

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING
HORSES AND BURROS
OMB CONTROL NUMBER 1004-0042**

Terms of Clearance: None.

SECTION A

JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Bureau of Land Management (BLM) has the following authorities for collecting the required information from those who wish to adopt healthy excess animals to provide humane care and proper treatment (including transportation, feeding, and handling). The regulations at 43 CFR part 4700 provide for the protection, management, and control of wild horses and burros.

- (1) The Wild Free-Roaming Horse and Burro Act, (P.L. 92-195); and
- (2) The regulations at 43 CFR part 4700 through subpart 4770.

2. Explain how, by whom, how frequently, and for what purpose the information is used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

The BLM needs the required information to determine if an individual qualifies to provide humane care and proper treatment of wild horses and burros. The wild horses and burros remain the property of the United States for at least one year until title passes to the private individuals. During the period between adoption and passing of title, the BLM is obligated to see that the animals receive humane care and proper treatment. The BLM will contact the adopter and visit to determine the status and condition of the animals. In most cases, we do not require a specific form to collect the required information, since we generally gather the information through the course of wild horse and burro herd management on public lands, including the adoption process and monitoring the Private Maintenance and Care Agreement.

**Protection, Management, and Control of Wild Free-Roaming Horses and Burros
(43 CFR part 4700)**

Private Maintenance 43 CFR Subpart 4750

43 CFR 4750.3-1

The respondent must file with the BLM *Form 4710-10*, Application for Adoption of Wild Horse(s) or Burro(s), and the required information under this subpart to obtain approval of the adoption process. The BLM needs this information to approve the application.

Specific information we request on *Form 4710-10*:

(1) The name, address, driver's license number, state, birth date, social security number or tax identification number, home phone (including area code), alternate phone (including area code), e-mail address, and number of animals requested (burros, horses younger than 18 months, horses older than 18 months, geldings, and trained animals). We require this information to identify all persons who seek to adopt animals.

Form 4710-10 requires the applicant to answer the following specific questions or supply the information specified:

Question 1. Describe your existing facility and transportation:

a) Corral

Dimension: Length, Width, Height of Corral, Gate Height, Gate Width, Materials used in Corral, Materials used in Gate

b) Shelter

Maximum Height, Minimum Height, Gate Height, Gate Width, Materials used in Shelter, Attached to Corral? Yes No (If not attached, how is it accessible?)

c) Feed

Type of Hay or Pasture, Amount per day, Supplemental Feed

d) Access to Water

Water Tank Size and Source of Water

e) Trailer

Interior length, Interior Width, Interior Height, Covered with, and Type of Doors

Question 2. Have you previously adopted animals through the Wild Horse and Burro Program? Yes No

If your answer is yes, are these animals titled? Yes No

How many untitled animals do you have?

Do you still own the previously adopted titled animals? Yes No

Question 3. Will more than four untitled animals be kept at the location described? Yes No

Question 4. Have you ever adopted under another last name?

Yes No (If yes, what other name did you use?)

Question 5, Have you ever been convicted of abuse or inhumane treatment of animals, violation of the Wild Free-Roaming Horse and Burro Act or the Wild Horse and Burro Regulations? Yes No

Applicant must provide a map of location of adopted wild horses and/or burros.

43 CFR 4750.3-3

The respondent must file a written report and provide supporting information and certification for private maintenance of more than four wild horses or burros. The BLM needs this information to determine whether the respondent is qualified to care for more than four animals.

43 CFR 4750.4-3

The respondent must submit a written request to the BLM to relinquish and terminate responsibility for an adopted animal. The BLM needs this information to make other arrangements for the care and maintenance of the animal.

43 CFR 4750.4-4

If an adopted animal dies or needs to be destroyed due to a condition that existed at the time of placement with the adopter, the adopter/respondent may request a replacement animal. The respondent must provide a veterinarian's certificate that reasonable care and treatment of the animal would not have corrected the condition. The BLM needs this information to determine whether replacement of an animal is justified and appropriate.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology (e.g., permitting electronic submission of responses), and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].

