

TABLE 2—SUMMARY OF 42 SPECIES IN CALIFORNIA AND NEVADA FOR WHICH 5-YEAR REVIEWS WERE COMPLETED IN MID TO LATE FY 2008.—Continued

Common name	Scientific name	Recommendation	Lead fish and wild-life office	Contact
Butte County meadowfoam .....	<i>Limnanthes floccosa</i> subsp. <i>californica</i>	No status change	Sacramento .....	Al Donner; (916) 414-6600
California taraxacum .....	<i>Taraxacum californicum</i> .....	No status change	Carlsbad .....	Jane Hendron; (760) 431
Colusa grass .....	<i>Neostapfia colusana</i> .....	No status change	Sacramento .....	Al Donner; (916) 414-6600
Contra Costa goldfields .....	<i>Lasthenia congugens</i> .....	No status change	Sacramento .....	Al Donner; (916) 414-6600
Contra Costa wallflower .....	<i>Erysimum capitatum</i> var. <i>angustatum</i>	No status change	Sacramento .....	Al Donner; (916) 414-6600
Few-flowered navarretia .....	<i>Navarretia leucocephala</i> subsp. <i>pauciflora</i> .	No status change	Sacramento .....	Al Donner; (916) 414-6600
Gowen cypress .....	<i>Callitropsis goveniana</i> .....	No status change	Ventura .....	Lois Grunwald; (805) 644
Island barberry .....	<i>Berberis pinnata</i> subsp. <i>insularis</i> .....	No status change	Ventura .....	Lois Grunwald; (805) 644
Island phacelia .....	<i>Phacelia insularis</i> var. <i>insularis</i> .....	No status change	Ventura .....	Lois Grunwald; (805) 644
Lane Mountain milk-vetch .....	<i>Astragalus jaegerianus</i> .....	Downlist .....	Ventura .....	Lois Grunwald; (805) 644
Lyon's pentachaeta .....	<i>Pentachaeta lyonii</i> .....	No status change	Ventura .....	Lois Grunwald; (805) 644
Marsh sandwort .....	<i>Arenaria paludicola</i> .....	No status change	Ventura .....	Lois Grunwald; (805) 644
Menzies' wallflower .....	<i>Erysimum menziesii</i> .....	No status change	Arcata .....	Matt Baun; (530) 842-5763
Monterey gilia .....	<i>Gilia tenuiflora</i> subsp. <i>arenaria</i> .....	No status change	Ventura .....	Lois Grunwald; (805) 644
Morro manzanita .....	<i>Arctostaphylos morroensis</i> .....	No status change	Ventura .....	Lois Grunwald; (805) 644
Peirson's milk-vetch .....	<i>Astragalus magdalenae</i> var. <i>peirsonii</i>	No status change	Carlsbad .....	Jane Hendron; (760) 431-9440
Purple amole .....	<i>Chlorogalum purpureum</i> .....	No status change	Ventura .....	Lois Grunwald; (805) 644-1766
Sacramento Orcutt grass .....	<i>Orcuttia viscida</i> .....	No status change	Sacramento .....	Al Donner; (916) 414-6600
San Bernardino bluegrass .....	<i>Poa atropurpurea</i> .....	No status change	Carlsbad .....	Jane Hendron; (760) 431-9440
San Clemente Island larkspur .....	<i>Delphinium variegatum</i> subsp. <i>kinkiense</i> .	Downlist .....	Carlsbad .....	Jane Hendron; (760) 431-9440
San Jacinto Valley crownscale .....	<i>Atriplex coronata</i> var. <i>notatior</i> .....	No status change	Carlsbad .....	Jane Hendron; (760) 431-9440
Sebastopol meadowfoam .....	<i>Limnanthes vinculans</i> .....	No status change	Sacramento .....	Al Donner; (916) 414-6600
Sonoma sunshine .....	<i>Blennosperma bakeri</i> .....	No status change	Sacramento .....	Al Donner; (916) 414-6600
Southern mountain buckwheat .....	<i>Eriogonum kennedyi</i> var. <i>austromontanum</i> .	No status change	Carlsbad .....	Jane Hendron; (760) 431
Vail Lake ceanothus .....	<i>Ceanothus ophiochilus</i> .....	No status change	Carlsbad .....	Jane Hendron; (760) 431
Willow monardella .....	<i>Monardella linoides</i> subsp. <i>viminea</i> ....	No status change	Carlsbad .....	Jane Hendron; (760) 431

**Authority** This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Michael Fris,**

*Acting Regional Director, Region 8, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Grant Program To Assess, Evaluate and Promote Development of Tribal Energy and Mineral Resources

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Solicitation of Proposals.

