
**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

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

**COMMUNICATIONS USES PROGRAM, COST RECOVERY FEE
SCHEDULES, AND SECTION 512 OF FLPMA FOR RIGHTS-OF-WAY
43 CFR PART 2800
OMB CONTROL NUMBER 1004-0219**

Terms of Clearance: Not applicable. This is a request for a new Office of Management and Budget (OMB) control number.

Abstract: The Bureau of Land Management (BLM) is seeking to publish its final rule amending its existing rights-of-way (ROW) regulations to streamline the communications uses program, update its cost recovery fee schedules for ROW Federal work activities, and include provisions governing the development and approval of operations, maintenance, and fire prevention plans and agreements for ROWs for electric transmission and distribution facilities (powerlines). Communications uses and powerlines are a subset of ROW activities authorized under the Federal Land Policy and Management Act of 1976, as amended (FLPMA). Cost recovery fees apply to most ROW activities authorized under either FLPMA or the Mineral Leasing Act of 1920, as amended (MLA). This collection of information pertains to the issuance of grants for communications uses as well as cost recovery fees and operations, maintenance, and fire prevention plans for the ROW program. Communications uses on public lands require processing applications, monitoring the authorizations, and collecting rent payments.

Justification

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

This collection of information pertains to the issuance of grants for communications uses as well as cost recovery fees and operation, maintenance, and fire prevention plans for the ROW program. Communications uses on public lands requires processing applications, monitoring authorizations, and collecting rent payments. Cost recovery fees are collected by the Federal Government for the expenses incurred by the Federal Government for processing applications and monitoring authorizations. Operation, maintenance, and fire prevention plans describe how a grant holder operates, maintains, and plans to prevent fire within their grant.

The following list includes the relevant statutes for this information collection:

- Section 102(a)(9) of FLPMA (43 U.S.C. 1701(a)(9)) establishes a Federal policy of receiving fair market value for the use of the public lands and their resources; Sections 304 and 504 of FLPMA (43 U.S.C. 1734, 1764) authorize the BLM to establish reasonable filing and service fees and reasonable charges, and commissions with respect to applications and other documents relating to the public lands;
- Title V of FLPMA authorizes the BLM to issue ROWs on public lands for roads, powerlines, pipelines, communications use, and other uses, and requires the BLM to prescribe certain terms and conditions (43 U.S.C. 1761 through 43 U.S.C. 1772).
- Section 28 of the MLA (30 U.S.C. 185) authorizes the BLM to issue ROWs on public lands for oil, natural gas, and other pipelines, and requires the BLM to prescribe certain terms and conditions

including the requirement for the applicant/holder to reimburse the Federal Government for the cost of processing and monitoring the application/grant.

- Section 512 of FLMPA, entitled “Vegetation Management, Facility Inspection, and Operation and Maintenance Relating to Electrical Transmission and Distribution Facility Rights of Way” (43 U.S.C. 1772) establishes requirements for the BLM to review and approve operation, maintenance, and fire prevention plans and agreements for vegetation and facility management on public lands within powerline ROWs and on their abutting lands.

The BLM’s existing ROW regulations are at 43 CFR Parts 2800 and 2880. Part 2800 pertains to ROWs for various types of facilities (including facilities for electric generation, electric transmission, and non-oil and gas pipelines) issued under the authority of FLPMA. Part 2880 pertains to ROWs for facilities (including oil and gas pipelines) issued under the authority of the MLA. The final rule would add part 2860, which contains provisions specific to the administration of Communications Uses ROWs.

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 information collection activities associated with the application process in this final rule require the use of Standard Form 299 (Application for Transportation and Utility Systems and Facilities on Federal Lands) and the Communications Site Tenant/Customer Inventory Certification of Facility Owner or Manager. The OMB has previously approved the BLM’s Request for Common Form (SF–299) under OMB Control Number 0596-0249 as part of the application process (U.S. Department of Agriculture – U.S. Forest Service, expires 02/28/2023. U.S. Forest Service is in the process of renewing this form.). Additionally, §2884.11 references BLM forms Application for Permit to Drill or Reenter (BLM Form 3160-3) and Sundry Notice and Report on Wells (BLM Form 3160-5). These forms are part of the requirements for applying for Mineral Leasing Act (MLA) Grants or temporary use permits (TUPs). The information required as part of these applications is contained in the current regulations under this paragraph and is currently approved by OMB under OMB control number 1004-0137 (expires 01/31/2025). The final rule would not change these forms nor the associated information collected as part of the application requirements.

