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

PAPERWORK REDUCTION ACT SUBMISSION
1SUPPORTING STATEMENT A

CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS
(43 CFR PART 2720)

OMB CONTROL NUMBER 1004-0153

Terms of Clearance: Not applicable. The Office of Management and Budget (OMB) provided no Terms of Clearance when it last approved the collections of information under this OMB Control Number (see OMB Notice of Action dated December 7, 2021).

Abstract: Section 209(b) of the Federal Land Policy and Management Act (43 U.S.C. § 1719) authorizes the Secretary of the Interior to convey Federally-owned mineral interests to non-Federal owners of the surface estate. The respondents in this information collection are non-Federal owners of surface estates who apply for underlying Federally-owned mineral interests. This information collection enables the Bureau of Land Management (BLM) to determine if the applicants are eligible to receive title to the Federally-owned mineral interests beneath their lands. OMB's approval for the information collections approved under OMB control number 1004-0153 is currently scheduled to expire on December 31, 2024. This request is for OMB to renew this OMB control number for an additional three (3) years.

Justification

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

The respondents in this information collection are owners of surface estates who apply for underlying Federally-owned mineral estates. The BLM needs to conduct the information collection to determine if the applicants are eligible to receive title to the Federally-owned minerals lying beneath their lands. When certain specific conditions have been met, the United States will convey legal title to the Federally-owned minerals to the owner of the surface estate. Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA or Act), 43 U.S.C. 1719, authorizes the Secretary of the Interior to convey mineral interests owned by the United States to owners of surface estate. Regulations at 43 CFR Part 2720 establish guidelines and procedures for the processing of applications.

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.

A typical respondent would be an owner of the surface of a parcel of land but not the mineral rights. We do not require an applicant to use a specific application form. The BLM uses the information to determine if an applicant meets the statutory requirements of the Act and regulations. An applicant who satisfies the requirement of the Act and regulations will be entitled to receive a conveyance for the mineral interest lying beneath their privately owned lands. The BLM collects the information from owners of land (surface estate) seeking to obtain ownership of the mineral interests (subsurface estate) lying beneath their lands. A landowner may be an individual, partnership, corporation, association or other business entity, or a State, local, or tribal government. Response to the information collection is required to obtain or retain a benefit, i.e., title to the Federally-owned mineral interests beneath a surface estate owned privately or by a state, local, or tribal government. If the information were not collected, the

BLM would be unable to implement Section 209(b) of FLPMA. In accordance with Section 209(b) of FLPMA and the regulations at 43 CFR Part 2720, the BLM collects the following information from applicants:

- (1) The name, legal mailing address, and telephone number. We use the information to identify and communicate with the applicant.
- (2) Proof of ownership of the land included in the application. We use this information to determine if the applicant is the record title owner of the surface estate.
- (3) A certified copy of any patent or other instrument conveying the land included in the application. We use this information to verify the surface estate owner, legal land description, and location of the lands included in the application.
- (4) The applicant must submit a statement concerning (i) the nature of the Federally owned or reserved mineral values in the land; (ii) the existing and proposed uses of the land; (iii) why the mineral reservation is interfering with or precluding appropriate non-mineral development of the land; (iv) how and why such development would be a more beneficial use than mineral development; and (v) a showing that the proposed use will comply with State and local zoning or planning requirements. We use this information to evaluate the mineral interests in the land (subsurface estate); the applicant's current and proposed uses of the land; the impact of the Federal mineral reservation on the applicant's proposed development of the land; the benefit of land development over mineral development; and the compliance of the proposed land development with State and local zoning or planning laws.

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.

This is a non-form information collection, and there are no requirements to be met regarding electronic conversion. However, respondents may choose to submit the required information via e-mail. We estimate that 100 percent of respondents submit the information 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 between this information collection and other collections. The information is unique to each application and is unsuitable for other uses. We are not able to use or modify existing information collections to process new applications because the applicant's responses are distinct, unrelated, and specific to their individual proposed project.

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

The BLM does not collect information on whether the respondents are small businesses or small entities. There are no special methods used to minimize the burden because the information collection methods are uniform throughout the BLM regardless of the size or type of the entity. The information collected is limited to the information required for an applicant to meet statutory and regulatory requirements. Applicants responding to this information collection include individuals, businesses, and State, local, and tribal governments.

For purposes of this information collection request, the BLM estimates that the two applicants which are businesses are likely to qualify as small businesses or other small entities.

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

The frequency of responses for each aspect of the information collection is “on occasion,” and is triggered by the events as outlined in 43 CFR Part 2720. If the collection is not conducted, the BLM cannot process applications lawfully submitted under FLPMA Section 209(b) and 43 CFR Part 2720. Less frequent collection would mean no collection at all. The information that the BLM collects is limited to the information required for the applicant to demonstrate that the proposed conveyance complies with FLPMA and the regulations.

