

*Estimated Completion Time per Response:* Ranges from 1 minute to 40 hours, depending on the activity.

*Respondent's Obligation:* Response is required to obtain a benefit.

*Frequency of Collection:* Annual or on occasion, depending on the activity.

*Total Estimated Annual Nonhour Burden Cost:* \$0.

*Abstract:* The regulations at 25 CFR 36, Subpart G, Home-living Programs, implement section 1122 of the Native American Education Improvement Act of 2001 (Pub. L. 95-561, title XI, § 1120, as added Pub. L. 107-110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2007). These regulations require the BIE to implement national standards for home-living situations in all BIE-funded residential schools. The BIE must collect information from all BIE-funded residential schools in order to assess each school's progress in meeting the national standards. Submission of this information allows the BIE to ensure that minimum academic standards for the education of Indian children and criteria for dormitory situations in Bureau-operated schools and Indian-controlled contract schools are met.

The authorities for this action are 25 U.S.C. 2000-2021 and the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

**Elizabeth K. Appel,**

*Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.*

[FR Doc. 2017-16001 Filed 7-28-17; 8:45 am]

**BILLING CODE 4337-15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCA942000 L57000000.BX0000 15X L5017AR]

### Filing of Plats of Survey: California

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

**ACTION:** Notice of official filing.

**SUMMARY:** The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), California State Office, Sacramento, California. The surveys which were executed at the request of Fish and Wildlife Service, Bureau of Indian Affairs, U.S. Forest Service, Natural Resources Conservation Service, and the BLM, are necessary for the management of these lands.

**DATES:** Protests must be received by the BLM by August 30, 2017.

**ADDRESSES:** A copy of the plats may be obtained from the BLM, California State

Office, 2800 Cottage Way W-1623, Sacramento, California 95825, upon required payment. Please use this address when filing written protests.

**FOR FURTHER INFORMATION CONTACT:** Jon Kehler, Chief, Branch of Cadastral Survey, Bureau of Land Management, California State Office, 2800 Cottage Way W-1623, Sacramento, California 95825; 1-916-978-4323; [jkeehler@blm.gov](mailto:jkeehler@blm.gov). Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The lands surveyed are:

#### San Bernardino Meridian, California

T. 3 S., R. 1 E., supplemental plat of portion of sections 1, 2, and 12, accepted June 30, 2017.

T. 7 S., R. 8 E., dependent resurvey and metes-and-bounds survey, accepted July 12, 2017.

A person or party who wishes to protest a survey must file a notice that they wish to protest with the Chief, Branch of Cadastral Survey. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Chief, Branch of Cadastral Survey within 30 days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email 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 the BLM in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 43 U.S.C. Chapter 3.

**Jon L. Kehler,**

*Chief Cadastral Surveyor.*

[FR Doc. 2017-16055 Filed 7-28-17; 8:45 am]

**BILLING CODE 4310-40-P**

## NATIONAL INDIAN GAMING COMMISSION

### Protocol for Categorical Exclusions Supplementing the Council on Environmental Quality Regulations Implementing the Procedural Provisions of the National Environmental Policy Act for Certain National Indian Gaming Commission Actions and Activities

**AGENCY:** The National Indian Gaming Commission.

**ACTION:** Notice of final action.

**SUMMARY:** The National Indian Gaming Commission (NIGC or “the Commission”) is amending its protocol for categorical exclusions under the National Environmental Policy Act of 1969 (NEPA), as amended, Executive Order 11514, as amended, and Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA for certain NIGC actions.

**DATES:** The NIGC will implement this protocol immediately upon publication.

**ADDRESSES:** Andrew Mendoza, Staff Attorney, National Indian Gaming Commission, 1849 C Street NW., Mailstop #1621, Washington, DC 20240; fax at (202) 632-7066; or by email to: [andrew\\_mendoza@nigc.gov](mailto:andrew_mendoza@nigc.gov).

**FOR FURTHER INFORMATION CONTACT:** Andrew Mendoza, Staff Attorney at the National Indian Gaming Commission: 202-632-7003 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On December 4, 2009, the Commission published a draft NEPA manual in the **Federal Register** (74 FR 63765). The purpose of the manual was to establish the Commission's NEPA-related policies and procedures and to integrate environmental considerations into the Commission's decision-making processes. The draft manual identified one type of major federal action performed under the Indian Gaming Regulatory Act (IGRA) that triggered NEPA review, specifically, the approval of contracts for the management of Indian gaming facilities pursuant to 25 U.S.C. 2711. In addition to identifying major federal actions applicable to the Commission, the draft manual also established the Commission's NEPA-related roles and responsibilities and created a framework for the preparation of NEPA documentation appropriate for each level of environmental review. The draft manual also identified three categories of actions taken by the NIGC that are categorically excluded from further NEPA review. Categorical

exclusions (CATEX) are actions that do not normally require preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS), absent extraordinary circumstances.

