Paperwork Reduction Act Submission

Please read the instruction before completing this form. For additional forms or assistance in completing this forms, contact your agency's Paperwork Reduction Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 Seventeenth St. NW, Washington, DC 20503.

1. Agency/Subagency Originating Request:
U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Office of Environment and Energy; Environmental Review Division

2. OMB Control Number:
a. **2506-0151** b. ☐ None

3. Type of information collection: (check one)
a. ☐ New Collection
b. ☐ Revision of a currently approved collection
c. ☐ Extension of a currently approved collection
d. ☐ Reinstatement, **without change**, of previously approved collection for which approval has expired
e. ☐ Reinstatement, **with change**, of previously approved collection for which approval has expired
f. ☐ Existing collection in use without an OMB control number

For b-f, note item A2 of Supporting Statement instructions.

4. Type of review requested: (check one)
a. ☐ Regular
b. ☐ Emergency - Approval requested by
c. ☐ Delegated

5. Small entities: Will this information collection have a significant economic impact on a substantial number of small entities?
☐ Yes ☐ No

6. Requested expiration date:
a. ☐ Three years form approval date b. ☐ Other (specify)

7. Title:
Floodplain Management

8. Agency form number(s): (if applicable)
None

9. Keywords:
Housing, Floodplains, Wetlands, Environmental Protection

10. Abstract:
HUD grant recipients proposing to use HUD funds for projects within floodplains or wetlands provide information indicating compliance with relevant requirements. Respondents must publish notifications of intent and inform affected private parties (potential purchasers, etc.).

11. Affected public: (mark primary with "P" and all others that apply with "X")
a. Individuals or households
b. **X** Business or other for-profit
c. **X** Not-for-profit institutions
e. Farms
f. Federal Government
g. **P** State, Local or Tribal Government

12. Obligation to respond: (mark primary with "P" and all others that apply with "X")
a. Voluntary
b. **P** Required to obtain or retain benefits
c. **X** Mandatory

13. Annual reporting and recordkeeping hour burden:

a. Number of respondents	300
b. Total annual responses	300
Percentage of these responses collected electronically	0%
c. Total annual hours requested	2,700
d. Current OMB inventory	2,700
e. Difference (+,-)	0
f. Explanation of difference:	
1. Program change:	
2. Adjustment:	

14. Annual reporting and recordkeeping cost burden: (in thousands of dollars)

a. Total annualized capital/startup costs	$0.00
b. Total annual costs (O&M)	$0.00
c. Total annualized cost requested	$0.00
d. Total annual cost requested	$0.00
e. Current OMB inventory	$0.00
f. Explanation of difference:	
1. Program change:	
2. Adjustment:	

15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X")
a. Application for benefits
b. Program evaluation
c. General purpose statistics
d. Audit
e. Program planning or management
f. Research
g. **P** Regulatory or compliance

16. Frequency of recordkeeping or reporting: (check all that apply)
a. ☐ Recordkeeping b. ☐ Third party disclosure
b. ☐ Reporting:
1. ☐ On occasion 2. ☐ Weekly 3. ☐ Monthly
4. ☐ Quarterly 5. ☐ Semi-annually 6. ☐ Annually
7. ☐ Biennually 8. ☐ Other (describe)

17. Statistical methods:
Does this information collection employ statistical methods?
☐ Yes ☐ No

18. Agency contact: (person who can best answer questions regarding the content of this submission)
Name: Walter Prybyla
Phone: (202) 402-4466 [Walter.Prybyla@hud.gov]

19. Certification for Paperwork Reduction Act Submissions

On behalf of the U.S. Department of Housing and Urban Development, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

Note: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320/8(b)(3) appear at the end of the instructions. The certification is to be made with reference to those regulatory provisions as set forth in the instructions.

The following is a summary of the topics, regarding the proposed collections of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;
(b) It avoids unnecessary duplication;
(c) It reduces burden on small entities;
(d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
(f) It indicates the retention periods for recordkeeping requirements;
(g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  (i) Why the information is being collected;
  (ii) Use of the information;
  (iii) burden estimate;
  (iv) Nature of response (voluntary, required for a benefit, or mandatory);
  (v) Nature and extent of confidentiality; and
  (vi) Need to display currently valid OMB control number;
(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to collected (see note in item 19 of the instructions);
(i) It uses effective and efficient statistical survey methodology; and
(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in item 18 of the Supporting Statement.