This final rule includes provisions pertaining to non-hour burdens authorized by FLPMA and the MLA. FLPMA is the only authority under which communications uses may be authorized. However, both FLPMA (43 U.S.C. 1734(b) and 1764(g)) and the MLA (30 U.S.C. 185(j)) authorize the BLM and other applicable Federal agencies to collect funds from ROW applicants or holders to reimburse an agency for expenses incurred while working on an application.

The new information collection requirements identified below require approval by OMB:

Appeals/Petitions for a Stay (43 CFR 2801.10 and 43 CFR 2881.10) – Current regulations at 43 CFR 2801.10 and 43 CFR 2881.10 provide a process for applicants to appeal a BLM decision issued under the regulations in this part in accordance with part 4 of this title. All BLM decisions under this part remain in effect pending appeal unless the Secretary of the Interior rules otherwise, or as noted in this part. The applicant may petition for a stay of a BLM decision under this part with the Office of Hearings and Appeals, Department of the Interior. Unless otherwise noted in this part, BLM will take no action on the application while the appeal is pending. ([43 CFR 2801.10\(b\)](#), [2881.10\(b\)](#).)

Designation of Agent or Third Party (43 CFR 2803.11) – Amendments to section 2803.11 require notification of an intent to designate another person or entity to act on behalf of a holder of a FLPMA grant (i.e., any authorization or instrument issued under FLPMA Title V, 43 U.S.C. 1761 – 1771). This is a new information collection activity, although existing section 2803.11 states that another person may act on the holder’s behalf if the holder has “authorized the person to do so under the laws of the State where the

ROW is or will be located.” The amendments retain the existing language and, in addition, require the following in a designation notification:

- (A) Notify the BLM office having jurisdiction over the grant in writing of their intention and provide a copy of the Power of Attorney, if one exists;
- (B) Provide and maintain the current contact information for the intended agent; and

If the applicant designates an agent or third-party to act on their behalf, they are still responsible for following the terms and conditions of the grant. In addition, the amendments require the holder of the grant to maintain current contact information for the intended agent.

Request for a Master Agreement (43 CFR 2804.17 & 43 CFR 2884.15) – Sections 2804.17 and 2884.15 describe the information a holder of a FLPMA grant, MLA grant or Temporary Use Permit (TUP) must provide to the BLM when requesting a “Master Agreement (Cost Recovery Category 5).” A Master Agreement, as described in existing sections 2804.17 and 2884.15, is a written agreement covering processing and monitoring fees negotiated between the BLM and the holder. The term “Cost Recovery Category 5” refers to a type of grant that involves multiple BLM grant approvals within defined geographic areas. As amended, sections 2804.17 and 2884.15 further define Cost Recovery Category 5 as involving projects within defined geographic areas “or for a specific common activity for many projects.” These are the only amendments for sections 2804.17 and 2884.15.

Sections 2804.17 and 2884.15 require a request for a Master Agreement to include:

- (A) A description of the geographic area covered by the Agreement and the scope of the activity the holder plans;
- (B) A preliminary work plan that states what work the holder must do and what work the BLM must do to process the application;
- (C) A preliminary cost estimate and a timetable for processing the application and completing the projects;
- (D) A statement whether the holder wants the Agreement to apply to future applications in the same geographic area that are not part of the same projects; and
- (E) Any other relevant information that the BLM needs to process the application (e.g., financial information, maps, environmental or cultural data about the area covered by the grants).

Written Agreements – Category 6 Projects (43 CFR 2804.19 and 43 CFR 2884.17) – The term “Cost Recovery Category 6” refers to a type of grant that involves a large scale or highly complex FLPMA grant, MLA grant or TUP approval. As amended, sections 2804.14 and 2884.12 define Cost Recovery Category 6 as “an activity [that] will require more than 64 hours, or when an environmental impact statement is required.” For Category 6 applications, the applicant and the BLM must enter into a written agreement that describes how the BLM will process the application and monitor the grant. The BLM may require that the final agreement contain a work plan and a financial plan, and a description of any existing agreements applicants have with other Federal agencies for cost reimbursement associated with their application or grant.

For BLM to determine reasonable costs associated with a Category 6 project, the written agreement must include a written analysis of those factors applicable to the project, unless the applicant agrees in writing to waive consideration of reasonable costs and elects to pay full costs. The BLM may require the applicant submit additional information in support of their position.

Analysis of Factors – Cost Recovery Fee Determination (43 CFR 2804.21) – Along with the written application, applicants may submit their analysis of how each of the factors, as applicable, in paragraph (a) of this section, pertain to their application. The BLM will notify the applicant in writing of the fee determination.

