

Dated: July 31, 2003.

Gary L. Lore,

Chief, e-Gov Transformation Project.

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DEPARTMENT OF THE INTERIOR

National Park Service

30-Day Notice of Submission to the Office of Management and Budget, Opportunity for Public Comment

AGENCY: National Park Service, Interior.

ACTION: Notice of submission to Office of Management and Budget and request for comments on information collection related to National Park Service mining regulations.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the National Park Service (NPS) invites comments on a submitted request to the Office of Management and Budget (OMB) to approve an extension, with revision, to a currently approved information budget for the NPS's minerals management regulatory program inside park units. Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the park protection functions of the NPS, including whether the information has practical utility; (2) the accuracy of the NPS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) the quality, utility and clarity of the information to be collected; (4) ways to minimize the burden of the information collection on respondents, including use of automated, electronic, mechanical, or other forms of information technology; and (5) on the typical costs that prospective operators incur in preparing complete plans of operation under NPS mining regulations. OMB has up to 60 days to approve or disapprove the requested information collection budget but may respond after 30 days. Thus, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration.

Primary Purpose of the Proposed Information Collection Request: The NPS requires the submittal of information on prospective mineral development activities associated with mining claims and non-Federal oil and gas rights within National Park System units to ensure that only operations that mitigate adverse impacts to park resources and values are permitted to operate in parks.

DATES: Public comments on this notice must be received by September 5, 2003.

ADDRESSES: Please send comments Office of Management and Budget, Office of Information and Regulatory Affairs, ATTN: Desk Officer for the Interior Department (1024-0064), via facsimile (202-395-5806) or e-mail (Ruth.Solomon@omb.eop.gov). Please also forward a copy of your comments to Edward O. Kassman, Jr., Regulatory Specialist, Policy and Regulations Branch, Geologic Resources Division, NPS, P.O. Box 25287, Lakewood, Colorado 80225, (303) 969-2146.

All comments will become a matter of public record. Copies of the information collection request may be obtained by contacting Edward O. Kassman, Jr. at the above noted address or by calling him at (303) 969-2146.

SUPPLEMENTARY INFORMATION:

Title: NPS Minerals Management Program.

Form: None.

OMB Number: 1024-0064.

Expiration Date: June 30, 2003.

Type of Request: Revision of a currently approved information collection.

Description of Need: While surprising, outstanding mineral rights exist in many units of the National Park System. In most cases, these rights predate the establishment of the units. Currently, a little over 1,749 mining claims, which were located under the 1872 Mining Law, 30 U.S.C. 21 *et seq.*, exist in a total of 19 park units. The majority of these claims are located in Mojave National Preserve that was added to the National Park System through the California Desert Protection Act of 1994, 16 U.S.C. 410aaa. With respect to non-Federal oil and gas rights in park units, 703 non-Federal oil and gas operations exist in 12 park units. The potential for additional non-Federal oil and gas operations in additional units is tied to market forces and the quality and quantity of oil and gas reserves in park boundaries that coincide with the presence of private rights.

The NPS regulates mineral development activities inside park boundaries on mining claims and on non-Federal oil and gas rights under regulations codified at 36 CFR part 9, Subpart A for mining claims (*i.e.*, "9A Regulations"), and Subpart B for non-Federal oil and gas rights (*i.e.*, "9B Regulations"), respectively. The NPS promulgated both sets of regulations in the late 1970's. In the case of mining claims, the NPS did so under congressional authority granted under the Mining in the Parks Act of 1976, 16 U.S.C. 1901 *et seq.*, and individual park

enabling statutes. For non-Federal oil and gas rights, the NPS regulates development activities pursuant to authority under the NPS Organic Act of 1916, as amended, 16 U.S.C. 1 *et seq.*, and individual enabling statutes. As directed by Congress, the NPS developed the regulations in order to protect park resources and visitor values from the adverse impacts associated with mineral development in park boundaries.

The heart of the regulations is the approved "plan of operations" requirement. Essentially, a plan of operations is a prospective operator's blueprint setting forth all intended activities from access to extraction to reclamation related to developing a particular miner right in a given park unit. The information required in a plan of operations is set forth in NPS regulations. Before an operator can commence development activities in a park unit, the NPS must approve the plan of operations and the operator must secure a bond in an amount sufficient to cover the cost of reclamation to the Federal Government in the event the operator defaults on his/her obligations.

Usually, an approved plan of operations covers the life of the mine or well, from development and production to reclamation. Under NPS regulations, such plans, may be revised. No set form is required for a plan of operations. Each plan is tailored to the intended activities of an operator and the particulars of the environment, *e.g.*, hardwood forest or desert, presence of endangered species or cultural resources, location and extent of water resources including wetlands.

Because of the variability among plans of operations and the duration of such plans, assessing the annual paperwork burden of complying with the NPS's mining regulations is difficult. Below is the NPS's best estimate, pro-rated on an annual basis, as to the number of respondents and number of hours involved in complying with the Service's regulations governing mining claims and non-Federal oil and gas rights.

Respondents: 1/4 medium to large publicly owned companies and 3/4 private entities.

