussed separately in this collection request. However, each section contains similar responses to statements that are noted below.

#### LIST OF ITEMS WITH IDENTICAL RESPONSES

3. OSM continues to work with state regulatory authorities (SRAs) and coal companies to develop procedures for the preparation and processing of permit applications electronically. Progress has been made in most states to increase the use of electronic and information technology to improve efficiency and reduce the time and cost burden to permit applicants and SRAs. Most SRAs have the capability of receiving permit applications electronically, either through an ftp site or via CD-ROM or DVD. Some permit applicants use computer technology to create, store, and submit information electronically, but the percentage varies based on the size of the company and their technical abilities. Larger coal companies typically have in-house staff or hire engineering firms to prepare their applications. These companies use automated technology to prepare and submit the applications to SRAs, to the extent that SRAs are able to receive it that way. Small coal companies, which may not have the technical capability or personnel capable of preparing and submitting applications, may still submit paper forms. Once the SRAs receive paper applications, they frequently will convert the applications to an electronic format for review and processing. Kentucky and Pennsylvania receive the greatest number of permit applications, but their electronic capability differs. In Kentucky, it is a requirement that all applications be submitted electronically. In Pennsylvania, almost all underground mine applications are received electronically. However, surface mine applications cannot be received electronically because their computer systems are not yet set up to receive them electronically. In some states, no applications are received electronically. Nationally, OSM estimates that the SRAs receive approximately 60% of permit applications electronically. It must be noted that the vast majority of permit applications are received by SRAs where OSM does not have the authority to require submissions of permit applications electronically. OSM can only recommend utilizing electronic methods and assist in that development to improve efficiency.

Unless otherwise noted, this information collection request estimates that there are 219 permit applications submitted each year (based on OSM's FY 2010 annual report), with 216 processed by the SRAs and 3 processed by OSM.

4. No similar information is collected by OSM or by other Federal agencies. Also, circumstances vary with each proposed coalmine site in which a permit application has been received. Therefore, there is no available information which can be used in lieu of that supplied on each application.
5. There are no special provisions for small businesses or other small entities. Special provisions are not appropriate because the requested information is the minimum needed to document the permit and to conduct coal mining and reclamation operations.

Adequate documentation is essential to ensure protection of public health and safety, water quantity and quality, wildlife habitat, while encouraging to maximize the production or recovery of coal reserves and to minimize the environmental disturbances around the coal mining site. Therefore, the hour burden on any small entity subject to these regulations and associated collections of information cannot be reduced to accommodate them.

6. Information is collected only at the time an application is made; therefore, frequency of collection does not apply here.
7. This information collection is consistent with the guidelines in 5 CFR 1320.5(d)(2). The number of copies of each permit application submitted to the SRA is determined by state regulations and may not be limited by OSM.
8. In the Fall 2011, to prepare this information collection renewal request, five entities with vast experience in permit application preparations and processing were contacted to determine the estimated burden Part 779/783 places on respondents:

J. D. Elkins  
Summit Engineering, Inc.  
141C Elk Creek Road  
Mt. Clare, WV 26408  
(304) 622-0286

Chris Peterson, P.E.  
Geo Tech Engineering, Inc.  
4031 Allport Cutoff  
Morrisdale, PA 16858-7322  
(814) 342-4851 X212

Bill Winters, Technical Supervisor  
OSM-Knoxville FO-RA Tennessee  
710 Locust St., 2<sup>nd</sup> Floor  
Knoxville, TN 37902  
(865) 545-4103 ext. 170

Richard Roy, Assistant Director  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street  
Charleston, WV 25304  
(304) 926-0490

Keith Brady, Chief of Permitting  
 PA Department of Environmental Resources, Bureau of Abandoned Mine Reclamation  
 Rachel Carson State Building  
 Harrisburg, PA 17105-8476  
 (717) 787-4814

The engineering firms (applicants) had no concerns regarding the availability of data, frequency of collection, clarity of instructions and record keeping of the required information to be collected. One firm did say that the matter of “viewshed impact” was subject to different interpretations due to lack of clear direction on protocol.