Withdrawing Applications/Relinquishing Grants (43 CFR 2804.27 and 43 CFR 2884.24) – Applicants may withdraw their application in writing before BLM issues a grant. Grant holders may relinquish their grant in writing. If they withdraw their application or relinquish their grant, they are liable for all reasonable processing costs the United States has incurred up to the time of the withdrawal or relinquishment and for the reasonable costs of termination proceedings. Any money not paid by the applicant is due within 30 calendar days after receiving a bill for the amount due. Any money paid by the applicant that is not used to cover costs the United States incurred as a result of their application will be refunded to them.

Request for Alternative Requirement (43 CFR 2804.40) – If the applicant is unable to meet any of the requirements in this subpart, they may request approval for an alternative requirement from the BLM. Any such request is not approved until BLM provides their approval in writing. The request for alternative must:

- (A) Show good cause for the applicant's inability to meet a requirement;
- (B) Suggest an alternative requirement and explain why that requirement is appropriate; and
- (C) Be received in writing by the BLM before the deadline to meet a particular requirement has passed.

Request for Extension (43 CFR 2805.12(c)(5)) – Grant holders must take appropriate remedial action within 30 days after receipt of a written noncompliance notice unless they have been provided an extension of time by the BLM. Alternatively, they must show good cause for any delays in repairs, use, or removal; estimate when corrective action will be completed; provide evidence of diligent operation of the facilities; and submit a written request for an extension of the 30-day deadline. If they do not comply with this provision, the BLM may suspend or terminate the authorization.

Rights the United States Retains – Financial Documents (43 CFR 2805.15) – Amendment to section 2805.15 will add to the list of rights retained by the United States the right to require a holder to submit applicable financial documents and supporting documents including, but not limited to, contractual and subleasing agreements. This amendment is consistent with the requirements of existing section 2805.12(a)(15).

Operations, Maintenance, and Fire Prevention Plans (43 CFR 2804.25(c)(2) and 43 CFR 2805.21(a)) – Sections 2804.25(c)(2) and 2805.21(a) require an operations, maintenance, and fire prevention plan for all new powerline ROWs. Applications to amend and renew powerline ROWs must follow the same procedures as applications for new ROWs and will be subject to this requirement. Existing holders of powerline ROWs are not required to submit an operations, maintenance, and fire prevention plan under the rule until they renew or amend their grant but may submit such plans on a voluntary basis. Holders of ROWs may submit an operations, maintenance, and fire prevention plan to the BLM on a voluntary basis even if their ROW is not for a powerline.

Under existing section 2804.25(c), the BLM may require applicants to submit a POD for a ROW, as necessary. Section 2805.21(c) describes requirements of the operation, maintenance, and fire prevention plans that powerline ROW applicants will be required to submit, as follows:

- (A) Plan requirements: An operating plan must:
 - (i) Identify the applicable facilities to be maintained;

- (ii) Take into account the holder's own operations and maintenance plans for the applicable ROW;
- (iii) Describe the vegetation management, inspection, and operation and maintenance methods that may be used to comply with applicable law, including fire safety requirements and reliability standards established by the ERO;
- (iv) Include schedules for:
 - (a) The applicable owner or operator to notify the BLM about non-emergency routine and major maintenance;
 - (b) The applicable owner or operator to request approval from the BLM about undertaking non-emergency routine and major maintenance; and
 - (c) The BLM to respond to a request by an owner or operator;
- (v) Describe processes for:
 - (a) Identifying changes in conditions; and
 - (b) Modifying the approved operations, maintenance, and fire prevention plan, if necessary; and

(vi) Additionally, section 2805.21 includes a requirement for a fire prevention plan (removal and disposal of cut trees and branches, including plans for sale of forest products).

Modification of Operations, Maintenance, and Fire Prevention Plans (43 CFR 2805.21(e)) –Section 2805.21(e) describes how the BLM will notify the holder that an operations, maintenance, and fire prevention plan requires modifications. The BLM will provide advance reasonable notice to the holder that a modification is necessary, and the holder will submit the proposed modification to the BLM. The BLM will review and approve the proposed Operating Plan modification in the timeframe identified for submitting new approvals. Under paragraph 2805.21(e)(4), the holder may continue to operate and maintain the ROW or facility in accordance with the approved operations, maintenance, and fire prevention plan, if the activity does not conflict with the identified condition that requires a plan modification.

Agreements in Lieu of Operating Plans (43 CFR 2805.21(f)) –Paragraph (f) provides that certain holders may enter into an agreement with the BLM in lieu of operations, maintenance, and fire prevention plans described in section 2805.21. Agreements need to include schedules, as described in section 2805.21(c)(4) and are subject to the same modification requirements of section 2805.21(e).

Notifications – Emergency Conditions (43 CFR 2805.22(a)) – Owners or operators of electric transmission or distribution lines shall notify the authorized officer not later than 1 day after the date of the response to emergency conditions.