**SUMMARY:** The Energy and Mineral Development Program (EMDP) provides

funding to tribes with the mission goal of assessing, evaluating, and promoting energy and mineral resources on Indian trust lands for the economic benefit of Indian mineral owners. To achieve these goals, the Department of the Interior's Office of Indian Energy and Economic Development (IEED), through its Division of Energy and Mineral Development (DEMD) office, is soliciting proposals from tribes. The Department will use a competitive

evaluation process to select several proposed projects to receive an award.

**DATES:** Submit grant proposals on or before June 23, 2009. We will not consider grant proposals received after this date.

**ADDRESSES:** Mail or hand-carry to the Department of the Interior, Division of Energy and Mineral Development, *Attention:* Energy and Mineral Development Program, 12136 W. Bayaud Avenue, Suite 300, Lakewood, CO 80228.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the EMDP, or have technical questions about the commodity you wish to assess or develop, please contact the appropriate DEMD persons listed below:

- *General Questions about the EMDP Program and Submission Process:*

Robert Anderson, *Tel:* (720) 407-0602; E-mail: [robert.anderson@bia.gov](mailto:robert.anderson@bia.gov);

- *For Additional Copies of the Proposal Writing Guidelines Manual:* Tahnee KillsCrow, *Tel:* (720) 407-0655; E-mail: [tahnee.killscrow@bia.gov](mailto:tahnee.killscrow@bia.gov);

- *Mineral Projects (Precious Metals, Sand and Gravel):* Lynne Carpenter, *Tel:* (720) 407-0605, E-mail: [lynne.chastain-carpenter@bia.gov](mailto:lynne.chastain-carpenter@bia.gov), or David Holmes, *Tel:* (720) 407-0609, E-mail: [david.holmes@bia.gov](mailto:david.holmes@bia.gov);

- *Conventional Energy Projects (Oil, Natural Gas, Coal):* Bob Just, *Tel:* (720) 407-0611, E-mail: [robert.just@bia.gov](mailto:robert.just@bia.gov);

- *Renewable Energy Projects (Biomass, Wind, Solar):* Winter Jojola-Talbur, *Tel:* (720) 407-0668, E-mail: [winter.jojola-talbur@bia.gov](mailto:winter.jojola-talbur@bia.gov); or

- *Geothermal Energy:* Roger Knight, *Tel:* (720) 407-0613, E-mail: [roger.knight@bia.gov](mailto:roger.knight@bia.gov).

See the **SUPPLEMENTARY INFORMATION** section of this notice for information on requests for technical assistance.

**SUPPLEMENTARY INFORMATION:**

- A. Background
- B. Items to Consider Before Preparing an Application for an Energy and Mineral Development Grant
- C. How to Prepare an Application for Energy and Mineral Development Funding
- D. Submission of Application in Digital Format
- E. Application Evaluation and Administrative Information
- F. When to Submit
- G. Where to Submit
- H. Transfer of Funds
- I. Reporting Requirements for Award Recipients
- J. Requests for Technical Information

**A. Background**

Section 103 of the Indian Self-Determination Act, Public Law 93-638, as amended by Public Law 100-472, contains the contracting mechanism for

energy and mineral development funded programs.

The Department of the Interior's Office of IEED, through the DEMD office located in Lakewood, Colorado, administers and manages the EMDP. The objectives of this solicitation are to receive proposals for energy and mineral development projects in the areas of exploration, assessment, development, feasibility and market studies.

Energy includes conventional energy resources such as oil, gas, coal, uranium, and coal bed gas, and renewable energy resources such as wind, solar, biomass, hydro and geothermal. Mineral resources include industrial minerals (e.g., sand, gravel), precious minerals (e.g., gold, silver, platinum), base minerals (e.g., lead, copper, zinc), and ferrous metal minerals (e.g., iron, tungsten, chromium).

DEMD's goal is to assist tribes to achieve economic benefits from their energy and mineral resources. The purpose of the program is to expand the knowledge base through which tribes, either by themselves or with industry partners, can bring new energy and mineral resources into the marketplace through a comprehensive understanding of their undeveloped resource potential. A strong knowledge base will also ensure that new resources are produced in an environmentally acceptable manner.

Each year, DEMD usually receives more energy and mineral development request applications than can be funded in that year. The DEMD has discretion for awarding funds and requires that the tribes compete for such funds on an annual basis. The DEMD has established ranking and paneling procedures with defined criteria for rating the merits of proposals to make the award of the limited funds as fair and equitable as possible.

The EMDP program is funded under the non-recurring appropriation of the Bureau of Indian Affairs's (BIA) budget. Congress appropriates funds for EMDP funding on a year-to-year basis. Thus, while some projects may extend over several years, funding for successive years depends on each fiscal year's appropriations.