The SRAs had no concerns regarding the availability of data, frequency of collection, clarity of instructions and record keeping of the required information to be collected.

These individuals provided the following estimated burden hours:

<b>Section</b>	<b>Elkins (applicant)</b>	<b>Peterson (applicant)</b>
779/783.11 & .12	500	470
779/783.18	4	5
779/783.19	16	16
779/783.24	160	125
779/783.25	200	186

<b>Section</b>	<b>Winters (OSM RA)</b>	<b>Roy (SRA)</b>	<b>Brady (SRA)</b>
779/783.11 & .12	5	9.5	5
779/783.18	1	1	1
779/783.19	.25	.25	.25
779/783.24	7.5	7	7
779/783.25	7.25	7.25	7.25

On November 28, 2011, OSM published in the Federal Register (76 FR 72972) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. One comment was received. The commenter suggested that there is a connection between coal mine drilling and earthquakes, and that coal companies should be required to report recent earthquakes in the area where drilling is proposed to occur.

Earthquakes range from extremely small and virtually unnoticeable events to catastrophic



events that cause considerable damage. Unlike oil and gas drilling operations, coal mining is typically undertaken at a much shallower depth, and without injection of great volumes of water to fracture (frack) the rock strata. Therefore, OSM's engineers consider it virtually impossible for coal mine drilling to cause a reportable earthquake. To be certain, we checked with the United States Geological Survey to determine if there is any evidence of coal mine drilling causing earthquakes. We found no mention of coal mine drilling causing earthquakes of any size. In conclusion, we have determined that the comment is not supported by available scientific information and therefore does not warrant conducting national rulemaking for 30 CFR Parts 779 & 783.

9. Payments or gifts are not provided to respondents.
10. While Sections 507(b)(17), 508(a)(12), and 508(b) of the Surface Mining Control and Reclamation Act (SMCRA or the Act) require that certain types of permit application information may be kept confidential, 30 CFR 773.13(d) specifies that each permit application must be available for public inspection. The applicant has the right to request confidentiality for certain types of information in the application, such as analyses of the physical and chemical properties of the coal and the location of archaeological resources.
11. Not applicable. Sensitive questions are not asked.
12. OSM uses the U.S. Department of Labor's Bureau of Labor Statistics (BLS) figures for calculating cost burden placed on respondents and on the Federal government. These figures are derived for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm) and for state government engineers found at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000). We have also included a benefits factor of 1.4 for the coal companies, and a benefits factor of 1.5 for state government employees. These benefit estimates were developed in accordance with the BLS news release USDL-11-1305, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION - JUNE 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).
13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs:

The information collection requirements for each section of 30 CFR Parts 779 and 783 do not involve any capital or start-up costs apart from expenditures associated with: (1) customary business practices concerning establishment and operation of a mining entity, or (2) general administration of a regulatory agency.

b. Operation and Maintenance Costs:

There are no distinct operation costs or maintenance costs associated with the information collection requirements for these sections.

14. OSM has calculated our employee costs using Federal employee pay tables from the Office of Personnel Management's website at <http://www.opm.gov/oca/11tables/html/gsh.asp>. We have included a 1.5 multiplier for benefits as discussed in the BLS news release USDL-11-1305.
16. There are no plans for publication of this information.
17. OSM is not seeking a waiver from the requirement to display the expiration date for OMB approval, when appropriate.
18. There is no exception to the "Certification for Paperwork Reduction Act Submissions."

## **Sections 779/783.11 & .12: General Requirements and General Environmental Resources Information**

### **Justification**

1. Sections 507 and 508 of the Surface Mining Control and Reclamation Act of 1977 (Act) require that the permit application contain adequate descriptions of the premining environmental resources and cultural, historic, and archeological values existing within the permit area and adjacent areas. The information required of an applicant is needed by the regulatory authority to determine the premining condition of the permit area and adjacent areas so that these resources and values may be protected from any adverse effects of coal mining.
2. Section 779/783.11 requires a mining permit application to contain a description of the existing premining environmental resources within the proposed permit area and adjacent areas that may be affected or impacted by the proposed mining activities.

