

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number 1004-0189

Bureau of Land Management

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

Bureau of Land Management (BLM). Title V of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1761-1771) and Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), authorize the Secretary of the Interior, BLM, to grant, issue, or renew rights-of-way (ROW) to use a specific piece of public land for a certain project. Some examples of land uses which require a ROW grant include: transmission lines, communication sites, roads, highways, trails, telephone lines, canals, flumes, pipelines, reservoirs, etc. The regulations in 43 CFR parts 2800 and 2880 establishes guidelines and procedures for the orderly and timely processing of applications for rights-of-way grants. The BLM needs to conduct the information collection to determine if applicants seeking to use the public lands for rights-of-way purposes meet the qualifications of Title V of FLPMA.

U.S. Fish and Wildlife Service (FWS). The FWS issues rights-of-way on refuge lands under the authority of the National Wildlife Refuge System Administration Act (16 U.S.C., 668dd(d)), the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101 *et seq.*), and Section 28 of the Mineral Leasing Act; on other FWS lands under 43 U.S.C. 959 and 961, and 40 U.S.C. 319. The FWS implementing regulations are found in 50 CFR 29.21 and 29.22.

National Park Service (NPS). The NPS issues rights-of-way under the authority of ANILCA and 16 U.S.C. 5 and 79, and its implementing regulations are found in 36 CFR part 14.

Bureau of Reclamation (BuRec). The BuRec issues rights-of-way under the authority of the Reclamation Act, June 17, 1902, as amended and supplemented, 32 Stat. 388; 43 U.S.C. 391, *et seq.*; Section 4, Subsection I of the Second Deficiency Appropriation Act for 1924 (Fact Finders' Act), December 5, 1924 (43 Stat 703; 43 U.S.C. 501); Sections 10 and 14 of the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1196; 43 U.S.C. 387); Federal Water Project Recreation Act, July 9, 1965, Public Law 89-72, as amended (79 Stat. 218; 16 U.S.C. 4601-12 to 4601-21); Reclamation Recreation Management Act of 1992, Public Law 102-575, Title XXVIII, Sections 2801 to 2806, October 30, 1992 (106 Stat. 4692; 16 U.S.C. 4601-33); Mineral Materials Act of 1947, Public Law 80-291 (61 Stat. 681; 30 U.S.C. 603), and the regulations in 43 CFR part 429.

The U.S. Army Corps of Engineers (USACE). The USACE uses SF299 for pipeline rights-of-way only; consequently its usage is minimal. For purposes of this information approval, we estimate one such right-of-way application per USACE District. The USACE issues rights-of-way under 10 U.S.C. 2668 and Section 28 of the Mineral Leasing Act, 30 U.S.C. 185, and implementing regulations at 32 CFR part 555, 33 CFR parts 320-330, and 36 CFR part 327, and Army Regulation 405-80.

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.]

Applicants must provide the information to BLM on Standard Form (SF) 299, Application for Transportation and Utility Systems and Facilities on Federal Lands. We collect the information from applicants (which may be individuals, partnerships, corporations, associations or other business entities or any Federal, State or local governmental entities including municipal corporations) seeking to obtain a rights-of-way grant over, upon, under, or through the public lands. We use the information to determine if an applicant meets the requirements of the Acts and regulations. An applicant who satisfies the requirements of the Acts and regulations may obtain a rights-of-way grant. Response to the information collection is mandatory if the applicant wishes to obtain a rights-of-way grant. If the applicant fails to provide the necessary information, we will reject the application. If we do not collect the information, we cannot carry out the mandate of the Acts and regulations. The following information is collected on the SF-299.

(1) ***Name and address of the applicant.*** We use this information to identify and communicate with the applicant or the authorized agent acting on behalf of the applicant.

(2) ***Name, title, and address of authorized agent if different from Item 1 (include zip code)?*** We use this information to communicate with the authorized agent acting on behalf of the applicant.