**B. Items To Consider Before Preparing an Application for an Energy and Mineral Development Grant**

*1. Trust Land Status*

The EMDP's funding can only be made available to tribes whose lands are held in trust or restricted fee by the Federal government. Congress has

appropriated these funds for the Federal development of energy and mineral resources only on Indian trust or restricted fee lands.

*2. Tribes' Compliance History*

The DEMD will monitor all EMDP grants for statutory and regulatory compliance to assure that awarded funds are correctly applied to approved projects. Tribes that expend funds on unapproved functions may forfeit remaining funds in that proposal year, and possibly for any future EMDP funding. Consequently, DEMD may request a tribe to provide a summary of any funds it has received in past years through other projects approved by DEMD, and DEMD may conduct a review of prior award expenditures before making a decision on current year proposals.

*3. BIA Sanction List*

Tribes who are currently under BIA sanction resulting from non-compliance with the Single Audit Act may be ineligible from being considered for an award.

*4. Completion of Previous Energy and Mineral Development Projects*

Generally, the DEMD will not support nor recommend additional funding for a project until all project functions scheduled for completion the previous year have been documented by the tribe and reviewed by the DEMD.

Under some circumstances, delays encountered in performing the project that are beyond the control of the tribe or its consultant will be taken into consideration when making decisions on future year EMDP awards. Such acceptable delays may include late delivery of funding awards to the tribal project, difficulty in finding appropriate contractors to perform project functions, permitting issues, and weather delays.

*5. Multi-Year Projects*

The DEMD cannot award multi-year funding for a project. Funding available for the EMDP is subject to annual appropriations by Congress and therefore DEMD can only consider single-year funded projects. Generally, energy and mineral development projects are designed to be completed in one year. It is acceptable that a project may require more than one year to complete due to circumstances such as weather, availability of the consultant, or scope of project.

The EMDP's projects requiring funding beyond one-year intervals should be grouped into discrete, single-year units of operation, and then submitted as individual proposals for

consideration of EMDP award funding. Tribes must be aware, however, that there is no absolute guarantee of EMDP awards being available for future years of a multi-year project due to the discretionary nature of EMDP award funding.

#### 6. Use of Existing Data

The DEMD maintains a comprehensive set of tribal data and information. The DEMD has spent considerable time and expense in collecting digital land grids, geographic information system (GIS) data and imagery data for many reservations. Monthly well status and production data, geophysical data (such as seismic data), geology and engineering data, etc., are all stored at DEMD's offices. All of these data sets are available to tribes to reduce the cost of their investigations.

Budget line items will not be allowed for data or products that reside at DEMD. The tribe or the tribe's consultant must first check with DEMD for availability of these data sets on the reservation they are investigating. If DEMD does not have a particular data set, then EMDP funds may be used to acquire such data.

When a proposal includes the acquisition of new data, the tribe should thoroughly search for preexisting data to ensure there is no duplication. If older data does exist, it may have considerable value. It may be updated or improved upon, either by the DEMD or by the tribe's consultant.

#### 7. Using Technical Services at DEMD

The DEMD has many in-house technical capabilities and services that the tribes may wish to use. All services provided by DEMD are without charge to the tribes. Tribes can obtain maximum benefit from energy and mineral development studies by first using DEMD's services, or by using DEMD services in conjunction with outside consultants. Services available at DEMD include:

- Technical literature search of previous investigations and work performed in and around reservations using reference materials located nearby, such as the U.S. Geological Survey (USGS) library in Denver, Colorado, or the Colorado School of Mines library in Golden, Colorado;
- Well production history analysis, decline curve and economic analysis of data obtained through DEMD's in-house databases;
- Well log interpretation, including correlation of formation tops, identification of producing horizons, and generation of cross-sections;

- Technical mapping capabilities, using data from well log formation tops and seismic data;
- Contour mapping capabilities, including isopachs, calculated grids, color-fill plotting, and posting of surface features, wells, seismic lines and legal boundaries;
- Seismic data interpretation and data processing;
- Three dimensional modeling of mine plans;
- Economic analysis and modeling for energy and solid mineral projects; and
- Marketing studies.

#### 8. What the Energy and Mineral Development Program Cannot Fund

As stated above, these funds are specifically for energy and mineral development project work only. Examples of elements that cannot be funded include:

- Establishing or operating a tribal office, and/or purchase of office equipment not specific to the assessment project. Tribal salaries may be included only if the personnel are directly involved in the project and only for the duration of the project;
- Indirect costs and overhead as defined by the Federal Acquisition Regulation (FAR);
- Purchase of equipment that is used to perform the EMDP project, such as computers, vehicles, field gear, etc. (however, the leasing of this type of equipment for the purpose of performing energy and mineral development is allowed);
- Purchasing and/or leasing of equipment for the development of energy and mineral resources (this would include such items as well drilling rigs, backhoes, bulldozers, cranes, trucks, etc.);
- Drilling of wells for the sale of hydrocarbons, geothermal resources, other fluid and solid minerals (however, funds may be used for the drilling of exploration holes for testing, sampling, coring, or temperature surveys);
- Legal fees;
- Application fees associated with permitting;
- Research and development of unproved technologies;
- Training;
- Contracted negotiation fees;
- Purchase of data that is available through DEMD; and
- Any other activities not authorized by the tribal resolution or by the award letter.

