

Supporting Statement A

Recordation of Location Notices and Mining Claims; Payment of Fees

(43 CFR Parts 3832-3838)

OMB Control Number 1004-0114

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Bureau of Land Management (BLM) seeks to renew the previously approved information collection for the regulations at 43 CFR Parts 3832 through 3838. These regulations pertain to the location, recording, and maintenance of mining claims and sites, in accordance with:

- Section 314 of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1744);
- The General Mining Law (30 U.S.C. 21-54);
- The Mining Claims Rights Restoration Act (30 U.S.C. 621-625); and
- The Stock Raising Homestead Act (SRHA) (43 U.S.C. 299 and 301).

FLPMA Section 314 establishes a Federal recording system that is designed to eliminate stale claims, and provide Federal land managers with up-to-date information that allows them to make informed land management decisions. The General Mining Law allows United States citizens to enter unappropriated, unreserved public land to prospect for and develop certain minerals. The Mining Claims Rights Restoration Act reopened lands classified or reserved for power

sites to entry for location and patent of mining claims and for mining. The SRHA authorizes the BLM to manage the mineral resources that were reserved to the United States when surface estates were patented for grazing purposes.

The information that is collected in accordance with these statutes is necessary so that the BLM will have records of mining claims and sites on Federal lands, and will be able to determine which mining claims and sites claimants wish to continue to hold.

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.

Several types of mining claims and sites are subject to the information collection requirements in this request. Unpatented lode¹ and placer² mining claims, mill sites³, and tunnel sites⁴ must be recorded in both the appropriate county recorder's office and the proper BLM State Office. (Only the recordation with the BLM is subject to the Paperwork Reduction Act.) Special procedures and reporting requirements apply to oil shale claims, and to mining claims and tunnel sites on lands patented under the SRHA (43 U.S.C. 299 and 301).

Discovery of a mineral deposit, if followed by procedures required to formally "locate" the deposit, gives claimants the right of exclusive possession of the land for mining purposes. 30 U.S.C. 26. "Location" is the act of taking or appropriating a parcel of land. To locate a mining claim or site means: (1) establishing the exterior lines of a mining claim or site on lands open to mineral entry to identify the exact land claimed; and (2) recording a notice or certificate of location as required by State and Federal law.

Information collection requirements associated with these provisions are as follows:

- A notice of intent must be submitted to the BLM and to surface owners of record before locating a lode or placer mining claim, and/or a tunnel site, on lands patented under the SRHA, in accordance with 43 CFR Part 3838.

¹ Lode mining claims are for deposits of minerals in veins, fissures, lodes and disseminated ore bodies.

² Placer mining claims are for deposits of loose, unconsolidated material, such as gravel beds, and for deposits of consolidated sedimentary deposits lying at the surface.

³ Mill sites of up to five acres may be claimed on non-mineral ground for the purpose of erecting a mill or smelter facility, or for a variety of purposes if the mill site is affiliated with a valid lode or placer mining claim.

⁴ Tunnel sites are for access to veins or lodes.

- Compliance with the location requirements for each category of claim (i.e., lode claims, placer claims, mill site, and/or tunnel sites) is required in accordance with 43 CFR Part 3832.
- Next, the claimant must record a notice or certificate of location in the appropriate BLM State Office in accordance with 43 CFR Part 3833, Subpart A, B, or C (depending on whether the claimant is, respectively, recording, amending, or transferring a claim).
- Claimants generally are required to pay an annual maintenance fee, unless they have obtained a waiver of the maintenance fee in accordance with 43 CFR Part 3835, Subpart A.
- Under FLPMA and 43 CFR 3835, Subpart C, a claimant must submit an annual FLPMA document under certain circumstances to avoid forfeiture of their claim or site. An affidavit of assessment work is necessary in order to support a small-miner waiver of the annual maintenance fee.
- In some circumstances, a claimant may obtain a temporary deferment of annual assessment work by filing a petition in accordance with 43 CFR Part 3836, Subpart B.
- Regulations at 43 CFR Part 3837 provide procedures for acquiring a delinquent co-claimant's interests in a mining claim or site.

These requirements are discussed in more detail below.

Notice of Intent / Stock-Raising Homestead Act (43 CFR Part 3838)

The surface estate of most Federal lands that are open to mineral entry is owned by the Federal government. In contrast, title to the surface estate was conveyed to homesteaders in lands that were subject to the SRHA.

As originally enacted in 1916, the Act authorized entry onto 640 acres of land designated as chiefly valuable for grazing. Within a few years, over 50 million acres had been entered and more than 30 million acres patented. As required by the Act, the patents for those 30 million-plus acres reserved "coal and other minerals" in the United States, creating "split-estate" lands. While most of the SRHA was repealed in 1976, two provisions (43 U.S.C. 299 and 301) remain in place so that the BLM can manage the mineral resources reserved to the United States.

The regulations at 43 CFR Part 3838, Subpart B, provide for the filing by claimants of Form 3830-3, Notice of Intent to Locate a Lode or Placer Mining Claim(s) and/or Tunnel Site(s). A non-refundable processing fee is due at the time of filing (43 CFR 3838.11(a)(1) and 3830.21). A copy must be served upon the surface owner of record, as ascertained from the local tax records, and proof of service must be submitted to the BLM. The locator must wait 30 days after serving the surface owner before entering the lands or locating a mining claim or tunnel site

upon the lands so noticed. The notice segregates the lands from mineral entry or mineral sale on behalf of the locator for 90 days from acceptance by the BLM. The BLM is required to post the notice on its official land records.

