

**Supporting Statement for Paperwork Reduction Act Submission
Land Use Application and Permit, Form 2920-1
OMB Control Number 1004-0009**

Terms of Clearance: None

SECTION A

JUSTIFICATION

1. Explain why you need to conduct the information collection. Identify any legal or administrative requirements that necessitate the collection. Include a description of any statute or executive order that requires the collection, and attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection. Provide some background information on the program and describe how the collection supports it. Detail any specific program problems you hope to resolve. If BLM is already collecting information from the same universe of respondents, briefly describe these collections and how they relate to the proposed collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1732) authorizes the Secretary of the Interior to allow State and local governments and private citizens to use, occupy, or develop public lands administered by the Bureau of Land Management (BLM), under certain conditions. The BLM uses the information collected on Form 2920-1 (Land Use Application and Permit) to consider land use proposals for the use, occupancy, or development of the public lands through leases, permits, and easements. The BLM has been collecting this information through Form 2920-1 for many years. The regulations in the 43 Code of Federal Regulations (CFR) Part 2920 establish procedures for processing leases, permits, and easements. The applicants use Form 2920-1 to apply for a lease, permit, or easement to use, occupy, or develop the public lands.

Land uses that may be authorized are agricultural development, residential (under certain conditions), recreation concessions (under certain conditions), and business, industrial and commercial. Types of land uses include commercial filming, advertising displays, commercial or noncommercial croplands, apiaries, livestock, holding or feeding areas not related to grazing permits and leases, harvesting of native or introduced species, temporary or permanent facilities for commercial purposes (does not include mining claims), ski resorts, construction equipment storage sites, assembly yards, oil rig stacking sites, mining claim occupancy if the residential structures are not incidental to the mining operation, and water pipelines and well pumps related to irrigation and non-irrigation facilities.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. For all but "New" collection requests, indicate the actual use BLM has made of the information received.

The BLM collects and uses the information on Form 2920-1 to:

- (a) Identify the proposed land use and activities;
- (b) Identify the project's location; and
- (c) Examine a schedule for construction of any facilities.

We require applicants to provide the following information:

- (a) Applicant's name, address, and phone number. The BLM uses this information to identify and contact potential or authorized users, and for billing purposes.
- (b) Map or sketch showing public lands for which you are applying. The BLM uses this information to establish legal ownership and identify the lands on which the use would take place.
- (c) Proposed date(s) of use. The BLM uses this information to make sure that the duration of the proposed use is consistent with the term specified in the land use authorization.
- (d) Legal basis for holding interest in lands. The BLM uses this information to define the legal basis and qualifications for issuing a permit or lease.
- (e) Current land conditions (i.e., are the lands now improved, occupied or used). The BLM uses this information to identify potential conflicts between the proposed use and other uses of the lands.
- (f) Access needs (i.e., do you need access to the lands). The BLM uses this information to determine if the applicant needs to obtain a right-of-way for access to the lands.
- (g) Proposed use of the lands. The BLM uses this information to determine if the proposed use is consistent with the BLM programs and land use plans, and what type of land use authorization is appropriate for the proposed land use.
- (h) Proposed improvements and/or land development. The BLM uses this information to determine if the proposed improvements and/or developments are consistent with the type of uses authorized. Engineering and construction drawings are required for land use authorizations involving major capital expenditures.
- (i) Estimated capital costs. The BLM uses this information to determine the type of land use authorization that would be issued.
- (j) Water source for the proposed use. Water rights are closely regulated by State agencies. Therefore, BLM cannot issue authorizations for uses that require a water use without a showing that the user has a valid water right or permit.

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 you gave to the use of improved information technology to reduce the burden on the public.

In accordance with the Government Paperwork Elimination Act (GPEA), the public can fill out and download forms. Although Form 2920-1 is available on the BLM's public website as a fillable PDF document, the public 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. 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 cannot be used or modified for use for the purposes described in Item 2 above.

There is no duplication between this information collection and other collections. The information is unique to each application and is unsuitable for other uses. The BLM is not able to use or modify existing information collections to process new applications because the applicant's responses are distinct, unrelated, and specific to their individual proposed project.

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

The BLM is collecting the minimum amount of information necessary in order to issue the permit or lease. The BLM does not collect information on whether the respondents are small businesses or small entities. However, we estimate that a majority of the 519 responses (499) qualify as small entities. We estimate that 5 applications will be from private citizens, 5 will be from State and local governments, and 509 will be from the private sector. Although the BLM has received applications for leases from the film industry in previous collections, it did not receive any applications from this group during the most recent collection. We estimate that applications for leases from the film industry would represent about 2 percent of the private sector respondents during any given information collection. The BLM thus assumes that the other 98 percent of the private sector respondents would be comprised of small entities. Therefore, we estimate that 10 responses would represent lease applications from the film industry and 499 would represent applications from small entities.