#### 9. Who Performs Energy and Mineral Development Studies?

The tribe determines who will perform the energy and mineral

development work, such as a consultant, a private company, or other sources described in the list below. The tribe may also request the BIA to perform the work.

A tribe has several choices in contracting work performed under an energy and mineral development project:

- A private company (although that company must not be competing for exploration or development rights on the tribe's lands);
- An experienced and qualified scientific consultant; or
- A Federal government agency (such as USGS or the U.S. Department of Energy (DOE)) or a State government agency (such as a State geological survey).

There are no requirements or restrictions on how the tribe performs their contracting function for the consultant or company. The tribe is free to issue the contract through a sole source selection or through competitive bidding. This determination will depend on the tribe's own policies for contracting procedures.

#### C. How To Prepare an Application for Energy and Mineral Development Funding

The application shall be prepared as set forth herein to provide a standard basis for evaluation and to ensure that each application will be uniform as to format and sequence. Applications are expected to be prepared in accordance with this section. A complete energy and mineral development request must contain the following components:

- A current tribal resolution authorizing the proposed project;
- A proposal describing the planned activities and deliverable products; and
- A detailed budget estimate.

DEMD will examine every request for the mandatory components. Energy and mineral development requests that do not contain all of the mandatory components will be considered incomplete and returned to the tribe, with an explanation. Tribes will then be allowed to correct all deficiencies and resubmit the proposal for consideration on or before the deadline.

A detailed description of each of the required components follows.

##### 1. Mandatory Component 1: Tribal Resolution.

The tribal resolution must be current, and must be signed. It must authorize tribal approval for an EMDP proposed project in the same fiscal year as that of the energy and mineral development proposal and must explicitly refer to the assessment proposal being submitted. The tribal resolution must also include:

(a) A description of the commodity or commodities to be studied;

(b) A statement that the tribe is willing to consider development of any potential energy or mineral resource discovered;

(c) A statement describing how the tribe prefers to have the energy or mineral program conducted (*i.e.*, through the sole utilization of DEMD in-house professional staff, in conjunction with tribal professional staff, private contractors/consultants, or through other acceptable means); and

(d) A statement that the tribe will consider public release of information obtained from the energy and mineral development study upon request from DEMD. (Public release is meant to include publications, a poster session, attending a property fair, or giving an oral presentation at industry or Federal meetings and conferences.)

**Note:** Any information in the possession of DEMD or submitted to DEMD throughout the EMDP process, including the final energy and mineral development study, are government records and may be subject to disclosure to third parties under the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Department of the Interior's FOIA regulations at 43 CFR part 2, unless a FOIA exemption or exception applies or other provisions of law protect the information. A tribe may, but is not required to, designate information it submits as confidential commercially or financially sensitive information, as applicable in any submissions it makes throughout the EMDP process. If DEMD receives a FOIA request for any such information, it will follow the procedures in 43 CFR part 2.

## 2. Mandatory Component 2: Energy and Mineral Development Proposal

A tribe may present their energy and mineral development proposal in any form they wish, so long as the proposal contains a description of planned activities and deliverable products that can be accomplished within the fiscal year for which funding is being requested. The proposal should be well organized, contain as much detail as possible, yet be presented succinctly to allow a quick and thorough understanding of the proposal by the DEMD ranking team.

Many tribes utilize the services of a staff geoscientist or private consultant to prepare the technical part of the proposal. However, some tribes may not have these resources and, therefore, are urged to seek DEMD's technical assistance in preparing their EMDP proposal. Tribes who want technical assistance from DEMD should make this request in writing to the address provided in this notice. The request should be made as early as possible to

give DEMD time to perform the assistance.

The proposal should include the following sections.

(a) *Overview and Technical Summary of the Project:* Prepare a short summary overview of the proposal that includes the following:

- Elements of the proposed study;
- Reasons why the proposed study is needed;
- Total requested funding;
- Responsible parties for technical execution and administration of the proposed project; and
- A tribal point of contact for the project and contact information.

(b) *Technical Summary of Project:* Describe in relevant detail the technical description of the project area, if sufficient information exists. Give examples of a typical resource occurrence to be examined under the proposal, such as the oil or gas deposit, etc. If possible, include criteria applicable to these types of resource occurrences.

