

Supporting Statement A

Leases and Permits, 25 CFR 162

OMB Control Number 1076-0155

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.**

This information collection is necessary for the Bureau of Indian Affairs (BIA) to implement its leases and permits program for land held in trust or restricted status on behalf of individual Indians and Tribes. The American Indian Agricultural Resource Management Act (25 U.S.C. 3701, as amended), 25 U.S.C. 415, and 25 U.S.C. 2201 et seq. provide the statutory authority for this program. The regulations at 25 CFR 162, implement the statutory authority. The regulations address agricultural leases, residential leases, business leases, and wind and solar resource leases.

- 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.**

BIA uses the information it collects to determine whether or not a lease may be approved or granted, the value of such lease(s), the appropriate compensation due to landowners, the amount of administrative fees that must be levied, and the penalties, if any, that should be assessed for violations of lease provisions.

Subpart A of 25 CFR 162 (§§ 162.001 through 162.029) provides general provisions. The subparts of part 162 that have substantive provisions and most of the information collections are:

- Subpart B (§§ 162.100 through 162.256), which addresses agricultural leases
- Subpart C (§§ 162.301 through 162.374), which addresses residential leases
- Subpart D (§§ 162.401 through 162.474), which addresses business leases
- Subpart E (§§ 162.501 through 162.599), which addresses wind energy evaluation leases (WEELs) and wind and solar resource development (WSR) leases.

These four subparts have parallel information collection requirements, in most instances. Most of this information is collected at the time a lease document is proposed for BIA approval, except that rent payments must occur as established by lease; and penalties, notice of a cured violation, and notice of trespass is collected on an as needed basis. The following chart shows these information collection requirements and how BIA uses the information.

CFR Cite	Information Collection Requirement	BIA Use of Information
162.109 162.204 162.205 162.338(e) 162.438(e) 162.528(d) 162.568	Provide notice of Tribal leasing laws, regulations, exemptions	BIA uses this information to confirm that the lease action complies with Tribal law. Usually, this information will be in the form of a Tribal representative's signature on a Tribal lease. For individually-owned tracts, it may be in a separate document.
162.241	Administrative fees	BIA uses these fees for the purposes established by regulation.
162.009 162.207 162.242-244 162. 345, 350, 353, 357 162. 445, 450, 453, 457 162. 530, 570, 574, 578, 582	Submit lease, assignment, amendment, leasehold mortgage for approval	BIA uses this information to determine if the document should be approved.
162.217 162.246 162.343 162.443 162.568	Submit lease documents for recording at LTRO	BIA uses this information to record the document in the official Indian land title of record at the Land Titles and Records Office (LTRO).
162.247 162.325, 329 162.425, 429 162.523, 551, 555	Pay rent	BIA uses this information as trustee to ensure that Indian landowners are receiving compensation.
162.248 162.368 162.468 162.593	Pay penalties for late payment	BIA uses this information to ensure that the lessee complies with payment provisions.
162.234 162.434 162.525 162.559	Provide a bond	BIA uses this information to determine whether the lessee has complied with bond requirements.
162.237 162.437 162.527 162.562	Provide information for acceptable insurance	BIA uses this information to determine whether the lessee has complied with insurance requirements.

162.009 162.212	Bidding on advertised lease	BIA uses this information to advertise for leases, where appropriate.
162.008(b)(2)	Use of a minor's land	BIA uses this information to ensure that a person is authorized to act on an Indian landowner's behalf.
162.025 162.113	Appealing decisions	BIA uses this information to ensure due process procedures are followed.
162.024 162.213 162.338 162.438 162.528 162.563	Provide supporting documentation	BIA uses this information to determine if a lease should be approved in compliance with applicable laws.
162.251 162.366 162.466 162.591	Provide notice of curing violation	BIA uses this information to determine whether to pursue further enforcement action.
162.256 162.371 162.471 162.596	Respond to notice of trespass	BIA uses this information to determine whether to pursue further enforcement action.
162.320(a), 321(a) 162.420(a), 421(a) 162,549(a), 162.550(a)	Request for fair market rental/valuation on Tribal land	BIA uses this information to identify whether the Tribe would prefer a valuation or fair market rental on its land.
162.320(b), 321(b) 162.420(b), 421(b) 162,549(b), 162.550(b)	Request for waiver of fair market rental/valuation for individually-owned land	BIA uses this information to determine whether it is appropriate to waive the requirement for a valuation or fair market rental.
162.324 162.424 162.553	Agreement to suspend direct pay.	BIA uses this information to determine whether to suspend direct pay.
162.371 162.471 162.596	Notification of good faith negotiations with holdover.	BIA uses this information in its determination whether to pursue action against a holdover for trespass.
162.004	Submit permits to BIA for file	BIA uses this information to determine whether lease actions will pose a conflict with existing permitted actions on a given property.