On May 22, 2012, after reviewing the comments submitted on the draft NEPA manual, the Commission published a Protocol for Categorical Exclusions Supplementing the Council on Environmental Quality Regulations Implementing the Procedural Provisions of the National Environmental Policy Act for Certain National Indian Gaming Commissions Actions and Activities (77 FR 30315) and requested comments by June 30, 2012. This publication formally adopted two of the three categorical exclusions listed in the draft NEPA manual.

In 2015, after evaluating its past environmental reviews for management contract approvals and the comments received on the 2009 draft NEPA manual, the Commission decided to revisit its policies and procedures for implementing NEPA. To obtain updated views from the regulated community, the Commission held several consultation sessions over a two-year period with tribal nations and solicited comments regarding the scope and extent of its NEPA responsibilities. Following consultation, the Commission evaluated the newly submitted comments in conjunction with those received in response to the 2009 draft manual and decided to amend the 2012 Protocol to include a third CATEX for Management Contract and Agreement Review Activities. This CATEX will apply to certain management contract approvals that are not associated with an application to take land into trust and do not provide for construction or expansion of existing structures. In identifying this category of actions, the NIGC relied on its past experience, several environmental professionals' opinions and comparisons with other Federal agency actions that are categorically excluded.

#### Comments

On January 11, 2017, the Commission published a notice of proposed action and request for comments on the amended protocol in the **Federal Register** (82 FR 3352). In response, it received only one comment. The commenter requested that the Native American Graves Protection and Repatriation Act (NAGPRA) 25 U.S.C. 3001–3013 be included within the list of examples of environmental laws with which parties seeking to apply the categorical exclusion must comply. The Commission agrees and updated the language accordingly.

The same commenter also questioned how the Commission would interpret the term “known” with respect to the extraordinary circumstances involving “known cultural or archaeological resources.” Given the potential for confusion regarding this term, the Commission eliminated the term and, instead, references the Archaeological Resources Protection Act (ARPA) 16 U.S.C. 470aa–470mm, and NAGPRA. The Commission believes that referencing the particular statutes sufficiently demonstrates its intent to abide by the objective, legal definitions and processes set forth therein.

After considering the comments, the Commission hereby adopts the amended protocol set forth below for determining whether a categorical exclusion applies to particular action as well as the categories of actions the Commission has determined are eligible for categorical exclusions.

A copy of this **Federal Register** publication, as well as the administrative record for the newly established categorical exclusion, is available at <http://www.nigc.gov>. A copy of the **Federal Register** publication is available at <http://www.regulations.gov>.

#### Tribal Consultation

The National Indian Gaming Commission is committed to fulfilling its tribal consultation obligations—whether directed by statute or administrative action such as Executive Order (EO) 13175 (Consultation and Coordination with Indian Tribal Governments)—by adhering to the consultation framework described in its Consultation Policy published July 15, 2013. Pursuant to the Order, the Commission engaged in extensive consultation on this topic.

#### Regulatory Flexibility Act

This Protocol will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Indian tribes are not considered to be small entities for the purposes of the Regulatory Flexibility Act.

#### Small Business Regulatory Enforcement Fairness Act

This Protocol is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This Protocol does not have an annual effect on the economy of \$100 million or more. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies or geographic

regions, and does not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### Unfunded Mandates Reform Act

The Commission, as an independent regulatory agency within the Department of the Interior, is exempt from compliance with the Unfunded Mandates Reform Act. 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

#### Takings

In accordance with Executive Order 12630, the Commission has determined that this Protocol does not have significant takings implications. A takings implication assessment is not required.

#### Civil Justice Reform

In accordance with Executive Order 12988, the Office of General Counsel has determined that the Protocol does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

#### National Environmental Policy Act

This Protocol supplements CEQ regulations and provides guidance to NIGC employees regarding procedural requirements for the application of NEPA provisions to certain NIGC actions. The CEQ does not direct agencies to prepare a NEPA analysis or document before establishing agency procedures for implementing NEPA.

For the reasons set out in the preamble, the National Indian Gaming Commission establishes the following Protocol:

#### Protocol for Categorical Exclusions (CATEX) of Certain Actions

The use of a CATEX can only be applied to an action if all of the following criteria are met:

1. The responsible NIGC official must determine that the entirety of the NIGC action is encompassed by one of the listed CATEXs.