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(d).

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 15, 2024, the BLM published a Federal Register notice soliciting comments for a period of 60 days on this collection of information (89 FR 26183). The comment period closed on June 14, 2024. The BLM received no comments in response to this notice.

Additionally, as required by 5 CFR 1320.5(a)(1)(iv), BLM will publish a notice in the Federal Register announcing the submission of this request to OMB and allowing the public 30 days to send comments on the proposed extension of this OMB number to OMB.

The BLM has consulted with the following respondents 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.

Applicants Consulted:

- Waste Management of Arizona. Inc., 222 South Mill Avenue, Suite 333, Tempe, AZ
- RFO Funding Solution IV LLC, 1170 Peachtree St NE Suite 1150, Atlanta, GA
- Windham Development Group, 1821 Victoria Ave Suite 2, Fort Myers, FL

Consultation Results:

The respondents had no issues regarding this collection of information. The BLM made no changes because of the 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.

The BLM provides no assurance of confidentiality to respondents.

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. Instead, this cost should be included under “Annual Cost to Federal Government.”**

Table 12-1, below, shows the BLM’s estimate of the hourly cost burdens for providing the required information. The mean hourly wages for were determined using national Bureau of Labor Statistics (BLS) data at http://www.bls.gov/oes/current/oes_nat.htm. The benefits multiplier of 1.4 is supported by information at <https://www.bls.gov/news.release/eccec.pdf>. The estimated annual reporting burdens are shown below in Table 12-2, below.

The burden estimates are based on the BLM’s experience administering the information and the requirements of the underlying regulations.

Table 12-1: Hourly Cost Calculation for Businesses and Individuals

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Occupational Category	Mean Hourly Wage	Benefits Multiplier	Total Mean Hourly Wage
11—3010 Administrative Services and Facilities Managers	\$54.06	1.4	\$75.68

Table 12-2: Estimates of Hour and Cost Burdens

Collection of Information	Type of Response	Number of Respondents	Frequency of Response ¹	Number of Responses	Hours Per Response	Total Annual Hours	Hourly Wage	Dollar Equivalent
Conveyance of Federally-Owned Mineral Interests — Businesses	Reporting	2	On occasion	2	1	2	\$75.68	\$151.36
Conveyance of Federally-Owned Mineral Interests — Individuals	Reporting	2	On occasion	2	1	2	\$75.68	\$151.36
Conveyance of Federally-Owned Mineral Interests — State / Local / Tribal Governments	Reporting	1	On occasion	1	1	1	\$75.68	\$75.68
Totals:	—	5	—	5	—	5	—	\$378

¹ For purposes of calculating annual burden, a frequency of one (1) response per year is used.

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 incur no annual capital or start-up costs to comply with this information collection. They do not need to purchase any computer software or hardware to comply with this information collection. In accordance with 43 CFR 2720.1-2(c), a nonrefundable filing fee of \$50 must accompany each application. In light of our estimate of 5 responses annually, we estimate that respondents pay a total of \$250 in filing fees annually.

$$5 \text{ Responses} \times \$50 \text{ filing fee} = \$250 \text{ total cost burden}$$

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.

Table 14-1, below, shows the BLM’s estimate of the hourly cost burdens to the Federal government. The hourly cost to the Federal Government is based on data at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/RUS_h.aspx. The benefits multiplier of 1.6 is implied by information at <https://www.bls.gov/news.release/pdf/ecec.pdf>. Table 14-2, below, shows the estimated Federal hours and costs for each component of this information collection. The cost to BLM are based on BLM staff who actually process the information collections.

Table 14 -1: Hourly Cost Calculations

Position	Pay Grade	Hourly Pay Rate (\$/hour)	Benefits Multiplier	Total Hourly Rate	Percent of the Information Collection Completed by Each Occupation	Weighted Avg. Hourly Rate (\$/hour)
Clerical	GS-7, Step 1	\$23.49	1.6	\$37.58	20%	\$7.52
Technical	GS-11, Step 1	\$34.76	1.6	\$55.62	70%	\$38.93
Manager	GS-13, Step 1	\$49.55	1.6	\$79.28	10%	\$7.93
Total:	—	—	—	—	100%	\$54.38

Table 14-2: Estimated Annual Cost to the Government

Type of Information Collection	Number of Responses	Hours Per Response	Total Hours	Hourly Cost	Dollar Equivalent
Conveyance of Federally-Owned Mineral Interests	2	1	5	\$54.38	\$272

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

There are no program changes or adjustments requested in this request.

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 are not requesting approval to not display the expiration date. While there are no forms associated with this collection of information; the OMB control and expiration 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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