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.

To the extent respondents provide information in written form, rather than orally, BIA accepts the information via fax or e-mail to reduce burden on respondents.

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.

This information collected under 25 CFR part 162 is not duplicated in any other data collection. In keeping with the Paperwork Reduction Act and other statutory requirements, the information collected is the minimum needed for the intended purpose.

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

There is no significant economic impact on a substantial number of small businesses. The information collection burden under the Program is limited further by the fact that information is generally collected only when it is needed.

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.

The information collection burden cannot be reduced any further without the integrity of the leasing program being jeopardized. Information is collected, as needed, when Tribes, Tribal entities or individual Indians want to enter into leases for their respective lands. If the collection is not conducted, or is conducted less frequently, the BIA will not be able to properly administer and monitor leases on Indian lands.

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 circumstances that require exceptions to 5 CFR 1320.5(d)(2).

- Section 162.249, §§ 162.323 and .368, §§ 162.423 and .468, and §§ 162.552 and .593 require that rents and penalties for late payment of rents are due as specified by the lease. While each lease is specific and the regulations do not specify otherwise, there is a potential for responding to a notice of delinquency in fewer than 30 days.
- In accordance with § 162.251, § 162.366, § 162.466, and § 162.591, the lessee is given 10 days from the receipt of the notice of lease violation to respond. This is an exception to the 30-day rule because time is of the essence in correcting violations of lease terms. A 30-day period to respond would endanger the integrity of the lease instrument and possibly do irreparable damage to the corpus of the trust resource. In a similar circumstance, a trespass violation requires the alleged trespasser to contact the BIA *immediately* to explain why a trespass violation notice is in error. Again, the circumstances of a trespass may be of such a serious nature that the 30-day response time would not be appropriate and, furthermore, would harm the corpus of the trust resource.

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.

A 60-day notice for public comments was published in the Federal Register on September 14, 2015 (80 FR 55146). No comments were received.

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 BIA coordinated with several of its regional offices, to reach out to those from whom this information is to be obtained. The BIA received 30 responses and is summarized below.

Report from Southern California Agency

Associate General Counsel, Pechanga Indian Reservation, Temecula, California

The Associate General Counsel assists Tribal members with obtaining residential leases. She said that obtaining a certified Title Status Report (TSR) takes time and the data is not current and updated. Issues that they have experienced with data are obtaining title updates and certified

TSRs in a timely manner. For example; interest holders who are now deceased are not being updated or reported, and Acquisitions and Disposal (A&D) transactions completed by the Southern California agency and recorded by the Land Titles and Records Office (LTRO) are not being used to update the actual title. This issue affects the lessee's ability to obtain proper consent when obtaining a residential lease.

In regards to the lease agreement, the Associate General Counsel suggests listing the CFR within the provision title. They also requested a checklist or guidance document to utilize for new or potential lessee's, to include the mandatory provisions, which we the program is currently working on getting into place.

BIA Response

In response to the comment received, interest holders who are deceased will have to go through the appropriate probate process in order to update affected records which will take time for both the probate and the recording of the affected records. This is an issue that cannot be addressed through the PRA process so no changes to the ICR have been made.

Report from Palm Springs Agency

Project Manager, Agua Caliente Band of Cahuilla Indians, Palm Springs, CA

The project manager, who regularly works on lease submittals to BIA, stated that the instructions are clear. The project manager believes that potential clients/developers do not understand what a “case initiation letter” is, and suggested that the program explain what is required in this instance. The project manager suggests that this is something that could be addressed in a guidance document, which would potentially cause less confusion.

The project manager also suggested that if multiple departments need to review the documents, then a flow sheet provided by the program would be helpful to ensure that everyone adheres to the review limitations and do not delay the process.