Section 779/783.12 establishes permitting requirements that describe the coal mining operation, its size, and the sequence and timing of the operation. It further requires the identification of cultural, historic and archeological values that may be lost to man. This material allows for the specific identification of operational changes and the development of remedial measures. Section 779/783.12 requires that each permit application describe and identify the following:

(a)--The lands subject to surface coal mining operations over the estimated life of those operations and the size, location and timing of each phase of the operation. This information is necessary to determine the impact of the coal mining operation, its physical boundaries and reclamation and operational impacts over the estimated life of the coal mining operation. This allows for the identification of critical environmental impacts, physical impacts, the degree and timing of specific impacts and the identification of operational impacts. It allows the operator, the regulatory authority and the public to identify potential adverse impacts to human safety, health and welfare as well as to the environment. It provides the necessary data to identify, over time, cumulative impacts and allows for the design of necessary remedial actions and operational changes.

(b) -- Identification of cultural, historic, and archeological data essential to identify, evaluate, and prevent impacts on retrievable national, regional, local and cultural resources. This information is essential in preventing the loss of artifacts necessary to understand and study man's historic development. Most of the information is a summary of existing data available at state and Federal agencies. The archeological data not currently available can only be delivered through site-specific surveys.

The Act requires the regulatory authority to determine that the mining operation will minimally impact environmental resources by ensuring that reclamation is possible and

that the land can be restored to its former use or approved alternative use. Without this information, an analysis of the permit, the impacts of the operation, needed reclamation and remedial measures, and operational modifications necessary to be in compliance with the Act would be impossible to discern. In addition, the Secretary would not be able to comply with section 106 of the National Historic Preservation Act that requires that significant historic, cultural, and archeological resources be identified in an area proposed for mining so that these resources can be dealt with appropriately.

3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting, Recordkeeping, and Reviewing Burden

a. Estimate of Burden to Respondents:

Based on the Fiscal Year 2010 annual evaluation reports and ongoing contacts with permit applicants including those identified in item 8, a total of 219 permit applications were submitted with the information. Each applicant spent 485 hours to complete this portion of the application. Therefore, the burden on applicants is  $219 \times 485$  hours per response = 106,215 hours.

In addition, the regulatory authority needs an average of 7 hours to review the information. Since SRAs process 216 applications (3 processed by OSM in Federal program states),  $216 \times 7$  hours = 1,512 hours.

Hence, it is estimated that the total annual burden for respondents under 30 CFR 779/783.11 & .12 is **107,727 hours** ( $106,215 + 1,512$ ).

b. Estimated Wage Cost to Respondents:

See list of items with identical responses for item 12 for a discussion of how the following wage costs were developed, including benefits.

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	33	21.53	710
Environmental Technician	402	34.30	13,789
Environmental Engineer	45	57.44	2,585
Operations Manager	5	79.91	400
Total	485		17,484

Therefore, the estimated annual wage cost for each industry respondent for §§779/783.11 and .12 is \$17,484. The total wage cost to all industry respondents is \$17,484 x 219 permits = \$3,828,996.

In addition, the estimated annual wage cost for state regulatory authorities to review §§779/783.11 and .12 is \$49.95 per hour for a state government engineer x 7 hours = approximately \$350. The total wage cost to all state regulatory authorities is \$350 x 216 permit applications = \$75,600.

The total cost to all respondents is \$3,828,996 + \$75,600 = \$3,980,196.

13. See list of items with identical responses.

14. Estimate of Cost to the Federal Government

See list of items with identical responses for item 14 for a discussion of how the following wage costs were developed, including benefits.

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 779/783.11 and .12 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one state program per year and that each review requires an average of 10 hours at \$58.38 per hour (GS 13/5 regulatory program specialist/engineer) to review the application. The annual cost to the Federal government for this oversight activity is estimated to be \$584.

