

**1SUPPORTING STATEMENT A FOR  
PAPERWORK REDUCTION ACT SUBMISSION**

**Mining and Mining Claims and Non-Federal Oil and Gas Rights  
36 CFR Part 9, Subparts A and B**

**OMB Control Number 1024-0064**

**Terms of Clearance:** None

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

The Organic Act of 1916 (NPS Organic Act) (54 U.S.C. § 100101) authorizes the Secretary of the Interior to develop regulations for national park units under the Department's jurisdiction. The Mining in the Parks Act (54 U.S.C. § 100731 et seq.) directs the Secretary of the Interior to regulate all operations in park units in connection with the exercise of mineral rights on patented and unpatented mining claims.

The regulations codified in 36 CFR Part 9, Subparts A and B, ensure that mining and non-Federal oil and gas activities in System units are conducted in a manner consistent with conserving each System unit for the benefit of present and future generations. The information required by Subpart A identifies the claim, claimant, and operator (the claimant and operator are often the same) and details how the operator intends to access and develop the minerals associated with the claim. It also identifies the steps the operator intends to take to minimize any adverse impacts of the mining operations on park resource and values. No information, except claim ownership information, is submitted unless the claimant wishes to conduct mining operations. The information required by Subpart B identifies the owner and operator (the owner and operator are often the same) and details how the operator intends to access and develop the oil and gas rights. It also identifies the steps the operator intends to take to minimize any adverse impacts on park resources and values. No information is submitted unless the owner wishes to conduct oil and gas operations. The information collected is used to evaluate proposed operations, ensure that all necessary mitigation measures are employed to protect park resources and values, and ensure compliance with all applicable laws and regulations.

With this request, we are asking OMB to approve our request to consolidate the information collection requirements currently approved under OMB Control Number 1024-0274, "Non-Federal Oil and Gas Rights, 36 CFR Part 9, Subpart B" into collection 1024-0064. Prior to March 2016, 36 CFR Part 9, Subparts A and B were managed by a single NPS program office which used the same OMB Control Number (1024-0064). In November of 2016, the NPS promulgated an update to the 9B Regulations and as part of the rulemaking process, the information collection associated with the update was assigned a new control number (1024-0274). In the Federal Register Notice (81 FR 77991), for the final rule, NPS stated: "*We plan to transfer the corresponding burden for the Subpart B requirements [from 1024-0274]*

to OMB Control Number 1024-0064. After the final rule goes into effect we will request to discontinue the new control number [1024-0274]". We are now asking OMB to consolidate two information collections into one ICR within the regulation. We have identified the information collections associated with 1024-0274 to be consolidated into 1024-0064. Upon approval, we will discontinue OMB Control Number 1024-0274.

**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 NPS uses the information in the application process to document the time, place, and manner of a proposed operation and to analyze potential impacts on park resources and visitor health and safety. We then use the information to identify mitigation measures to avoid or lessen potential impacts to NPS resources and values.

We use the information collected to:

- (1) Evaluate permit applications made under the 9A or 9B Regulations,
- (2) Ensure that all necessary mitigation measures are employed to protect park resources and values, and
- (3) Ensure compliance with all applicable laws and regulations, including the National Environmental Policy Act (NEPA) (42 U.S.C. §4321 et seq.) and 40 CFR Parts 1500-1508, and the National Historic Preservation Act of 1966 (NHPA), as amended (54 U.S.C. § 300101 et seq.) and 36 CFR Part 800.

The NPS does not use standard forms because the scope of projects proposed under the 9A and 9B regulations can vary substantially. The 9A and 9B regulations detail what information must be provided but do not specify the format to submit information. Typically, submissions are received as digital copies of a written proposal providing the information required in the regulations.

Currently, there are oil and gas operations in 12 of the 418 parks in the National Park System. Additionally, there are 3 parks that have mining operations. In order to evaluate proposals for mining and nonfederal oil and gas activities, the NPS uses the information required by subparts A and B as outlined in Table 2.1 and Table 2.2 below.

