

Supporting Statement A

Grazing Permits, 25 CFR 166

OMB Control Number 1076-0157

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 “American Indian Agricultural Resource Management Act,” (AIARMA), 25 U.S.C. 3701 et seq., authorizes the Secretary of the Interior, in participation with the beneficial owner of the land, to manage Indian agricultural lands in a manner consistent with identified Tribal goals and priorities for conservation, multiple use, sustained yield, and consistent with trust responsibilities. The regulations at 25 CFR 166, Grazing Permits; implement the AIARMA and include the specific information collection requirements.

The following table details the IC requirements in Subparts C, D, E, G, H, and I of these regulations.

Table 1 – Information Collections Associated with Grazing Permits		
Citation 25 CFR 166	Section Title	Information Collection Requirement
Subpart C — Permit Requirements		
166.203	When can the Indian landowners grant a permit?	The Tribe, individual landowners or owners of a majority interest will grant a grazing permit.

Table 1 – Information Collections Associated with Grazing Permits

Citation 25 CFR 166	Section Title	Information Collection Requirement
166.205	When can the BIA grant a permit on behalf of Indian landowners?	The BIA may grant a grazing permit based on the factors listed in 166.205.
166.218	How do I acquire a permit through tribal allocation?	The Tribe will allocate grazing privileges and BIA will implement the tribe's allocation procedures.
166.221	How do I acquire an advertised permit through competitive bidding?	Landowners may advertise their land to identify potential permittees and BIA will grant approvals using advertisement for bids.
166.225	May a permittee voluntarily assign a leasehold interest under an approved encumbrance?	With BIA approval, under an approved encumbrance, a permittee voluntarily may assign the leasehold interest to someone other than the holder of a leasehold mortgage if the assignee agrees in writing.
166.227	How can Indian land be removed from an existing permit?	BIA will remove land from the permit if; trust status terminates, at landowners request, the Tribe allocates grazing privileges, the request of the permittee, at the request of the landowners, or BIA revision of grazing capacity.
166.229	Other than to remove land, how can a permit be amended, assigned, sub-permitted, or mortgaged?	BIA will approve with the written consent of the parties.
Subpart D – Land and Operations Management		
166.308	Can the number of animals and/or season of use be modified on the permitted land if I graze adjacent trust or non-trust rangelands under an on-and-off grazing permit?	Modification of the number of animals and/or season of use.
166.317	What happens to improvements constructed on Indian lands when the permit has been terminated?	The permit must contain a provision that improvements will either; remain on the land upon termination, or be removed and the land restored within time specified.
Subpart E – Grazing Rental Rates, Payments, and Late Payment Collections		
166.413	To whom are grazing rental payments made?	Permit must specify who will receive payments
166.419	What will the BIA do if grazing rental payments are not made in the time and manner required by the permit?	Payments not made as required by the permit will be in violation of the permit and a notice of violation will be issued requiring the permittee to respond.
Subpart G – Bonding and Insurance Requirements		
166.602	What form of bonds will the BIA accept?	BIA will only accept specified bonds. The forms associated with this collection are not required for every instance. Many Tribes waive bonding for permits
Subpart H – Permit Violations		
166.704	What will a written notice of a permit violation contain?	Permittee has 10-days of receipt of the notice to respond and/or cure violation.
166.705	What will the BIA do if a permit violation is not cured within the required time period?	BIA will consult with landowners if permittee does not respond and/or cure the permit violation.
Subpart I – Trespass		

Table 1 – Information Collections Associated with Grazing Permits		
Citation 25 CFR 166	Section Title	Information Collection Requirement
166.804	What can I do if I receive a trespass notice?	BIA will issue trespass notice that requires a response and/or comply with ordered corrective actions.
166.808	How are trespassers notified if their unauthorized livestock or other property are to be impounded?	BIA will send written notice of intent to impound unauthorized livestock or other property requiring a response.

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.