(3) ***Telephone (area code)?*** We use this information to communicate with the applicant and the authorized agent acting on behalf of the applicant.

(4) ***As applicant are you (check one)? *If checked, complete supplemental page.***
(a) Individual; (b) Corporation*; (c) Partnership/Association*; (d) State Government/State Agency; (e) Local Government; (f) Federal Agency. We use this information to make a determination of the applicants' qualifications. Aliens may not acquire or hold any direct or indirect interest in rights-of-way, rights-of-way grants or temporary use permits, except that they may own or control stock in corporations holding rights-of-way, rights-of-way grants or temporary use permits if the laws of their country do not deny similar or like privileges to citizens of the United States.

SUPPLEMENTAL Page (Applicant must check the appropriate block on the application).

I. PRIVATE CORPORATIONS

- a. Articles of Incorporation.
- b. Corporation Bylaws.
- c. Certificate from the State showing the corporation is in good standings and is entitled to operate within the State.
- d. Copy of resolution authorizing filing.
- e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.
- f. If the application is for an oil and gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.
- g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by the proposal.

II. PUBLIC CORPORATIONS

- a. Copy of law forming corporation
- b. Proof of organization.
- c. Copy of Bylaws.
- d. Copy of resolution authorizing filing.
- e. If application is for an oil and gas pipeline, provide information required by Item "I-f" and I-g" above.

III. PARTNERSHIP OR OTHER UNINCORPORATED ENTITY

- a. Articles of association, if any
- b. If one partner is authorized to sign, resolution authorizing action.
- c. Name and address of each participant, partner, association, or other.
- d. If application is for an oil and gas pipeline, provide information required by Item "I-f" and I-g" above.

(5) Specify what the application is for. *If checked, provide details under Item 7. (a) New authorization*; (b) Renewing existing authorization number; (c) Amend existing

authorization number; (d) Assign existing authorization number; (e) Existing use for which no authorization was received*; (f) Other. We use this information to determine whether the applicant is applying for a new right-of-way authorization, or whether the applicant wants to change, improve, or add to an existing right-of-way authorization.

(6) ***If an individual, or partnership are you a citizen of the United States?*** We use this information to determine whether applicants meet the citizenship requirements. Applicants for oil and gas pipelines must be citizens of the United States, an association of such citizen, a corporation organized under the laws of the United States, or of any State in the United States, or a State or local government. We require citizenship of all partners in the partnership. Aliens may not acquire or hold any direct or indirect interest in rights-of-way, rights-of-way grants or temporary use permits, except that they may own or control stock in corporations holding rights-of-way, rights-of-way grant or temporary use permits if the laws of their country do not deny similar or like privileges to citizens of the United States.

(7) ***Project description (describe in detail): Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (attach additional sheets, if additional space is needed).*** We use this information to determine if the applicant's plan of development for the proposed project is well-planned, adequate, effective, realistic, practical, and consistent with the purposes for which we manage the public lands.

(8) ***Attach a map covering the area and show location of project proposal.*** We use this information to determine the approximate location (township, range, section) of the proposed project on the public lands, and the existing improvements adjacent to the proposed project that may directly affect the proposal.

(9) ***State or local government approval.*** We use this information to determine whether the applicant's proposal is consistent with State and local government laws.

(10) ***Non-refundable application fee.*** Respondents must pay a non-refundable fee to reimburse the United States for the cost of processing the application. We use the regulations in 43 CFR 2808, Reimbursement of Costs, to determine the non-refundable application processing fee.

(11) ***Does project cross international boundary or affect international waterways.*** We use this information to determine whether coordination between Federal Government agencies is necessary (i.e., International Boundary and Water Commission, Department of Energy).

(12) ***State your technical and financial capability to construct, operate, maintain, and terminate system for the requested authorization.*** We use this information to determine whether the applicant is technically and financially able to complete construction of the project, operate and maintain the project for the term of the grant, and shutdown the activities and terminate the project when the grant expires.