Federal Programs: Based upon data collected in Fiscal Year 2010, OSM estimates that it will annually receive approximately 3 applications for new permits for lands and operations for which OSM is the regulatory authority, requiring 5 hours to review each.

At an average salary of \$58.38 per hour as referenced above, the annual wage cost to the Federal government to review these sections will be \$876 (3 applications x 5 hours per review x \$58.38 per hour).

Total Federal Cost

\$ 584 Oversight  
+ \$ 876 Federal Programs  
\$1,460 Total Federal Cost

15. There are currently 136,117 hours approved for these sections. This information collection request will cause a slight decrease to the previously approved burden estimate. This adjustment is due to an increase in the estimated burden per respondent, but a reduction in the number of permit applications being prepare and issued. The burden will change as follows:

136,117 hours currently approved  
- 28,390 hours due to adjustments  
107,727 hours requested

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

## Section 779/783.18: Climatological Information

### Justification

1. Section 507(b)(12) of the Act, requires the permit application to contain a statement of climatological factors peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges, if requested, by the regulatory authority.
2. Section 779/783.18, when requested by the SRA, requires that the application contain a statement of the climatological factors that are representative of the proposed permit area including: average seasonal precipitation, average direction and velocity of prevailing winds, and seasonal temperature ranges. The regulatory authority may also request additional data as deemed necessary to ensure compliance with the requirement of Subchapter G. Although this information is not explicitly required by Federal regulations, SRAs routinely request this climatological information.

This information may be needed by the regulatory authority to determine whether the applicant will be able to comply with the performance standards of topsoil, roads, hydrologic balance, sedimentation ponds, disposal of excess spoil, coal waste, backfilling and grading, revegetation and postmining land use. The operator's plan for controlling wind and water erosion, revegetation potential, sedimentation pond design, etc., is evaluated on the collected information. In some cases the information may be obtained from the weather bureau. If so, it would not be required of the permit applicant. Failure to include this information would make it difficult for the regulatory authority to determine whether the operation could meet the performance standards of Subchapter K.

3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Reporting, Recordkeeping, and Reviewing Burden

a. Estimate of Burden to Respondents:

Based on the Fiscal Year 2010 annual evaluation reports and ongoing contacts with permit applicants and those identified in item 8, there are 219 permit applicants submitting the information, with each applicant requiring 4 hours to complete the application requirements for this section. Therefore, 219 applicants x 4 hours per application = 876 hours.

Based on experience as a regulatory authority, OSM estimates that the regulatory authority will need an average of 1 hour to review the information of the 216 applications they receive, or 216 hours to review this section of all applications. Hence, the annual burden hours for respondents for §§779/783.18 will be **1,092 hours** (876 + 216).

b. Estimated Wage Cost to Respondents:

See list of items with identical responses for item 12 for a discussion of how the following wage costs were developed, including benefits.

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	.5	21.53	11
Environmental Technician	2.5	34.30	86
Environmental Engineer	1	57.44	57
Total	4		154

Therefore, the estimated annual wage cost for each industry respondent for §779/783.18 is \$154 (rounded). The total wage cost to all industry respondents is \$154 x 219 permits = \$33,726.

In addition, the estimated total annual wage cost for state regulatory authorities to review §779/783.18 of each permit application is \$49.95 per hour for a state government environmental engineer x 1 hour = \$50 (rounded). The total wage cost to all state regulatory authorities is \$50 x 216 permit applications = \$10,800.

The total costs to all respondents is \$33,726 + \$10,800 = \$44,526.

13. See list of items with identical responses.

14. Estimate of Cost to the Federal Government



See list of items with identical responses for item 14 for a discussion of how the following wage costs were developed, including benefits.

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of §779/783.18 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one state program per year and that the review requires an average of 1 hour at \$58.38 per hour (GS 13/5 regulatory program specialist/engineer) to conduct the oversight review of this portion of the application. The annual cost to the Federal government for this oversight activity is estimated to be \$58 (rounded).