**Table 2.1 Information Collections under the 9A Regulations**

Subpart	
<b>36 CFR §9.5:</b>	Notifies mining claimants that they must comply with BLM regulations and information collection requirements.
<b>36 CFR §9.6</b>	Requires claimants to notify the NPS of any changes in claim ownership
<b>36 CFR §§9.9:</b>	No mining operations within a unit of the National Park System may occur until the NPS issues an approved plan of operations.

<b>36 CFR §9.10(e)</b>	Operators must notify the park superintendent if, during the course of operations, they discover any cultural or scientific resource that may be altered by the operation.
<b>36 CFR §§9.10(e)(3)</b>	Operators must notify the park superintendent if, during the course of operations, they discover any cultural or scientific resource that may be altered by the operation.
<b>36 CFR §§9.12</b>	Prior to supplementing or revising an approved plan of operations operator must submit a written statement for NPS consideration and approval describing and justifying the proposal.
<b>36 CFR §§9.13</b>	Performance bond or security deposit before operations may begin. This enables us to complete the reclamation requirements in the approved plan of operations if the claimant defaults on his/her commitment
<b>36 CFR §§9.14</b>	To file formal written grievances with the NPS regional director if they believe that erroneous decisions have been made regarding their requests for approval to conduct operations
<b>36 CFR §§9.15</b>	Registration of all commercial vehicles with the park superintendent and payment of a registration fee. The operations plan must list the type and number of vehicles to be used.

**Table 2.2 Information Collections under 9B Regulations\***

<b>Information Collected</b>	<b>NPS uses this information to:</b>
Previously Exempt Operations	analyze the existing operating conditions to ensure that they meet NPS operating standards by bringing existing operators who do not have an operations permit into compliance with the updated 9B regulations.
Application for Temporary Access Permit	analyze proposed reconnaissance surveys to ensure that they are conducted in a manner that will result in only minimal surface disturbance.
Extension of Temporary Access Permit	determine if a request to extend the term of a temporary access permit is appropriate.
Accessing Oil and Gas Rights From a Surface Location Outside the Park Boundary – Application for Exemption	analyze a proposed cross boundary drilling operation in order to evaluate the appropriateness of issuing an Operations Permit exemption by identifying potential impacts and mitigation measures.
Accessing Oil and Gas Rights From a Surface Location Outside the Park Boundary – Notice of change	analyze whether changes to an exempt operation present a significant threat of damage to park resources and values and is therefore no longer exempt from the Operations Permit requirement.
<b>Operations Permit - New Operations Application -</b>	to ensure that the proposed new operating conditions meet the operating standards, general terms and conditions, and approval standards contained in the 9B Regulations.
<b>Operating Standards - Stimulation Operations (§ 9.118(b))</b>	
Demonstrate mechanical integrity	This information is used to analyze the mechanical integrity of all surface and downhole tubulars to ensure that the downhole construction is sufficient for proposed injection activities.
Record treating pressures and all annular pressures	This information is used to monitor the annular pressures during a treatment operation to ensure that there are no changes to downhole conditions that could result in loss of wellbore integrity.
Notify Superintendent if mechanical integrity is lost	This information is used to analyze whether a loss of mechanical integrity has the potential to impact park resources or threaten visitor safety.
Report of incident	This information is used to document that a loss of mechanical integrity event has occurred within the park.