(13) ***(a) Describe other reasonable alternative routes and modes; (b) Why were these alternatives not selected; (c) Explain as to why it is necessary to cross Federal lands.*** We use this information to determine whether alternative routes and modes would be more suitable for the proposed project.

(14) ***List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency (specify number date, code, or name).*** We use this collection to obtain information that may accelerate processing the application.

(15) ***Provide statement of need for project, including the economic feasibility and items such as: (a) Cost of proposal (construction, operation, maintenance); (b) Estimated cost of next best alternative; and (c) Expected benefits.*** We use this information to assess whether the project is in the public interest, and to determine whether the applicant is technically and financially able to complete construction of the project, operate and maintain the project for the term of the grant, and shutdown the activities and terminate the project when the grant expires.

(16) ***Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.*** We use this information to determine the probable impact of the proposed project on the social, economic, and physical environment. We may deny the rights-of-way application if we determine that the proposed project would cause serious environmental consequences that we cannot mitigate.

(17) ***Describe likely environmental effects that the proposed project will have on: (a) Air quality; (b) Visual impact; (c) Surface and ground water quality and quantity; (d) Control and structural change on any stream or other body of water; (e) Existing noise levels; and (f) Surface of the land, including vegetation, permafrost, soil, and soil stability?*** We use this information to determine the probable impact of the proposed project on the social, economic, and physical environment. We may deny the rights-of-way application if we determine that the proposed project would cause serious environmental consequences that we cannot mitigate.

(18) ***Describe the probable effects that the proposed project will have on (a) Populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) Marine mammals, including hunting, capturing, collecting, or killing these animals.*** We use this information to determine the probable impact of the proposed project on the social, economic, and physical environment. We may deny the rights-of-way application if we determine that the proposed project would cause serious environmental consequences that we cannot mitigate.

(19) ***State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976***

(RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically. We use this information to assess, control, and regulate the production, use, storage, or transport of hazardous substances on public lands.

(20) *Name all the Departments/Agencies where this application is being filed.* We use this information to coordinate with other Federal Government departments and agencies, and exchange and collect information that may already be on file.

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].

The Government Paperwork Elimination Act (GPEA) requires Federal agencies, by October 21, 2003, to provide individuals or entities the option to submit information or transact with the agency electronically and to maintain records electronically when practicable. The GPEA specifically states that electronic records and their related electronic signatures are not to be denied legal effect, validity, or enforceability merely because they are in electronic form. It also encourages Federal government use of a range of electronic signature alternatives.

BLM: The BLM has issued a Federal Register notice that: “effective October 1, 2004, the BLM will accept as “properly filed” any form in electronic format that was previously available only in paper format. If you choose to file on-line, you must use the forms available from (<http://www.nc.blm.gov/blmforms/index.htm>). The BLM will not accept as “properly filed” the use of electronic forms in other formats or from other sources. In addition to using the form from the BLM Forms web site, the user must also have a Federal Bridge Trusted credential. . . . The public may continue to use, and the BLM will continue to accept, filings on paper forms. In many cases, our existing regulations require a written signature and filing of a paper form in a specific office. The GPEA supercedes these regulations. Our intention is to propose regulations to address the inconsistency and to clarify that digital signatures and on-line filing (when performed as described above) is an acceptable way to file applications and other documents.” The eForms project is a cost containment and performance improvement measure. It is a web-based forms application which constitutes a part of the BLM’s eAuthentication Project and supports the implementation of the GPEA. The goal of eForms is to replace paper-based processes with secured, auditable electronic records. Specifically, eForms will replace paper forms used within BLM with a common application that supports editing, submitting, and digitally signing forms. eForms is made up of three components: Individual Forms; Forms Central, a form repository that supports any number of form file formats; and Signature Server, a web application that provides a visual representation of a digital signature. Together these components provide an easy to use form system.

FWS: The FWS receives about 55 percent of its information collection responses electronically via email.