In accordance with the Government Paperwork Elimination Act (GPEA), the public can fill out and download forms. They cannot submit the forms to BLM electronically at this time. However, the BLM will implement a user name password authentication process for E-Forms, pending implementation of HSPD-12. We enrolled and trained users in Oregon, Wyoming, Arizona, Montana, Nevada, and Utah in limited use of the Property and Sign program areas. We will continue training on the use of E-Forms in FY 2007. In FY 2008, we will identify super users as we expand the use of E-Forms into other program areas beyond the Property and Sign program. The Department will schedule full implementation of HSPD-12 in FY 2008. This implementation will provide an easier enrollment and use process for E-Forms with a Level 4 strong multifactor authentication token. In FY 2008, the BLM will fully implement E-Forms using the Smart Card across all program areas to provide organizational maturity of the use and understanding to both program and technical staff. After full implementation and training in use of the E-Forms across all program areas for internal uses, the BLM will prepare to respond and provide service to the public for E-Forms signed and delivered via the Internet. We project public use to be in place by FY 2009.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No duplication of information occurs in the information we collect. The requested information is

unique and is not available from any other data source. No similar information is available or able to be modified. The information is required to receive a benefit.

5. If the collection of information impacts small businesses or other small entities describe any methods used to minimize burden.

We do not collect information on whether the respondents are small businesses or small entities. We estimated in ROCIS that no respondents may qualify as a small businesses or small entities. The information we require from all respondents is limited to the minimum necessary to authorize the adoption of wild horses and burros.

6. Describe the consequence to the Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing the burden.

If we did not collect the information, applicants would not be able to adopt wild horses or burros, and the BLM would have to maintain and care for all the animals that otherwise would have been adopted. Less frequent collection would mean no collection of information at all.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the

collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

As required in 5 CFR 1320.8(d), the BLM published the 60-day notice in the Federal Register on June 21, 2006 (71 FR 35696), soliciting comments from the public and other interested parties. The comment period closed on August 21, 2006. The BLM did not receive any comments from the public in response to this notice.

During the approval period, we consulted with the following respondents to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. The burden estimates in Question 12 reflect their input in these consultations.

Virginia Freeman
P.O. Box 317
Artois, CA 95913
(530) 934-5508

Cindy Lawrence
1940 View Crest Drive
Reno, NV 89511
(775) 853-4182

Dawn Marten
37666 Hwy 58
Pleasant Hill, OR 97455
(541) 747-3594

We sought comments on the form included in this information collection. All the respondents surveyed responded that the form is straightforward and clear as to instructions and reasonable as to information requirements.

The respondents estimated the hour burden to be 10 minutes, 20 minutes, and 30 minutes, respectively, for reviewing instructions, gathering and maintaining data, travel time, and completing and reviewing the form. We are using the most conservative estimate, 30 minutes, based on the expectation that most applicants apply one time only and may be less familiar with the form and instructions.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors and grantees.

We do not provide payments or gifts to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

We protect the respondent's confidentiality to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

Under the privacy provisions of the E-Government Act of 2002, individuals/respondents were informed as to whether or not providing the information is mandatory to obtain a benefit. The BLM provides no promises that the application will be protected under the Privacy Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

We do not require respondents to answer questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.

Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

The estimated time includes that necessary for all information collection activities in the regulations. (14,000 applicants apply to adopt a horse or burro annually; an annual average of 315 animals have been relinquished over the last three years an annual average of 119 animals have been replaced over the last three years (we have rounded these numbers to the nearest 10 for purposes of calculation, and rounded burden hours to the nearest hour); .)

Form Information Collection

Section of Reg.	Title	Form number	Est. No. of Respondents	Reports filed annually	Total annual responses	Est. hrs. per response	Est. total hrs.	Total compensation (per hour)*	Cost to public
43 CFR 4750.3	Application for private maintenance.	4710-10	14,000	14,000	14,000	½ hour	7,000	\$27.75	\$194,250