The parties submitting information are Tribes, Tribal organizations authorized by Indian Tribal governments, individual Indians, and non-Indians seeking grazing permits on land held by the U.S. Government in trust for Tribes and individual Indians.

The Department of the Interior, the Bureau of Indian Affairs (BIA) uses the information provided through this information collection to issue and administer grazing permits on Indian trust lands under the regulations at 25 CFR 166. Individuals seeking grazing permits provide information such as: name, address, phone number, number of livestock owned, type of livestock, class of livestock, season of use, brand identification, brand ownership, brand location, grazing fee bid information, range improvement location and value, and information relating to permit violations or livestock trespass. Subparts of the rule that contain information collection requirements and the associated forms are summarized below.

Subpart C describes the permitting requirements and provisions detailing how a permit is acquired, what it must contain, and how it is administered. These items include what information must be included in a permit; the requirement for recording permits; the use of a permit as collateral for a loan; how permits may be amended, modified, assigned, transferred or sub-permitted. The provisions of this subpart deal largely with administrative factors and are, for the main part, a reflection of the responsibility of the BIA to address the long-term interests of the Indian landowner. The information needed in connection with this subpart is collected at the time a grazing permit is proposed or, depending upon the issue, after the permit has been granted (e.g., use of permit as collateral and later amendments to the permit).

Subpart D contains provisions regarding the operation and management of the lands under a grazing permit. Grazing capacities are determined; livestock is identified as appropriate or not for a particular range unit; responsibility for the protection of grazing livestock is discussed; improvements to the land are detailed along with required permit provisions regarding the removal of such improvements; and the necessity of agricultural and conservation resource plans are detailed. Information collected in connection with this subpart is provided largely by the Tribal or individual Indian landowner, although information dealing with existing range improvements is provided by the permittee. The information is collected prior to the granting/approval of a grazing permit.

Subpart E contains provisions regarding grazing rental rates including their determination and adjustment, if any. Sections discuss the establishment of an equitable rental rate; when to pay rentals; to whom rental payments are made. The information necessary to establish equitable rental rates and properly administer prompt payment is required prior to the granting/approval of a grazing permit. Indian landowners, including Tribes, provide information on grazing rates when different from those determined to be fair by BIA.

Subpart G contains provisions regarding bonding and insurance requirements. These sections describe bonding and insurance requirements and the different forms of bonds BIA can accept. The information collected to make these determinations is required from the permittee prior to the granting/approval of a grazing permit.

Subpart H contains administrative provisions regarding violations of lease provisions. These items refer to time lines and formats for filing a dispute of a determination of a permit violation; and the settlement of disputes through provisions of the permit. Information is provided by the permittee.

Subpart I contain provisions regarding trespass. This is a statutory requirement of 25 U.S.C. §3713, and contains elements of notice, actions to be taken against a trespasser and the penalties, damages and costs to be assessed against a trespasser. Information collection requirements refer to information the alleged trespasser would provide to the BIA to rebut the allegations of trespass and, in cases of impoundment, to satisfy ownership requirements to redeem impounded livestock. This information would be collected at the time of filing an appeal or asserting an objection to a charge of trespass and whenever livestock is redeemed.

Forms:

The following 14 forms are used to collect the described information, as explained chronologically here All 14 are currently approved although one, Form 5-5524, Application for Allocation of Grazing Privileges, has been updated in response to a user comment under Question 8.

Form 5-5423 – Performance Bond. The permittee uses this form to provide surety for bonded obligations in connection with their grazing permit. The form describes the permit, dates, purpose of the bond and the penal sum required. This information is needed to ensure completion of permit obligations. This form is not required for every instance. Many Tribes waive bonding for permits

Form 5-5514 – Bid for Grazing Privileges. In addition to contact information, the prospective permittee indicates the grazing area, kind and number of livestock, and season of use they desire as well as their bid for these privileges. This information is needed by the BIA and/or Tribal authority in order to award (usually to the highest bidder) and issue grazing permits.