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 is no duplication between this information collection and other collections. The information is unique to each application and is unsuitable for other uses. We are 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 does not collect information on whether the respondents are small businesses or small entities. There are no special methods used to minimize the burden because the information collection methods are uniform throughout the BLM regardless of the size of the entity. The information collected is limited to only the information required for an applicant to meet the statutory requirements of the Act and regulations. Applicants responding to this information collection involve a cross section of occupations. The applicants have been grouped into industries by the Bureau of Labor Statistics using the North American Industry Classification System (NAICS). Each industry contains a variety of different occupations.

Table 5-1 - Affected Public: We estimated in Regulatory Information Service Center (RISC) and Office of Information and Regulatory Affairs (OIRA) Combined Information System (ROCIS) that the 200 applicants in the Service Providing Industry may qualify as a small businesses or small entities. The Service Providing Industry includes applicants that are private individuals or households engaged in employing workers on or about the premises in activities primarily concerned with the operation of the household. These private individuals or households may employ individuals, such as cooks, maids, butlers, and outside workers, such as gardeners, caretakers, farm or ranch-hands, and other maintenance workers. See the response to question #12 for the occupations included in each industry.

The FWS estimates that about 14 of its 62 respondents may qualify as small entities.

The estimated annual responses for the NPS are based on data from the Alaska Region, where about 70 percent of NPS land is situated, extrapolated to the rest of the country.

(Table 5-1)	
<i>Affected Public by Industry--BLM</i>	<i>Annual Applications</i>
(a) Utility	3,577
(b) Service Providing (<i>small businesses or small entities</i>)	200
(c) State & Local Government	400
(d) Federal Government	500
(e) Total	4,677

(Table 5-2)	
<i>Affected Public by Industry--FWS</i>	<i>Annual Applications</i>
(a) Utility	31
(b) Service Providing (<i>small businesses or small entities</i>)	9
(c) State & Local Government	22
(d) Total	62

(Table 5-3)	
<i>Affected Public by Industry--NPS</i>	<i>Annual Applications</i>
(a) Utility	2
(b) Service Providing (<i>small businesses or small entities</i>)	11
(c) State & Local Government	2
(d) Total	15

(Table 5-4)	
<i>Affected Public by Industry—BuRec</i>	<i>Annual Applications</i>
(a) Utility	850
(b) Service Providing (<i>small businesses or small entities</i>)	50
(c) State & Local Government	100
(d) Total	1,000

(Table 5-5)	
<i>Affected Public by Industry—USACE</i>	<i>Annual Applications</i>
(a) Utility	32
(b) Total	32

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 information is not collected, the BLM cannot meet the requirements of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761-1771); and Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 1850). Less frequent collection would mean no collection at all. Reducing the burden will prevent the collection of sufficient information to determine whether the applicant and the proposed project meet the requirements of the Acts and regulations (43 CFR parts 2800 and 2880).

FWS: If the information is not collected, the FWS cannot meet the requirements of the National Wildlife Refuge System Administration Act, ANILCA, and Section 28 of the Mineral Leasing Act. Reducing the burden will prevent the collection of sufficient information to determine whether the applicant and the proposed project meet the requirements of the Acts and regulations (50 CFR 29.21 and 29.22, 43 CFR parts 2800 and 2880, and 43 CFR part 36). Less frequent collection would mean no collection at all.

NPS: If the information is not collected, the NPS cannot meet the requirements of the Organic Act, ANILCA, and the Mineral Leasing Act. Less frequent collection would mean no collection at all. Reducing the burden will prevent the collection of sufficient information to determine whether the applicant and the proposed project meet the requirements of its authorizing statutes and the regulations in 36 CFR part 14 and 43 CFR part 36.

BuRec: If the information is not collected, BuRec cannot meet the requirements in its authorizing statutes. Less frequent collection would mean no collection at all. Reducing the burden will prevent the collection of sufficient information to determine whether the applicant and the proposed project meet the requirements of its authorizing statutes and the regulations in 43 CFR part 429.