We require the following information on Form 3830-3:

The initial block is for the SRHA patent number. The opening language contains the statements needed to alert all concerned parties as to the intent of the locator and the action contemplated, and the required statement of acreage held by the locator. The next section allows the person to provide us with the proper legal land description applied for. This information is required: (1) so that we may properly note our official records as to the exact lands to be segregated on behalf of the locator, and (2) to serve as proper notice to the surface owners. After the legal description area of the form, there is space provided to complete the names and addresses of the locator(s) and of the surface owners taken from the county tax records. There is also space for a description of the exploration activities, the date(s) on which activities are to commence, and the name, address, and telephone number of the person who will manage these activities. The final block provides for the signature and affiliation (if any) of the person filing the form.

In accordance with 43 CFR 3000.12, a processing fee is a non-hour cost burden associated with notices of intent under the SRHA. This fee covers the BLM's cost of processing this type of notice. The amount of the fee is adjusted annually according to the change in the Implicit Price Deflator for Gross Domestic Product. The most recent update is at 83 FR 48957 (Sept. 28, 2018).

Locating Mining Claims or Sites (43 CFR Part 3832)

The regulations at 43 CFR Part 3832 provide for the initial steps in locating a mining claim or site. The information collection requirement associated with these initial steps consists of the posting of a notice of location in a conspicuous place on the claim or site. This notice enables the BLM to trace the boundaries of the claim. In accordance with 43 CFR 3832.12(c)(3), the following information must be on the notice that is posted at the place of discovery:

1. The name or names of the locators;
2. The date of the location;
3. A description of the claim or site; and
4. The name or number of the claim or site, or both, if the claim or site has both.

In accordance with 43 CFR 3000.12, a processing fee is a non-hour cost burden associated with notices of location. This fee covers the BLM's cost of processing this type of notice. The amount of the fee is adjusted annually according to the change in the Implicit Price Deflator for Gross Domestic Product. The most recent update is at 83 FR 48957 (Sept. 28, 2018).

Recording Mining Claims and Sites (43 CFR Part 3833, Subpart A)

The regulations at Part 3833, Subpart A pertain to the initial recording of a mining claim or site after it is located. The following information is required:

1. The name or number, or both, of the claim or site;
2. The names and current mailing addresses of the locators;
3. The type of claim or site;
4. The date of location; and
5. A complete description of the lands claimed, as required by 43 CFR Part 3832.

Mining claims and sites must be recorded with the BLM within 90 days after the date of location and with the local recording office as prescribed by each state's recording requirements. Failure to comply renders the mining claim or site abandoned and void by operation of law. When recording a notice or certificate of location, the claimant must pay a processing fee, a location fee, and an initial maintenance fee in accordance with 43 CFR 3830.21. Only the processing fee is a non-hour cost burden associated with the collection of information.

Amending a Location Notice (43 CFR Part 3833, Subpart B)

The regulations at Part 3833, Subpart B pertain to the amendment of a notice or certificate of location. An amendment is allowed if the BLM recognizes the original location as a properly recorded and maintained mining claim or site, and:

1. There are omissions or other defects in the original notice or certificate of location that need to be corrected or clarified; or
2. The sidelines of a lode claim need to be repositioned so that they are parallel to the discovered lode, ledge or vein, if there are no intervening rights to the land; or
3. The size of the mining claim or site is being reduced.

A notice or certificate of location may not be amended to transfer any interest, add owners, relocate or re-establish mining sites or claims that have been forfeited or declared void, change the type of claim or site, or enlarge the size of the mining claim or site.

Legal descriptions of mining claims or sites may not be amended after the land is closed to mineral entry, unless:

1. The size of the mining claim or site is being reduced;
2. There are omissions or other defects in the original notice or certificate of location that need to be corrected or clarified;
3. The legal land description of the claim or site needs to be corrected; or
4. There is a need to submit an accurate description of the position of discovery or boundary monuments or similar items.

An amended location certificate or notice must be recorded with the BLM within 90 days after the amended certificate or notice is recorded in the local recording office. The BLM will not recognize any amendment until it is recorded properly. A processing fee must be paid for each claim or site amendment. An amended location notice or certificate relates back to the original location date, and takes effect when it is recorded with the local recording office under State law or such other time as provided by State law.

In accordance with 43 CFR 3000.12, a processing fee is a non-hour cost burden associated with amending a location notice. This fee covers the BLM's cost of processing this type of document. The amount of the fee is adjusted annually according to the change in the Implicit Price Deflator for Gross Domestic Product. The most recent update is at 83 FR 48957 (Sept. 28, 2018).

Transfer of Interest (43 CFR Part 3833, Subpart C) or Acquisition of a Delinquent Co-Claimant's Interests in a Mining Claim or Site (43 CFR Part 3837)

Transfer of Interest: The regulations at 43 CFR Part 3833, Subpart C pertain to transfers of interest. A transfer of interest is a sale, assignment, transfer through inheritance, or conveyance of total or partial ownership or legal interest in a mining claim or site. State law governs transfers of mining claims or sites. A transfer is effective in the manner and on the date provided by State law, not the date it is filed with the BLM.

