

regulations, 77 FR 72447, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to "allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities." 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes "flexibility to adapt lease terms to suit [their] business and cultural needs" and to "enable [Tribes] to approve leases quickly and efficiently." *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. See *Michigan v. Bay Mills Indian Community*, 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that "[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding"). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. See *id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Just like BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. See Guidance for the Approval of Tribal Leasing Regulations under the HEARTH Act, NPM–TRUS–29 (effective Jan. 16, 2013) (providing guidance on Federal review process to ensure consistency of proposed Tribal regulations with Part 162 regulations and listing required Tribal regulatory provisions). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for

the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Gila River Indian Community.

Dated: November 20, 2015.

**Kevin K. Washburn,**

*Assistant Secretary—Indian Affairs.*

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**BILLING CODE 4337–15–P**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

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#### **Renewal of Information Collection for: OMB Control Number—1093–0005— Payments in Lieu of Taxes (PILT) Act, Statement of Federal Lands Payments, (43 CFR 44)**

**AGENCY:** Office of the Secretary, Office of Budget, Department of the Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Budget, Office of the Secretary, and Department of the Interior (DOI), announces the proposed extension of a public information collection required by the Payments in Lieu of Taxes (PILT) Act and seeks public comments on the provisions thereof. In compliance with the Paperwork Reduction Act of 1995, the Office of Budget has submitted a request for renewal of approval of this information collection to the Office of Management and Budget (OMB), and requests public comments on this submission.

**DATES:** OMB has up to 60 days to approve or disapprove the information collection request, but may respond after 30 days; therefore, public

comments should be submitted to OMB by January 14, 2016, in order to be assured of consideration.

**ADDRESSES:** Send your written comments by facsimile (202) 395–5806 or email (*OIRA\_Submission@omb.eop.gov*) to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer (1093–0005). Also, please send a copy of your comments to the U.S. Department of the Interior, Office of the Secretary, Office of Budget, Attn. Dionna Kiernan, 1849 C St. NW., MS 7413 MIB, Washington, DC 20240. Send any faxed comments to (202) 219–2849, Attn. Dionna Kiernan. Comments may also be emailed to *dionna\_kiernan@ios.doi.gov*.

#### **FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the information collection instrument should be directed to the U.S. Department of the Interior, Office of the Secretary, Office of Budget, Attn. Dionna Kiernan, 1849 C St. NW., MS 7413 MIB, Washington, DC 20240. Requests for additional information may also be emailed to *dionna\_kiernan@ios.doi.gov* or faxed to (202) 219–2849. You may also review the information collection request online at <http://www.reginfo.gov/public/do/PRAMain>.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

Public Law 97–258 (31 U.S.C. 6901–6907), as amended, the Payments in Lieu of Taxes (PILT) Act, was designed by Congress to help local governments recover some of the expenses they incur in providing services on public lands. These local governments receive funds under various Federal land payment programs such as the National Forest Revenue Act, the Mineral Lands Leasing Act, and the Taylor Grazing Act. PILT payments supplement the payments local governments receive under these other programs. The FY 2016 budget proposes a one-year extension of the current PILT program, maintaining the existing formula for calculating payments to counties. That proposal is currently pending before Congress. This renewal authority is being done in anticipation of reauthorization by Congress.

The PILT Act requires the Governor of each State to furnish the Department of the Interior with a listing of payments disbursed to local governments by the States on behalf of the Federal Government under 12 statutes described in Section 6903 of 31 U.S.C. The Department of the Interior uses the amounts reported by the States to

reduce PILT payments to units of general local governments from that which they might otherwise receive. If such listings were not furnished by the Governor of each affected State, the Department would not be able to compute the PILT payments to units of general local government within the States in question.

In fiscal year 2004, administrative authority for the PILT program was transferred from the Bureau of Land Management to the Office of the Secretary of the Department of the Interior. Applicable DOI regulations pertaining to the PILT program to be administered by the Office of the Secretary were published as a final rule in the **Federal Register** on December 7, 2004 (69 FR 70557). The Office of Budget, Office of the Secretary is now planning to extend the information collection approval authority in order to enable the Department of the Interior to continue to comply with the PILT Act.

## II. Data

(1) Title: *Payments in Lieu of Taxes (PILT) Act, Statement of Federal Lands Payments, (43 CFR 44)*.

OMB Control Number: 1093-0005.

Current Expiration Date: 12/31/2015.

Type of Review: Extension without change of a currently approved collection.

Affected Entities: State Governments.  
Estimated annual number of responses: 45.

Frequency of response: Annually.

Obligation to Respond: Required to obtain or retain a benefit.

(2) Annual reporting and record keeping burden.

Total Annual Reporting per Respondent: 46 hours.

Total Annual Burden Hours: 2,070 hours.

(3) Description of the need and use of the information: The statutorily required information is needed to compute payments due units of general local government under the PILT Act (31 U.S.C. 6901-6907). The Act requires the Governor of each State to furnish a statement as to amounts paid to units of general local government under 12 revenue-sharing statutes in the prior fiscal year. The FY 2016 budget proposes a one-year extension of the current PILT program, maintaining the existing formula for calculating payments to counties. That proposal is currently pending before Congress. This renewal authority is being done in anticipation of reauthorization by Congress.

(4) As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on the information

collection was published on August 12, 2015 (80 FR 48334). No comments were received. This notice provides the public with an additional 30 days in which to comment on the proposed information collection activity.

## III. Request for Comments

The Department of the Interior invites comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection and the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

"Burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

It is our policy to make all comments available to the public for review. Before including Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal information in your comment(s), you should be aware your entire comment (including PII) may be made available to the public at any time. While you may ask us in your comment to withhold PII from public view, we cannot guarantee we will be able to do so.

If you wish to view any comments received, you may do so by scheduling an appointment via the contact information provided in the **ADDRESSES** section. A valid picture identification is required for entry into the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: December 8, 2015.

**Olivia B. Ferriter,**

*Deputy Assistant Secretary, Budget, Finance, Performance, and Acquisition.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWO35000.L1430000.ES0000]

### Renewal of Approved Information Collection

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** 30-day notice and request for comments.

**SUMMARY:** The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to continue the collection of information from applicants for land for recreation or public purposes. The Office of Management and Budget (OMB) previously approved this information collection activity, and assigned it control number 1004-0012. **DATES:** The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before January 14, 2016.

**ADDRESSES:** Please submit comments directly to the Desk Officer for the Department of the Interior, OMB ID: 1004-0012, Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202-395-5806, or by electronic mail at [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: To Jean Sonneman at 202-245-0050.

Electronic mail: [Jean\\_Sonneman@blm.gov](mailto:Jean_Sonneman@blm.gov).

Please indicate "Attn: 1004-0012" regardless of the form of your comments.

**FOR FURTHER INFORMATION CONTACT:** Flora Bell, at 202-912-7347. Persons