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 collection to be conducted in a manner inconsistent with the guidelines. We do not exceed 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.

On March 21, 2008, the BLM published a 60-day notice in the Federal Register (73 FR 15192) soliciting comments from the public. We received no comments from the public. A copy of the notice is attached. The BLM's constant interaction and feedback with applicants during the preapplication activity and application processing phase allows the applicant to fully discuss and describe their proposal in detail, provides an opportunity for the BLM to provide a full explanation of the processing requirements accurately, and identify the time required to respond to the information.

Table 8-1 - Consultations: During the approval period BLM consulted with an applicant representing each industry affected by this information collection to obtain their views on the:

- (a) Availability of data;
- (b) Frequency of collection;
- (c) Clarity of instructions;
- (d) Type of questions on the application;
- (d) Suggestions on improving the application; and
- (e) Burden hour and costs estimates.

The applicants that were consulted indicated that:

- (a) Data required for the application was obtained without a great deal of difficulty;

- (b) One application was required for their right-of-way proposal;
- (c) Instructions on the application were clear;
- (d) Questions were fairly easy to understand; and
- (e) To the best of their recollection the burden hour and cost estimates are fairly accurate.
(See Table 12-2 for the hour and cost burden)

(Table 8-1) - BLM	
<i>Industry</i>	<i>Contacts</i>
Utility	Bryan Taylor (Senior Real Estate Representative), 307-872-2819, William Field Service Co. - Gas Transmission, 4980 State Hwy, Green River, WY 82935.
Service Providing	Patricia Berg (Applicant), 949-725-0649, 18 Viejo, Irvine, CA 92612.
State and Local Government	Joe Ellis (Superintendent), 307-332-3684, Wyoming State Park, Historic Sites, and Trails, 125 South Pass Main, South Pass, WY 82520.
Federal Government	Carl James (Right of Way Engineer), 406-449-5302, U.S. Federal Highway Administration, 585 Shepard Way, Helena, MT 59601.

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

We do not provide payments or gifts to 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 applicant's confidentiality 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.

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 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.

Affected Public: Applicants responding to this information collection involve a cross section of occupations. The applicants are grouped into industries by the Bureau of Labor Statistics using the North American Industry Classification System (NAICS). Each industry contains a variety of different occupations.

Utility Industry: This industry includes applicants associated with Communication Sites (television and radio stations, wireless internet providers), Electric Power (generation, transmission, and distribution); Natural Gas (distribution); Steam Supply (provision and/or distribution); Water Supply (treatment and distribution); and Sewage Removal (collection, treatment, and disposal of waste through sewer systems and sewage treatment facilities).

Service Providing Industry: This industry includes applicants that are private individuals or households engaged in employing workers on or about the premises in activities primarily concerned with the operation of the household. These private individuals or households may employ individuals, such as cooks, maids, butlers, and outside workers, such as gardeners, caretakers, farm or ranch-hands, and other maintenance workers.

State & Local Government: This industry includes applicants in State and local government that provide their constituents with vital services, such as transportation, public safety, health care, education, utilities, and courts.

Federal Government: This industry includes applicants from various Federal agencies such as U.S. Army, U.S. Marine Corps, U.S. Border Patrol, and U.S. forest Service.

Table 12-1 - Hourly Cost Calculations: The Utility, Service Providing, and State and Local Government Industries hourly cost calculations and benefits multiplier (1.4) is based on the Bureau of Labor Statistics (BLS) data published in the National Compensation Survey: Occupational Earnings in the U.S., 2007. Then Federal Government cost calculations is based on the U.S. Office of Personnel Management 2008 General Pay Schedule, and the benefits multiplier (1.5) is based on the BLS data published in the National Compensation Survey: Occupational Earnings in the U.S., 2007.

