

clarity of the information to be collected; and (d) ways to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, e-mail address or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information, may be made publicly available at anytime.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated April 21, 2010,

**Julia Fields,**

*Deputy Director, National Geospatial Program.*

[FR Doc. 2010-9698 Filed 4-26-10; 8:45 am]

**BILLING CODE 4311-AM-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWO320000 L19900000 EX0000]

#### Renewal of Approved Information Collection, OMB Control Number 1004-0194

**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 renewal of OMB Control Number 1004-0194 under the Paperwork Reduction Act. This control number covers paperwork requirements in 43 CFR subpart 3809.

**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 May 27, 2010.

**ADDRESSES:** You may submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004-0194), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202-395-5806, or by electronic mail at [oir\\_docket@omb.eop.gov](mailto:oir_docket@omb.eop.gov). Please mail a copy of your comments to: Bureau Information Collection Clearance Officer (WO-630),

Department of the Interior, 1849 C Street, NW., Mail Stop 401 LS, Washington, DC 20240. You may also send a copy of your comments by electronic mail to:

[jean\\_sonneman@blm.gov](mailto:jean_sonneman@blm.gov).

**FOR FURTHER INFORMATION CONTACT:** You may contact Adam Merrill, Bureau of Land Management, Division of Solid Minerals, at (202) 912-7044 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1-800-877-8339, to contact Mr. Merrill.

#### SUPPLEMENTARY INFORMATION:

**Title:** Surface Management Activities under the General Mining Law (43 CFR subpart 3809).

#### Forms:

- Form 3809-1, Surface Management Surety Bond;
- Form 3809-2, Surface Management Personal Bond;
- Form 3809-4, Bond Rider Extending Coverage of Bond to Assume Liabilities for Operations Conducted by Parties Other Than the Principal;
- Form 3809-4a, Surface Management Personal Bond Rider; and
- Form 3809-5, Notification of Change of Operator and Assumption of Past Liability.

**OMB Control Number:** 1004-0194.

**Abstract:** This collection of information enables the BLM to determine whether operators and mining claimants are meeting their responsibility to prevent unnecessary or undue degradation while conducting exploration and mining activities on public lands under the General Mining Law (30 U.S.C. 22-54.). It also enables the BLM to obtain financial guarantees for the reclamation of public lands. This collection of information is found at 43 CFR subpart 3809 and in the forms listed above.

**Frequency:** On occasion.

**Description of Respondents:** Operators and mining claimants.

**60-Day Notice:** As required in 5 CFR 1320.8(d), we published a 60-day notice in the **Federal Register** on January 8, 2010 (75 FR 1071), soliciting comments from the public and other interested parties. The comment period closed on March 9, 2010. We received one comment. The comment was a general invective about the Federal government, the Department of the Interior, and the BLM. It did not address, and was not germane to, this information collection. Therefore, we have no response to the comment.

**Type of Review:** Revision of a currently approved information collection.

**Affected Public:** Operators and mining claimants.

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

**Annual Responses:** 1,495 responses.

**Completion Time per Response:** Varies from 1 hour to 4,960 hours.

**Annual Burden Hours:** 183,808.

**Annual Non-hour Burden Cost:** \$4,780 for notarizing Forms 3809-2 and 3809-4a.

The BLM requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;
2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;
3. The quality, utility and clarity of the information to be collected; and
4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments to the addresses listed under **ADDRESSES**. Please refer to OMB control number 1004-0194 in your correspondence. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Jean Sonneman,**

*Acting Information Collection Clearance Officer.*

[FR Doc. 2010-9705 Filed 4-26-10; 8:45 am]

**BILLING CODE 4310-84-P**

## 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 Indian 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 28, 2010. We will not consider grant proposals received after this date.

**ADDRESSES:** Mail or hand-carry grant proposals 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, or e-mail to Robert Anderson at [robert.anderson@bia.gov](mailto:robert.anderson@bia.gov).

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the EMDP program, 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: [lynnecarpenter@bia.gov](mailto:lynnecarpenter@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);
- *Geothermal Energy:* Roger Knight, *Tel:* (720) 407-0613, e-mail: [roger.knight@bia.gov](mailto:roger.knight@bia.gov).

**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 IEED, through the DEMD office located in Lakewood, Colorado, administers and manages the EMDP program. 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).

This year, there will be an emphasis placed on renewable energy projects, as a portion of DEMD's grant budget is earmarked for renewable energy. Also, there are funds set aside for construction minerals, such as sand and gravel. However, the project's outcome should also have an impact on creating new jobs and income for the tribal community. Both objectives will have an influence on DEMD's selection of projects to fund.

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 applications than can be funded in that year. DEMD has discretion for awarding funds and requires that the tribes compete for such funds on an annual basis. DEMD has established ranking and paneling procedures with defined criteria for rating the merits of proposals

to make the award of limited funds as fair and equitable as possible.