Request for Approval – Non-Emergency Conditions (43 CFR 2805.22(b)) – Owners or operators must request approval from the BLM for a proposed activity if their plan:

- (A) Requires them to seek specific approval for the proposed activity, or
- (B) Does not address the proposed activity. They may also need to amend their operations, maintenance, and fire prevention plan if they anticipate conducting this activity on a recurring basis.

Phasing Rent - Hardship (43 CFR 2806.22 & 43 CFR 2866.31) – The BLM uses separate rental schedules for linear ROWs (see section 2806.22) and for communications use grants (see section 2866.30). When the BLM adjusts its rental schedule under these sections, some holders' rents may increase dramatically. The final rule includes provisions in each of these sections (see sections 2806.22(c) and 2866.30) to provide holders experiencing undue hardship the option to phase in the cost difference over a 3-year period. If a holder's rent would more than double from the previous year, the holder may request a phase-in of the increased rent in accordance with section 2806.15(b)(5).

Amendments (43 CFR 2807.20 and 43 CFR 2887.10) – Applicants must amend their application or seek an amendment of their grant when there is a proposed substantial deviation in location or use. The requirements to amend an application or grant are the same as those for a new application, including paying cost recovery fees and rent according to sections 2804.14, 2805.16, and 2806.10.

Renewals (43 CFR 2807.22 and 43 CFR 2887.12) – Applicants must submit an application to renew their existing grant or lease at least 120 days prior to grant expiration.

Request for Preliminary Application Review (43 CFR 2864.10) – In addition to the provisions listed in §2804.10, before filing their application, the applicant should:

- (A) Schedule a preliminary application review meeting with the appropriate personnel in the BLM field office having jurisdiction over the lands you seek to use. During the preliminary application review meeting, the BLM can:
 - (i) Identify potential constraints;
 - (ii) Determine whether the lands are located inside a communications site management plan area;
 - (iii) Tentatively schedule the processing of your proposed application; and
 - (iv) Inform the applicant of financial obligations, such as processing and monitoring costs and rents.
- (B) Request a copy of the most recent communications site management plan for that site, if one is available.
- (C) Ensure the applicant has all other necessary licenses, authorizations, or permits required for the operation of the facility.

Request for Exemption (43 CFR 2806.14 and 43 CFR 2866.14) – Applicants for or holders of an authorization for electric or telephone facilities may request an exemption if they were financed in whole or in part, or eligible for financing, under the Rural Electrification Act of 1936, as amended (REA) (7 U.S.C. 901 et seq.) or if their facilities are extensions of facilities that are exempt from paying rental. This exemption may be requested during the application process for a new grant, or an existing grant holder may request an exemption if they are now eligible after a change in policy. The BLM issued an Instruction Memorandum in 2016 (IM-2016-122) after a Memorandum of Understanding in 2014 established the new policy. Holders do not need to have sought financing from the Rural Utilities Service to qualify for this exemption. Holders will need to document the facility's eligibility for REA financing.

Request for Waiver or Reduction in Annual Rent (43 CFR 2806.15, 43 CFR 2866.15, and 43 CFR 2866.30) – A holder may request a rent waiver or reduction if paying the full rent will cause the holder undue hardship and it is in the public interest to waive or reduce the rent. For example, an undue hardship can be a financial impact on a small business, or it could involve situations where there is a need to relocate the facility to comply with public health and safety and environmental protection laws not in effect at the time the original grant issued. The holder would also need to submit information to support

an undue hardship claim. Several other sections of the final rule allow a holder to request a waiver or reduction to their rent under the provisions of sections 2806.15, 2866.15 and 2866.30.

Annual Statement (43 CFR 2866.31(c)) – By October 15 of each year, communication uses grantees must submit to the BLM a certified statement listing any tenants and customers in their facility or facilities and the category of use for each tenant or customer as of September 30 of the same year. The BLM may require grant holders to submit any additional information needed to calculate their rent. The BLM will determine the rent based on the annual inventory certification statement provided. The BLM requires only facility owners or facility managers to hold a grant (unless they are an occupant in a federally owned facility as described in section 2806.42) and will charge rent for grants based on the total number of communications uses within the ROW and the type of uses and population strata the facility or site serves. Failure to submit the annual inventory certification (by electronic correspondence or postmarked) by October 15 may result in the grantee not receiving any discounts, reductions, exemptions or waivers (see sections 2866.14, 2866.15, and 2866.34), for which they may have been entitled.

Request to Authorize Facilities Under a Single Grant (43 CFR 2866.38) – Applicants holding authorizations for two or more facilities on the same communications site may submit a written request to authorize those facilities under a single grant.