A notice of transfer must include:

1. The name and, if available, the serial number the BLM assigned to the claim or site when the notice or certificate of location was originally recorded;
2. The name(s) and current address(es) of the transferee(s); and
3. A copy of the legal instrument or document that was used to transfer the interest in the claim or site under State law.

The BLM will notify the claimants of record with the BLM of any action it takes regarding a mining claim or site. If the BLM is required by law to give claimants notice of any new legal requirements, the BLM has properly given notice by sending the notice to the claimants of record with the BLM.

In accordance with 43 CFR 3000.12, a processing fee is a non-hour cost burden associated with transfers of interest and acquisitions of delinquent co-claimants' interests. This fee covers the BLM's cost of processing this type of document. The amount of the fee is adjusted annually according to the change in the Implicit Price Deflator for Gross Domestic Product. The most recent update is at 83 FR 48957 (Sept. 28, 2018).

Acquisition of a Delinquent Co-Claimant's Interests in a Mining Claim or Site: The regulations at 43 CFR Part 3837 describe procedures for a claimant to follow in order to acquire a

delinquent co-claimant's interests in a mining claim or site in certain circumstances. A delinquent co-claimant is one who fails to contribute a proportionate share of the assessment work, expenditures, or maintenance fees by the end of the assessment year concerned.

The BLM does not collect information from a claimant in these circumstances until after the claimant has acquired a delinquent co-claimant's interest in accordance with the procedures outlined in 43 CFR Part 3837. After the acquisition, 43 CFR 3837.23 requires the claimant to submit the following information to the BLM:

- Evidence that the claimant properly notified the delinquent co-claimant;
- An originally signed and dated statement by all the compliant co-claimants that the delinquent co-claimant failed to contribute the proper proportion of assessment work, expenditures, or maintenance fees with the period fixed by the statute; and
- A non-refundable service charge for a transfer of interest, as found in the table of fees at 43 CFR 3830.21.

If the claimant gave written notice to the delinquent co-claimant by personal service, the claimant must also sign and submit a notarized affidavit explaining how and when the written notice was delivered to the delinquent co-claimant. If the claimant gave written notice by mail, the claimant must submit a copy of the notice, and a copy of the signed U.S. Postal Service return receipt. If the claimant published notice in a newspaper, the claimant must submit a statement from the newspaper publisher describing the publication, including the beginning and ending dates of publication; a printed copy of the published notice; and a notarized affidavit attesting that the claimant conducted a diligent search for the delinquent co-claimant, could not locate the delinquent co-claimant, and therefore notification by publication was necessary. 43 CFR 3837.24.

Annual FLPMA Documents (43 CFR Part 3835, Subpart C)

FLPMA may require two types of annual filings or just one, depending on the circumstances of a claim: (1) an affidavit of annual assessment work, which is required only when a "small miner" (i.e., a holder of ten or fewer claims nationwide) seeks waiver of annual maintenance fees; and (2) a notice of intent to hold, which is required of claimants who have:

1. An oil shale placer claim;
2. A small-miner waiver (see 43 CFR Part 3835, Subpart A) that covers mining claims, where the claimants are not required by 43 CFR Part 3836 to perform assessment work;
3. A deferment of assessment work (see 43 CFR Part 3836, Subpart B); or
4. One of the following waivers from annual maintenance fees in accordance with 43 CFR 3835, Subpart A:
 - A. A small-miner waiver that covers mill or tunnel sites;
 - B. A reclamation waiver; or
 - C. A waiver because of denial of access.

Affidavit of Annual Assessment Work

An affidavit of annual assessment work satisfies the second of two requirements for “small-miners” who want a waiver of annual maintenance fees. The first required submission is a Maintenance Fee Waiver Certification (Form 3830–2), which must be filed on or before September 1 each year, in accordance with 43 CFR 3835, Subpart A. The second submission, an affidavit of annual assessment work, is required to be filed on or before December 30 (i.e., prior to December 31) of the calendar year in which the assessment year ends. At that time, a claimant who has been granted a waiver from paying the annual maintenance fee must provide the BLM with documentation that the annual assessment work requirements have been completed.

The BLM has developed an optional Form 3830-4 that small miners may elect to use to submit an affidavit of annual assessment work. Whether or not the respondent uses optional Form 3830-4, the following information is required:

1. The claim owner’s name and mailing address which ensure the BLM is able to communicate with the respondent;
2. The number of claims the owner performed assessment (labor and improvements) on and a calculation of the processing fees due to the BLM (\$15 per claim), so that the BLM can determine if the submission is complete;
3. The following information about the relevant unpatented mining claim(s), to enable the BLM to identify which unpatented mining claim(s) benefitted from the labor and improvements and the time period the labor and improvements were completed:
 - A. Assessment year;
 - B. County and State in which each claim is located;
 - C. BLM Serial No.;
 - D. Name of claim;
 - E. Legal description (Township, Range, Section, and Meridian; and
 - F. The original county recordation information.
4. A description of work performed, value of work performed, and date work was performed, to enable the BLM to verify the total value of the labor and improvements was at least \$100 for each claim;
5. The name and current mailing address of each person who performed the labor and improvements so that the BLM may contact them if necessary;
6. The name and current mailing address of each person who holds the subject mining claim(s),

to enable the BLM to verify current ownership with their existing records;

7. The date on which all monuments and all notices required by law were placed on the subject claim(s), to enable the BLM to determine whether sufficient to appropriately designate the corner of the relevant claim(s); and
8. Claimant's signature, date, and a notary block, to enable the BLM to verify that the applicant certifies the truth and accuracy of the foregoing statements.

