

BLM is required to provide 60-day notice in the **Federal Register** concerning a collection of information contained in published current rules to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Color-of-Title Act of December 22, 1928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227), (U.S.C. 1068-1068b), was passed by Congress to provide for transferring legal title to the public lands from the United States to eligible individuals, groups, or corporations who have a valid color-of-title claim. The regulations in 43 CFR 2540 provide guidelines and procedures to file a color-of-title claim. These regulations were adopted on June 13, 1970 (35 FR 9592).

Any individual, group, or corporation who has evidence giving the appearance of having title to public lands which are administered by the BLM and legal title to the lands remains vested in the United States may file a color-of-title application.

The two claims recognized by the Act are referred to as Class 1 and Class 2. A Class 1 claim is one which has been held in good faith and peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color-of-title for a minimum of 20 years, on which valuable improvements have been placed, or on which some part of the land has been reduced to cultivation under claim or color-of-title, and upon which the claimant or predecessors in interest have placed valuable improvements, or on which some part of the land has been reduced to cultivation. A Class 2 claim is one which has been held in good faith and peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color-of-title for the period commencing not later than January 1, 1901, to the date of application, during which time they have paid taxes levied on the land by

State and local governmental units. A claim is not held in good faith where held with knowledge that the land is owned by the United States. A claim is not held in peaceful, adverse possession where it was initiated while the land was withdrawn or reserved for Federal purposes.

The Information collected on Color-of-Title Tax Levy and Payment Record Form No. 2540-3 is required by the regulations in 43 CFR 2540 to process requests to acquire legal title to the public lands under the provisions of the Act of December 22, 1928, as amended by the Act of July 28, 1953. If you believe you have a valid color-of-title claim you may file an application with the BLM Office having responsibility for the public lands you desire to acquire legal to. The following information is collected on the form: (1) Applicant's name; (2) legal description of the lands claimed; (3) itemized data relating to all recorded tax payments in chronological order, and; (4) certification by the proper county official.

After receiving your application, the BLM will analyze the information on your application, conduct an on-site field examination of the lands, and prepare reports. The BLM will approve your application if you meet the requirements of a Class 1 or Class 2 claim or reject your application if you do not meet the requirements of a Class 1 or Class 2 claim. Class 2 claims are discretionary and may be rejected if the public interest in retention of the lands clearly outweighs the interest of the applicant.

The BLM estimates that approximately 37 applications (Form 2540-3) are received annually. Based on the BLM's experience in processing an application, it will take an average of one hour for an applicant to supply the requested information. Based on the estimated 37 applications the BLM receives annually and the average time of one hour it takes an applicant to supply the requested information, the total annual burden is collectively 37 hours.

Any interested member of the public may request and obtain, without charge, a copy of Claim-of-Title Tax Levy and Payment Record Form 2540-3 by contacting any BLM Office or the person identified under **FOR FURTHER INFORMATION CONTACT**.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become part of the public record.

Dated: March 15, 2000.

**Carole Smith,**

*BLM Information Collection Officer.*

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Land Management**

**[WO-350-1430-PF-01-24 1A]**

#### **Extension of Currently Approved Information Collection; OMB Approval Number 1004-0012**

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is announcing its intention to request extension of approval for the collection of information from States and local government agencies, and from qualified nonprofit corporations and associations who submit an Application for Land for Recreation or Public Purposes (Form 2740-1) to obtain public lands and benefits for recreational and public purposes. The BLM uses the information to determine if an applicant meets the requirements of the Recreation and Public Purpose Act (R&PP) of June 14, 1926.

**DATES:** Comments on the proposed information collection must be received by May 19, 2000, to be considered.

**ADDRESSES:** Comments may be mailed to: Regulatory Management Team (420), Bureau of Land Management, 1849 C Street NW., Room 401LS, Washington, D.C. 20240.

Comments may be sent via Internet to: [WOCComment@blm.gov](mailto:WOCComment@blm.gov). Please include "Attn: 1004-0012" and your name and address in your Internet message.

Comments may be hand delivered to the Bureau of Land Management Administrative Record, Room 401 L Street NW., Washington, D.C.

Comments will be available for public review at the L Street address during regular business hours (7:45 am to 4:15 pm, Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Alzata L. Ransom, Realty Use Group, at (202) 452-7772.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 CFR 1320.12(a), BLM is required to provide 60-day notice in the **Federal Register** concerning a collection of information contained in published current rules to solicit comments on (a) whether the proposed

collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or technological collection techniques or other forms of information technology.