Environmental Impact Statement (43 CFR 2804.14(e) and 43 CFR 2884.12(e)) – In processing an application, the BLM may determine at any time that an Environmental Impact Statement (EIS) is necessary to evaluate the application. The EIS may be prepared by the applicant, the BLM, or by both parties.

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.

SF-299 is electronically available to the public in fillable, printable format at: <http://www.gsa.gov/portal/forms/download/117318>.

A respondent who chooses to submit that form electronically may do so by scanning and then emailing it to the appropriate BLM office. Some of the required non-form information may be scanned or emailed as well. However, electronic submission of some other required non-form information might not be feasible due to the nature of the information. For example, maps and drawings that are required as part of a Plan of Development in accordance with 43 CFR 2809.18(c) may be difficult for applicants to submit electronically.

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

There is no duplication. The information in each collection activity is unique and is unsuitable for other uses. The BLM is not able to use or modify similar information because the responses in this collection are distinct, unrelated to each other, and specific to their individual proposed projects.

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

In compliance with the Regulatory Flexibility Act, the BLM reviewed the entities potentially affected by the final rule to determine the extent to which the affected entities are small businesses, as defined by the Small Business Administration. Upon this review, BLM determined that the final rule could affect a substantial number of small entities. However, the collections of information in the final rule are the minimum necessary in order to issue and monitor ROWs.

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 the BLM did not conduct the collection or conducted it less frequently, BLM would not be able to administer the ROW program in a manner consistent with current law and regulation.

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.

The information collection requirements are consistent with 5 CFR 1320.5(d). There are no special circumstances requiring the collection to be conducted in a manner described above.

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.

The BLM's notice soliciting comments on the information collection was published in the Federal Register on November 7, 2022, on page 67306. (87 Fed. Reg. 67306). The 60-day public comment period ended January 6, 2023, and was extended to January 23, 2023, at the request of Western Area Power Administration. BLM received two comments from CTIA, a trade group representing the U.S. wireless communications industry, in response to this notice soliciting comments on the information collection or the PRA statement associated with the collection over the past three years. Both comments were provided in the same comment letter. Below please find the summarized comments and the BLM's responses.

The first comment from CTIA urged BLM “to retain flexibility in the geographic information required rather than requiring a specific file format (i.e., shapefiles).” In response to the comment, the final rule was revised to require data be submitted as “Geographic Information System (GIS) shapefiles, or equivalent format.”

The second comment from CTIA urged “BLM to limit this information collection in a manner consistent with BLMs mission as a non-spectrum regulatory agency and ensure the data collected is used only for the purposes of site management e.g., to determine whether the proposed equipment can be accommodated at the site, and to enable tenants to address interference issues consistent with the rules of applicable spectrum regulatory agencies.” In response to the comment, the BLM has elected not to revise the final rule as the collection of information requiring communications uses applicants to include technical data relating to the communications equipment used and the proposed facility, including frequencies and power output of the proposed use, is consistent with current BLM policy. The collection of information is necessary for the BLM to determine if the applicant has met requirements for compliance with Federal and State laws and to ensure a new proposal is in concurrence with the local communications site management plan.

The regulations in the final rule include provisions pertaining to non-hour burdens authorized by FLPMA and the MLA.

A copy of the Federal Register notice for the proposed rule (RIN 1004-AE60) is provided with the submission of this request for review.

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

Respondents would not receive any payment or gift.

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

Paragraph 2805.12(a)(15) requires that a grant holder or lessee provide or make available, upon the BLM’s request, any pertinent environmental, technical, and financial records for inspection and review. Any information marked confidential or proprietary is kept confidential to the extent allowable by law. The basis for this provision is Exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)), which authorizes Federal agencies to withhold from public disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Under the Privacy Act, personally identifiable information is subject to published System of Records Notice: [Land & Minerals Authorization Tracking System--Interior, LLM-32](#) (February 7, 1991, 56 FR 5014; modification published April 1, 2008, 73 FR 17376).

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.

Respondents are not asked any 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 BLM estimates **5,564 annual responses** totaling **188,136 annual burden hours**. BLM estimates the annual dollar value of the burden hours is **\$7,377,528** (rounded).