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive approximately 3 applications for new permits for lands and operations for which OSM is the regulatory authority, requiring 1 hour to review each. At an average salary of \$58.38 per hour as referenced above, the annual wage cost to the Federal government to review this section of the applications will be \$174 (3 applications x 1 hour per review x \$58 per hour).

Total Federal Cost

\$ 58 Oversight  
+ \$ 174 Federal Programs  
\$ 232 Total Federal Cost

15. There are currently 1,251 hours approved for this section. This information collection request will cause a slight decrease to the previously approved burden estimate. This adjustment is due to an increase in the estimated burden per respondent, but a reduction in the number of permit applications being prepare and issued. The burden will change as follows:

1,251 hours currently approved  
- 159 hours due to an adjustment  
1,092 hours requested

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

## Section 779/783.19: Vegetation Information

### Justification

1. 30 CFR 779/783.19, as required by sections 507(b) and 508(a)(2)(B) of the Act, states that, if required by the regulatory authority, the permit application shall contain a map depicting existing vegetative types and a description of the plant communities within the proposed permit area and any reference areas if requested by the regulatory authority.
2. The use of the information or records required by each of the specific paragraphs of this section is as follows:

Paragraph (a) – This section requires a map that delineates existing vegetative types and a description of plant communities. The information is necessary to determine whether there exists endangered or threatened species, as well as long and short-term reduction of productivity and capability of the land involved. Such data analysis and baseline information requirements may be necessary in developing a revegetation plan that meets the Act's requirements for reestablishment of a diverse, permanent, self-reproducing plant cover natural to the area, the restoration of normal plant succession, season and geographic diversity of permanent vegetation associated with the mine area or affected area. The data establishes a means of documenting bond release standards and identifying critical habitats of other dependent biota.

Paragraph (b) -- Requires that the area adjacent to the permit area be included in the mapping with descriptions to allow evaluation of the vegetation community's importance to fish, wildlife and related resource values. This information is needed to determine the significance of the vegetation community to the biota, dependent on it for its critical life cycle requirements. The removal of critical vegetation community for a period equal to a normal coal mining operation could result in the loss of a regional, local, or national protected species. The information collected is used by the regulatory authority in determining if the reclamation and mining operations are of such a nature as to protect, minimize, restore, and enhance fish, wildlife, and related resources, held in public trust by the state or Federal government.

3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.

9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting, Recordkeeping, and Reviewing Burden

a. Estimate of Burden to Respondents:

Based on the Fiscal Year 2010 annual evaluation reports and ongoing contacts with permit applicants, there are 219 permit applications that provide vegetative data. Therefore, 219 respondents x 16 hours per response = 3,504 hours. In addition, OSM estimates that the state regulatory authority will need an average of .25 hours to review the information. The SRA burden to review this section for all applications is 54 hours (216 applications x .25 hours to review this section for each application). Hence, the annual burden for respondents for §779/783.19 is **3,558 hours** (3,504 + 54).

b. Estimated Wage Cost to Respondents:

See list of items with identical responses for item 12 for a discussion of how the following wage costs were developed, including benefits.

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	3	21.53	65
Environmental Technician	12	34.30	412
Environmental Engineer	1	57.44	57
Total	16		534

Therefore, the estimated annual wage cost for each industry respondent for §779/783.19 is \$534 (rounded). The total wage cost to all industry respondents is \$534 x 219 permits = \$116,946.

In addition, the estimated total annual wage cost for state regulatory authorities to review §779/783.19 of each permit application is \$49.95 per hour for a state government environmental engineer x .25 hours = \$12 (rounded). The total wage cost to all state regulatory authorities is \$12 x 216 permit applications = \$2,592.

The total costs to all respondents is \$116,946 + \$2,592 = \$119,538.

13. See list of items with identical responses.

14. Estimate of Cost to the Federal Government

See list of items with identical responses for item 14 for a discussion of how the following wage costs were developed, including benefits.

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of §779/783.19 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one state program per year and that the review requires an average of 1 hour at \$58.38 per hour (GS 13/5 regulatory program specialist/engineer) to review the application to conduct the oversight review of this portion of the application. The annual cost to the Federal government for this oversight activity is estimated to be \$58 (rounded).