<b>Operating Standards - Production (§9.118(c))</b>	
Document maintenance of mechanical integrity	This information is used to document that mechanical integrity is being maintained through periodic testing demonstrating that downhole conditions have not changed.
Signage to identify wells	Signs at the wellsite inform the NPS of the operator's contact information in case of emergency.
<b>General Terms and Conditions (§§ 9.120 - 9.122)</b>	
Affidavit that proposed operations are in compliance with all laws and that information submitted to NPS is accurate	This information is used to document that the operator is in compliance with all applicable laws. The affidavit is also used to ensure that information provided to the NPS is true and correct.
Third-Party Monitor Report	The information provided by a third-party monitor is used to ensure that the operator is in compliance with their Operations Permit and the 9B Regulations.
Notification - Accidents involving Serious Personal Injuries/Death and Fires/Spills	The NPS uses this information to analyze what impacts to park resources or visitor health and safety may be caused by an accident, fire, or spill. This information is analyzed to develop an appropriate response plan.
Written Report - Accidents Involving Serious Injuries/Deaths and Fires/Spills	This information is used to document that an accident, fire, or spill has occurred within the park.
Notification - Discovery of any cultural or scientific resources	The NPS uses this information to analyze the potential impacts of the operation on previously undiscovered cultural or scientific resources. The information is then used to develop a plan for the protection of these resources.
Report - Verify Compliance with Permits	This information is used to analyze the operating conditions and methods to determine compliance with an approved Operations Permit.
Reporting for Hydraulic Fracturing	This information is used to document the procedures and methods used for a hydraulic fracturing operation conducted under an approved Operations Permit.
Financial Assurance (§§ 9.140 - 9.144)	This information is used to establish the reasonable cost of reclamation and the amount of financial assurance that an operator must provide to the NPS.
Modification to an Operation (§ 9.150)	The NPS uses the information to evaluate the proposed changes and determine if a modification to an approved Temporary Access Permit or Operations Permit is appropriate.
Change of Operator (§§ 9.160 - 9.161)	The information is used to update the Operations Permit and establish that the new operator is responsible for complying with the terms of the Permit and the 9B Regulations.
Well Plugging (§§ 9.170 - 9.171)	This information is used by the NPS to determine whether a request to maintain a well in shut-in status is appropriate based on the current operating conditions.
Reconsideration and Appeals (§§ 9.190 - 9.194)	The NPS uses this information to determine whether reconsideration or appeal of the NPS's decision is appropriate.
Public Participation (§ 9.200)	This information is used to determine whether information submitted to the NPS should be exempt from public disclosure.
* Full details associated with the <b>9B Regulations</b> are attached in ROCIS as a supplementary document	

**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.**

Approximately 75% of respondents typically submit information electronically via email. The remaining 25% of respondents submit information through the U.S. Mail or other shipping service.

**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.**

No other offices of the NPS or other Federal agencies collect this information. Because the information requested is specific to the claim, operator, and operations, duplication of effort and information does not occur.

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

The 9B regulations have not been designated as a major rule under 5 USC 804(2) of the Small Business Regulatory Enforcement Fairness Act, impact however small businesses may be impacted, The NPS minimizes the burden on small businesses by only requiring the information necessary to allow us to make decisions on approving or disapproving proposed plans of operations while meeting NPS responsibilities under the laws and regulations listed above to ensure protection of park resources and values. The NPS encourages operators to contact appropriate NPS staff for assistance in designing environmentally sound development strategies. The NPS has publications available to assist respondents in meeting these requirements.

**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.**

If we did not require operators to submit proposals for 9A plans of operations or 9B Operations Permits for review and approval prior to development, the NPS would fail to carry out its statutory mandates and mining and non-Federal oil and gas operations could degrade park resources and jeopardize visitor safety. Over the course of an operation, we only require a one-time submittal of a complete plan of operations or Operations Permit application; therefore, we cannot reduce the frequency of collection.

**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 circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

**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 24, 2019, we published in the *Federal Register* (84 FR 17200) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on June 23, 2019. We received one comment in response to that Notice that did not address the information collection nor necessitate any changes to the collection.

In addition to the Federal Register Notice, we solicited comments from persons outside NPS familiar with this collection of information in order to validate our time burden estimate and provide comments on the on the following:

- (1) Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions you felt were unnecessary;
- (2) provide and estimate of the amount of time it takes to complete each form (9B plan of operations) in order to verify the accuracy of our estimate of the burden for this collection of information;
- (3) Do you have any suggestions for us on ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) Any ideas you might suggest which would minimize the burden of the collection of information on respondents.

We sent an email to contacts on April 4, 2019, followed up by a reminder notice on April 22, 2019. We also then follow up with individual telephone calls to each contact on May 21, 2019. Our contacts were:

**Table 8.1. Consultations with representatives outside the agency**

Manana Gas, Inc	President
Perennial Environmental Services, LLC	Principle Biologist
Famcor Oil Inc.	Project Manger
Cimarex Energy Company	Geophysicist

**Comment # 1:** Two commenters stated that the information collection is necessary in order for their company to conduct operations at Big Thicket National Preserve.