The Recreation and Public Purpose Act (R&PP) of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*), authorizes the Secretary of the Interior to lease or convey certain public lands to States and local government agencies, and to qualified nonprofit corporations and associations, for recreational and public purposes under specified conditions. The regulations in 43 CFR 2740 provide guidelines and procedures for the lease or conveyance of public lands under the Act. The regulations were last revised on July 23, 1992, (57 FR 32732).

The term "public purpose" means for the purpose of providing facilities or services for the benefit of the public in connection with, but not limited to, public health, safety, or welfare. Use of lands or facilities for habitation, cultivation, trade, or manufacturing is permissible only when necessary for and integral to, *i.e.*, essential part of, the public purpose.

The Act applies to all public lands, except lands within national forest, national parks and monuments, national wildlife refuges, Indian lands, and acquired lands. Revested Oregon and California Railroad grant lands, and reconveyed Coos Bay Wagon Road grant lands in western Oregon may only be leased to State and Federal instrumentalities and political subdivisions and to municipal corporations.

Lease periods may be for any length, but shall not exceed 20 years for nonprofit entities, and 25 years for Federal, States and local governmental entities. Leases are issued subject to appropriate environmental and legal stipulations, and contain provisions for compliance with: (a) Nondiscrimination based on race, color, sex, age, religion, or national origin; (b) an approved plan of management and development upon which lease was considered and issued (leases may be canceled for nonuse or a use other than that for which the lease

was issued without prior consent of the BLM); (c) under certain conditions, the Federal Government may reserve the standing timber, use of water, or place other limitations on the use of natural resources; and (d) other reasonable stipulations as may be required as part of the consideration for the moderate charge being made for land.

Patents issued under the Act convey a restricted title since they contain provisions or clauses which, if not complied with, may result in reversion of the title to the United States. These provisions are: (a) Nondiscrimination clauses providing that the patentee may not restrict or permit restriction of the use of the lands conveyed or facilities thereon because of race, color, sex, age, religion, or national origin; (b) a provision that, if the patentee or its successor in interest attempts to transfer title or control over the land to another, or the land is devoted to a use other than that for which it was conveyed without the consent of the BLM, title will revert to the United States; (c) the patent will stipulate that the land will be used in perpetuity for the purposes for which they are acquired (the lease or patent may stipulate that certain provisions of the development program, including the management plan, may be subject to review by the Secretary of the Interior or his delegate); and (d) all minerals will be reserved to the United States.

The information collected on Form 2740-1 is required by the regulations in 43 CFR 2741 to process request for public lands under the provisions of the R&PP Act. Based on its reviews and evaluation, the BLM may approve or disapprove any application in whole or in part, or require its revision. The following information is collected on the form: (1) Applicant's name and address (home and address telephone number); (2) legal description of the lands applied for; (3) type of authorization and proposed use of the lands; (4) description of proposed use, plan and schedule for development, use of revenues, and known environmental and cultural concerns specific to the land; (5) statutory authority to hold the lands for the purpose requested (if applicant is State or Political subdivision); (6) copy of the applicant's authority to file the application and to take actions necessary to fulfill the requirements of the R&PP Act; (7) compliance with nondiscrimination as to access to the lands and facilities based on race, color, religion, sex, age or national origin in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 241). In addition, the form instructs the applicant to submit: (a) A

copy of their charter, a copy of their articles of incorporation, and a copy of their authority to operate in the State where the lands applied for are located; (c) a plan of development, use, and maintenance that includes a statement of proposed use of the lands, description of the proposed project, anticipated expenditure for development, source of funds to be used for development, and a statement describing administration of the tract; (d) maps showing the nature and location of facilities, land ownership of the entire project, and access routes; (e) timetable for development; and (f) explanation of proposed maintenance responsibilities and procedures.

After receiving the form, the BLM will: (a) Determine if the applicants proposal is in conformance with land use planning, review land status to determine if the lands are subject to application, and determine if the application meets all requirements of the law and regulations; (b) review the development and management plans to determine their adequacy and effectiveness, and evaluate the construction schedule and estimated financing to ensure they are realistic and practicable; (c) secure the views of other agencies that may have an interest in the lands, including State and local planning and zoning departments; (d) check for the presence of unpatented mining claims (R&PP leases and conveyances cannot be issued where mining claims are present, and if it is necessary to determine the validity of a mining claim in order to allow the lease, the cost of the determination will be the responsibility of the applicant); (e) conduct a field examination and other investigations to gather information and data on the environmental considerations and proper classification of the lands; and (f) publish a notice to solicit views and comments from the public concerning the proposal. After reviewing and evaluating your application, the BLM may approve or disapprove your application in whole or in part, or require revisions to the application.

Potential applicants should contact the appropriate District Office of the BLM well in advance of the anticipated submission of Form 2740-1. Early consultation with the BLM is needed to familiarize a potential applicant with management responsibilities, and terms and conditions which may be required in a lease or conveyance.