The BLM uses the information in an affidavit of annual assessment work to confirm that annual assessment work has been completed. Additionally, the BLM uses the information to verify the accuracy of its records regarding such matters as the name of the mining claim, owner, and serial number.

In accordance with 43 CFR 3000.12, a processing fee is a non-hour cost burden associated with affidavits of annual assessment work. This fee covers the BLM's cost of processing this type of document. The amount of the fee is adjusted annually according to the change in the Implicit Price Deflator for Gross Domestic Product. The most recent update is at 83 FR 48957 (Sept. 28, 2018).

Notice of Intent to Hold

A notice of intent to hold must include the following information:

1. An exact legible reproduction or duplicate of a letter or other notice with signatures of one or more of the claimants or their agent that states the claimants' intention to hold the mining claims or sites for the calendar year in which the assessment year ends, and that the claimants filed or will file a notice of intent to hold in the county where the claim is located; and, if applicable:
 - A. A copy of a BLM decision granting a deferment of the annual assessment work;
 - B. A copy of a pending petition for deferment of the annual assessment work including the date the claimants submitted the petition; or
 - C. Any other documentation in the notice of intent to hold supporting why the claimants are filing a notice of intent to hold instead of an assessment work filing;
2. The name and, if available, the BLM serial number of the mining claim or site; and
3. Any known changes in the mailing addresses of the claimants.

In accordance with 43 CFR 3000.12, a processing fee is a non-hour cost burden associated with notices of intent to hold. This fee covers the BLM's cost of processing this type of document. The amount of the fee is adjusted annually according to the change in the Implicit Price Deflator

for Gross Domestic Product. The most recent update is at 83 FR 48957 (Sept. 28, 2018).

Waivers from Annual Maintenance Fees (43 CFR Part 3835, Subpart A)

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

Claimants having a legal interest in 10 or fewer mining claims nationwide, and who also meet certain other requirements, may perform \$100 worth of assessment work or improvements annually, in lieu of paying the annual maintenance fee. These claimants must document their work by filing an affidavit of assessment work each year, along with a \$15 filing fee per claim. Holders of mill or tunnel sites must file a notice of intent to hold each year, along with a \$15 filing fee per site.

BLM uses Form 3830-2 (Maintenance Fee Waiver) to collect the information to waive the annual maintenance fee for small miners. The form requires submission of the following information:

1. The mining claim names and BLM serial numbers;
2. A declaration that the owners own or have interest in 10 or fewer claims or sites;
3. A declaration of compliance with the assessment work requirements;
4. The names and addresses of all owners of the claims and sites; and
5. The owners'/agents' signatures.

In addition, in accordance with 43 CFR 3835.11(a)(3), applicants for the small-miner waiver who did not perform assessment work in the previous assessment year must include a declaration explaining that assessment work was not required for one of the following reasons:

1. The claim was located in that assessment year;
2. The applicant paid a maintenance fee to maintain the claim during that assessment year;
3. Assessment work was deferred for that year; or
4. Any other reason recognized under Federal law.

An application for a waiver under the Servicemembers Civil Relief Act (previously known as the Soldiers' and Sailors' Civil Relief Act), must include a notice of active military service or entry

into active military service. In addition, the applicant must notify the BLM in writing upon leaving active duty status. 43 CFR 3835.11(b).

Under 43 CFR 3835.11(c), an application for a reclamation waiver must include a certified and/or notarized statement that:

1. States that the claimants are reclaiming the mining claims or sites;
2. States the claimants' intent to end mining operations on the claims or sites permanently; and
3. References a reclamation plan that the claimants have submitted to the BLM or that the BLM has approved; or references a reclamation plan approved by a surface managing agency other than the BLM.

An application for a denial-of-access waiver, under 43 CFR 3835.11(d), must include a statement that the claimants have received a declaration of taking or a notice of intent to take from the National Park Service or other Federal agency, or that the claimants have otherwise been denied access to the mining claim or site by a surface management agency or a court. In addition, the applicant must submit copies of all official documents that demonstrate the declaration of taking, notice or intent to take, or denial of access.

Deferring Assessment Work (43 CFR 3836, Subpart B)

The regulations at 43 CFR Part 3836, Subpart B include information collection requirements pertaining to petitions for deferment of assessment work. (Annual filing requirements, including those that document completion of adequate assessment work, are at 43 CFR Part 3835.)

In order to apply for deferment of assessment work, 43 CFR 3836.23 requires that a claimant submit a petition that includes:

- The names of the claims;
- The BLM serial numbers assigned to the claims;
- The starting date of the one-year period of the requested deferment; and
- A statement that the claimant plans to file a small miner waiver form by September 1.