**Agency Response/Action Taken:** No response/action needed.

**Comment #2:** Two commenters responded at the estimates of time burdens were reasonable and correct.

**Agency Response/Action Taken:** No response/action needed

**Comment #3:** The information collection is necessary in order for their company to conduct operations at Big Thicket National Preserve and that our estimates of time burdens were reasonable and correct. This commenter had no suggestions on ways to enhance the quality, utility, and clarity as the 9B regulations were detailed and clear.

**Comment #4:** There were no suggestions for ways to minimize the burden but it was pointed out that a previous permit was delayed by a government shutdown which caused project delays.

**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.**

Under the regulations in Subparts A, confidentiality may be provided for information in accordance with 43 CFR Part 2. Under Subpart B, §9.200(b) provides for confidentiality of appropriate 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 ask 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.**

The total estimated annual burden for this information collection is 10,752 burden hours. We estimate the annual dollar value of the burden hours is \$1,128,960 (rounded) (10,752 burden hours x \$105/hour).

After the litigation in 1985, the number of operators subject to the regulatory requirements in Subpart A has diminished to less than one per year for mining claimants. However, for the purposes of this request, we are estimating one annual response as a placeholder for the regulatory requirements in Subpart A. With one (1) response totaling 176 annual burden hours, we estimate that the dollar value of the annual burden hours for Subpart A will be \$18,480 (rounded) (\$105 x 176 hours).

Under Subpart B, there are 26 ICs and we are estimating that we will receive 1,430 annual responses totaling 7,056 annual burden hours. We estimate that the dollar value of the annual burden hours for Subpart B will be \$740,880 (rounded) (\$105 x 7,056 hours).

Depending on the specifics of the plan, either an entry-level, a mid-level, or a top-level consultant will conduct the labor. To determine the hourly labor costs, we used Bureau of Labor Statistics (BLS) May 2018 National Industry-Specific Occupational Employment and Wage Estimates for NAIC Code [541600](#), "[Management, Scientific, and Technical Consulting Services](#)" which lists mean hourly wages for various consultants:



- Entry-level consultant: **\$62.41**
- Mid-level consultant: **\$72.16**
- Top-level consultant: **\$106.09**

We used an average of \$80.22/hour for this analysis. We multiplied the rate by 1.3 to account for benefits, in accordance with Bureau of Labor Statistics (BLS) News Release [USDL-18-1499](#), March 19, 2019, Employer Costs for Employee Compensation—December 2018, resulting in an hourly cost factor of \$105 (rounded).

Depending on the level of complexity of the proposed operation, a complete plan could consist of as little as 10 pages of text plus 2-10 pages of illustrations (inclusive of location maps, site plans and cross-sections) to as much as 100 pages of text plus several volumes of supporting material. The time to prepare a plan ranges from 24 hours to 6 months, depending on the complexity of the operation, including:

- The differences in types and numbers of operations that may be included in a single plan;
- The wide variations in the environmental settings in which non-Federal oil and gas development occurs in parks; and,
- The availability of pre-existing environmental data from parks.

For the purpose of this analysis, we are estimating 160 hours (4 weeks) as an average completion time for most plans. We then added 10 percent (16 hours) to account for the time consumed by minor correspondence and other unplanned information exchange, resulting in a total completion time per response of 176 hours.

Plans consist of materials that are both clerical in nature (e.g., photocopies of lease documents, other permits) and professional in nature (e.g., surveyed location plats, engineering design). Thus, labor costs can range depending on the level of expertise. The vast majority of respondents hire environmental and technical consulting firms to prepare plans of operations.

**Table 12.1. Estimates of the hour burden of the collection of information**

Activity/Requirement	Number of ICs	Estimated Number of Annual Responses	Estimated Total Annual Burden Hours	\$ Value of Annual Burden Hours (\$105/hr)
Mining and Mining Claims	1	1	176	\$18,480
Non-Federal Oil and Gas Operations	1	20	3,520	369,600
Non-Federal Oil and Gas Rights	25	1,430	7,056	\$740,880
<b>Total</b>	<b>27</b>	<b>1,451</b>	<b>10,752</b>	<b>0</b>

\* see table 12.2 for a breakdown of burden estimates of the ICs based upon **Activity/Requirement**.