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive approximately 3 applications for new permits for lands and operations for which OSM is the regulatory authority, requiring 1 hour to review each. At an average salary of \$58.38 per hour as referenced above, the annual wage cost to the Federal government to review this section of the applications will be \$44 (3 applications x .25 hours per review x \$58 per hour).

Total Federal Cost

\$ 58 Oversight  
+ \$ 44 Federal Programs  
\$102 Total Federal Cost

15. There are currently 5,101 hours approved for this section. This information collection request will result in a reduction to the previously approved burden estimate due to an adjustment in the number of permit applications being received and issued. The burden will change as follows:

5,101 hours currently approved  
- 1,543 hours due to an adjustment  
3,558 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

### **Section 779/783.21: Soil Resources Information**

The requirements for §779/783.21 are collected solely by applicants for Prime Farmland. The burden associated with this section may be found in 30 CFR Part 785 – Requirements for Permits for Special Categories of Mining; section 785.17(c) - Prime Farmland, Application Contents. This collection has been approved separately by OMB and assigned control number 1029-0040.

## Section 779/783.24: Maps: General Requirements

### Justification

1. Section 507(b) of the Act, requires that the permit application include maps locating all boundaries, structures, roads, parks, historical sites, cemeteries, or Indian burial grounds in the permit area and the affected area.
2. The use of the information in §779/783.24 is as follows:
  - (a) Maps to show all boundaries of lands and names of present owners of record, both surface and subsurface included in or contiguous to the permit area. This information should be readily available to the applicant, since the information would be a normal part of the database associated with any mine operation. Such information is typically required as part of complying with legal requirements regarding proper title to the resources and lands in question. Because of the site-specific nature of the information, it is generally reported for individual mines, or particular operations.
  - (b) Requires the maps to show the boundaries of land and wetlands within the proposed permit area upon which the applicant has the legal right to enter and begin mining activities. This information is part of the existing information associated with any coal mining operation, and is used to comply with the requirements of local land and resource managing agencies, as well as in other activities associated with coal mining operations.
  - (c) Requires maps to show the boundaries of all areas including wetlands proposed to be affected over the estimated life of the proposed surface mining activities with a description of the size, sequence and timing of the mining of sub-areas for which it is anticipated that additional permits will be sought. The information requested is part of the general plan of operations that is developed by a mine operator to manage the progress of mining activity. The information can be used by regulatory authorities to pre-plan for the processing of additional permits, thereby reducing administrative costs of the operator and to the regulatory authority.
  - (d) Location of all buildings in and within 1,000 feet of the proposed permit area, with identification of the current use of the buildings. The information is used by the regulatory authority to assure that, where appropriate, such structures will not be disturbed or destroyed by the proposed mining activity. The information is site specific to the permit area and should be easily available. The costs of assembling it should be minor.
  - (e) Location of surface and sub-surface man-made features within, passing through, or passing over the proposed permit area, including, but not limited to major electric transmission lines, pipelines, and agricultural drainage tile fields. The information requested is used by the regulatory authority to assure that where appropriate, such structures will not be disturbed or destroyed by the proposed mining activity. Existing

maps and other descriptive material would normally be used by the applicant to comply with this information requirement.

(f) Identification on a map of the location and boundaries of any proposed reference areas for determining the success of revegetation. The information is used to assess the progress of revegetation and associated reclamation efforts during the reclamation phase of the operation. Because of the site-specific nature of the information, it must be developed for specific permits, rather than on a higher level of aggregation. However, such information should normally be found in existing data bases, and easily abstracted from them.