6. Describe the consequences 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 burden.

If the BLM does not collect this information, State and local governments, private citizens, businesses, and other for profit and nonprofit organizations will not be able to acquire leases, permits, and easements to use, occupy, or develop public lands. The BLM is the only agency responsible for carrying out the provisions Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1732). Less frequent collection would mean no collection at all. Reducing the burden will preclude the collection of sufficient information to determine if the applicant meets the statutory requirements of the Act and regulations.

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 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.

The public needs to fill out an application whenever an individual or entity needs a permit or lease from the BLM authorizing them to use BLM-administered land for certain purposes allowed under FLPMA or 43 CFR 2920. The guidelines in 5 CFR 1320.5 are not exceeded.

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 (a) availability of data, (b) frequency of collection, (c) the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on (d) 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 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 35698), 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. All three applicants consulted for this ICR renewal indicated that to the best of their recollection, Form 2920-1 took between 45 minutes and 1 hour to complete. They also all indicated that the instructions for completing the form were clear and the application was easy to fill out. None of them remembered having a hard time gathering the information to complete the form and felt satisfied that they could receive or obtain some benefit (easement, permit, or lease) by only completing a single application (form).

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

The applicant receives no payments or gifts.

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

The applicant's confidentiality is protected to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

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.

The applicant is not required 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 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.

Estimates are based on the number of land use authorization (permits, leases, easements) responses/applications the BLM received from Fiscal Year (FY) 2005 through FY-2007 (10/01/2004 thru 09/30/2007). The average response time per respondent and cost to respondent includes the time necessary for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Response time is based on information obtained from respondents and the BLM's experience with the information collection over several years.

We estimate there will be a total of 519 applications annually: 5 from individuals, 5 from State/local governments, and 509 from the private sector. Although no applications were received from the film industry or other large entity during the current collection period, we estimate 10 applications during the next approval period.

Film Industry and large entities: Leases authorize complex uses which cause considerable damage to the public land when substantial construction, development or land improvements are

involved, and large amounts of capital may be invested. We estimate that each application will take 120 hours to complete.

Individuals, State/local governments, and private sector (small entities): We estimate the average time per response for applications to be 1 hour. Respondents applying for a lease in this category would spend less time and money to respond to this information collection. Leases in this category authorize uses of the public land when little or no land improvements, construction, investment, or alteration of the land is required. The uses will not cause considerable damage or disturbance to the public lands and resources.

Table 12-1

Mean Hourly Wage	Total (incl. benefits)
\$19.81 (Individuals)	\$25.75
\$23.99 (State and Local Government)	\$31.19
\$31.51 (Private Sector)	\$40.96

Hourly cost calculations are based on the Bureau of Labor Statistics (BLS) data for each industry we identified as respondents (Individual, State and Local Government, and Private Sector). The data source for the hourly wage for individual(s) is based on the data published in the BLS Employer Costs for Employee Compensation for the Regions-September 2007, for the Western Census Region. The data source for the hourly wage for state and local government is based on data published by the BLS regarding the average hourly wage for all US workers in 2006. The data source for the hourly wage for the private sector is based on data published in the BLS National Compensation Survey (Occupational Wages in the United States, June 2005), regarding the hourly wage for professional occupations, n.e.c. within the “writers, editors, entertainers, athletes and professional” occupational category. The benefits multiplier (1.3) is also derived from data published by the BLS concerning compensation

Table 12-2

Estimates of Cost and Hour Burden: Responses/applications are based on the number of responses/applications received within a 3-year period from FY 2005 through FY 2007 (10/01/2004 thru 09/30/2007).	
Statement of Questions	Burden
(a) Number of responses/applications received	1,556
(b) Number of responses annually (1,556 ÷ 3 years)	519
(c) Frequency of response	On occasion
(d) Response time per respondent <ul style="list-style-type: none"> • Individuals • State and local government • Private sector (120 hrs for film industry/1 hr for others; avg. 3.34 hrs) 	1 hour 1 hour 3.34 hours
(e) Annual response time for collection <ul style="list-style-type: none"> • Individuals (5 responses x 1 hour) • State and local government (5 responses x 1 hour) • Private sector (509 responses x 3.34 hours) 	5 hours 5 hours 1,699 hours
(f) \$ Value of Burden Hour (including benefits) <ul style="list-style-type: none"> • Individuals • State and local government • Private sector 	\$25.75 \$31.19 \$40.96
(h) Total Annual \$ Value of Burden Hours <ul style="list-style-type: none"> • Individuals (\$25.75 x 5 hours) • State and local government (\$31.19 x 5 hours) • Private Sector (\$40.96 x 1,699 hours) • TOTAL 	\$128.75 \$155.95 \$69,591.04 \$69,875.74

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 and 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.