2. The responsible NIGC official must determine that the action has not been segmented in order for the NIGC action to meet the definition of an action that can qualify for a CATEX. Segmentation occurs when an action is broken into smaller parts in an effort to avoid properly documenting impacts associated with the complete action. Segmentation also occurs when the NIGC action is too narrowly defined and the potential impacts are minimized in order to avoid a higher level of NEPA documentation. Connected and

cumulative actions must be considered (*See* 40 CFR 1508.25).

3. The responsible NIGC official must determine if the NIGC action will involve any extraordinary circumstances that would prevent the use of a categorical exclusion.

#### Categorical Exclusions

The NIGC, based on past experience with similar actions, has determined that the following types of actions are categorically excluded and do not require the preparation of an EA or EIS because they will not individually or cumulatively result in a significant impact on the human environment. These types of federal actions meet the criteria established in 40 CFR 1508.4.

#### Category 1—Administrative and Routine Office Activities

A. Normal personnel, fiscal, and administrative activities involving personnel (recruiting, hiring, detailing, processing, paying, supervising and records keeping).

B. Preparation of administrative or personnel-related studies, reports, or investigations.

C. Routine procurement of goods and services to support operations and infrastructure, including routine utility services and contracts, conducted in accordance with applicable procurement regulations, executive orders, and policies (*e.g.* Executive Order 13101).

D. Normal administrative office functions (record keeping; inspecting, examining, and auditing papers, books, and records; processing correspondence; developing and approving budgets; setting fee payments; responding to request for information).

E. Routine activities and operations conducted on or in an existing structure that are within the scope and compatibility of the present functional use of the building, will not result in a substantial increase in waste discharge to the environment, will not result in substantially different waste discharges from current or previous activities, and will not result in emissions that exceed established permit limits, if any. In these cases, a Record of Environmental Consideration (REC), documentation is required.

F. NIGC training in classrooms, meeting rooms, gaming facilities, or via the internet.

#### Category 2—Regulation, Monitoring and Oversight of Indian Gaming Activities

A. Promulgation or publication of regulations, procedures, manuals, and guidance documents.

B. Support of compliance and enforcement functions by conducting compliance training for tribal gaming regulators and managers in classrooms, meeting rooms, gaming facilities, or via the internet.

C. Preparing and issuing subpoenas, holding hearings, and taking depositions for informational gathering purposes, not associated with administrative enforcement actions.

#### Category 3—Management Contract and Agreement Review Activities

A. Approval or disapproval of management contracts, management contract amendments and collateral agreements that meet the following criteria: (1) Are not associated with an application to take land into trust; (2) does not provide for construction or expansion of existing facilities; (3) ensures compliance with all federal, state, local and tribal environmental laws (*e.g.* Clean Air Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, Native American Graves Protection and Repatriation Act, etc.), regulations, and permit requirements; and (4) ensures adequate provision of utilities, law enforcement, fire protection, and other emergency service coverage without effects on neighboring areas. In these cases, a Record of Environmental Consideration (REC), documentation is required.

B. Conducting background investigations in connection with a management contract or management contract amendment.

#### Extraordinary Circumstances

Actions that can normally be categorically excluded may not qualify for a CATEX because an extraordinary circumstance exists (*See* 40 CFR 1508.4). If the proposed action has one or more of the following conditions, extraordinary circumstances exist and the action cannot be categorically excluded:

A. The proposed action/project would threaten a violation of applicable federal, state, local or tribal statutory, regulatory, or permit requirements with regard to public health and safety.

B. The proposed action/project has effects on the environment that involve risks that are highly uncertain, unique, or are scientifically controversial.

C. The proposed action/project violates one or more federal, tribal, state, or local environmental laws, regulations, permit requirements, or Executive Order.

D. The proposed action/project has an adverse effect on a property or structure eligible for listing or listed on the

National Register of Historical Places as determined by the Commission, the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, or a consulting party under 36 CFR 800. Adverse effects include the degradation, loss, or destruction of (1) scientific, cultural, or historical resources protected by the National Historic Preservation Act of 1966, as amended; (2) on World Heritage properties; or (3) other significant scientific, cultural, or historical resources.

E. The proposed action/project has adverse effects on natural, ecological, or scenic resources of federal, tribal, state and/or local significance. These resources include: (1) Resources protected by Coastal Zone Management Act (CZMA); (2) resources protected by the Fish and Wildlife Coordination Act; (3) prime, unique, tribal, state or locally important farmlands; (4) cultural items or archaeological resources as defined by the Archaeological Resources Protection Act and/or Native American Graves Protection and Repatriation Act; (5) park lands; (6) federal or state listed wild or scenic rivers; and/or (7) other ecologically critical areas.

F. The proposed action/project is related to other actions that may, when considered cumulatively, have significant adverse effects.

G. The proposed action/project may adversely affect (1) a federal or state listed endangered, threatened, or candidate species; or (2) designated or proposed critical habitat under the Endangered Species Act (ESA).