- *Multi-Phased Studies:* Explain whether this assessment request will begin a new study or continue a study, which has already been partially completed. Also explain how long the study will last. [Note: DEMD cannot guarantee funding for a project from one fiscal year to the next.]

- *Known Energy/Mineral Resource:* If a known energy and/or mineral deposit exists or produces near the reservation, discuss the possible extension or trend of the deposit onto the reservation.

- *Existing Information:* Acknowledge any existing mineral exploration information and provide references. The proposed new study should not duplicate previous work.

- *Environmental or Cultural Sensitive Areas:* Describe and verify if the resources are located in an archeological, environmentally or culturally sensitive area of the reservation. The tribe must also assist DEMD with the review under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, for the proposed project.

(c) *Project Objective, Goals and Scope of Work:* Describe why the tribe needs the proposed energy and mineral development. Examples may include:

- Discussion of the short and long term benefits to the tribe;
- Initial identification of an energy or mineral resource for possible development;
- Additional information regarding the potential resource required for tribal decision making commitments on development proposals;

- Feasibility studies and market analyses on resource development potentials;

- Support for environmental studies;
- Support and technical assistance as part of the contract negotiations process;

- Description of the work proposed, and the project goals and objectives expected to be achieved by the proposed project;

- Description of the location on the reservation where the work will be done (include relevant page size maps and graphs); and

- Description, in relevant detail, of the scope of work and justification of a particular method. For example, if a geochemical sampling survey is planned, an explanation might include the quantity samples to be obtained, what type of sampling will be targeted, the soil horizons to be tested, general location of the projected sampling, how the samples are to be analyzed and why geochemistry was chosen as an exploration technique. Furnish similar types of explanations and details for geophysics, geologic mapping, core drilling or any other type of assessment planned.

(d) *Deliverable Products:* Describe all deliverable products that the proposed assessment project will generate, including all technical data to be obtained during the study. Describe the types of maps to be generated and the proposed scales. Also, discuss how these maps and cross-sections will help define the energy and mineral potential on the reservation. Discuss any planned status reports as well as the parameters of the final report.

(e) *Resumes of Key Personnel:* If using consultant services, provide the resumes of key personnel who will be performing the project work. The resumes should provide information on each individual's expertise. If subcontractors are used, these should also be disclosed.

## 3. Mandatory Component 3: Detailed Budget Estimate

A detailed budget estimate is required for the funding level requested. The detail not only provides the tribe with an estimate of costs, but it also provides DEMD with the means of evaluating the cost-benefit of each project. This line-by-line budget must fully detail all projected and anticipated expenditures under the EMDP proposal. The ranking committee reviews each budget estimate to determine whether the budget is reasonable and can produce the results outlined under the proposal.

Each proposed project function should have a separate budget. The budget should break out contract and consulting fees, fieldwork, lab and

testing fees, travel and all other relevant project expenses. Preparation of the budget portion of an EMDP proposal should be considered a top priority. EMDP proposals that include sound budget projections will receive a more favorable ranking over those proposals that fail to provide appropriate budget projections.

The budget page(s) should provide a comprehensive breakdown for those project line items that involve several components, or contain numerous sub-functions.

(a) *Contracted Personnel Costs*. This includes all contracted personnel and consultants, their respective positions and time (man-hour) allocations for the proposed functions of a project.

- Personnel funded under the Public Law 93-638 EMDP must have documented professional qualifications necessary to perform the work. Position descriptions or resumes should be attached to the budget estimate.
- If a consultant is to be hired for a fixed fee, the consultant's expenses should be itemized as part of the project budget.
- Consultant fees must be accompanied by documentation that clearly identifies the qualifications of the proposed consultants, specifics as to how the consultant(s) are to be used, and provides a line item breakdown of costs associated with each consultant activity.

(b) *Travel Estimates*. Estimates should be itemized by airfare and vehicle rental, lodging and per diem, based on the current federal government per diem schedule.

(c) *Data Collection and Analysis Costs*. These costs should be itemized in sufficient detail for the reviewer to evaluate the charges. For example, break down drilling and sampling costs in relation to mobilization costs, footage rates, testing and lab analysis costs per core sample.

(d) *Other Expenses*. Include computer rental, report generation, drafting, and advertising costs for a proposed project.

#### **D. Submission of Application in Digital Format**

Submit the application, including the budget pages, in digital form. Proposals that are submitted without the digital components will be returned.

Acceptable formats are Microsoft (MS) Word, MS Excel or Adobe PDF on compact disks (CDs) or floppy disks. The budget must be submitted in an Excel spreadsheet.

Each file must be saved with a filename that clearly identifies the file being submitted. File name extensions must clearly indicate the software

application used for preparation of the documents (*i.e.*, doc, pdf, xls).