Form 5-5515 – Grazing Permit. This document is populated by the BIA. The permittee provides animal identification information and acknowledges each page of the permit. Animal identification information is needed to monitor grazing use on permitted lands.

Acknowledgement of the terms and provisions of the permit is needed for potential administrative action.

Form 5-5516 – Grazing Permit for Organized Tribes. This document is prepared by the Tribal authority. The permittee provides contact information, animal identification information and acknowledges each page of the permit. This information is needed to issue and monitor grazing permits

Form 5-5517 – Free Grazing Permit. This permit is prepared either by the BIA or the Tribal authority. The permittee provides animal identification information and acknowledges each page of the permit.

Form 5-5519 – Cash Penal Bond for Grazing Permits. This form is populated either by the BIA or the permittee. It requires information to identify the permittee, the range unit, the bonded obligation, and the total amount of the bond. This information is needed to ensure performance of agreed-upon permittee responsibilities. This form is not required for every instance. Many Tribes waive bonding for permits

Form 5-5520 – Power of Attorney. The permittee can use this form to pledge bonds or other securities as a guarantee of performance of any obligations in connection with the grazing permit. The permittee describes the grazing permit and the securities being pledged. This form is not required for every instance. Many Tribes waive bonding for permits

Form 5-5521 – Certificate and Application for On-and-Off Grazing Permit. This form is prepared by the permittee. It requires a description of non-permit lands that will be grazed in common with permitted lands. This information is needed in order for the Agency Superintendent to determine the number of animal unit months of grazing to credit to non-permit lands under the control of the permittee.

Form 5-5522 – Modification of Grazing Permit (5-5515). Information for this form is provided by the permittee. Information to change the permitted land base, season of use, livestock kind and number, or a combination of these factors is provided. This information is needed to effect the desired change in an existing permit.

Form 5-5523 – Assignment of Grazing Permit. The permittee provides information identifying the permit to be assigned; the assignee acknowledges the assignment.

Form 5-5524 – Application for Allocation of Grazing Privileges. The applicant for allocated grazing privileges provides information on the grazing areas and requested grazing privileges, livestock to be grazed under allocation, and non-permit lands available for their stock to graze. This information is needed by the Tribal authority in order to be able to determine which Tribal members will be granted non-competitive grazing privileges.

Form 5-5525 – Authority to Grant Grazing Privileges on Allotted Lands. The allotted Indian landowner provides allotment numbers, land descriptions, and their ownership interest in lands they are authorizing the government to permit for grazing. This information is needed by the

Agency Superintendent in order to be able to determine which lands are available to be permitted for grazing.

Form 5-5528 – Livestock Crossing Permit. The applicant for a crossing permit supplies contact information and crossing dates.

Form 5-5529 – Removable Range Improvement Records. The permittee describes existing and planned removable range improvements that they claim as their property. This information is needed in order for the Agency Superintendent to authorized removal of improvements from trust Indian lands.

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.

Tribes, Tribal organizations, and individual Indians submit required information in standard written formats. This is necessary because much of the information collection is used to transfer trust-land administrative and occupancy authority, and certain actionable responsibilities. This requires a signed record to be maintained. There are also barriers to the use of electronic technology to collect this information including lack of telecommunications infrastructure, language barriers, and the fact that many or most of the respondents do not own personal computers. Also, there are increasing security concerns with electronic data. Therefore, the BIA does not expect any forms to be submitted electronically.

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

This information is not duplicated in any other data collection. This information is unique to the administration of permits on Tribal and individual Indian lands. 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.

Tribes are not considered to be small entities under the Small Business Regulatory Enforcement Fairness Act (SBREFA); however, the BIA has minimized the burden on Tribes and individual Indians by restricting the information collection to only that information that is required and not available to BIA through other means. The BIA consulted with the Tribes and through various Tribal member non-governmental organizations to determine what information was necessary for fair and equitable administration of grazing permits on Indian 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.