If the claimant is petitioning for a deferment because the BLM or another party has denied the claimant a right-of-way, the petition must also describe:

- The ownership and nature of the land, including topography vegetation, surface water, and existing roads, over which the claimant was seeking a right-of-way to reach the claims;
- The land over which the claimant is seeking a right-of-way by legal subdivision if the land is surveyed;
- Why present use of the right-of-way is denied or prevented;

- The steps the claimant has taken to acquire the right to cross the lands; and
- Whether any other right-of-way is available and, if so, why it is not feasible to use that right-of-way.

If the claimant is petitioning for a deferment because of other legal impediments to obtaining access to the claim, the claimant must describe the legal impediments and submit copies of any documents the claimant has to evidence the legal impediments.

The claimant must record in the local recording office a notice that the claimant is petitioning the BLM for a deferment of assessment work, and that notice must be attached to the petition. At least one of the claimants of each of the affected mining claims must sign the petition, and must sign the original notice that is recorded with the local recording office. A processing fee is a non-hour cost burden associated with petitions to defer assessment work.

If the BLM approves a deferment, the claimant must record a copy of the BLM's decision in the local recording office. If the BLM denies a deferment, and the assessment year has ended, the claimant has 60 days from the date of receipt of the BLM decision in which to pay the maintenance fee to maintain the claim.

In accordance with 43 CFR 3000.12, a processing fee is a non-hour cost burden associated with deferments of assessment work. This fee covers the BLM's cost of processing this type of document. The amount of the fee is adjusted annually according to the change in the Implicit Price Deflator for Gross Domestic Product. The most recent update is at 83 FR 48957 (Sept. 28, 2018).

- 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.**

The forms in this collection are electronically available to the public in fillable, printable format on BLM's Forms Web site at <http://www.blm.gov/noc/st/en/business/eForms.html>. As provided at 43 CFR 1822.13, if the BLM requires the respondent's signature, a respondent must file an application or other document by delivery or by mail.

- 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.**

There is no duplication between this information collection and other collections. The information is unique to each owner and is unsuitable for other uses. In some cases, a claimant

must prepare more than one copy of a document because State laws affect some of the transactions that are included in this control number. Specifically, State laws frequently require claimants to submit the original location notice or certificate to the local county recorder's office, county clerk's office, or borough office, in accordance with State law. The BLM must receive copies of such documents so that its records are accurate.

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

We do not collect information on whether the respondents are small businesses or small entities. We estimate 75 percent of the respondents may qualify as a small business. The information we require from all respondents is limited to the minimum necessary to authorize and conduct mining operations on the public lands.

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

Claimants submit the certificate or notice of location once along with the location fee and initial processing fee. Those filing a waiver certificate submit the annual filing, either an affidavit of assessment work or a notice of intention to hold, once each year for each mining claim or site. The transfer of interest and amendment of location documents are submitted when the action occurs. Less frequent collection would mean no collection at all. If the location notices are not recorded and the annual filings are not made, compliance with the statutes would not exist, and the mining claims and sites would be lost by operation of law. If transfers and amendments are not recorded, the BLM would not be able to comply with the terms of FLPMA, and the ability to manage the public lands would be compromised, due to our lack of information on mining claim ownership and the land claimed.

We collect the maintenance fee (or waiver request) once each year on or before September 1. If the claimants fail to pay the fee or, if qualified, file for a waiver, it will result in a statutory forfeiture of the claim or site.

If the BLM does not collect the required maintenance and location fees, the Government will incur an annual loss in excess of \$60 million dollars in receipts. Maintenance and location fees differ from the processing fees that are included in the estimated non-hour burdens of this control number.

Processing fees are authorized by FLPMA (at 43 U.S.C. 1734), and the Independent Offices Appropriation Act (31 U.S.C. 9701). Moreover, OMB Circular No. A-25, titled "User Charges," provides that the Federal policy is to assess a charge against each identifiable recipient for special Federal benefits beyond those received by the general public. In accordance with these authorities, the BLM has established processing fees as a means to reimburse the United States for reasonable costs with respect to applications and other documents under this control

number. Thus, they are included in the estimated non-hour burdens of this control number.

In contrast, maintenance and location fees are required by the Mining Law (at 30 U.S.C. 28f and 28g, respectively). As a matter of statutory law, claimants must:

- 1) Pay an annual maintenance fee to hold and maintain a claim or site in lieu of performing annual assessment work and making annual filings; and
- 2) Pay a one-time location fee in order to define the boundaries or limits of a mining claim or site.

The BLM has determined that maintenance and location fees, unlike fees paid for form processing, are not costs directly related to providing the information required under this control number. Consequently, these fees are not included in the estimated non-hour costs.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * **requiring respondents to report information to the agency more often than quarterly;**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that require collection to be conducted in a manner inconsistent with the guidelines. We do not exceed the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA

statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On April 16, 2019 the BLM published the required 60-day notice in the Federal Register (84 FR 15636), and the comment period ended June 17, 2019. The BLM received no comment(s).