BIA Response

In response to the comment received from the Project Manager who is working with the Palm Springs Agency:

- The Agency has worked hard to ensure information is available and is all provided on <http://www.bia.gov/WhoWeAre/RegionalOffices/Pacific/WeAre/PalmSprings/index.htm>.
- In reference to the “Case Initiation Letter” as explained on the Commercial Lease Checklist, is where a Lessee should submit the legal instruments under cover letter where email submissions are not considered. The date the Case Initiation Letter is received with the supporting documents will be considered the beginning date of the project; received via mail or in person. The letter will be considered as a legal document whereas an email is not sufficient.
- Various checklists are being created and should eliminate the need for a flow sheet to ensure all information required is reflected to be part of the final package.

Attorney at Law, Palm Springs Modern Construction, Palm Springs, CA

The Attorney stated that the processing instructions he was given by the Palm Springs Agency were clear, however, he pointed out that these instruction do not appear on the Agency's website.

The Attorney stated that the BIA's burden estimate was accurate and that he has not had any processing problems with BIA, who he said have always been helpful, timely, and professional.

BIA Response

In response to the comment received from the Attorney, the Palms Springs Agency is working hard to ensure all available instructions are provided on the website. A lot of work has been done and is reflected on

<http://www.bia.gov/WhoWeAre/RegionalOffices/Pacific/WeAre/PalmSprings/index.htm>

Additional items will be added to the website as necessary.

Report from Horton Agency (Southern Plains)

Lessee from Holton, KS

Lessee from Goff, KS

Lessee from Delia, KS

The lessees are unhappy with the amount of time the Agency takes to receive appraisal reports from the Office of Appraisal Services, Office of the Special Trustee for American Indians. The Horton Agency has one Tribe that they request a market rent study from and two Tribes that they request individual fair market rent studies from. The negotiated bids cannot start until the Agency has the market rent and study. This year, the Agency had a mix up with a lessee who provided a negotiated bid but had not received the appraisal reports. By the time the lessee called the Agency to ask about his negotiated bid, it was almost too late for the Agency to send out the bid to the landowners.

The lessees have commented on the amount time it takes to get Tribal consent on tracts where the Tribe has an undivided interest. The Agency cannot send out leasing documents to the lessees until the Agency has the Tribe's consent to lease the tracts where they have undivided interest. For example, the Agency had a lessee who won the bid on a tract that had Tribal interest. The Agency sent the Tribe a letter in March 2015, asking for a Tribal resolution to lease the tract. The Agency was finally able to get leasing documents out to the lessee in August 2015.

BIA Response

In response to the amount of time the Agency takes to receive an appraisal report, this is performed by a different office and is not within the control of the BIA. Also, obtaining Tribal consent is not within the control of the BIA. This is an issue that cannot be addressed through the PRA process so no changes to the ICR have been made.

Report from Midwest Regional Office

Lease Tenant from Saginaw Chippewa Housing, Michigan

Lease Tenant from Lac Courte Oreilles Tribe, Wisconsin

Lease Tenant from Keweenaw Bay Indian Community, Michigan
Lease Tenant from Oneida Tribe Division of Land Management, Wisconsin

The Regional Office reached out to the people noted above who work at the Tribal government level and posed the above elements to them as they relate to their experience with BIA offices – especially when it comes to the availability of data the Tribes need to conduct work with lease tenants. The following is the general consensus among the survey recipients:

The information that outside entities receive from BIA is always timely and accurate. When the BIA requests information from outside entities, its requests are always clear and the burden on the respondent is negligible. One respondent reported “the BIA [is] quite understanding when the Tribe is slow to respond.”

BIA Response

The BIA appreciates the feedback. No adjustments to the ICR have been made as a result of this feedback.

Report from Eastern Regional Office

Director of Operations, Four Directions Development Corporation, Orono, Maine

Regional Office staff contacted the Director of Operations for the Four Directions Development Corporation (FDDC), a Native American Community Development Financial Institutions (CDFI), whose services necessarily include assisting Tribal members with obtaining leases of Tribal trust land for housing and economic development. They often act as a go-between and guide for Tribal members with the process of obtaining leases for use in financing homes or starting business projects and initiatives.

