

Supporting Statement A

Recordation of Location Notices and Mining Claims; Payment of Fees

(43 CFR Parts 3832-3838)

OMB Control Number 1004-0114

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 Bureau of Land Management (BLM) requests revision of control number 1004-0114 for proposed Form 3830-4, Affidavit of Annual Assessment Work. The proposed form would be part of the currently approved collection activity titled “Annual FLPMA Documents,” and would not change the requirements or the estimated burdens, except for updates of the number of responses and associated hour burdens.

The collection of information is authorized by the General Mining Law of 1872 (30 U.S.C. 22-54), Section 314 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1744), and the BLM regulations at 43 CFR part 3834 and 3835.

The proposed form would be an optional means of satisfying the second of two requirements for claimants who elect to seek a waiver of annual maintenance fees. The first required submission is a Maintenance Fee Waiver Certification (Form 3830-2), which must be filed on or before September 1 each year. OMB has approved Form 3830-2 under control number 1004-0114. The second submission — a currently approved collection for which there is no currently approved form — is required to be filed on or before December 30 (i.e., prior to December 31) of the calendar year in which the assessment year ends. At that time, a claimant who has been

granted a waiver from paying the annual maintenance fee must provide the BLM with documentation that the annual assessment work requirements have been completed. A waiver of annual maintenance fees is only available to holders of ten or fewer claims nationwide.

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.

In general, 30 U.S.C. 28f requires the holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, to pay to the Secretary of the Interior, on or before September 1 of each year, a claim maintenance fee for each claim or site. The claim maintenance fee is in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28–28e) and the related filing requirements contained in 43 U.S.C. [1744\(a\)](#) and (c). Congress, however, has provided at 30 U.S.C. 28f(d) that the Secretary may waive this fee for a claimant who certifies in writing that on the date the payment was due, the claimant and all related parties held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, and has also performed the assessment work required under the Mining Law of 1872 with respect to the mining claims.

The BLM requires an Affidavit of Annual Assessment Work to be filed if a mining claimant has been granted a waiver from paying the annual maintenance fee for the current assessment year. At present, the BLM does not offer respondents a form for the submission of the affidavit. Form 3830-4, if approved, would give respondents an option for submitting the required information.

The BLM would use the information on proposed Form 3830-4 to confirm that assessment requirements had been completed. Additionally, the BLM would use the information to verify the accuracy of its records regarding such matters as the name of the mining claim, owner, and serial number.

Proposed Form 3830-4 would require the following information to be submitted to the BLM:

- a. The claim owner's name and mailing address which would ensure the BLM is able to communicate with the applicant;
- b. The number of claims the owner performed assessment (labor and improvements) on and a calculation of the processing fees due to the BLM (\$10 per claim), so that the BLM can determine if the submission is complete;
- c. The following information about the relevant unpatented mining claim(s), to enable the BLM to identify which unpatented mining claim(s) benefitted from the labor and improvements and the time period the labor and improvements were completed:

(1) Assessment year;

- (2) County and State in which each claim is located;
 - (3) BLM Serial No.;
 - (4) Name of claim;
 - (5) Legal description (Township, Range, Section, and Meridian; and
 - (6) The original county recordation information.
- d. A description of work performed, value of work performed, and date work was performed, to enable the BLM to verify the total value of the labor and improvements was at least \$100 for each claim;
 - e. The name and current mailing address of each person who performed the labor and improvements so that the BLM may contact them if necessary;
 - f. The name and current mailing address of each person who holds the subject mining claim(s), to enable the BLM to verify current ownership with their existing records;
 - g. The date on which all monuments and all notices required by law were placed on the subject claim(s), to enable the BLM to determine whether sufficient to appropriately designate the corner of the relevant claim(s); and
 - h. Applicant's signature, date, and a notary block, to enable the BLM to verify that the applicant certifies the truth and accuracy of the forgoing statements.

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.

In accordance with the Government Paperwork Elimination Act (GPEA), and after OMB approves the form, Form 3830-4 would be electronically available to the public in fillable, printable format on BLM's Forms Web site at: <http://www.blm.gov/noc/st/en/business/eForms.html>. The form can be mailed or delivered in person, along with the appropriate fees, to the proper BLM office on or before December 30 following the end of the assessment year the assessment was performed.

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 proposed form would be a modification of a currently approved collection. The BLM must obtain this information in order to make considered decisions regarding requests for waivers of the maintenance fee. While respondents would be able to provide the necessary information

without using the proposed form, the BLM's experience is that the proposed form would assist respondents in understanding what information to provide.

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

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

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

By law, mining claimants are required to either pay the annual maintenance fee or file a request to waive that fee. There is no option of collecting the information less frequently and must be done on an annual basis. The BLM would be unable to meet its obligation to make considered decisions regarding requests to waive annual maintenance fees, if the information were not collected. The BLM is submitting this information collection request with the intention of assisting respondents' submission of the required information.

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 described above.

- 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.

The required 60-day notice was published in the Federal Register on May 20, 2011 (76 FR 26263), and the comment period closed on July 19, 2011. The BLM received no comments.