Documents that require an original signature, such as cover letters, tribal resolutions, and other letters of tribal authorization can be submitted in hard copy (paper) form.

If you have any additional questions concerning the Energy and Mineral Development proposal submission process, please contact Robert Anderson, DEMD's EMDP Coordinator at (720) 407-0602.

#### **E. Application Evaluation and Administrative Information**

##### *1. Administrative Review*

Upon receipt of an application, DEMD will determine whether the document contains the required prescribed information, includes a tribal resolution, contains sufficient technical/scientific information to conduct an evaluation, and does not duplicate or overlap previous or current funded EMDP projects.

The DEMD staff may return an application which does not include all information and documentation required within this notice. During the review of a proposal, DEMD may request the submission of additional information.

##### *2. Ranking Criteria*

Proposals will be formally evaluated by a Review and Ranking Panel using the six criteria listed below. Each criteria factor provides a percentage of the total rating of 100 points maximum.

(a) *Resource Potential*; 10 points. If the resource does not exist, then the project will be rejected. The panel will base their scoring on both the information provided by the tribe and databases maintained by DEMD. It is critical that the tribe attempt to provide all pertinent information in their proposal in order to ensure that an accurate review of the proposal is accomplished. The reviewers are aware that many tribes have little energy or mineral resource data on reservation lands, and in some cases, resource data does not exist. However, geologic and historical mineral development data exist throughout most of the continental U.S. on lands surrounding Indian reservations.

Many times a producing energy or mineral deposit exists outside but near the reservation boundary. The geologic setting containing the resource may extend onto the reservation, regardless of the size of the reservation. This would suggest potential of finding similar resources on the reservation. In some cases, available data on adjacent

lands may allow for a scientifically acceptable projection of favorable trends for energy or mineral occurrences on those Indian lands in question.

For renewable energy proposals, this factor would apply to conditions favorable for the economic development of the particular renewable energy source being studied.

(b) *Marketability of the Resource*; 20 points. Reviewers will base their scoring on both the short and long-term market conditions of the resources. Reviewers are aware that the marketability of an energy or mineral commodity is time-dependent on existing and emerging market conditions. Industrial minerals such as aggregates, sand/gravel and gypsum are dependent on local/regional economic conditions. Precious and base metal minerals such as gold, silver, lead, copper and zinc are usually more dependent on international market conditions. Natural gas and coal bed methane production is economically dependent on having relatively close access to a transmission pipeline, as is renewable energy to an electric transmission grid. Coal and crude oil production, on the other hand, carry built-in transportation costs, making those resources more dependent on current and projected energy commodity rates. At any time, some commodities may have a strong sustained market while others experience a weak market environment, or even a market surge that may be only temporary.

Reviewers are aware of pitfalls surrounding long term market forecasts of energy and mineral resources, so the proposal should address this element fully. Also, short-term forecasts may indicate an oversupply from both national and internationally developed properties, and therefore additional production may not be accommodated. Certain commodities such as electricity may be in high demand in some regional sectors, but the current state of the transmission infrastructure does not allow for additional kilowatts to be handled, thereby hindering a market opportunity.

On the other hand, the potential for improving markets may be suggested by market indicators. Examples of market indicators include price history, prices from the futures markets, rig count for oil and gas, and fundamental factors like supply shortages, political unrest in foreign markets, and changes in technology.

(c) *Economic Benefits Produced by the Project*; 20 points. This proposed study should make the tribe's land more attractive to industry for exploration and development or provide for the

tribe's own economic development. Whatever the commodity being studied, the ultimate goal is to collect useful data and information that generates interest within the development industry, attract potential developers to the Indian lands, and acquire data and information at a minimal cost to the tribe.

(d) Tribes' Willingness to Develop; 20 points. The tribe's willingness to consider developing any potential resource must be clearly stated in the proposal and the tribal resolution. Note that this is *not* a statement for mandatory development of any potential resource, but just that the tribe is willing to develop. The decision as to whether or not to develop will always lie with the tribe. The willingness to development statement should provide sufficient explanation of how the tribe intends to accomplish this task. The willingness to develop will also be evaluated by the tribe's willingness to release energy or mineral data to potential developers.

(e) Tribal Commitment to the Project; 25 points.

- The tribe should appoint a designated lead and contact person (*e.g.*, someone with direct contact to the council) to be committed to the successful completion of the project.
- If the tribe has a strategic plan for development, does the EMDP proposal fit within that strategic plan? A strategic plan outlines objectives, goals, and methodology for sustainable tribal economic development.

- The tribe's business environment must be conducive to development.

(f) Additional Funding or Participation From Other Entities; 5 points.

Additional point consideration will be given if other government agencies (Bureau of Land Management, DOE, etc.) and/or private companies are involved and contribute to the project.