FDDC generally found that the regulatory guidance on completing required forms and information was clear for them but not necessarily for individual Tribal members unaccustomed to working with government agencies and regulatory requirements. FDDC found that the forms were readily available although a process for obtaining updates and notices of changes was not always easily or timely obtained for third parties, such as Tribes and lenders. They felt that the overall estimated burden appeared sufficient although it would vary by client. FDDC did not consider the process particularly burdensome for them, but it might be for individual Tribal lessees not accustomed with working with contract documents. What FDDC would like to see is regular training for the Tribal staff charged with assisting individual members with obtaining leases. Another alternative would be to authorize or certify another entity, such as FDDC, to provide training on the leasing process specifically to Tribes.

BIA Response

The BIA will need to further look into some of the issues raised from the feedback in reference to training and to ensure staff is providing consistent information Agency/Regional wide.

Report from Eastern Oklahoma Regional Office

Lessee (currently has 10 leases) from Pawhuska, OK

Lessee (currently has 15 leases) from Hominy, OK

Lessee (currently has 14 leases) from Pawhuska, OK
Lessee (currently has 11 leases) from Hominy, OK
Lessee from Lindsay, OK
Lessee from Elmore City, OK
Lessee from Marlow, OK
Lessee from Tuttle, OK
Lessee from Kress, TX
Lessee from Loco, OK
Lessee from Duncan, OK
Lessee from Madill, OK
Lessee from Moline, OK
Lessee from Healdton, OK
Lessee from Duncan, OK
Lessee from Madill, OK

The Regional Office received the following comments from the 17 lessees listed above regarding the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosures, reporting format, and the data elements to be recorded, disclosed, or reported.

All lessees agreed that information requested from the Regional Office was readily available and provided quickly and without delays. They also stated if the information could be provided by e-mail rather than mail, the information would be received much faster.

All lessees commented on the frequency of collection as to the term of a lease. The lessees didn't mind what documents they had to provide to process a lease; however, they all requested the terms of a lease be at least three years and would like five years as opposed to a one or two year leases. The reason behind a longer lease is the filing fee would not have to be paid as often, and if improvements were completed on the property, such as a new fence, a pond cleaned out and/or the pasture was sprayed for weeds, if the lease was for five years they felt they would get a reasonable return on the rental paid for the use of the property. If the lease is less than three years and they do any improvements to the property, then when the new appraisal is done for the new lease, the rental goes up and now they feel they are getting penalized for improving the property by now having to pay a higher rental.

All the lessees felt the instructions in the letters were very clear. One lessee expressed that when he tried to pay his rental on line by credit card, the system was not user friendly and was hard to utilize. Other lessees stated that they did not like remitting lease payments to a different location rather than to the Regional Office that services the area. They stated the payment instructions for making payments to one location and submitting documents to another location was confusing.

Four of the lessees indicated there was not a burden in processing a lease. One lessee indicated the only burden they experienced was when there are a lot of landowners, not all will agree and then when they do it is for only a one year lease.

BIA Response

In response to the comments received the BIA has the following:

- Lease information is always sent in the mail and the actual letter is considered a Legal Document and recorded as part of the record. BIA has not allowed email to be a sufficient legal document.
- The terms of a lease can go anywhere from 6 months to 65 years depending on what is negotiated, the type of lease and how long both parties agreed to the length of the lease.
- Lease payments mailed are sent to a LockBox system in one central location and it may seem confusing why payments are being sent to one location other than the Regional Office for their area. The LockBox system is processed as payments are received to ensure separation of duties of the financial responsibilities.

Report from Alaska Regional Office for Business Leasing

*Vice President/General Counsel, Lyden Incorporated/Knik Construction, Seattle, WA
Offshore System, Inc, Kirkland, WA*

The business lease information provided to the lessees included a draft lease sample and a letter on the leasing process. The lessees' preferred method of receiving lease information is by e-mail, and the leasing information was readily available. The information sheet on the leasing process was received, and no further leasing information was necessary on the process.

Many of the lessees were not aware the regulations were amended. Changes in the leases should go out to not only potential lessees, but also to the current lessees.

Additionally, lessees expressed interest in doing away with the other formal requirements such as the cultural protections, NEPA, and archeology reports. However, it is BIA's duty on behalf of the trustee to the landowners and a legal requirement to comply with other federal regulatory requirements.

