

**Supporting Statement for Paperwork Reduction Act Submissions
"Land and Water Conservation Fund Conversion of Use Provisions"
OMB Control Number 1024-0047**

Terms of Clearance: None

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.**

Section 6(f)(3) of the Land and Water Conservation Fund (L&WCF) Act of 1965 contains a provision which is designed to assure that assisted sites and facilities are continually maintained in public outdoor recreation uses and accessible to the general public. A conversion of use occurs when an assisted site is wholly or in part converted to other than public outdoor recreation use. Such conversions require the advance approval of NPS and the provision of suitable replacement land. A copy of Section 6(f)(3) of the Act is attached along with a copy of the regulations pertaining to conversions (36 CFR Part 59).

Conversion requests are made at the initiative of the grant recipient. In order to have a request considered, the recipient (State) must submit a formal request to the appropriate National Park Service (NPS) Regional Office. No form is involved in the request. However, the request must be supported by such documentation as is sufficient to document that:

- a) All alternatives to the conversion have been evaluated and then rejected on a sound basis;
- b) Required replacement land being offered as a substitute is of reasonably equivalent location and recreational usefulness as the assisted sites proposed for conversion;
- c) The property proposed for substitution meets the eligibility requirements for L&WCF assistance; and
- d) Replacement property is of at least equal fair market value as established by an appraisal in accordance with uniform Federal appraisal standards.

Documentation submitted by the recipient must include maps identifying the assisted site, the area to be converted, and the proposed replacement property, and appraisal reports identifying property values.

- 2. Indicate how, by whom, and for what purpose the information is to be 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 purpose of the L&WCF Act, as stated in Section 1(b), is to: "...assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation."

Section 6(f)(3) is the cornerstone of compliance effort to ensure that the Federal investments in L&WCF assistance are being maintained in public outdoor recreation use so as to assure that the purpose of the Act, as stated above, is met. This section of the Act assures that once an area has been funded, it is continually maintained in public outdoor recreation use unless NPS approves substitution property of reasonably equivalent usefulness and location, and of at least equal fair market value.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection 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.].**

Each proposed conversion is an individual situation involving circumstances that may differ widely from those of other conversions. Each case is different from all others by virtue of the uniqueness of every site involved. Since conversions must be requested and considered on a case-by-case basis, there is no feasible alternative means of assuring compliance with the program legislation. Improved technology does not apply itself to the basic nature of the reporting requirement.

The Government Paperwork Elimination Act (GPEA), (P.L. 105-277, Title XVII, Sections 1703 and 1705 of 1998) requires Federal agencies to be able to allow individuals or entities the option to submit or transmit information electronically when practical. Ultimately, the State and Local Assistance Program Division of the NPS will be integrated into the grants.gov program. There are no forms involved in this collection.

- 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.**

There can be no duplication since each conversion is unique.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

Not applicable. All recipients are State governments.

6. Describe the consequence to 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 burden.

Collections are conducted only in conjunction with individual conversion requests. Recipients determine if a conversion is necessary or required and then submit requests for Federal approval.

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.

None of the listed circumstances applies.

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.

The NPS published a 60-Day Federal Register Notice seeking public comments on this collection on March 14, 2007(Vol. 72, Num. 49, pages 11899-11900.) No comments were received.

Over the course of the past 3 years, several consultations with persons outside of the agency have taken place. They are:

Mr. Robert Newton
Mississippi Department of Wildlife,
Fisheries, and Parks
P.O. Box 451
Jackson, Mississippi 39205
601/432-2224

Mr. Todd Stump
South Carolina Department of Parks,
Recreation, and Tourism
1205 Pendleton Street
Suite 246
Columbia, South Carolina 29201

They concur with our cost and burden estimates in completing the information collection process.

The information collected in consideration of conversion requests represents only that which is necessary to comply with program legislation. Information collected varies depending upon the nature and complexity of each individual conversion. Through meetings of the National Association of State Outdoor Recreation Liaison Officers (whose members are State L&WCF Liaison Officers appointed by the governors to administer L&WCF within their respective States) and periodic workshops involving State parks officials, opportunities are continually presented to provide input into L&WCF concerns including conversions.

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

Not applicable.

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

10 Information pertaining to L&WCF grants including conversions is
11 subject to public scrutiny as it regards public sites and
12 facilities. No confidential information is involved.

11. Provide additional justification for any questions of a

sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This 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.

No sensitive questions are asked.

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 in Item 13 of OMB Form 83-I.
 - *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 potential number of respondents is 56. The length of time needed to complete a request may vary significantly dependent upon several factors including: 1) size and magnitude of the area being proposed for conversions; 2) public opposition; 3) comparability of proposed replacement land vis-à-vis the converted area; 4) environmental issues; 5) disagreements among local jurisdictions over the multi-city of county projects; and 6) disagreements over the need for the conversion and the desirability of the proposed new rule. Simple, small-scale, non-controversial conversion requests can be prepared within one working day (8 work hours), while more complicated proposals may take months.

Respondents for L&WCF conversions are estimated to spend 35 hours per response. This includes time to compile data on converted property and on replacement land and to comply with the National Environmental Policy Act. Total handling time is 1,750 hours (50 responses x 35) and the average salary of state parks personnel involved in the preparation of conversion requests is estimated at \$24.00 per hour. Total estimated annual cost is \$42,000.

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.

There are no non-hour costs.

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.

The total cost to the Federal government for processing L&WCF conversions is estimated at \$36,380 annually based on an estimated 50 responses per year and an average Federal handling time of 20 hours per conversion. Total handling time is 1,000 hours and the average salary of NPS personnel involved in conversion processing is \$36.38/hour (average grade GS-12/step 5 at 2007 rates).

Total hourly burden for L&WCF conversions is estimated based on information shared during workshops involving State L&WCF grants officers and information shared with NPS personnel during the course of preparing for the competing conversion requests.

15. Explain the reasons for any program changes or adjustments

reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes.

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.**

Not applicable.

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.**

Not applicable.

18. **Explain each exception to the certification statement Identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

Not applicable.