The information collection burden cannot be reduced any further without jeopardizing the integrity of the grazing permit program. Information is collected, as needed, when Tribe, Tribal entities, or individual Indians want to allow grazing on their lands. If the collection is not conducted, or is conducted less frequently, the BIA will not be able to properly administer and monitor grazing permits on Indian lands or ensure sustainable practices are followed.

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

- **Permit Violations:** The regulations at section 166.704 require a permit holder to respond within a certain period of time established in the written notice of the permit violation. This is an exception to the 30-day rule because time is important in correcting many violations of permit terms. A 30-day period to respond to a permit violation could endanger the integrity of the permit and possibly do irreparable damage to the corpus of the trust resource.
- **Trespass:** An alleged trespasser must contact the BIA within the timeframes established in the trespass violation notice to explain why the notice is in error or to take appropriate corrective action. See section 166.804. The notice document itself could specify a time period of less than 30 days, depending upon the nature of the trespass. 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, could 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 Federal Register notice requesting comments was published April 25, 2016 (81 FR 24125). No comments were received in response to this notice.

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.

Farmers and ranchers that are affected by this information collection periodically visit the local BIA or Tribal office to discuss their permit and other actions that affect their permit. BIA and Tribal staff also make periodic site visits to the land covered by the permit for compliance inspection and monitoring, at which time the public is contacted concerning the information. In addition, BIA contacted the following member of the public for input on the availability of data, frequency of collection, clarity of instructions and format:

1. Permittee of the Colville Indian Reservation

The permittee was positive about the over-all layout of Form 5-5515, *Grazing Permit*, and felt she would have no problem completing it within 15-30 minutes including verifying data as accurate and current. She (and the Colville Tribal Grazing Program) also noted that they liked how the required grazing stipulations are consolidated into the permit document.

The permittee also felt that the over-all layout and presentation of Form 5-5524, *Application for Allocation of Grazing Permit*, was easy to understand and was not hard to complete within 5-10 minutes if all information is available. Table 1 on this form was pretty much clear on what information was needed. Table 2 was also clear and easy to use although the permittee didn't see the reason why Range Program needed to know "Name of Mortgage Holder" on permittees livestock. Since the Colville Tribe currently does not allow permittees to graze or sub-lease another person's livestock, she questioned whether the information from Table 3 is needed. This form's Table 4 was easy to fill out, only difficulty being figuring out the legal descriptions. She again, didn't really see a reason why the Range Program needed this information, if the Range Program is no longer issuing any "On and Off" grazing permits. Finally, she suggested that Form 5-5524 might include the following; mailing address, physical address, phone number, a

point of contact for ranch manager or foreman and if member or non-member.

BIA Response

The BIA added space for the applicants' contact information to Form 5-5524 based on the permittee comments. Information concerning mortgage holders and non-permit grazing lands is needed for the BIA to prevent individuals from obtaining allotted grazing privileges when they are not bona fide, tribal-member livestock operators.

2. Grazing Permittee from the Yakama Indian Nation

The permittee expressed concern about the AUMs (animal unit month) column on Table 1 of Form 5-5524, *Application for Allocation of Grazing Privileges*, and suggesting that most applicants would not know how to calculate AUMs. He also questioned the need for listing the non-allocated grazing lands controlled by the applicant required in Table 4 of this form.

BIA Response

Information such as that concerning mortgage holders and non-permit grazing lands is needed for tribes to properly allocate grazing privileges as described under 25 CFR 166.218. This regulation allows Tribes to favor tribal-member livestock owners over non-Indians who often out-bid members for grazing. The prospective allocate is asked to show they have livestock to justify the requested allocation and control of enough non-allocated grazing to sustain a legitimate livestock operation. This avoids some members getting an allocation at member prices and then profiting from selling the privileges to grazers not eligible for allocation.

Overall BIA Response

- Some tribes do allow permittees to graze livestock owned by others and/or to use On-and-Off permits.
- The BIA added space for the applicants' contact information to Form 5-5524 based on permittee's comments.
- Form 5-5524 includes a formula for calculating AUMs as a footnote to Table 1. Grazing program staff is available to make this calculation should the applicant not be able to do so.
- The burden hours were not affected by the responses received.