Another concern that was expressed is the BIA's use of BILS. BIA realty specialists are not licensed surveyors and do not provide adequate legal descriptions or what corrections need to be made on our other land transactions.

The lessees also expressed concern that conflicting information from one specialist to another is provided to the lessees, and there should be a more consistent approach of relaying information on leases.

BIA Response

In response to the two responses above, the BLM Indian Land Survey (BILS) is a system used by a BLM employee who ensures the survey is correct before the lease document is continued on to the next process. Confirmation of the survey should only come from BLM. While the feedback provided is valuable and has been passed along to BLM, no changes to this ICR have been made as a result.

Overall BIA Response to the Outreach Received

Most of the leasing activities are done at the Agency level in the respective area. Depending if the Realty Office is 638 or Compact than the Regional Office will conduct the leasing process.

For large amounts of money involved, it has to be approved by the BIA Regional Director.

The BIA has issued a Leasing and Permitting Handbook with various chapters on; General Information, Agricultural, Residential, Business, and Exhibits for the public to view on a public website: <http://www.bia.gov/WhatWeDo/Knowledge/Directives/Handbooks/index.htm>. The Handbook should assist with clarifying the process and questions a person might have.

The BIA will need to further look into some of the issues raised from the feedback in reference to training, ensure staff is providing consistent information Agency/Regional wide, and to coordinate with all the Regions to ensure all the information is available on one central BIA webpage as it appears only the Palm Springs Agency had made all available documents on their Agency website.

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

The respondents do not receive payments or gifts.

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

The information collected in this collection is covered by the BIA's Privacy Act System of Records Notice BIA-05: Indian Land Leases. Additionally, BIA agency policy seeks to protect confidential information submitted as a part of this collection.

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.

There is a potential that some information collected will be of a sensitive nature. In accordance with § 162.235, § 162.334, § 162.444, § 162.525, and § 162.559, the lessee may be required to post a surety bond to secure performance under the lease. This is necessary if BIA is to properly administer the leasing program on Tribal and individual Indian lands. If the lessee wants to obtain a loan, sensitive information will have to be submitted in order to determine if the loan should be approved.

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.

The estimated total annual number of respondents is 99,340. The estimated total annual hour burden is 82,913 hours. The dollar equivalent burden is **\$2,686,349**.

CFR Cite	Description	Respondent Type	No. Respondents	Annual Responses	Burden Hours per Response	Total Annual Burden Hours	Salary Burden
162.109, 162.204, 162.205, 162.338(e), 162.438(e), 162.528(d), 162.568	Provide notice of Tribal leasing laws, regulations, exemptions	Tribal	500	500	0.5	250	\$ 8,520
162.241	Administrative fees	Individuals	7,464	7,464	2	14,928	\$ 474,860
		Businesses	2,500	2,500	2	5,000	\$ 159,050
		Tribal	2,000	2,000	2	4,000	\$ 136,320
162.009, 162.207, 162.242-244, 162. 345, 350, 353, 357, 162. 445, 450, 453, 457, 162. 530, 570, 574, 578, 582	Submit lease, assignment, amendment, leasehold mortgage for approval	Individuals	4,976	4,976	1	4,976	\$ 158,287
		Businesses	2,500	2,500	1	2,500	\$ 79,525
		Tribal	2,488	2,488	1	2,488	\$ 84,791
162.217, 162.246, 162.343, 162.443, 162.568	Submit lease documents for recording	Individuals	4,976	4,976	0.5	2,488	\$ 79,143
		Businesses	2,500	2,500	0.5	1,250	\$ 39,763
		Tribal	2,488	2,488	0.5	1,244	\$ 42,396
162.247, 162.325, 329, 162.425, 429, 162.523, 551, 555	Pay rent	Individuals	4,976	4,976	0.25	2,500	\$ 79,525
		Businesses	2,500	2,500	0.25	625	\$ 19,881
		Tribal	2,488	2,488	0.25	622	\$ 21,198
162.248, 162.368	Pay penalties for late	Individuals	3,000	3,000	0.25	750	\$ 23,858
		Businesses	600	600	0.25	150	\$ 4,772