Signature of Program Official: X Richard H. Broun, Director, Office of Environment and Energy	Date:

Signature of Senior Officer or Designee: X Lillian Deitzer, Departmental Reports Management Officer, Office of the Chief Information Officer	Date:

Supporting Statement for Paperwork Reduction Act Submissions

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 legal and administrative requirements for this collection are Sec. 3(d) of Executive Order 11988 (Floodplain Management) and Sec. 6 of Executive Order 11990 (Protection of Wetlands) that require HUD to issue or amend its existing procedures in order to comply with these Orders. HUD has issued 24 CFR Part 55 (Floodplain Management) implementing E.O. 11988 and currently is considering further rule amendments to Part 55 for the purpose of including E.O. 11990 procedures for the protection of wetlands. These Orders require that applicants who propose the use of HUD financial assistance for projects located within floodplain and wetland locations are to seek to avoid such sites, and if avoidance is not practicable, must comply with the decision making procedures prescribed in the Executive Orders (Secs. 1, 2, and 9 of E.O. 11988; and Secs. 1, 2, 5, and 10 of E.O. 11990). Documentation (Sec. 55.27) requires compliancers to provide the basic evidence of compliance with the prescribed procedures of the Executive Orders and Subpart C of 24 CFR 55. Sec. 55.21 ["Notification of floodplain hazard"] as prescribed in Sec. 4 of E.O. 11988 requires compliancers to notify any private party of flood hazards prior to the transaction (i.e., buying or renting property located within a floodplain).

HUD administers these requirements within the context of the National Environmental Policy Act (NEPA) and its implementing regulations at 24 CFR 50 and 58. A cross reference to these requirements is provided at 24 CFR 50.4(b) and 58.5(b) as part of the environmental review process. Sec. 50.3(h) requires information collection in the environmental review process.

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.

The respondents are HUD recipients proposing to use HUD financial assistance for their projects located within floodplains or wetlands. The information, together with other environmental compliances that a proposed project may require under the National Environmental Policy Act (NEPA) and related laws, serve to obtain the approval of an application under Part 50 or will allow the use of grant funds or assistance already awarded under Part 58. In addition, HUD uses the collection: (1) to obtain and/or provide evidence in challenges by the public or by other governmental agencies (Federal, State and local) as to the technical adequacy or procedural completeness of the actions taken by compliancers when approving HUD financial assistance for projects within floodplain and wetland locations; and (2) to monitor the performance and adequacy of compliance with prescribed procedures and requirements of 24 CFR 55.

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.

Respondents (grant recipients) are encouraged to submit the information electronically whenever HUD assistance is proposed for a project in a floodplain or wetland location. The information is for a one-time collection used to document compliance with legal and administrative requirements (see above Item 1) for a specific site. The public is encouraged to provide comments electronically and information on major projects most often is accessible on the respondent's website. When HUD amends Part 55, it will consider allowing e-mail notification in lieu of postal mail notification to interested and affected parties as well as to agencies with jurisdiction or expertise. It is at the option of compliancers to use automated, electronic, mechanical, or other technological collection techniques or other forms of information technology as appropriate. HUD encourages appropriate cost effective methods, but does not prescribe particular technological collection techniques. Digitized maps showing floodplains and wetlands are accessible from websites administered respectively under the National Flood Insurance Program by Federal Emergency Management Agency (FEMA), Department of Homeland Security, and under the National Wetlands Inventory (NWI) by the Fish and Wildlife Service, Department of the Interior. Also, localities may have digitized land use maps showing vacant sites that can be used to locate sites outside the floodplain and wetland when complying with the Executive Orders and Part 55.

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.

The information necessary for the collection is not available except through a respondent's compliance for a specific project site. To promote cost effectiveness, HUD encourages a singular review through: (i) batching two or more sites (§55.24 Aggregation), (ii) using the entire housing market area as a basis of compliance (§55.25 Areawide compliance), and (iii) adoption of another agency's environmental review data (§55.26) to prevent the potential for duplication.