The BLM estimates that approximately 55 R&PP applications (Form 2740-1) are received annually. Based on the BLM's experience in processing an application, it will take an

average time of 40 hours for an applicant to supply the requested information. Based on the estimated 55 applications the BLM receives annually and the average time of 40 hours it takes an applicant to supply the requested information, the total annual burden is collectively 2,200 hours.

Any interested member of the public may request and obtain, without charge, a copy of the R&PP application (Form 2740-1) by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**. All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become part of the public record.

Dated: March 15, 2000.

**Carole Smith,**

*BLM Information Collection Officer.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WO-350-1430-PE-01-24 1A]

#### Extension of Currently Approved Information Collection; OMB Approval Number 1004-0029

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is announcing its intention to request extension of approval for the collection of information from those persons who submit a Color-of-Title Application (Form No. 2540-1) to apply for public lands under a color-of-title claim. The BLM uses the information to determine if the applicant is eligible to acquire public lands under the relevant statutes.

**DATES:** Comments on the proposed information collection must be received by May 19, 2000, to be considered.

**ADDRESSES:** Comments may be mailed to: Regulatory Management Team (420), Bureau of Land Management, 1849 C Street NW, Room 401 LS, Washington, D.C. 20240.

Comments may be sent via Internet to: [WOCComments@blm.gov](mailto:WOCComments@blm.gov). Please include "Attn: 1004-0029" and your name and return address in your Internet address. Comments may be hand delivered to the Bureau of Land Management Administrative Record, Room 401, L Street NW, Washington, D.C. 20036.

Comments will be available for public review at the L Street address during regular business hours (7:45 am to 4:15 pm, Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Alzata L. Ransom, Lands and Realty Group, 202-452-7772.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 CFR 1320.12(a), the BLM is required to provide 60-day notice in the **Federal Register** concerning a collection of information contained in published current rules to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Color-of-Title Act of December 22, 1928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227), (U.S.C. 1068-1068b), was passed by Congress to provide for transferring legal title to the public lands from the United States to eligible individuals, groups, or corporations who have a valid color-of-title claim. The regulations in 43 CFR 2540 provide guidelines and procedures to file a color-of-title claim. These regulations were adopted on June 13, 1970 (35 FR 9592).

Any individual, group, or corporation who has evidence giving the appearance of having title to public lands which are administered by the BLM and legal title to the lands remains vested in the United States may file a color-of-title application with the BLM District Office where the lands are located.

The two claims recognized by the Act are referred to as Class 1 and Class 2. A Class 1 claim is one which has been held in good faith and peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color-of-title for a minimum of 20 years, on which valuable improvements have been placed, or on which some part of the land has been reduced to cultivation under claim or color-of-title, and upon which the claimant or predecessors in interest have placed valuable

improvements, or on which some part of the land has been reduced to cultivation. A Class 2 claim is one which has been held in good faith and peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color-of-title for the period commencing not later than January 1, 1901, to the date of application, during which time they have paid taxes levied on the land by State and local governmental units. A claim is not held in good faith where held with knowledge that the land is owned by the United States. A claim is not held in peaceful, adverse possession where it was initiated while the land was withdrawn or reserved for federal purposes.

The information collected on Color-of-Title Application Form No. 2540-1 is required by the regulations in 43 CFR 2540 to process requests to acquire legal title to the public lands under the provisions of the Act of December 22, 1928, as amended by the Act of July 28, 1953. If you believe you have a valid color-of-title claim you may file an application with the BLM Office having responsibility for the public lands you desire to acquire legal to. The following information is collected on the form: (1) Applicant's name; (2) applicant's address; (3) applicant's area code and phone number; (4) legal description of the lands claimed; (5) type of application (class 1, class 2, or both); (6) record titleholder declaration and explanation; (7) description and copy of the written document the title is based on (deed, will, court order, etc.); (8) date the applicant learned about the title problems; (9) source of information from which the applicant learned about the title problems; (10) name, address, and phone number of the title examiner and date of examination; (11) total purchase price of the property, estimated value of structural and cultural improvements on the date of purchase, estimated value of existing structural and cultural improvements added since the date of purchase, and the amount received for forest products sold since the date of purchase; (12) cultivation statement; (13) calendar years the lands have been cultivated, and the number of acres cultivated; (14) list of improvements to the property; (15) mineral estate information; (16) \$10 filing fee; and (17) date of application, and signature of applicant.

After receiving your application, BLM will analyze the information on your application, conduct an on-site field examination of the lands, and prepare reports. The BLM will approve your application if you meet the requirements of a Class 1 or Class 2