(g) Location of water supply intakes for current users of surface water flowing into, out of, and within a hydrologic area defined by the regulatory authority and those surface waters which will receive discharges from affected areas in the proposed permit area. This information is used by the regulatory authority to assure compliance with the Act's provisions mandating protection of water quality, of wetlands and the overall hydrologic balance and integrity of the mine permit area and areas which may be affected by activities on the permit area. Normally, the information would be developed through site-specific surveys that would allow information concerning hydrology to be developed. In larger areas, existing aquifers would be known, and their general hydrologic characteristics described in records maintained by such agencies as state water resources agencies. This information should be readily available to applicants, but site-specific data may have to be developed to supplement this information for submission to the regulatory authority.

(h) Identification on a map of each public road located within 100 feet of the proposed permit area. The information is used by the regulatory authority to assure that mining activity does not occur within 100 feet of these roads, since such activity is prohibited by Section 522(e)(4) of the Act. The information should be readily available, and part of the required database for conducting any mining activity.

(i) Identification of the boundaries of any public park and locations of any cultural or historical resources listed or eligible for listing in the National Register of Historic places as well as any known archeological sites within the permit and adjacent areas. The information is used to assure that the planned operation does not conflict with the requirement of Section 522(e)(3) of the Act that prohibits such activities. As a rule, the information should be available from local or state agencies, such as the State Historic Preservation Office. Such maps may be submitted as overlays to other maps, thus reducing the cost of submitting the information.

(j) Location of a cemetery in or within 100 feet of the proposed permit area. This information is used by the regulatory authority to assure that mining activities do not knowingly disturb such sites without proper considerations.

(k) Identification on a map of any land within the proposed permit area which is within

the boundaries of any units of the National Trails System or the Wild and Scenic Rivers system. The information is used by the regulatory authority to assure compliance with Section 507(b)(13) of the Act. Normally, much of the information would be readily available to the applicant through county, state, or Federal records systems. The incidence of submittal should be relatively low, since mining activities adjacent to the Trails or the Wild and Scenic Rivers system is not a typical occurrence.

3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting, Recordkeeping, and Reviewing Burden

a. Estimate of Burden to Respondents:

Based on the Fiscal Year 2010 annual evaluation reports and ongoing contacts with permit applicants including those identified in item 8, there are 219 permit applications with 100% of the applications submitting the information, each applicant requiring 142 hours to complete this portion of the application. Therefore, burden required by the 219 applicants to complete this section is 219 applications x 142 hours per response per applicant = 31,098 hours. In addition, the regulatory authority needs an average of 7 hours to review the information, or 1,512 hours (216 applications x 7 hours). Hence, it is estimated that the annual burden hours for respondents for §779/783.24 will total **32,610 hours** (31,098 hours + 1,512 hours).

b. Estimated Wage Cost to Respondents:

See list of items with identical responses for item 12 for a discussion of how the following wage costs were developed, including benefits.



Industry Wage Cost

Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	10	21.53	215
Engineering Technician	77	32.38	2,493
Mining Engineer	51	53.89	2,748
Operation Manager	4	79.91	320
Total	142		5,776

Therefore, the estimated annual wage cost for each industry respondent for §779/783.24 is \$5,776. The total wage cost to all industry respondents is \$5,776 x 219 permits = \$1,264,944.

In addition, the estimated annual wage cost for state regulatory authorities to review §779/783.24 of each permit application is \$49.95 per hour for a state government environmental engineer x 7 hours = \$350 (rounded). The total wage cost to all state regulatory authorities is \$350 x 216 permit applications = \$75,600.

The total costs to all respondents is \$1,264,944 + \$75,600 = \$1,340,544.

13. See list of items with identical responses.

14. Estimate of Cost to the Federal Government

See list of items with identical responses for item 14 for a discussion of how the following wage costs were developed, including benefits.

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of §779/783.24 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one state program per year and that the review requires an average of 4 hours at \$58.38 per hour (GS 13/5 regulatory program specialist/engineer) to review the application to conduct the oversight review of this portion of the application. The annual cost to the Federal government for this oversight activity is estimated to be 4 hours x \$58 (rounded) = \$232.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive approximately 3 applications for new permits for lands and operations for which OSM is the regulatory authority, requiring 7 hours to review each. At an average salary of \$58.38 per hour as referenced above, the annual wage cost to the Federal government to review this section of the applications will be \$1,218 (3 applications x 7 hours per review x \$58 per hour, rounded).