**Table 12.2. Burden estimate breakdown for Activity/Requirement**

Activity/Requirement	Estimated Number of Annual Responses	Completion Time per Response (Hours)	Estimated Total Annual Burden Hours
<b>9A Regulations</b>			
Mining and Mining Claims*	1	176	176
<b>9B Regulations</b>			
Non-Federal Oil and Gas Operations*	20	176	3,520
Previously Exempt Operations (§§ 9.50 – 9.53)	106	10	1,060
Application for Temporary Access Permit (§§ 9.60 – 9.63)	5	15	75
Extension of Temporary Access Permit	1	1	1
Accessing Oil and Gas Rights From a Surface Location Outside the Park Boundary – Application for Exemption (§§ 9.70-9.73)	3	80	240
Accessing Oil and Gas Rights From a Surface Location Outside the Park Boundary – Notice of change (§§ 9.70-9.73)	1	2	2
<b>Operations Permit (New Operations)</b>			
Application – (§§ 9.80 – 9.90)	5	140	700
<b>Operating Standards – Simulation Operations (§ 9.118(b))</b>			
Demonstrate mechanical integrity	5	4	20
Record treating pressures and all annular pressures	5	4	20
Notify Superintendent if mechanical integrity is lost	1	1	1
Report of accident	2	1	2
<b>Operating Standards – Production (§9.118(c))</b>			
Document maintenance of mechanical integrity	534	2	1,068
Signage to identify wells	5	4	20
<b>General Terms and Conditions (§§ 9.120 – 9.122)</b>			
Affidavit that proposed operations are in compliance with all laws and that information submitted to NPS is accurate	111	1	111
Third-Party Monitor Report	60	17	1,020
Notification - Accidents involving Serious Personal Injuries/Death and Fires/Spills	2	1	2
Written Report - Accidents Involving Serious Injuries/Deaths and Fires/Spills	2	16	32
Notification – Discovery of any cultural or scientific resources	1	1	1
Report - Verify Compliance with Permits	534	4	2,136
Reporting for Hydraulic Fracturing	1	2	2
Financial Assurance (§§ 9.140 – 9.144)	5	1	5
Modification to an Operation (§ 9.150)	1	16	16
Change of Operator (§§ 9.160 – 9.161)	5	8	40
Well Plugging (§§ 9.170 – 9.171)	33	14	462
Reconsideration and Appeals (§§ 9.190 – 9.194)	1	16	16
Public Participation (§ 9.200)	1	4	4
<b>Total</b>	<b>1,451</b>		<b>10,752</b>

\*This estimate includes the IC requirements from 1024-0274

**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.**

### **Cost Recovery**

The NPS is allowing System units the option of seeking cost recovery for the cost to the NPS of providing necessary services associated with special use permits. The annual amount of cost recovery would be consistent with the annual cost to the federal government as described below in question 14. The numbers are different however, because not all costs to the NPS will be able to be recovered. For example, if the NPS reviews right to operate documentation and finds that a right does not exist and the applicant fails to then move forward in the permitting process, the NPS cannot seek cost recovery from the applicant. However, NPS staff time to make this determination would be expended at a cost to the federal government.

### **Processing New Operations Permits**

The service costs associated with administering a permit consist of a one-time fee for processing a permit application, and then a reoccurring annual fee for monitoring operations for compliance with the permit.

The one-time fee for processing permits would vary largely depending on the complexity of the permit, site location, and proximity to sensitive resources (i.e., species habitat, wetlands and water features,

cultural resources, etc.). The NPS estimates this one-time fee to range from \$500 to \$5,000, but trend towards the high-end of the range since most operations will have notable implications on park resources and visitor values. The NPS expects an average of 5 permit applications per year (4 new drills and 1 seismic survey). Using the high-end estimate of \$5,000 per permit application, the average annual cost to operators is expected to be approximately \$25,000 per year.