The BLM has consulted with three sole proprietors to obtain their views on the availability of data; frequency of collection; the clarity of instructions; the recordkeeping, disclosure, and reporting formats; and on the data elements to be recorded, disclosed, or reported:

1. A sole proprietor from Herriman UT responded with the following information (a) The instructions for the waiver form and affidavit of annual assessment work seemed straight forward and easy to understand. (b) He believes the frequency of the collection of information of reasonable (once a year) to keep his claims. (c) He does not access any BLM records through the Internet – he stops by the Utah State Office once a year when he makes his filings in person, and checks on his claims and any new updates to requirements at that time. (d) He stated that from start to finish, it takes approximately 15 minutes to complete Form 3830-2 and Form 3830-4.
2. A sole proprietor from Billings, MT responded with the following information: (a) He accesses BLM records through the Internet and feels it is easy to navigate and the BLM website and LR2000 has lots of good information; he feels the new OBIEE reports are too slow to load. (b) He does not believe that the frequency of collection of any of the forms is burdensome, but is appropriate to their purposes. (c) He feels that the instructions for the NOITL form (3830-005) are not simple enough, do not make it clear what order you file the NOITL with BLM as compared to serving it on the surface owner, and it is not clear whether a copy of the form is acceptable to file with BLM or serve on the surface owner, nor is clear whether the form must be notarized. (d) He would like to see a generic location notice/certificate available Bureau-wide. (e) It takes him 10 minutes to complete the NOITL.

3. A sole proprietor from Litchfield, CA has been completing the waiver form and annual assessment work form for several years. He feels there is a good availability of data, but would like some training on how to run the MC Geo Report for more than one township at a time. He feels the frequency of collection of information is appropriate. He feels that the clarity of instructions on BLM forms is pretty good, and does not have any problems with the reporting formats. He believes the data recorded and reported is appropriate and useful for his needs. He states that it takes him 5-10 minutes to complete each form.

The BLM has determined that the information received as a result of these consultations is generally consistent with the content and burdens as analyzed in this request for renewal of the control number. Consequently, the BLM did not modify the collection of information in response to these consultations.

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

We do not provide payments or gifts to respondents.

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

We protect the confidentiality of respondents to the extent consistent with the Freedom of Information Act (5 U.S.C. 552). The System of Records Notice (Recordation of Mining Claims – Interior, BLM-29)), published in accordance with the Privacy Act (5 U.S.C. 552a) is at 47 FR 53326 (Dec. 8, 1982). That notice includes a disclosure of the routine uses of records maintained in the system, and instructions for requesting corrections or the removal of material from individuals' files.

Under the privacy provisions of the E-Government Act of 2002, individuals/respondents were informed as to whether or not providing the information is required to obtain a benefit. BLM has firewalls to protect website access, strong security and password protection of the information in the data base, and other security measures to protect electronic information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

We do not require respondents to answer questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden,**

and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

Table 12-1, below, shows the BLM’s estimate of the hourly cost burdens for respondents. The mean hourly wages for Table 12-1 were determined using national Bureau of Labor Statistics data at: http://www.bls.gov/oes/current/oes_nat.htm.

The benefits multiplier of 1.4 for private industry is supported by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 12-1 – Hourly Cost Calculation

A. Occupational Category	B. Mean Hourly Wage	C. Total Mean Hourly Wage (B x 1.4)
SOC Code Number 17-2151 Mining and Geological Engineers, Including Mining Safety Engineers	\$47.32	\$66.24

Table 12-2, below, shows our estimates of the annual hour and hour-related cost burdens. The estimated hourly wage was calculated as shown in Table 12-1.

Table 12-2 - Estimates of Hour and Cost Burdens

A. Type of Response	B. Number of Responses	C. Time Per Response	D. Total Hours (Column B x Column C)	E. Dollar Equivalent (Column D x \$66.24)
Notice of Intent to Locate Under the Stock Raising Homestead Act (43 CFR Part 3838) Form 3830-3	142	25 minutes	59	\$3,908
Locating Mining Claims or Sites (43 CFR Part 3832)	56,857	30 minutes	28,429	\$1,883,137
Recording a New Location Notice (43 CFR Part 3833, Subpart A)	56,857	30 minutes	28,429	\$1,883,137
Amending a Location Notice (43 CFR Part 3833, Subpart B)	3,595	30 minutes	1,798	\$119,100
Transfer of Interest (43 CFR Part 3833, Subpart C) or Acquisition of a Delinquent Co-Claimant's Interests in a Mining Claim or Site (43 CFR Part 3837)	22,546	30 minutes	11,273	\$746,724
Waiver from Annual Maintenance Fee (43 CFR Part 3835, Subpart A) Form 3830-2 and/or nonform data	24,348	20 minutes	8,116	\$537,604
Annual FLPMA Documents (43 CFR part 3835, subpart C) Form 3830-4	27,142	30 minutes	13,571	\$898,943
Deferring Assessment Work (43 CFR Part 3836, Subpart B)	5	60 minutes	5	\$331
TOTALS	191,492	-	91,680	0

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.**

Since this information collection has been in place for many years, respondents incur no annual capital or start-up costs to prepare for or respond to the information collection. Processing fees for this information collection are set, and adjusted annually according to the Implicit Price Deflator for Gross Domestic Product, at 43 CFR 3000.12. These fees covers the BLM's cost of processing certain types of documents. The most recent adjustments are at 83 FR 48957 (Sept. 28, 2018).

All of the regulations pertaining to processing fees were promulgated in accordance with FLPMA Section 304 (43 U.S.C. 1734), and the Independent Offices Appropriation Act (31 U.S.C. 9701), which authorize the BLM to charge processing costs. Moreover, OMB Circular No. A-25, titled "User Charges," provides that the Federal policy is to assess a charge against each identifiable recipient for special Federal benefits beyond those received by the general public.