The EMDP program is funded under the non-recurring appropriation of the Bureau of Indian Affairs' (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.

The information collection requirements contained in this notice have been reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3504(h). The OMB control number is 1076-0174. The authorization expires on April 30, 2013. An agency may not sponsor, and you are not required to respond to, any information collection that does not display a currently valid OMB Control Number.

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

*1. Trust Land Status*

EMDP 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 development of energy and mineral resources only on Indian trust or restricted fee lands.

*2. Tribes' Compliance History*

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 their 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. Multiple Projects

DEMD will accept more than one application from a tribe for projects, even if the project concerns the same commodity. For example, the tribe may have a viable renewable energy resource, but needs to better define the resource with further exploration work or analysis. Concurrently the tribe also needs to evaluate the market for their resource. In this situation two separate proposals can be submitted. DEMD will apply the same objective ranking criteria to each proposal.

#### 6. Multi-Year Projects

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 the project.

EMDP 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.

#### 7. Use of Existing Data

DEMD maintains a comprehensive set of tribal data and information. 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.

#### 8. Using Technical Services at DEMD

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.

#### 9. 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;
- Any other activities not authorized by the tribal resolution or by the award letter.

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

The tribe determines who they wish to 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;
- 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

Each tribe's application must meet the criteria in this notice. A complete energy and mineral development request must contain the following three 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 consider any funding request that does not contain all of the mandatory components to be incomplete and will return it to the tribe with an explanation. The tribe 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.*, by DEMD in-house professional staff only, by DEMD staff in conjunction with tribal professional staff, by private contractors or consultants, or through other acceptable means).

(d) A statement that the tribe will consider public release of information obtained from the energy and mineral development study. (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. It does *not* mean providing copies of the data or reports to any individual, private company or other government agency

without express written permission from the tribal government.)

**Note:** Any information in the possession of DEMD or submitted to DEMD throughout the EMDP process, including the final energy and mineral development study, constitutes 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 this 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 the **ADDRESSES** section of this notice. The request should be made as early as possible to give DEMD time to provide 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:* Provide a 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 that 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 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 Environmental Assessment phase of 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.

• Detailed description 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 the tribe is using a 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 (staff-hour) allocations for the proposed functions of a project.

- Personnel funded under the Public Law 93-638 Energy and Mineral Development Program (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, how the consultant(s) are to be used, and a line item breakdown of costs associated with each consultant activity.

(b) *Travel Estimates*. Estimates should be itemized by airfare, 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. DEMD will return proposals that are submitted without the digital components.

Acceptable formats are Microsoft Word and Adobe Acrobat PDF on compact disks (CDs) or floppy disks. The budget must be submitted in a Microsoft 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 in preparing the documents (e.g., doc, .pdf).

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 Program proposal submission process, please contact Robert Anderson at (720) 407-0602.

### E. Application Evaluation and Administrative Information

#### 1. Administrative Review

Upon receiving an application, DEMD will determine whether it contains the prescribed information, includes a tribal resolution, contains sufficient technical

and scientific information to permit an evaluation, and does not duplicate or overlap previous or current funded EMDP projects.

DEMD staff may return an application that 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 criterion provides a percentage of the total maximum rating of 100 points.

(a) *Resource Potential; 10 points*. If the resource is determined not to exist on the reservation, then the proposal 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 non-reservation lands may allow for a scientifically acceptable projection of favorable trends for energy or mineral occurrences on adjacent Indian lands.

For renewable energy proposals, this factor applies to conditions favorable for the economic development of the 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 marketability of an energy or mineral commodity depends upon existing and emerging market conditions. Industrial minerals such as aggregates, sand/gravel and gypsum are dependent on local and regional economic conditions.

Precious and base metal minerals such as gold, silver, lead, copper and zinc are usually more dependent upon international market conditions. Natural

gas and coal bed methane production depends upon having relatively close access to a transmission pipeline, as does 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; 35 points.* This year there will be greater emphasis on funding projects that would have an impact on tribal jobs and income. To receive a high score for this ranking criterion, the proposal should clearly state how the project would achieve this result. If the project indirectly creates economic benefits, for example applying royalty income from oil and gas productions to create other tribal businesses, that would satisfy this criterion. Whatever the commodity being studied, the ultimate goal is to collect useful data and information that allows the tribe to stimulate development on their lands. This might occur with industry partners or the tribe may develop the resource themselves.

(d) *Tribes' Willingness to Develop; 10 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 on whether to develop will always lie with

the tribe. The willingness-to-develop statement should sufficiently explain how the tribe intends to accomplish this task.

DEMD will also evaluate willingness to develop based upon the tribe's willingness to release energy or mineral data to potential developers.