Non-form Information Collection

Section of Reg.	Title	Form of submission (call/written/photo-copy)	Est. No. of Respondents	Reports filed annually	Total annual responses	Est. hrs. per response	Est. total hrs.	Total compensation (per hour)*	Cost to public
43 CFR 4750.3-3	Supporting information and certification for private maintenance of more than 4 wild horses or burros.	Written addendum to Form 4710-10	12 Note: these respondents are included in the form applicants in the previous table	12 Note: these respondents are included in the form applicants in the previous table	12 Note: these respondents are included in the form applicants in the previous table	10 minutes	2	\$27.75	\$55.50
43 CFR 4750.4-3	Request to terminate Private Maintenance and Care Agreement.	Written	320	320	320	30 minutes	160	\$27.75	\$4,440
43 CFR 4750.4-4	Replacement animals	Written application	120	120	120	30 minutes	60	\$27.75	\$1,665
TOTAL									\$6,160.50

* U.S. Bureau of Labor Statistics: Employer Costs for Employee Compensation Table 1. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, June 2007. We used the hourly rate for all workers.

The estimated time includes that necessary for all information collection-related activities in the regulations to adopt a horse or burro.

We chose for total compensation the hourly rate for wages, salaries, and benefits for all workers, because those who adopt wild horses and burros work in a wide variety of occupations, so that statistics from no particular industry or occupation can be used.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the Government, or (4) as part of customary and usual business or private practices.

Respondents are not required to purchase additional computer hardware or software to comply with these information requirements. There is no filing fee associated with this information collection. There are no capital and start-up costs involved with this information collection.

However, the regulations require respondents seeking to adopt more than four horses or burros or requesting a replacement animal for

one that has died to provide certain certifications from a humane official, veterinarian, cooperative extension agent, or similarly qualified person. For purposes of calculating the cost burden, we have employed estimated fees of \$100 and \$50, respectively.

Cost Burdens for Non-form Information Collection

Section of Reg.	Title	Form of submission (call/ written/ photo-copy)	Estimated Number of Respondents	Reports filed annually	Total annual responses	Fee	Cost to public
43 CFR 4750.3-3	Certification for private maintenance of more than 4 wild horses or burros.	Written	12	12	12	\$100	\$1,200
43 CFR 4750.4-4	Certification in support of request for replacement animals	Written	120	120	120	\$50	\$6,000
TOTAL							\$7,200

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

We estimate that the annual cost to the Federal Government to process the responses to this information collection is \$146,400 (3,613 x \$40.52 per hour to process). The cost estimate is the result of a cost recovery survey to determine the average cost for processing the information.

Table 14-1

Activity	(A) Agency person- hours per occurrence	(B) No. of occurrences per year	(C) Agency person-hours per year (C=AxB)	(D) Techni- cal person- hours per year	(E) Manage- ment person- hours per year (0.05xD)	(F) Clerical person- hours per year (0.1xD)	(G) Cost (sum of D, E & F times dollar amounts in table 2)
Application for private maintenance	15 minutes or ¼ hour	14,000	3,500	3,500	NA	NA	\$141,820
Request to adopt more than 4 animals	15 minutes or ¼ hour	12	3	3	NA	NA	\$122
Relinquishment of animals	15 minutes or ¼ hour	320	80	80	NA	NA	\$3,242
Request for replacement animals	15 minutes or ¼ hour	120	30	30	NA	NA	\$1,216
Total Labor Burden and Cost				Sum of column (D) 3,613	Sum of column (E)	Sum of column (F)	Sum of column (G) \$146,400
Total Labor Hours				Sum on the previous line of columns (D), (E) & (F)			3,613

Table 14-2

Managerial	\$54.61 (GS-13, Step 5 x 1.3)
Technical	\$40.52 (GS-12, Step 1 x 1.3)
Clerical	\$21.93 (GS-6, Step 3 x 1.3)

The above table was derived from OPM Salary Table 2007-MIL adjusted by a multiplier of 1.3 to include benefits, based on an average for government employee benefits from BLS news release USDL 07-1434 of September 20, 2007.

15. Explain the reasons for any program changes or adjustments.

Burden	Previous Collection	This Collection	Change
Responses	30,000	14,452	-15,548
Burden Hours	5,000	7,222	2,222

This request includes a program increase of 62 burden hours due to previously overlooked requirements and an adjustment increase of 2,160 hours based on a more detailed estimation of the information collection in accordance with our outreach. We are also requesting a program increase in the cost burden of \$7,200 due to previously overlooked cost requirements.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The BLM will not publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The BLM will display the expiration date of the OMB approval on the forms included in this information collection.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions to the certification statement.