Total Federal Cost

\$ 232 Oversight  
+ \$1,218 Federal Programs  
\$1,450 Total Federal Cost

15. There are currently 37,331 hours approved for this section. This information collection request will cause a slight decrease to the previously approved burden estimate. This adjustment is due to an increase in the estimated burden per respondent, but a reduction in the number of permit applications being prepare and issued. The burden will change as follows:

37,331 hours currently approved  
- 4,721 hours due to an adjustment  
32,610 hours requested

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

## Section 779/783.25: Cross Sections, Maps, and Plans

### Justification

1. Section 779/783.25, in accordance with section 507(b) of the Act, require cross sections, maps, and plans for water quality and quantity, coal seam analysis, underground mine workings, and the location of oil and gas wells.
2. Since the issuance of this rule in 1979, significant technological improvements have been made available to the regulatory authorities. Most relevant is OSM's Technical Innovation and Professional Services (TIPS) software and data analysis capabilities which have been provided to each regulatory authority and which allow premining slopes to be computed.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting, Recordkeeping, and Reviewing Burden

- a. Estimate of Burden to Respondents:

Based on the Fiscal Year 2010 annual evaluation reports and ongoing contacts with permit applicants, 219 permit applications were submitted with the information. Each applicant spent 193 hours to complete this portion of the application. Therefore, burden hours required by the 219 applicants =  $219 \times 193$  hours per response = 42,267 hours. In addition, the regulatory authority needs an average of 7.25 hours to review the information, or 1,566 hours (216 applications  $\times$  7.25 hours to review). Therefore, it is

estimated that the annual burden hours for respondents for §779/783.25 will total **43,833 hours** (42,267 hours + 1,566 hours).

b. Estimated Wage Cost to Respondents:

See list of items with identical responses for item 12 for a discussion of how the following wage costs were developed, including benefits.

Industry Wage Cost (rounded)			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	8	21.53	30
Engineering Technician	77	32.38	2,493
Mining Engineer	104	53.89	5,605
Operation Manager	4	79.91	320
Total	193		8,448

Therefore, the estimated annual wage cost for each industry respondent for §779/783.25 is \$8,448. The total wage cost to all industry respondents is \$8,448 x 219 permits = \$1,850,112.

In addition, the estimated total annual wage cost for state regulatory authorities to review §779/783.25 of each permit application is \$49.95 per hour for a state government environmental engineer x 7.25 hours = \$362 (rounded). The total wage cost to all state regulatory authorities is \$362 x 216 permit applications = \$78,192.

The total costs to all respondents is \$1,850,112 + \$78,192 = \$1,928,304.

13. See list of items with identical responses.

14. Estimate of Cost to the Federal Government

See list of items with identical responses for item 14 for a discussion of how the following wage costs were developed, including benefits.

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of §779/783.25 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one state program per year and that the review requires an average of 4 hours at \$58.38 per hour (GS 13/5 regulatory program specialist/engineer) to review the application to conduct the oversight review of this portion of the application. The annual cost to the Federal government for this oversight activity is estimated to be 4 hours x \$58 (rounded) = \$232.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive approximately 3 applications for new permits for lands and operations for which OSM is the regulatory authority, requiring 7 hours to review each. At an average salary of \$58.38 per hour as referenced above, the annual wage cost to the Federal government to review this section of the applications will be \$1,262 (3 applications x 7.25 hours per review x \$58 per hour, rounded).

Total Federal Cost

\$ 232 Oversight  
+ \$ 1,262 Federal Programs  
\$ 1,494 Total Federal Cost

15. There are currently 60,644 hours approved for this section. This information collection request will cause a slight decrease to the previously approved burden estimate. This adjustment is due to an increase in the estimated burden per respondent, but a reduction in the number of permit applications being prepared and issued. The burden will change as follows:

60,644 hours currently approved  
- 16,811 hours due to an adjustment  
43,883 hours requested

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.