H. The proposed action/project has effects which will impact floodplains and/or wetlands on Federal property.

I. The proposed action/project has effects that will cause a criteria pollutant listed under the Clean Air Act to exceed the threshold level of one or more of the National Ambient Air Quality Standards for the surrounding geographical area.

J. The proposed action/project has effects that may cause disproportionately high adverse environmental or health impacts specific to children, minorities, or low-income populations.

K. The proposed action/project is likely to have adverse effects on migratory bird populations.

L. The proposed action/project has the potential to disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases.

M. The proposed action/project has effects that are highly controversial on environmental grounds.

#### Categorical Exclusion Documentation

The purpose of categorical exclusions is to reduce paperwork and delay. The NIGC is not required to repeatedly document actions that qualify for a categorical exclusion and do not involve an extraordinary circumstance (*See* 40 CFR 1500.4(p)). The NIGC will document its decision to treat a particular action as categorically excluded from further NEPA review, when the CATEX applied specifically requires the preparation of a REC. In those cases, a REC will include:

- A. A complete description of the proposed action/project;
- B. The CATEX relied upon, including a brief discussion of why there are no extraordinary circumstances;
- C. Supplemental documentation that supports the conclusions in the narrative. Examples include exhibit(s) showing boundaries of historical or archeological site(s) previously identified near the proposed project, documentation from the U.S. Fish and Wildlife Service noting that no endangered species or habitat is present near the proposed project, evidence that the proposed project site is located outside any non-attainment area(s), etc. In some cases, a “no effect” determination from the State Historic Preservation Office or Tribal Historic Preservation Office may be required;
- D. The following statement: *I certify that, to the best of my knowledge, the information provided is the best available information and is accurate;*
- E. A signature from an environmental professional with a signature block that includes the professional’s credentials.

Dated: July 14, 2017.

**Jonodev O. Chaudhuri,**  
Chairman.

**Kathryn Isom-Clause,**  
Vice Chair.

**E. Sequoyah Simermeyer,**  
Commissioner.

[FR Doc. 2017–15498 Filed 7–28–17; 8:45 am]

**BILLING CODE 7565–01–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX066A0067F  
178S180110; S2D2D SS08011000 SX066A00  
33F 17XS501520]**

#### Agency Information Collection Activities: OMB Control Number 1029– 0091; Requirements for Surface Coal Mining and Reclamation Operations on Indian Lands

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.  
**ACTION:** Notice and request for comments for 1029–0091.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing that the information collection request for the requirements for surface coal mining and reclamation operations on Indian lands has been forwarded to the Office of Management and Budget (OMB) for review and approval. The information collection request describes the nature of the information collection and the expected burden and cost.

**DATES:** OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days. Therefore, public comments should be submitted to OMB by August 30, 2017, in order to be assured of consideration.

**ADDRESSES:** Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email at [OIRA\\_Docket@omb.eop.gov](mailto:OIRA_Docket@omb.eop.gov). Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 202–SIB, Washington, DC 20240, or electronically at [jtrelease@osmre.gov](mailto:jtrelease@osmre.gov). Please refer to OMB control number 1029–0091 in your correspondence.

**FOR FURTHER INFORMATION CONTACT:** To receive a copy of the information collection request, contact John Trelease at (202) 208–2783, or electronically at [jtrelease@osmre.gov](mailto:jtrelease@osmre.gov). You may also review this collection by going to <http://www.reginfo.gov> (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

**SUPPLEMENTARY INFORMATION:** OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork

Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSMRE has submitted a request to OMB to renew its approval of the collection of information for 30 CFR 750—Requirements for surface coal mining and reclamation operations on Indian lands. OSMRE is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0091. Applicants are required to respond to obtain a benefit.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments for this collection of information was published on April 5, 2017 (82 FR 16621). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

**Title:** 30 CFR 750—Requirements for Surface Coal Mining and Reclamation Operations on Indian Lands.

**OMB Control Number:** 1029–0091.

**Summary:** Surface coal mining permit applicants who conduct or propose to conduct surface coal mining and reclamation operations on Indian lands must comply with the requirements of 30 CFR 750 pursuant to Section 710 of SMCRA.

**Bureau Form Number:** None.

**Frequency of Collection:** Once.

**Description of Respondents:**

Applicants for coal mining permits.

**Total Annual Responses:** One new permit, one significant revision, 25 minor revisions annually.

**Total Annual Burden Hours:** 16,427 hours annually.

**Total Annual Non-Wage Burden Costs:** \$34,000.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency’s burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the addresses listed under **ADDRESSES**. Please refer to the appropriate OMB control number 1029–0091 in your correspondence.

Before including your address, phone number, email address, or other