### 3. Ranking of Proposals and Award Letters

The EMDP review committee will rank the energy and mineral development proposals using the selection criteria outlined in this manual under Section 6. The DEMD will then forward the rated requests to the Director of the IEED (Director) for approval. Once approved, the Director will submit all proposals to the Assistant Secretary—Indian Affairs for concurrence and announcement of awards to those selected tribes, via written notice. Those tribes not receiving an award will also be notified immediately in writing.

### F. When to Submit

The DEMD will accept applications at any time before the deadline stated in the **DATES** section of this notice, and will send a notification of receipt to the return address on the application package, along with a determination of whether or not the application is complete. The DEMD will not consider grant proposals after this date. A date-stamped receipt of submission by the BIA Regional or Agency-level office on or before the announced deadline will also be acceptable.

### G. Where To Submit

Applicants must submit the Energy and Mineral Development proposals to DEMD at the address listed in the **ADDRESSES** section of this notice. Applicants should also, as a matter of courtesy, forward a copy of their proposal to their own BIA Agency and Regional offices.

A tribe may fax the cover letter and resolution for the proposal prior to the deadline, which will guarantee that the proposal will be considered as being received on time. However, DEMD asks that tribes or consultants do not send the entire proposal via the fax method, as this severely overloads the fax system due to the relatively large number of proposals that DEMD receives each year.

The cover letter should also state that the proposal is being sent via FedEx or mail. An original signature copy must be received in DEMD's office within ten (10) working days after the deadline, including all signed tribal resolutions and/or letters of tribal authorization.

BIA Regional or Agency level offices receiving a tribe's submitted EMDP proposal do not have to forward it on to DEMD. It is meant to inform them of a tribe's intent to perform energy or mineral studies using EMDP funding. The BIA Regional or Agency offices are free to comment on the tribe's proposal, or to ask DEMD for other information.

### H. Transfer of Funds

IEED will transfer a tribe's EMDP award funds to the BIA Regional Office that serves that tribe, via a sub-allotment funding document coded for the tribe's EMDP project. The tribe should be anticipating the transfer of funds and be in contact with their budget personnel contacts at the Regional and Agency office levels. Tribes receiving EMDP awards must establish a new 638 contract to complete the transfer process, or use an existing 638 contract, as applicable.

### I. Reporting Requirements for Award Recipients

#### 1. Quarterly Reporting Requirements

During the life of the EMDP project, quarterly written reports are to be submitted to the DEMD project monitor for the project. The beginning and ending quarter periods are to be based on the actual start date of the EMDP project. This date can be determined between DEMD's project monitor and the tribe.

The quarterly report can be a one to two page summary of events, accomplishments, problems and/or results that took place during the quarter. Quarterly reports are due two weeks after the end of a project's fiscal quarter.

#### 2. Final Reporting Requirements

- *Delivery Schedules.* The tribe must deliver all products and data generated by the proposed assessment project to DEMD's office within two weeks after completion of the project.

- *Mandatory Requirement to Provide Reports and Data in Digital Form.* The DEMD maintains a repository for all energy and mineral data on Indian lands, much of it derived from these energy and mineral development reports. As EMDP projects produce reports with large amounts of raw and processed data, analyses and assays, DEMD requires that deliverable products be provided in digital format, along with printed hard copies.

Reports can be provided in either MS Word or Adobe PDF format. WordPerfect format will be accepted but is not preferred. Spreadsheet data can be provided in MS Excel, MS Access, or Adobe PDF formats. All vector figures should be converted to PDF format, as that has become a common format for such files. Faster images can be provided in PDF, JPEG, TIFF, or any of the Windows metafile formats.

- *Number of Copies.* When a tribe prepares a contract for energy and mineral development, they must describe the deliverable products and include a requirement that the products be prepared in standard format (see format description above). Each energy and mineral development contract will provide funding for a total of six (6) printed and six (6) digital copies to be distributed as follows:

(a) The tribe will receive two printed and two digital copies of the EMDP report.

(b) The DEMD requires four printed copies and four digital copies of the EMDP report. DEMD will transmit one of these copies to the tribe's BIA Regional Office, and one copy to the

tribe's BIA Agency office. Two printed and two digital copies will then reside with DEMD. These copies should be forwarded to the DEMD offices in Lakewood, Colorado, to the attention of the Energy and Mineral Development Program.

All products generated by EMDP studies may be subject to release under FOIA, as noted above. Products include all reports and technical data obtained during the study such as geophysical data, geochemical analyses, core data, lithologic logs, assay data of samples tested, results of special tests, maps and cross sections, status reports and the final report.