(e) *Tribal Commitment to the Project; 25 points:* To receive a high score for this criterion, the tribe should explain how it will participate in the study, such as by appointing a designated lead and contact person (especially a person with some knowledge of the technical aspects of the projects, and direct contact with the tribe's natural resource department and tribal council), to be committed to the successful completion of the project.

If the tribe has a strategic plan for development, this should be discussed in the proposal. A strategic plan outlines objectives, goals, and methodology for creating sustainable tribal economic development. The proposal should also explain how the tribe's EMDP proposal fits within that strategic plan.

### 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 section. 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

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. 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

Submit the energy and mineral development proposals to DEMD at the address listed in the **ADDRESSES** section of this notice. Applicants should also 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 before 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 fax, as this severely overloads the fax system.

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 5 working days after the deadline, including all signed tribal resolutions and 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. 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 anticipate the transfer and be in contact with budget personnel 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 results that took place during the quarter. Quarterly reports are due 2 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 2 weeks after completion of the project.

- *Mandatory Requirement to Provide Reports and Data in Digital Form.* 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 Microsoft Word or Adobe Acrobat PDF format. Spreadsheet data can be provided in Microsoft Excel, Microsoft Access, or Adobe PDF formats. All vector figures should be converted to PDF format. Raster 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, it 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 printed and six digital copies to be distributed as follows:

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

(b) 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 belong to the tribe and cannot be released to the public without the tribe's written approval. 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**

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 well in advance of the proposal deadline established in the **DATES** section of this solicitation to allow DEMD staff time to provide the appropriate assistance. DEMD will not accept requests for technical assistance that are received after May 27, 2010. Tribes not seeking technical assistance should also attempt to submit their EMDP proposals well in advance of the deadline to allow DEMD staff time to review the proposals for possible deficiencies and allow time to contact the tribe with requests for revisions to the initial submission.

Dated: April 8, 2010.

**Larry Echo Hawk,**

*Assistant Secretary—Indian Affairs.*

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**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

[Docket No. MMS-2008-MRM-0018]

**Major Portion Prices and Due Date for Additional Royalty Payments on Indian Gas Production in Designated Areas Not Associated With an Index Zone**

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of major portion prices for calendar year 2008.

**SUMMARY:** Final regulations for valuing gas produced from Indian leases, published August 10, 1999, require MMS to determine major portion prices and notify industry by publishing the prices in the **Federal Register**. The regulations also require MMS to publish

a due date for industry to pay additional royalties based on the major portion prices. This notice provides major portion prices for the 12 months of calendar year 2008.

**DATES:** The due date to pay additional royalties based on the major portion prices is June 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** John Barder, Manager, Team B, Western Audit and Compliance, Minerals Revenue Management; telephone (303) 231-3702; fax number (303) 231-3755; e-mail *John.Barder@mms.gov*; or Mike Curry, Team B, Western Audit and Compliance, Minerals Revenue Management; telephone (303) 231-3741; fax (303) 231-3755; e-mail *Michael.Curry@mms.gov*. Mailing address: Minerals Management Service, Minerals Revenue Management, Western Audit and Compliance Management, Team B, P.O. Box 25165, MS 62220B, Denver, Colorado 80225-0165.

**SUPPLEMENTARY INFORMATION:** On August 10, 1999, MMS published a final rule titled "Amendments to Gas Valuation Regulations for Indian Leases" at 64 FR 43506 with the effective date January 1, 2000. The gas regulations apply to all gas production from Indian (tribal or allotted) oil and gas leases, except leases on the Osage Indian Reservation.

The rule requires that MMS publish major portion prices for each designated area not associated with an index zone for each production month beginning January 2000, along with a due date for additional royalty payments. See 30 CFR 206.174(a)(4)(ii) (2009). If additional royalties are due based on a published major portion price, the lessee must submit an amended Form MMS-2014, Report of Sales and Royalty Remittance, to MMS by the due date. If you do not pay the additional royalties by the due date, MMS will bill you late payment interest under 30 CFR 218.54. The interest will accrue from the due date until MMS receives your payment and an amended Form MMS-2014. The table below lists the major portion prices for all designated areas not associated with an index zone. The due date is 60 days after the publication date of this notice.

**GAS MAJOR PORTION PRICES (\$/MMBTU) FOR DESIGNATED AREAS NOT ASSOCIATED WITH AN INDEX ZONE**

MMS-Designated areas	Jan 2008	Feb 2008	Mar 2008	Apr 2008
Blackfeet Reservation .....	6.18	7.00	7.50	8.28
Fort Belknap .....	6.40	6.65	6.87	6.97
Fort Berthold .....	7.28	7.84	8.76	9.48
Fort Peck Reservation .....	9.05	9.72	10.41	10.94