Estimate of Number of Respondents: On an annual basis, the NPS estimates that it receives a range of between 13 to 20 plans of operations under its regulations: 3 to 5 plans of operations for mining claims, and 10 to 15 plans of operations for non-Federal oil and gas rights. For analysis purposes, the NPS used an overall estimate of 17 plans of operations per year: 4 plans of

operations for mining claims, and 13 plans of operations for non-Federal oil and gas rights.

Estimated Number of Responses per Respondent: One. To conduct mineral development operations in park units, a prospective operator must submit a proposed plan of operations to the NPS for review and approval. Once approved, such a plan covers the life of the operation. If the plan is for geophysical work associated with private oil and gas rights it may only cover a period of a few months. In contrast, a plan for a production oil and gas well or a hardrock mine may cover a period of 10 or more years.

Estimate of Burden Per Respondent: Public reporting burden for this collection of information is estimated to average 176 hours per response.

Estimated Total Annual Burden: 2992 hours. This number breaks down to 704 total hours to comply with the information requirements of the 9A regulations governing mining claim operations in parks, and 2288 total hours to comply with the information requirements of the 9B regulations governing non-Federal oil and gas operations in parks.

Methodology and Assumptions Underlying the Hour Estimate: Under the Service's 9A regulations and the 9B regulations, a complete plan may consist of 10 pages of text *plus* 2–10 pages of illustration inclusive of location maps, site plans and cross-sections to 100 pages of text *plus* several volumes of supporting material depending on the complexity of the proposed operations. The latter type of plan for hardrock mining is a rarity in the NPS. The time to prepare a plan could range from 24 hours to 6 months for a very complicated plan. Because the content of each plan is specific to the operation and site, and each operation and site present a unique set of circumstances, it is difficult to identify an "average" plan on which to base an estimate of preparation time. The NPS thus chose to use 160 hours (4 weeks) *plus* 10% for purposes of this analysis. In the case of the 9A regulations where an average of 4 complete proposed plans are expected per year, the estimated total amount of time involved to prepare plans of operations is 704 hours (*i.e.*, 176 hours $\times$ 4 complete proposed plans). In the case of the 9B regulations where an average of 13 complete proposed plans are expected per year, the estimated total amount of time involved to prepare plans of operations is 2288 hours (*i.e.*, 176 hours $\times$ 13 complete proposed plans).

Estimated Cost Per Respondent To Comply with the Paperwork

Requirements: The NPS estimates that the annualized cost to all respondents to comply with the 9A regulations ranges from \$7,040 to \$70,040. The NPS estimated the cost per plan at \$1,760 to \$17,600. In the case of the 9B regulations, the NPS estimates the annualized cost to all respondents ranges from \$65,000 to \$260,000 based on a likely individual compliance cost range of \$5,000 to \$20,000.

Methodology and Assumptions Underlying the Cost Estimate: For the 9A regulations, the annualized estimated cost to all the respondents was determined as follows:

(1) Nationwide, 4 plans of operations and associated information (*e.g.*, bond, commercial vehicle registration) are expected annually from different operators;

(2) Using an estimate of 160 hours to prepare a plan complete with attachments at a cost of \$10 to \$100 per hour (assuming the use of consultants for some or all parts of the plan requirements), the cost to prepare a plan could range from \$1600 to \$16,000.

(3) The NPS added ten percent (*i.e.*, \$160 to \$1,600) of the cost to prepare a plan of operations to account for administrative costs associated with changes in claim ownership, *etc.*

An operator with experience in preparing plans of operations likely can prepare an acceptable plan for a moderately complex operation in a few weeks, since most of the components of the plan are compiled during the course of normal business activities. Many of the information requirements of the regulations should be compiled by a responsible operator as part of normal business activities, to minimize liabilities, maintain business records for tax and other purposes, obtain financial backing, and ensure a safe, efficient, and well-planned operation. Under the regulations, information may be submitted in the manner in which it is customarily maintained in the industry.

Response to 60-Day Notice: On January 31, 2003, the NPS issued a notice in the **Federal Register** as to its intent to request an extension and revision to the information collection budget associated with the Service's minerals management program pursuant to 36 CFR part 9. See 68 FR 5040–5041. The comment period closed on April 1, 2003. The NPS received no comments to the 60-day notice.

Dated: June 23, 2003.

Doris Lowery,

Acting Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

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DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Draft Environmental Impact Statement, Coronado National Memorial, Arizona

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of a Draft Environmental Impact Statement/General Management Plan, Coronado National Memorial.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332 (C) the National Park Service announces the availability of a Draft Environmental Impact Statement and General Management Plan (DEIS/GMP) for Coronado National Memorial, Arizona.

DATES: The DEIS/GMP will remain available for public review for 60 days following the date of this notice. No public meetings are scheduled at this time.

Comments: If you wish to comment you may submit your comments by any one of several methods. You may mail comments to Superintendent, Dale Thompson, Coronado National Memorial, 4101 East Montezuma Canyon Road, Hereford, AZ 85615. You may comment via the Internet to at <http://planning.nps.gov/plans.cfm>. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: GMP Team" and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, you can contact Superintendent Dale Thompson directly at telephone (520) 366–5515 or Job Captain John Paige at telephone (303) 969–9721. Finally you may hand-deliver your comments to park headquarters, 4101 East Montezuma Canyon road, Hereford, Arizona. Comments should be received no later than 60 days from the publication of this Notice of Availability. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may