#### J. Requests for Technical Assistance

The DEMD staff may provide technical consultation (*i.e.*, work directly with tribal staff on a proposed project), provide support documentation and data, provide written language on specialized sections of the proposal and suggest ways a tribe may obtain other assistance, such as from a company or consultant specializing in a particular area of expertise. However, the tribe is responsible for preparing the executive summary, justification and scope of work for their proposal.

The tribe must notify DEMD in writing that they require assistance, and DEMD will then appoint staff to provide the requested assistance. The tribe's request must clearly specify the type of technical assistance desired.

Requests for technical assistance should be submitted by the deadline stated in the **DATES** section for such requests to allow DEMD time to provide the appropriate assistance. Tribes not seeking technical assistance should attempt to submit their EMDP proposals well in advance of the deadline to allow DEMD time to review the proposals for possible deficiencies and allow ample time to contact the tribe with requests for revisions to the initial submission.

Dated: March 10, 2009.

**George T. Skibine,**

*Deputy Assistant Secretary for Policy and Economic Development.*

[FR Doc. E9-6545 Filed 3-24-09; 8:45 am]

**BILLING CODE 4310-4M-P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Approved Tribal-State Class III Gaming Amendments.

**SUMMARY:** This notice publishes approval of amendments to 13 Class III Tribal-State Gaming Compacts (Amendments). The 13 Class III Gaming Compacts are between the State of Arizona and each of the following Indian tribes, respectively: Ak-Chin Indian Community, Colorado River Indian Tribes, Cocopah Indian Tribe, Fort McDowell Yavapai Nation, Fort Mojave Indian Tribe, Havasupai Indian Tribe, Hualapai Indian Tribe, Kaibab-Paiute Indian Tribe, Navajo Nation, Tohono O'odham Nation, White Mountain Apache Tribe, Yavapai-Apache Tribe, and Zuni Tribe.

**DATES:** *Effective Date:* March 25, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Paula L. Hart, Acting Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240. *Telephone:* (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The approved Amendments are substantially identical. Generally, the Amendments consist of clarifications and minor changes to various sections of each tribe's current compact (which are also substantially identical). The Amendments change the destination and frequency of the tribes' payments from quarterly to yearly, based upon the individual gaming facility's fiscal year.

Dated: March 6, 2009.

**George T. Skibine,**

*Deputy Assistant Secretary for Policy and Economic Development.*

[FR Doc. E9-6585 Filed 3-24-09; 8:45 am]

**BILLING CODE 4310-4N-P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWO35000.L14300000.ER0000.24-1A;  
OMB Control Number 1004-0153]

#### Information Collection; Conveyance of Federally-owned Mineral Interests

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** 30-Day Notice and Request for Comments.

**SUMMARY:** The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget

(OMB) for a 3-year extension of OMB Control Number 1004-0153 under the Paperwork Reduction Act. The Bureau of Land Management (BLM) needs to collect the information in order to determine if surface-estate owners are eligible to receive title to the Federally-owned minerals lying beneath their land.

**DATES:** The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. Therefore, written comments should be received on or before April 24, 2009.

**ADDRESSES:** You may submit comments directly to the Desk Officer for the Department of the Interior (OMB # 1004-0153), Office of Management and Budget, Office of Information and Regulatory Affairs, by fax 202-395-7245, or by electronic mail at [oir\\_docket@omb.eop.gov](mailto:oir_docket@omb.eop.gov).

In addition, please mail or hand-carry a copy of your comments to BLM Information Collection Clearance Officer (WO-630), Department of the Interior, 1849 C Street, NW., Mail Stop 401 LSWashington, DC 20240; or send a copy of your comments by electronic mail to [jean\\_sonneman@blm.gov](mailto:jean_sonneman@blm.gov), "Attn: 1004-0153".

#### FOR FURTHER INFORMATION CONTACT:

Alzata Ransom, Division of Lands, Realty and Cadastral Survey, at 202-452-7772 (Commercial or FTS).

#### SUPPLEMENTARY INFORMATION:

*60-Day Notice:* On September 23, 2008, the BLM published a 60-day notice (73 FR 54849) requesting comments on the proposed information collection. The comment period ended November 24, 2008. No comments were received.

*Title:* Conveyance of Federally-owned Mineral Interests (43 CFR Part 2720).

*OMB Number:* 1004-0153.

*Form Numbers:* Nonform information.

*Abstract:* The information that is supplied allows the BLM to determine if private surface estate owners are eligible to receive title to the Federally-owned minerals lying beneath their land.

*Current Action:* This proposal is being submitted to extend the expiration date of March 31, 2009.

*Type of Review:* 3-year extension.

*Affected Public:* Surface-estate owners who apply for title to Federally-owned minerals lying beneath their land.

*Obligation to Respond:* Required to obtain or retain benefits.

*Application Fee per Response:* \$50.

*Estimated Number of Annual Responses:* 21.

*Estimated Time per Response:* 10 hours.