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

The respondents will not receive payment 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 on these forms is subjected to the system of records notice, BIA-4 Trust Asset and Accounting Management System, referenced as 72 FR 8772, dated February 27, 2007.

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.

Information such as described (relating to sexual behavior and attitudes, religious beliefs, and other such matters) would have no bearing on the administration of grazing permits and is not requested of respondents.

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.**

We estimated the total annual burden for completing this information to be 2,701 hours or the amount equivalent to \$91829.94. The following table provides estimates of the hour burden. Those requirements and forms that are to be newly approved appear in red font.

Citation 25 CFR 166	Form #	Information Collection Requirement	Respondents	Annual Responses	Hour Burden per Response	Total Annual burden Hours for Respondent	Total Annual Cost (Salary & Benefits)
166.203	5516	Grazing Permit for Organized Tribes (Review and Sign)	10	10	1/3 hour	3	\$103.05
	5517	Free Grazing Permit (Trial Lands)	100	100	1/3 hour	33	\$1,133.55
166.205	5515	Grazing Permit (Review and Sign)	700	700	1/3 hour	233	\$8,003.55
	5525	Provide Authority to BIA to Grant Grazing Privileges on allotted lands	3,700	3,700	1/3 hour	1,233	* \$41,404.14
	5528	Livestock Crossing Permit	100	100	1/3 hour	33	\$1,133.55

Citation 25 CFR 166	Form #	Information Collection Requirement	Respondents	Annual Responses	Hour Burden per Response	Total Annual burden Hours for Respondent	Total Annual Cost (Salary & Benefits)
166.229 166.227 166.225	5522	Submit Modification (amendment, assignment, sub- permit, mortgage, or change to number of livestock)	200	200	1/3 hour	67	\$2,301.45
	5523	Assignment of Grazing Permit	200	200	1/3 hour	66	\$2,267.10
166.218	5524	Application for Allocation of Grazing Privileges	600	600	1/3 hour	200	\$6,870.00
166.221	5514	Bid for BIA to award Grazing Privileges OR apply for tribe to allocate Grazing Privileges	800	800	1/3 hour	267	\$9,171.45
166.308	5521	Certificate and Application for On-and-Off Grazing Permit	100	100	1/3 hour	33	\$1,133.55
166.317	5529	Claim Removable Improvements	50	50	1/3 hour	17	\$583.95
166.413	-----	Specify to whom grazing rental payments should be made	1,000	1,000	1/3 hour	333	\$11,438.55
166.419	-----	Respond to permit violation notice of late payment	30	30	1 hour	30	\$1,030.50
166.602	5423	Performance Bond	100	100	1/3 hour	33	\$1,133.55
	5519	Cash Penal Bond					
	5520	Power of Attorney					
166.704	-----	Respond to notice of permit violation	50	50	1 hour	50	\$1,717.50
166.705	-----	Respond to written notice of cancellation	10	10	1 hour	10	\$343.50
166.804	-----	Respond to trespass notice	50	50	1 hour	50	\$1,717.50
166.808	-----	Respond to notice of intent to impound	10	10	1 hour	10	\$343.50
Totals				7,810		2,701	\$91,829.94

The respondents for the **Form 5-5525** are landowners who use the form to grant the BIA authority to include their allotted land interest in grazing permits. A signed authority will remain in effect until the ownership interest changes, the land is removed from trust status, or the authority is revoked by the Indian landowner through written notice to the Superintendent. Therefore, BIA asks landowners to complete this form only when there is a change in ownership interest through inheritance, gift deed, or other transfer of interest. We estimate that each landowner completes the form approximately 10 years and the annual number of respondents and responses to be 4,500. The respondents for the remaining information collections are the ranchers who obtain permits for grazing activities.