162.468 162.593	payment	Tribal	25	25	0.25	6	\$ 204
162.234 162.434 162.525 162.559	Provide a bond	Individuals	4,976	4,976	0.5	2,488	\$ 79,143
		Businesses	2,500	2,500	0.5	1,250	\$ 39,763
		Tribal	2,488	2,488	0.5	1,244	\$ 42,396
162.237 162.437 162.527 162.562	Provide information for acceptable insurance	Individuals	4,976	4,976	0.25	1,244	\$ 39,572
		Businesses	2,500	2,500	0.25	625	\$ 19,881
		Tribal	2,488	2,488	0.25	622	\$ 21,198
162.009 162.212	Bidding on advertised lease	Individuals	4,000	4,000	1	4,000	\$ 127,240
		Businesses	2,500	2,500	1	2,500	\$ 79,525
		Tribal	2,000	2,000	1	2,000	\$ 68,160
162.008(b)(2)	Use of a minor's land	All	4,976	4,976	3	14,928	\$ 491,803 (average of Individual/Business salary and Tribal salary)
162.025 162.113	Appealing decisions	Individuals	400	400	2	800	\$25,448
		Businesses	225	225	2	450	\$ 14,315
		Tribal	100	100	2	200	\$ 6,816
162.024 162.213 162.338 162.438 162.528 162.563	Provide supporting documentation	Individuals	7,464	7,464	0.25	1,866	\$ 59,357
		Businesses	2,500	2,500	0.25	625	\$19,881
		Tribal	250	250	0.25	62.5	\$ 2,130
162.251 162.366 162.466 162.591	Provide notice of curing violation	Individuals	100	100	0.5	50	\$ 1,591
		Businesses	45	45	0.5	23	\$ 732
162.256 162.371 162.471 162.596	Respond to notice of trespass	Individuals	100	100	0.5	50	\$ 1,591
		Businesses	45	45	0.5	22.5	\$ 716
162.320(a), 321(a) 162.420(a), 421(a) 162.549(a), 162.550(a)	Request for fair market rental/valuation on Tribal land	Tribal	2,500	2,500	0.5	1,250	\$ 42,600
162.320(b), 321(b) 162.420(b), 421(b) 162.549(b), 162.550(b)	Request for waiver of fair market rental/valuation for individually-owned land	Individuals	4,976	4,976	0.5	2,488	\$ 79,143
162.324 162.424 162.553	Agreement to suspend direct pay.	Individuals	500	500	0.5	10	\$ 318
162.371 162.471 162.596	Notification of good faith negotiations	Tribal	100	100	0.5	50	\$ 1,704
		Individuals	500	500	0.5	250	\$ 7,953

	with holdover.						
162.004	Submit permits to BIA for file	Individuals	50	50	0.25	12.5	\$ 398
		Businesses	50	50	0.25	12.5	\$ 398
		Tribal	50	50	0.25	12.5	\$ 426
	Total		99,340	99,340		82,913	\$2,686,291

We are estimating salary using Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—June 2015 (released September 9, 2015), USDL 15-1756, Table 1, for all civilians, totaling \$ 31.81/hour for individuals and businesses (\$22.72/hour x 1.4 for benefits for individuals and businesses) and \$34.08/hour for Tribes (\$22.72/hour x 1.5 for benefits for Tribes). The 1.4 and 1.5 multipliers are also derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— June 2015 (released September 9, 2015), USDL 15-1756. See <http://www.bls.gov/news.release/pdf/ecec.pdf>.

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 information collection will not require the purchase of any capital equipment nor create any start-up costs because no equipment purchase is contemplated. Any computers and software used to complete this information collection are part of the respondent’s customary and usual business practices.

The BIA collects fees for processing certain submitted documents as indicated under § 162.241 of the rule. The minimum fee is \$10 and the maximum fee is \$500. About half the time the fees are waived. The average fee collected is \$250, which is collected about 7,252 times, for a total annual amount of **\$1,813,000**.

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 estimated total annual number of responses reviewed by the federal government, the estimated total annual hour burden, and total salary cost to the federal government are shown in the table below. This hour burden includes careful checking of all records to ensure that none of the information has changed because of new liens, updated title, land records, possible probates.