BLM used data from the of Bureau of Labor Statistics (BLS) News Release [USDL-20-0451](#), Employer Costs for Employee Compensation—June 2023, to calculate the cost of the total annual burden hours:

Table 12.1

Requirement	Average Number of Annual Respondents	Average Number of Responses Each	Average Number of Annual Responses	Average Completion Time per Response	Estimated Annual Burden Hours	Hourly Rate	\$ Value of Annual Burden Hours
Appeals/Petitions for a Stay (43 CFR 2801.10 and 43 CFR 2881.10)							
Individuals	5	1	5	40	200	\$ 39.55	\$ 7,910.00
Private Sector	20	1	20	40	800	37.24	29,792.00
Government	1	1	1	40	40	54.46	2,178.40
Designation of Agent or Third Party (43 CFR 2803.11)							
Individuals	10	1	10	4	40	\$ 39.55	\$ 1,582.00
Private Sector	10	1	10	4	40	37.24	1,489.60
Government	10	1	10	4	40	54.46	2,178.40
Request for a Master Agreement (43 CFR 2804.17 & 43 CFR 2884.15)							
Individuals	5	1	5	16	80	\$ 39.55	\$ 3,164.00
Private Sector	10	1	10	16	160	37.24	5,958.40
Government	0	0	0	0	0	54.46	0.00
Written Agreements – Category 6 Projects (43 CFR 2804.19 and 43 CFR 2884.17)							
Individuals	5	1	5	80	400	\$ 39.55	\$ 15,820.00
Private Sector	50	1	50	80	4,000	37.24	148,960.00
Government	10	1	10	80	800	54.46	43,568.00
Analysis of Factors – Cost Recovery Fee Determination (43 CFR 2804.21)							
Individuals	10	1	10	24	240	\$ 39.55	\$ 9,492.00
Private Sector	20	1	20	24	480	37.24	17,875.20
Government	0	0	0	0	0	54.46	0.00
Withdrawing Applications/Relinquishing Grants (43 CFR 2804.27 and 43 CFR 2884.24)							
Individuals	70	1	70	4	280	\$ 39.55	\$ 11,074.00
Private Sector	530	1	530	4	2,120	37.24	78,948.80
Government	255	1	255	4	1,020	54.46	55,549.20
Request for Alternative Requirement (43 CFR 2804.40)							
Individuals	10	1	10	40	400	\$ 39.55	\$ 15,820.00
Private Sector	75	1	75	40	3,000	37.24	111,720.00
Government	40	1	40	40	1,600	54.46	87,136.00
Request for Extension (43 CFR 2805.12(c)(5))							
Individuals	1	1	1	8	8	\$ 39.55	\$ 316.40
Private Sector	10	1	10	8	80	37.24	2,979.20
Government	1	1	1	8	8	54.46	435.68
Rights the United States Retains – Financial Documents (43 CFR 2805.15)							
Individuals	0	1	0	0	0	\$ 39.55	\$ 0.00
Private Sector	15	1	15	24	360	37.24	13,406.40
Government	0	1	0	0	0	54.46	0.00
Operating, Maintenance, and Fire Prevention Plans (43 CFR 2804.25(c)(2), 43 CFR 2805.21(b)), and 43 CFR 2505.21							
Individuals	10	1	10	40	400	\$ 39.55	\$ 15,820.00
Private Sector	600	1	600	24	14,400	37.24	536,256.00