The estimated non-hour cost burdens for this information collection are shown below in Table 13.

Table 13 - Estimates of Non-Hour Cost Burdens

A. Type of Response	B. Number of Responses Annually	C. Processing Fee	D. Annual Cost Burden (Column B x Column C)
Notice of Intent to Locate Under the Stock Raising Homestead Act (43 CFR Part 3838) Form 3830-3	142	\$30	\$4,260
Locating Mining Claims or Sites (43 CFR Part 3832)	56,857	\$20	\$1,137,140
Recording a New Location Notice (43 CFR Part 3833, Subpart A)	56,857	\$20	\$1,137,140
Amending a Location Notice (43 CFR Part 3833, Subpart B)	3,595	\$15	\$53,925
Transfer of Interest (43 CFR Part 3833, Subpart C) or Acquisition of a Delinquent Co-Claimant's Interests in a Mining Claim or Site (43 CFR Part 3837)	22,546	\$15	\$338,190
Waiver from Annual Maintenance Fee (43 CFR Part 3835, Subpart A) Form 3830-2 and/or nonform data	24,348	N/A	N/A
Annual FLPMA Documents (43 CFR part 3835, subpart C) Form 3830-4	27,142	\$15	\$407,130
Deferring Assessment Work (43 CFR Part 3836, Subpart B)	5	\$115	\$575
TOTALS	191,492		\$3,078,360

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 hourly cost to the Federal Government shown in Table 14-1, below, is based on data at: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/RUS_h.pdf

The benefits multiplier of 1.6 for government employees is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 14-1 — Estimated Hourly Cost to the Government

A. Position and Pay Grade	B. Hourly Pay Rate (\$/hour)	C. Hourly Rate with Benefits (Column B x 1.6)	D. Percent of the Information Collection Completed by Each Occupation	E. Weighted Avg. (\$/hour) (Column C x Column D)
Clerk GS-7/5	\$22.84	\$36.54	10%	\$3.65
Land Law Examiner GS-9/5	\$27.93	\$44.69	80%	\$35.75
Supervisory Land Law Examiner GS-12/5	\$40.51	\$64.82	10%	\$6.48
Total				\$45.88

Table 14-2, below, shows the annualized Federal costs for each aspect of the collection. The estimated processing time is based on the BLM's experience and includes conducting field inspections; on-the ground environmental analyses, which include monitoring endangered species sites and archeological sites; conducting archeological surveys; and determining reclamation measures. The estimated hourly wage with benefits is shown at Table 14-1, above.

Table 14-2 — Estimated Annual Cost to the Government

A. Type of Response	B. Number of Responses	C. Time Per Response	D. Total Hours (Column B x Column C)	E. Dollar Equivalent (Column D x \$45.88)
Notice of Intent to Locate Under the Stock Raising Homestead Act (43 CFR Part 3838) Form 3830-3	142	30 minutes	71	\$3,257
Locating Mining Claims or Sites (43 CFR Part 3832)	56,857	30 minutes	28,429	\$1,304,323
Recording a New Location Notice (43 CFR Part 3833, Subpart A)	56,857	30 minutes	28,429	\$1,304,323
Amending a Location Notice (43 CFR Part 3833, Subpart B)	3,595	30 minutes	1,798	\$82,492

Transfer of Interest (43 CFR Part 3833, Subpart C) or Acquisition of a Delinquent Co- Claimant's Interests in a Mining Claim or Site (43 CFR Part 3837)	22,546	30 minutes	11,273	\$517,205
Waiver from Annual Maintenance Fee (43 CFR Part 3835, Subpart A) Form 3830-2 and/or nonform data	24,348	30 minutes	12,174	\$558,543
Annual FLPMA Documents (43 CFR part 3835, subpart C) Form 3830-4	27,142	30 minutes	13,571	\$622,637
Deferring Assessment Work (43 CFR Part 3836, Subpart B)	5	60 minutes	5	\$229
TOTALS	191,492		95,750	\$4,393,009

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

The estimated numbers of responses for all of the information collection activities have been adjusted. The total numbers of responses have increased from 136,338 to 191,492, a difference of 55,154. While none of the hours per response have been adjusted, the total numbers of hours have been affected by the adjustments in numbers of responses. These adjustments are itemized in Tables 15-1 and 15-2.

The reasons for these adjustments vary. For example:

Notice of Intent to Locate under the Stock Raising Homestead Act: This number is usually low but can vary depending on where claims are located. Wyoming and California get the majority of these, but it seems there are more locations in other states also in the past three years.

Locating Mining Claims or Sites and Recording a New Location Notice: The average for the previous three years was higher because there were a lot of new locations in particular for lithium, uranium and vanadium.

Transfer of Interest: Placer fees in accordance with 43 CFR Part 8344 have slightly decreased, which could be an indication of a slight slow down in claimants trying to avoid paying placer maintenance fees via transfers of interest.

Waiver from Annual Maintenance Fee: There has continued to be a slight increase in the filing of waivers. Most of these are for association placer claims to avoid paying the annual maintenance fee based on each 20 acres or portion thereof of a placer claim.

Annual FLPMA Documents: Just as the waivers slightly increased, so did the filing of FLPMA documents because when claimants files waivers, they are required by law to file a FLPMA document to show they performed assessment work on their claims. Paying the maintenance fee is in lieu of having to perform assessment work so if the claimants do not pay the fee, then they have to perform assessment work and show they did that through a FLPMA document.