CFR Cite	Description	Annual Responses	Federal Burden per Response	Total Federal Burden Hours	Federal Salary Cost at \$28.23/hr
162.109, 162.204, 162.205, 162.338(e) 162.438(e) 162.528(d) 162.568	Review notice of leasing laws, regulations, exemptions	500	0.5	250	\$ 7,058
162.241	Collect administrative fees	7,464	2	14,928	\$ 421,417
		2,500	2	5,000	\$ 141,150
		2,000	2	4,000	\$ 112,920
162.009 162.207 162.242-244 162. 345, 350, 353, 357 162. 445, 450, 453, 457 162. 530, 570, 574, 578, 582	Approving a lease	4,976	1	4,976	\$ 140,472
		2,500	1	2,500	\$ 70,575
		2,488	1	2,488	\$ 70,236
162.217 162.246 162.343 162.443 162.568	Recording a lease	4,976	0.5	2,488	\$ 70,236
		2,500	0.5	1,250	\$ 35,288
		2,488	0.5	1,244	\$ 35,118
162.247 162.325, 329 162.425, 429 162.523, 551, 555	Processing rent	4,976	0.25	1,244	\$ 35,243
		2,500	0.25	625	\$ 17,644
		2,488	0.25	622	\$ 17,621
162.248 162.368 162.468 162.593	Processing penalties for late payment	3,000	0.25	750	\$ 21,173
		600	0.25	150	\$ 4,236
		25	0.25	6	\$ 169
162.234	Processing	4,976	0.5	2,488	\$ 70,485

162.434	bonds	2,500	0.5	1,250	\$ 35,288
162.525		2,488	0.5	1,244	\$ 35,243
162.559					
162.237	Reviewing insurance	4,976	0.25	1,244	\$ 35,243
162.437		2,500	0.25	625	\$ 17,644
162.527		2,488	0.25	622	\$ 17,621
162.562					
162.009	Reviewing bids for advertised leases	4,000	1	4,000	\$ 113,320
162.212		2,500	1	2,500	\$ 70,575
		2,000	1	2,000	\$ 56,460
162.008(b)(2)	Reviewing authority for use of a minor's land	4,976	3	14,928	\$ 422,910
162.025	Appealing decisions	400	0.5	200	\$ 5,646
162.113		225	0.5	113	\$ 3,190
		100	0.5	50	\$ 1,412
162.024	Review supporting documentation	7,464	0.25	1,866	\$ 52,864
162.213		2,500	0.25	625	\$ 17,706
162.338		100	0.25	25	\$ 708
162.438					
162.528					
162.563					
162.251	Curing violation	100	0.5	50	\$ 1,412
162.366		45	0.5	23	\$ 649
162.466					
162.591					
162.256	Review trespass response	100	0.5	50	\$ 1,412
162.371		45	0.5	23	\$ 649
162.471					
162.596					
162.320(a), 321(a)	Request for fair market rental/valuation on Tribal land	2,500	0.5	1,250	\$ 35,413
162.420(a), 421(a)					
162,549(a), 162.550(a)					
162.320(b), 321(b)	Request for waiver of fair market rental/valuation for individually-owned land	4,976	0.5	2,488	\$ 70,485
162.420(b), 421(b)					
162,549(b), 162.550(b)					
162.324	Agreement to suspend direct pay.	500	0.25	125	\$ 3,541
162.424					
162.553					
162.371	Notification of good faith negotiations with holdover.	100	0.25	25	\$ 706
162.471		500	0.25	125	\$ 3,529
162.596					
162.004	Submit permits to BIA for file	50	0.25	12.5	\$ 354
		50	0.25	12.5	\$ 354
		50	0.25	12.5	\$ 354

	Total	99,340		80,498	\$ 2,240,486
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We used an average salary of **\$28.23** per hour (\$18.82 x 1.5 for benefits), based on *Salary Table 2015-Incorporating the 1% General Schedule Increase*. See, 2015 General Schedule (Base) – Hourly Rate (GS 7, Step 5) at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/GS_h.pdf. The 1.5 multiplier for benefits is based on the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— June 2015 (released September 9, 2015), USDL 15-1756. See <http://www.bls.gov/news.release/pdf/ecec.pdf>.

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

There are no 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.

There are no plans to publish the results of this collection of information.

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.

No form is used; the CFR lists information required for leases and permits.

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

There are no exceptions.