Requirement	Average Number of Annual Respondents	Average Number of Responses Each	Average Number of Annual Responses	Average Completion Time per Response	Estimated Annual Burden Hours	Hourly Rate	\$ Value of Annual Burden Hours
Government	20	1	20	40	800	54.46	43,568.00
Modification of Operating Plans (43 CFR 2805.21(d))							
Individuals	5	1	5	24	120	\$ 39.55	\$ 4,746.00
Private Sector	25	1	25	24	600	37.24	22,344.00
Government	10	1	10	24	240	54.46	13,070.40
Agreements in Lieu of Operating Plans (43 CFR 2805.21(f))							
Individuals	0	1	0	0	0	\$ 39.55	\$ 0.00
Private Sector	50	1	50	40	2,000	37.24	74,480.00
Government	10	1	10	40	400	54.46	21,784.00
Notifications – Emergency Conditions (43 CFR 2805.22(a))							
Individuals	5	1	5	4	20	\$ 39.55	\$ 791.00
Private Sector	200	1	200	4	800	37.24	29,792.00
Government	50	1	50	4	200	54.46	10,892.00
Request for Approval – Non-Emergency Conditions (43 CFR 2805.22(b))							
Individuals	10	1	10	24	240	\$ 39.55	\$ 9,492.00
Private Sector	75	1	75	24	1,800	37.24	67,032.00
Government	15	1	15	24	360	54.46	19,605.60
Phasing Rent - Hardship (43 CFR 2806.22 & 43 CFR 2866.31)							
Individuals	25	1	25	8	200	\$ 39.55	\$ 7,910.00
Private Sector	100	1	100	8	800	37.24	29,792.00
Government	0	1	0	0	0	54.46	0.00
Amendments (43 CFR 2807.20 and 43 CFR 2887.10)							
Individuals	10	1	10	32	320	\$ 39.55	\$ 12,656.00
Private Sector	250	1	250	32	8,000	37.24	297,920.00
Government	50	1	50	32	1,600	54.46	87,136.00
Renewals (43 CFR 2807.22 and 43 CFR 2887.12)							
Individuals	95	1	95	16	1,520	\$ 39.55	\$ 60,116.00
Private Sector	1,025	1	1,025	16	16,400	37.24	610,736.00
Government	115	1	115	16	1,840	54.46	100,206.40
Request for Preliminary Application Review (43 CFR 2864.10)							
Individuals	5	1	5	4	20	\$ 39.55	\$791.00
Private Sector	25	1	25	4	100	37.24	\$3,724.00
Government	10	1	10	4	40	54.46	\$2,178.40
Request for Exemption (43 CFR 2806.14 and 43 CFR 2866.14)							
Individuals	0	1	0	0	0	\$ 39.55	\$ 0.00
Private Sector	40	1	40	8	320	37.24	11,916.80
Government	0	1	0	0	0	54.46	0.00
Request for Waiver or Reduction in Annual Rent (43 CFR 2806.15, 43 CFR 2866.15, and 43 CFR 2866.30)							
Individuals	10	1	10	80	800	\$ 39.55	\$ 31,640.00
Private Sector	10	1	10	80	800	37.24	29,792.00
Government	0	1	0	0	0	54.46	0.00
Annual Statement (43 CFR 2866.31(c))							
Individuals	200	1	200	4	800	\$ 39.55	\$ 31,640.00
Private Sector	900	1	900	4	3,600	37.24	134,064.00
Government	400	1	400	4	1,600	54.46	87,136.00
Request to Authorize Facilities Under a Single Grant (43 CFR 2866.38)							
Individuals	0	1	0	0	0	\$ 39.55	\$ 0.00
Private Sector	10	1	10	32	320	37.24	11,916.80
Government	5	1	5	32	160	54.46	8,713.60
Environmental Impact Statement (43 CFR 2804.14(e) and 43 CFR 2884.12(e))							
Individuals	0	1	0	0	0	\$ 39.55	\$ 0.00
Private Sector	10	1	10	10,000	100,000	37.24	3,724,000.00
Government	1	1	1	10,000	10,000	54.46	544,600.00
Totals:	5,554		5,554		187,816		\$7,377,528*

*Rounded

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.

Respondents will not incur annual capital or startup costs or be required to purchase any computer software or hardware to respond to the information collection requirements in the final rule.

The non-hour burdens of this final rule consist of fees authorized by Sections 304 and 504(g) of FLPMA (43 U.S.C.1734 and 1764(g)). Section 304 authorizes the Secretary of the Interior to establish reasonable filing and service fees and reasonable charges with respect to applications and other documents relating to the public lands. Section 504(g) authorizes the Secretary to promulgate regulations that require, as a condition of a ROW, that an applicant for or holder of a ROW reimburse the United States for all reasonable administrative and other costs incurred with respect to ROW applications and with respect to inspection and monitoring of construction, operation, and termination of a facility pursuant to such ROW. Section 28 of the MLA (30 U.S.C. 185) authorizes the BLM to issue ROWs on public lands for oil, natural gas, and other pipelines, and requires the BLM to prescribe certain terms and conditions including the requirement for the applicant/holder to reimburse the Federal Government for the cost of processing and monitoring the application/grant.

The fees (*i.e.*, non-hour burdens) are itemized in the following table.

Table 13.1 – Estimated Annual Non-Hour Burdens

Requirement	Average Number of Annual Responses	Average Nonhour Burden Cost per Response	Total Average Annual Nonhour Burden Costs
<i>Request for a Master Agreement (43 CFR 2804.17 & 43 CFR 2884.16)</i>			
Individuals	5	\$ 185,000	\$ 925,000
Private Sector	10	185,000	1,850,000
Government	0	0	0
<i>Written Agreements – Category 6 Projects (43 CFR 2804.19 and 43 CFR 2884.16)</i>			
Individuals	5	\$ 200,000	\$ 1,000,000
Private Sector	50	200,000	10,000,000
Government	10	200,000	2,000,000
<i>Analysis of Factors – Cost Recovery Fee Determination (43 CFR 2804.21)</i>			
Individuals	10	\$ 500	\$ 5,000
Private Sector	20	500	10,000
Government	0	0	0
Totals:	----	----	\$ 15,790,000

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

BLM estimates the total cost to the Federal Government to administer this information collection will be **\$15,383,010** (rounded). BLM used Office of Personnel Management Salary 2023 Table https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/RUS_h.aspx to determine average hourly wages. BLM multiplied the hourly rate by 1.6 to account for benefits in accordance with BLS News Release [USDL-20-0451](https://www.bls.gov/news.release/usdl-20-0451), June 2023.