For the same reason claimants transfer claims due to the way placer fees are calculated, claimants chose to file a waiver instead of paying fees if they had 10 or fewer claims because there is no fee for filing a waiver. It is their way of circumventing having to pay the maintenance fee.

Non-hour burdens for this information collection also have increased from \$1,677,670 to \$3,078,360, a difference of \$1,400,690. This increase is in part due to adjustments in per-response processing fees according to the Implicit Price Deflator for Gross Domestic Product, in accordance with 43 CFR 3000.12. The most recent adjustments are at 83 FR 48957 (Sept. 28, 2018). Changes in the numbers of responses also have affected non-hour burdens. These adjustments are itemized in Tables 15-3.

**Table 15-1
Adjustments in Numbers of Annual Responses**

A. Type of Response	B. Number of Requested Responses	C. Number of Previously Approved Responses	D. Difference Between Requested and Previously Approved Responses
Notice of Intent to Locate Under the Stock Raising Homestead Act (43 CFR Part 3838) Form 3830-3	142	91	+51
Locating Mining Claims or Sites (43 CFR Part 3832)	56,857	50,330	+6,527
Recording a New Location Notice (43 CFR Part 3833, Subpart A)	56,857	50,330	+6,527
Amending a Location Notice (43 CFR Part 3833, Subpart B)	3,595	3,678	-83
Transfer of Interest (43 CFR Part 3833, Subpart C) or Acquisition of a Delinquent Co-Claimant's Interests in a Mining Claim or Site (43 CFR Part 3837)	22,546	1,572	+20,974

Waiver from Annual Maintenance Fee (43 CFR Part 3835, Subpart A) Form 3830-2 and/or nonform data	24,348	3,681	+20,667
Annual FLPMA Documents (43 CFR part 3835, subpart C) Form 3830-4	27,142	11,416	+15,726
Deferring Assessment Work (43 CFR Part 3836, Subpart B)	5	10	-5
TOTALS	191,492	121,108	+70,384

**Table 15-2
Adjustments in Annual Hour Burdens**

A. Type of Response	B. Number of Requested Hour Burdens	C. Number of Previously Approved Hour Burdens	D. Difference Between Requested and Previously Approved Hour Burdens
Notice of Intent to Locate Under the Stock Raising Homestead Act (43 CFR Part 3838) Form 3830-3	59	38	+21
Locating Mining Claims or Sites (43 CFR Part 3832)	28,429	14,061	+14,368
Recording a New Location Notice (43 CFR Part 3833, Subpart A)	28,429	14,061	+14,368
Amending a Location Notice (43 CFR Part 3833, Subpart B)	1,798	1,839	-41
Transfer of Interest (43 CFR Part 3833, Subpart C) or Acquisition of a Delinquent Co-Claimant's Interests in a Mining Claim or Site (43 CFR Part 3837)	11,273	13,765	-2,492
Waiver from Annual Maintenance Fee (43 CFR Part 3835, Subpart A) Form 3830-2 and/or nonform data	8,116	7,609	+507
Annual FLPMA Documents (43 CFR part 3835, subpart C) Form 3830-4	13,571	13,027	+544
Deferring Assessment Work (43 CFR Part 3836, Subpart B)	5	10	-5
TOTALS	91,680	64,410	+27,270

**Table 15-3
Adjustments in Annual Non-Hour Burdens**

A. Type of Response	B. Amounts of Requested Non-Hour Burdens	C. Amounts of Previously Approved Non-Hour Burdens	D. Difference Between Requested and Previously Approved Non-Hour Burdens
Notice of Intent to Locate Under the Stock Raising Homestead Act (43 CFR Part 3838) Form 3830-3	\$4,260 (\$30 per response)	\$2,730 (\$30 per response)	+1,530
Locating Mining Claims or Sites (43 CFR Part 3832)	\$1,137,140 (\$20 per response)	\$754,950 (\$15 per response)	+\$382,190
Recording a New Location Notice (43 CFR Part 3833, Subpart A)	\$1,137,140 (\$20 per response)	\$754,950 (\$15 per response)	+\$382,190
Amending a Location Notice (43 CFR Part 3833, Subpart B)	\$53,925 (\$15 per response)	\$36,780 (\$10 per response)	+\$17,145
Transfer of Interest (43 CFR Part 3833, Subpart C) or Acquisition of a Delinquent Co-Claimant's Interests in a Mining Claim or Site (43 CFR Part 3837)	\$338,190 (\$15 per response)	\$15,720 (\$10 per response)	+\$322,470
Waiver from Annual Maintenance Fee (43 CFR Part 3835, Subpart A) Form 3830-2 and/or nonform data	N/A	N/A	N/A
Annual FLPMA Documents (43 CFR part 3835, subpart C) Form 3830-4	\$407,103 (\$15 per response)	\$114,160 (\$10 per response)	+\$292,943
Deferring Assessment Work (43 CFR Part 3836, Subpart B)	\$575 (\$115 per response)	\$1,050 (\$105 per response)	-\$475
TOTALS	\$3,078,360	\$1,680,340	+1,398,020

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 have no plans to publish 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 the forms.

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

There are no exceptions to the certification statement.