Respondents incur no annual capital or start-up costs, and no recurring annual costs to prepare for or respond to the information collection. Respondents do not need to purchase any computer software or hardware to comply with this information collection.

Table 13-1

Burden to Respondents or Recordkeepers: Burden is based on costs within a three year period from FY 2005 through FY 2007 (10/01/2004 thru 09/30/2007).	
Statement Questions	Burden
(a) Total capital and start-up cost	\$0
(b) Total operation/maintenance and purchase of services cost	\$0

Table 13-2

(Cost Recovery) - Application Processing Fee: Respondents/applicants must pay a fee to BLM for the reasonable costs of processing an application before the Federal Government incurs them. The fee is a one-time fee and is not refundable. The fee is unique to each respondent/applicant. The fees are categorized based on the amount of time BLM will expend to prepare reports and statements required by the National Environmental Policy Act of 1969 (43 USC 4321 <i>et seq.</i>). The reimbursement of cost is in accordance with the provisions of 43 CFR 2804.14. We estimate that the average fee for individuals and State and local governments will be \$81.40 per application. We estimate the application fee for the private sector to range from \$81.00 for most applications to \$10,723 for large film companies, with an average of \$291 for all private sector applications combined.	
(a) Total Annual Application Processing Fee	\$148,933
(i) Individuals	\$407
(ii) State and Local Government	\$407
(iii) Private Sector (509 responses x \$291 avg. application fee)	\$148,119

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 annual cost burden to the Federal Government is based on the BLM's experience with the information collection. This cost burden includes the cost incurred by the BLM from the receiving point of the respondent's application to the issuance/approval of the land use authorization. This includes the time it takes for the clerical staffs to date and time stamp the application, serialize the application, prepare the case file, and transmit the case file to the appropriate BLM Field Office; technical staff to evaluate the application and determine if the

proposed land use meets the requirements of Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1732); and management staff to review the determination and approve or disapprove the application.

Table 14-1

Hourly Costs to Federal Government for each Position: The hourly cost to the Federal government is based on the U.S. Office of Personnel Management 2007 General Pay Schedule multiplied by the ratio of total benefits to wages and salaries for all workers listed in the BLS Employer Costs for Employee Compensation, June 2007.			
Position	Grade (Step 1)	Hourly wage	Hourly Wage (including 1.3 x hourly wage)
(a) Clerical	GS-7	\$15.21	\$19.78
(b) Technical	GS-11	\$22.51	\$29.27
(c) Managers	GS-13	\$32.08	\$41.71

Table 14-2

Costs and Time Spent Per Respondent to Federal Government: The time spent to process a response/application is based on the BLM's experience with the information collection. The hourly cost to the Federal government is based on the U.S. Office of Personnel Management FY 2007 General Pay Schedule.		
Position	Time Spent	Cost
(a) Clerical	½ hour	\$9.89
(b) Technical	1 hour	\$29.27
(c) Managers	½ hour	\$20.86
(d) Total Time Spent and Cost Per Response	2 hours	\$60.02

Table 14-3

Annualized Cost to the Federal Government:	
Statement Questions	Burden
(a) Annual responses/applications	519
(b) Number of hours to process one response	2 hours
(d) Cost to process one response	\$60.02
(e) Annualized cost to process the collection (519 responses x \$60.02)	\$31,150.38

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

Table 15-1

Statement Questions	Previous Collection	This Collection	Difference	Explanation
(a) Responses/applications	590	519	-71	Adjustment
(b) Respondents Burden hours	2,137	1,709	-428	Adjustment
(c) Annual Cost Burden	\$16,000	\$148,933	+132,933	Program Change

Table 15-1 (a) & (b): The adjustment is due to a decrease in the number of responses/applications received for this collection over the past 3 years, which resulted in the decrease in the number of burden hours.

Table 15-1 (c): We are reporting as a program change the increase in the cost recovery application processing fee. On April 22, 2005, the BLM published a final rule in the Federal Register (70 FR 20970) revising BLM regulations for reimbursement of costs recovery (application processing and monitoring fee) policies and procedures under the provisions of 43 CFR 2804.14 and 43 CFR 2805.16. This information collection does not account for the monitoring cost recovery fees, which are not related to the information collection. The increase takes into account cost increases since the previous regulations became effective in August 1987.

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 the report, publication dates, and other actions.

The BLM will not publish the collection results.

17. If seeking approval not to 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.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB Form 83-1.

There are no exceptions to this certification statement.