Table 14 -1, Estimated Hourly Cost to the Government

Position and Pay Grade	Hourly Pay Rate (\$/hour)	Hourly Rate (with Benefits)	Percent of Collection Time	Weighted Average
Clerical (GS-6, step 5)	\$ 21.86	\$ 34.98	35%	\$ 12.24
Technical (GS-11, step 5)	35.96	57.54	55%	31.65
Managerial (GS-13,step 5)	51.25	82.00	10%	8.20
Weighted Average:				\$ 52.09

The following table itemizes the annual federal hour burdens and dollar equivalents for each information collection activity.

Table 14-2, Estimated Annual Federal Hour Burdens

Type of Response	Number of Responses	Time per Response	Annual Labor Hours	Annual Cost (Hours x \$52.09)
Appeals/Petitions for a Stay (43 CFR 2801.10 and 43 CFR 2881.10)	26	40 hours	1,040	\$54,173.60
Designation of Agent or Third Party (43 CFR 2803.11)	30	8 hours	240	\$12,501.60
Request for a Master Agreement (43 CFR 2804.17 & 43 CFR 2884.16)	15	80 hours	1,200	\$62,508.00
Written Agreements – Category 6 Projects (43 CFR 2804.19 and 43 CFR 2884.16)	65	80 hours	5,200	\$270,868.00
Analysis of Factors – Cost Recovery Fee Determination (43 CFR 2804.21)	30	24 hours	720	\$37,504.80
Withdrawing Applications/Relinquishing Grants (43 CFR 2804.27 and 43 CFR 2884.24)	855	8 hours	6,840	\$356,295.60
Request for Alternative Requirement (43 CFR 2804.40)	125	32 hours	4,000	\$208,360.00
Request for Extension (43 CFR 2805.12(c)(5))	12	8 hours	96	\$5,000.64
Rights the United States Retains – Financial Documents (43 CFR 2805.15)	15	16 hours	240	\$12,501.60
Operating, Maintenance, and Fire Prevention Plans (43 CFR 2804.25(c)(2) and 43 CFR 2805.21(b))	630	40 hours	25,200	\$1,312,668.00
Modification of Operating Plans (43 CFR 2805.21(d))	40	32 hours	1,280	\$66,675.20
Agreements in Lieu of Operating Plans (43 CFR 2805.21(f))	60	40 hours	2,400	\$125,016.00
Notifications – Emergency Conditions (43 CFR 2805.22(a))	255	4 hours	5,020	\$261,491.80
Request for Approval – Non-Emergency Conditions (43 CFR 2805.22(b))	100	24 hours	2,400	\$125,016.00

Type of Response	Number of Responses	Time per Response	Annual Labor Hours	Annual Cost (Hours x \$52.09)
Phasing Rent - Hardship (43 CFR 2806.22 & 43 CFR 2866.31)	125	32 hours	4,000	\$208,360.00
Amendments (43 CFR 2807.20 and 43 CFR 2887.10)	310	80 hours	24,800	\$1,291,832.00
Renewals (43 CFR 2807.22 and 43 CFR 2887.12)	1,235	40 hours	49,400	\$2,573,246.00
Request for Preliminary Application Review (43 CFR 2864.10)	40	16 hours	640	\$33,337.60
Request for Exemption (43 CFR 2806.14 and 43 CFR 2866.14)	40	32 hours	1,280	\$66,675.20
Request for Waiver or Reduction in Annual Rent (43 CFR 2806.15, 43 CFR 2866.15 and 43 CFR 2866.30)	20	40 hours	800	\$41,672.00
Annual Statement (43 CFR 2866.31(c))	1,500	32 hours	48,000	\$2,500,320.00
Request to Authorize Facilities Under a Single Grant (43 CFR 2866.38)	15	24 hours	360	\$18,752.40
Environmental Impact Statement (43 CFR 2804.14(e), 43 CFR 2884.12(e))	11	10,000 hours	110,000	\$5,729,900.00
Totals:	5,564		295,316	\$15,374,676

*Rounded

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

This is a request for a new control number. Therefore, all the burden is considered "new" and is attributed to a program change due to agency discretion. The new burden would result from the information collection requirements contained in the final rule as outlined above.

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.

The results of this collection will not be published.

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.

The SF-299 displays the OMB control number 0596-0249, which displays the expiration date. There are no other forms associated with this final rule on which to display the OMB control number and expiration date. The BLM will display the expiration date of the OMB approval. The OMB Control Number and expiration date are available at www.reginfo.gov.

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 requirements of 5 CFR 1320.9.

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