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.

This collection will not have a significant impact on small business or other small entities. Any costs for complying with the legal and administrative requirements are eligible as project costs and fundable under HUD programs.

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.

If the collection is not conducted, HUD's capability to comply with the Executive Orders 11988 and 11990 would be significantly impaired. The collection is already a one-time collection for a specific site and cannot be conducted less frequently. Nevertheless, to reduce the burden for certain categories of proposed actions, HUD has allowed exclusions listed at § 55.12. HUD is considering to amend § 55.12(c) to add a number of new exclusions. There are three other options for removing the technical and legal obstacles to reducing the burden, but these are not available to HUD. One option is to have the Administration rescind these Executive Orders. Second option is to have the Administration modify these Executive Orders so they are less prescriptive and, in this way, provide agencies more flexibility to reduce the burden. Third option is have the Administration to replace these Executive Orders with new Executive Orders that would prohibit outright all approval of Federal assistance for proposed projects located within floodplain and wetland locations designated for environmental protection.

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 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 than 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 secret, 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 would cause this information collection to be conducted in a manner as explained above. The information collected remains in the respondent's environmental review record (§ 55.27). Normally, such records would be retained for more than three years only if the project was ongoing and a closeout of the project has not occurred.

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 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 the data elements to be recorded, disclosed, or reported.
- 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 preclude consultation in a specific situation. These circumstances should be explained.

HUD will published in the Federal Register a notice for public comment on this proposed information collection. The FR was published on 8/29/2007 on page 49728, Vol. 72 No. 167. No comments were received.

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

No payment or gift is provided.

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

None.

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 questions of a sensitive nature are involved.

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 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; and
- 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 13.

The HUD grants cover all eligible costs including staff work on projects subject to legal and administrative requirements explained in Item 1. The following information is current and the same as that provided in 2004, except cost increases were estimated for staff salary and notice publication.
• Estimate for compliance with §55.20: Respondents - 300; frequency of response 1; burden hours per response 8; annual burden hours 2,400; staff salary $40 per hour; annualized cost to respondents $96,000 for staff salary.
•Estimate for compliance with §55.21: Respondents - 300; frequency of response 1; burden hours for response 300; staff salary $40 per hour; annualized cost for staff salary $12,000.

Total annualized cost for compliance with §§55.20 and 55.21 = $108,000.

HUD grants cover all eligible costs including publication of newspaper notices on projects subject to legal and administrative requirements explained in item 1. Two public notices are required: (1) Early Public Review; and (2) Findings and Public Explanation. For 300 respondents, we estimate: notices per response 2; publication cost per notice $300; annualized notice publication cost $180,000.

FORMTEXT HUD grants cover all eligible costs including staff work and publication of newspaper notices. The total annualized cost for staff salary and notices publication is estimated at $288,000. The description of the method on how this cost was determined is shown above. From one perspective, HUD grantees control the cost and can make choices to avoid construction within floodplains and wetlands and thus prevent activating the need for compliance with these legal and administrative requirements.

13. Provide an estimate of the total annual 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 purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. 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 additional costs to the respondents other than what is reported in Item 12 above.

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.

There will be no additional cost to the Federal Government.

15. Explain the reasons for any program changes or adjustments reported in Items 13 and 14 of the OMB Form 83-I.

This is an extension of a currently approved collection. There are no changes or adjustments.

16. For collection 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.

This is not applicable, because the collected information is not gathered for publication in the aggregate. Each respondent publishes notices in an appropriate local printed news medium and must provide copies to federal, state, and local public agencies, organizations, and individuals known to be interested in the proposed action.   Generally the commenting period for such notices is from 15 to 30 days. The notices are retained in the respondent's file as evidence of compliance with section 2(a)(2) and (3) of E.O. 11988, section 2(b) of E.O. 11990, and 24 CFR 55.20(b) and (g).

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.

HUD is seeking approval to not display the expiration date for OMB approval of the information collection, because there is no HUD form on which to display the expiration date.

18. Explain each exception to the certification statement identified in item 19.

None.

B. Collections of Information Employing Statistical Methods