### **Ongoing Monitoring of Operations**

Annual monitoring costs consist of staff time to visit and document conditions at operations sites, compile information into a monitoring report, and conduct follow up correspondence with operators where conditions of non-compliance exist. These costs will also vary depending on complexity of operations, ease of access, and rates of non-compliance issues. The NPS estimates the range to be between \$120 and \$500 (based on an hourly cost factor of \$80.22/hour) with the average trending towards the low side. Most operations are simple, easily accessible, and expected to have fairly low rates of non-compliance. For this analysis, the NPS uses a cost of \$250 per well per year, or \$133,500 annually for monitoring 534 wells.

### **Total Costs**

Summing the costs above equals total annual permitting and monitoring costs of \$158,500.

### **Access Fees**

The NPS charges access fees consistent with those authorized under NPS' Part 14 Rights-of-Way regulations (see 36 CFR 14.26 and RM-53 Special Park Uses (Appendix 5, Exhibit 2) (guidance to calculate fees).

The method the NPS used to estimate access fees is based on the methodology used by both the Bureau of Land Management (BLM) and the United States Forest Service (USFS) in their Linear Rights-of-Way Rental Fee Schedules. The fee schedules are based on 1) land values established by the National Agricultural Statistics Service (NASS), 2) an encumbrance factor of 50%, and 3) a 10-year average Treasury Security-based amortization rate. Applying data in tables published by NASS and BLM to specific land use in counties where privileged access under the 9B regulation is occurring yields an estimate of service-wide access fees of \$6,000 annually, or an average of just \$67/acre/year.

It should be noted here that fees on a per operator basis vary widely (i.e., costs ranging from \$30 to \$3,000 per year) from use of just fractions of an acre where a road may cut across a corner of federal land to over 30 acres in the case of large access road construction.

**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 that the total annual cost to the Federal Government to administer this information collection will be \$232,140.68 (\$195,140.68 in salaries and \$37,000 in other costs).

**Salary Costs - \$178,935 (rounded) (\$81.76/hr\* 2,386.75 hours = \$195,140.68)**

Nationwide, we estimate receiving 1,431 responses for the various information collection requirements. We estimate that Federal staff will spend 2,386.75 hours reviewing and processing applications and reports.

To calculate salary costs, we used the Office of Personnel Management Salary Table 2019-DEN ([https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DEN\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DEN_h.pdf)) to determine the hourly rate. We multiplied the rate by 1.5 to account for benefits, in accordance with BLS news release USDL 19-0049, March 19,2019, (<http://www.bls.gov/news.release/pdf/ecec.pdf>). Employer Costs for Employee Compensation—December 2018, to calculate the fully burdened rate.

**Table 14.1. Estimated annualized cost to the Federal government**

Grade/ Step	Hourly Rate	Hourly Rate Including Benefits (Multiplier of 1.5)	Percent of time spent on collection	Weighted Average (\$/hr)
GS-13/5	\$52.60	\$78.90.	80%	\$63.12
GS-14/5	\$62.15	\$93.22	20%	\$18.64
<b>Total</b>				<b>\$81.76</b>

**Other Costs - \$37,000** - We estimate approximately \$37,000 for equipment and other incidental costs.

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

With this request, we are asking OMB to approve our request to consolidate the information collection requirements approved under OMB Control Number 1024-0274 (“Non-Federal Oil and Gas Rights, 36 CFR Part 9, Subparts “B”) into collection 1024-0064 (Mining Claims). Overall, there are no changes in the burden hour estimates or number of respondents for either collection since the last OMB approval. However, the program change is the result of discontinuing 1024-0274 and moving that combined burden to 1024-0064. The program change will cause a net increase of 1,430 responses and 3,696 burden hours.

**Table 15.1 Estimated program changes**

	Previously Approved		Net Change	
	Responses	Burden	Response	Burden
OMB Control Number 1024-0274	1,430	7,056	1,451	0
OMB Control Number 1024-0064	21	3,696	-21	-7,056
Total	1,451	0	1,430	0

**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 do 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.**

There are no forms for submitting information. However, we will display the OMB control number and expiration date on the instructions 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 to the certification statement.