*BIA estimates the salary of the landowners who must approve grazing on their lands to be **\$33.58**, which includes a benefits multiplier. This estimate is based on the Bureau of Labor Statistics', *Employer Costs for Employee Compensation—December 2015*, Table 1, *Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian Workers, by major occupational and industry group, December 2015, for all Workers*, USDL 16-0463. The document can be referenced at http://www.bls.gov/news.release/archives/ecec_03102016.pdf.

BIA estimates the salary of the remaining respondents, who are private ranchers, to be **\$34.35 per hour. While most of these private ranchers do not have an hourly wage job, this estimate is based on what would be their hourly salary as a rancher. This estimate is based on the Bureau of Labor Statistics', *Employer Costs for Employee Compensation—December 2015*, Table 2, *Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, December 2015, for Natural Resources*, USDL 16-0463. The document can be referenced at http://www.bls.gov/news.release/archives/ecec_03102016.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.**

There is no non-hour burden cost to respondents associated with this collection.

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.

We estimate the annual cost to the Federal Government to administer this information collection to be **\$162,610.11**.

Citation 25 CFR 166	Description	Annual Responses	Labor Hour per Response	Total Annual labor Hours for Respondent	Total Annual Cost (Salary & Benefits)
166.203 166.217	Review permit for approval (individuals' and Tribes' submissions)	700	1 1/4 hour	875	\$26,617.50
166.209	Record permit	700	1/4 hour	175	\$5,323.50
166.222	Review forms	700	1 hour	700	\$21,294.00
166.225	Review leasehold interest	70	1/4 hour	17.5	\$532.35
166.229 166.308	Approve modification (amendment, assignment, sub-permit, or mortgage)	100	3/4 hour	75	\$2,281.50
166.312	Conversation plan	700	2 hours	1,400	\$42,588.00
166.315	Conservation practice agreement	300	1/4 hour	75	\$2,281.50
166.413	Review who grazing payments should be made to	1,000	1/2 hour	500	\$15,210.00
166.419	Issue permit violation of late payment	30	1/2 hour	15	\$456.30
166.422	Arrange for Direct Pay	1,000	1 hour	1,000	\$30,420.00
166.601	Review bond	100	1/2 hour	50	\$1,521.00
166.701	Stock counting record	1,000	1/3 hour	333	\$10,129.86
166.704	Issue notice of permit violation	50	1 hour	50	\$1,521.00
166.705	Issue notice of cancellation	10	1 hour	10	\$304.20
166.803	Issue trespass notice	50	1 hour	50	\$1,521.00
166.808	Issue notice of intent to impound	10	2 hours	20	\$608.40
Totals		6,520		5,345.5	\$162,610.11

BIA estimates that a GS-7, Step 5, employee on average will be implementing this program and has based its estimates on that salary level (\$19.01). This estimate is based on the Office of Personnel Management Salary Table 2016 – GS at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/16Tables/html/GS_h.aspx. The estimate will include a multiplier of 1.6 for benefits, this result in a total salary of \$30.42 per hour. The multiplier of 1.6 is derived from the Bureau of Labor Statistics, Employer Costs for Employee Compensation – December 2015 at

http://www.bls.gov/news.release/archives/ecec_03102016.pdf.

The cost is based solely on salary because overhead operational expenses would have been incurred even without this collection of information.

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

The BIA added space for the applicants' contact information to Form 5-5524 based on the permittee comments. Information concerning mortgage holders and non-permit grazing lands is needed for the BIA to prevent individuals from obtaining allotted grazing privileges when they are not bona fide, tribal-member livestock operators.

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A new Authority to Grant Grazing Privileges (Form 5-5525) is needed only when a change in the beneficial owner of a parcel occurs.

Other increases and decreases in burden estimates occurred due to interest in grazing privileges, increased program accuracy due to technology and Departmental initiatives, and changes in respondent activity.

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

We will not publish the results of this information collection.

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

We will display the OMB control number and expiration date on all forms and other appropriate materials.

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

There are no exceptions.