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

We provide no 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.**

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

- 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 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.”**

Table 12-1, below, shows the BLM’s estimate of the hourly cost burdens for respondents. 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.release/ecec.nr0.htm>.

Table 12-1 – Hourly Cost Calculation

A. Occupational Category	B. Mean Hourly Wage	C. Total Mean Hourly Wage (B x 1.4)
SOC Code Number 17-2151 Mining and Geological Engineers, Including Mining Safety Engineers	\$43.30	\$60.62

Table 12-2, below, details the hour burden estimates of this request to add new Form 3830-4. The addition of Form 3830-4 would not in itself affect the estimated hour burdens for control number 1004-0114. However, we have adjusted the estimated number of responses for the “Annual FLPMA Documents” collection activity, in order to reflect recent experience with that activity. The currently approved number of responses for that activity is 5,854 annually. We are now requesting 6,316 responses annually for that activity, an increase of 462 responses. This adjustment would increase the total number of responses for control number 1004-0114 from

197,154 to 197,616 responses (an increase of 462 responses).

The estimated total hour burdens for control number 1004-0114, including the adjusted burdens for “Annual FLPMA Documents,” would be 97,889 hours. That would be an increase of 231 hours annually (from the currently approved total hour burdens of 97,548 hours annually).

Table 12-2 - Estimates of Hour and Cost Burdens

A. Type of Response	B. Number of Responses	C. Time Per Response	D. Total Hours (Column B x Column C)	E. Annual Cost (Column D x \$60.62)
Annual FLPMA Documents (43 CFR part 3835, subpart C) Form 3830-4	6,316	30 minutes	3,158	\$191,438

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.**

The BLM assesses a \$10 processing fee, per mining claim, for affidavits of assessment work. 43 CFR 3000.12, 3830.21, and 3835.32(c). The estimated total non-hour burdens for Annual FLPMA Documents is \$63,160 annually.

The total currently approved non-hour burden for this control number is \$1,629,025. The addition of Form 3830-4 would not in itself affect the estimated non-hour burdens for control number 1004-0114. However, we have adjusted the estimated number of responses (from 5,854 to 6,316, an increase of 462 responses) for the “Annual FLPMA Documents” collection activity, in order to reflect recent experience with that activity.

As a result of this adjustment in the estimated number of responses, the estimated total non-hour burdens for this control number, including the adjusted burdens for “Annual FLPMA Documents,” would be \$1,633,645. That would be an increase of \$4,620 annually due to the adjustment in estimated number of responses.

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.

The total estimated annual cost to the Federal Government for the collection activity titled, “Annual FLPMA Documents” is shown below in Tables 14-1 and 14-2. This estimate is based on a calculation of hours and hourly wages involved in processing the responses. The hourly cost to the Federal Government shown in Table 14-1 is based on the U.S. Office of Personnel Management Salary Table 2012-RUS located 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 — Estimated Hourly Cost to the Government

A. Position	B. Pay Grade	C. Hourly Pay Rate (\$/hour)	D. Hourly Rate with Benefits (Column C x 1.5)	E. Percent of the Information Collection Completed by Each Occupation	F. Weighted Avg. (\$/hour) (Column D x Column E)
Clerk	GS-7/5	\$21.07	\$31.61	10%	\$3.16
Land Law Examiner	GS-9/5	\$25.77	\$38.66	80%	\$30.93
Supervisory Land Law Examiner	GS-12/5	\$37.37	\$56.06	10%	\$5.61
Weighted Average Hourly Pay Rate (\$/hour): \$39.70					

Table 14-2, below, shows the estimated annual Federal cost for the collection activity titled, “Annual FLPMA Documents.” The estimated time spent to process the information collections is based on the BLM’s experience. The hourly cost is shown at Table 14-1, above.

The total currently approved governmental burdens for this control number are \$3,860,684. The addition of Form 3830-4 would not in itself affect the estimated governmental burdens for control number 1004-0114. However, we have adjusted the estimated number of responses (from 5,854 to 6,316, an increase of 462 responses annually) for the “Annual FLPMA Documents” collection activity, in order to reflect recent experience with that activity.

The estimated total governmental burdens for this control number, including the adjusted burdens for “Annual FLPMA Documents,” would be \$3,879,624. That would be an increase of \$18,580 annually.

Table 14-2 — Estimated Annual Cost to the Government

A. Type of Response	B. Number of Responses	C. Time Per Response	D. Total Hours (Column B x Column C)	E. Total Wage Cost (Column D x \$39.70)
Annual FLPMA Documents (43 CFR part 3835, subpart C)	6,316	30 minutes	3,158	\$125,373

Form 3830-4				
-------------	--	--	--	--

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

The filing of Annual FLPMA Documents is currently approved under control number 1004-0114. The proposed form would be a program change that would assist eligible claimants in documenting their annual assessment work.

We have made adjustments by updating the number of responses and the associated total hour burdens. The per-response burden remains 30 minutes.

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

The results of this collection will not be published.

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.

BLM will display the expiration date of the OMB approval.

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.