(Table 12-1)			
<i>Affected Public by Industry</i>	<i>Mean Hourly Wage</i>	<i>Benefits Multiplier</i>	<i>Total Mean Hourly Wage (including benefits)</i>
(a) Utility	\$28.74	1.4	\$40.23
(b) Service Providing	\$15.97	1.4	\$22.35
(c) State & Local Government	\$24.76	1.4	\$34.66
(d) Federal Government	\$23.07	1.5	\$34.60

Table 12-2 - Estimates of Hour and Costs Burden:

BLM: The burden estimates are based on the average number of applications received within a three-year collection period from Fiscal Year (FY) 2005 through FY-2007 (10/01/2004 through 09/30/2007). The hour and cost burden is based on information obtained from the applicants and the BLM's experience with the information collection. The hour and costs burden includes the time it takes an applicant to read instructions, gather information, and answer questions. We do not maintain a record of the number of applications included in each industry; therefore, the number of applications included in each industry is based on the BLM's best estimates.

The 25 hour response time per applicant is the same for each industry in this collection (except as discussed under NPS below). Although applicants in the Service Providing Industry do not have complex rights-of-way projects, it will take these applicants 25 hours to complete their application (to read instructions, gather information, and answer question) because they are not as familiar with the application process and the BLM records as the applicants included in the other industries. The information collected on the application is derived from the personal knowledge of the applicant and records (i.e., survey plats, master title plats) on file in the BLM. The information is unique to each applicant and is collected and used by the BLM on a one time basis. The information collection methods are uniform regardless of the size or type of industry.

FWS: The FWS estimates that the average response takes 25 hours, although individual response estimates ranged from 4 to 40 hours.

NPS: The Alaska Region of the NPS estimated that the usual response required 2 hours, but stated that the bulk of their right-of-way applications were for simple driveways and one short road. For the one NPS application for a right-of-way for buried fiber optic cable, we have used the average response time estimated by the other agencies.

BuRec: For BuRec, we have used the average response time estimated by the other agencies.

(Table 12-2a) Bureau of Land Management	
Data Category	Burden
(a) Total average annual applications for collection	4,677
(b) Average annual applications per industry (1) Utility Industry (2) Service Providing Industry (3) State and Local Government (4) Federal Government	3,577 200 400 <u>500</u> 4,677
(b) Frequency of application (<i>for each industry</i>)	1 application
(c) Response time per applicant (1) Utility Industry (2) Service Providing Industry (3) State and Local Government (4) Federal Government	25 hours 25 hours 25 hours 25 hours
(d) Annual response time for collection (25 hours x 4,677 annual responses)	116,925 hours
(e) Annual response time per industry (1) Utility Industry (3,577 x 25) (2) Service Providing Industry (200 x 25) (3) State and Local Government (400 x 25) (4) Federal Government (500 x 25)	89,425 5,000 10,000 <u>12,500</u> 116,925
(e) Hourly costs per applicant (1) Utility Industry (2) Service Providing Industry (3) State and Local Government I (4) Federal Government Industry	\$40.23 \$22.35 \$34.66 \$34.60
(f) Annual costs per applicant (1) Utility Industry (\$40.23 x 25 hrs.) (2) Service Providing Industry (\$22.35 x 25 hrs.) (3) State and Local Government (\$34.66 x 25 hrs.) (4) Federal Government (\$34.60 x 25 hrs.)	\$1,005.75 \$558.75 \$866.50 \$865.00
(g) Annual cost per industry (1) Utility (\$1,005.75 x 3,577) (2) Service Providing (\$558.75 x 200) (3) State and Local Government (\$866.50 x 400) (4) Federal Government (\$865.00 x 500)	\$3,597,567.75 \$111,750 \$346,600 \$432,500
(h) Annual cost to applicants for the collection [sum of (g), (1), (2), (3), & (4)]	\$4,488,417.75

(Table 12-2b) Fish and Wildlife Service	
Data Category	Burden
(a) Total average annual applications for collection	62
(b) Average annual applications per industry (1) Utility Industry (2) Service Providing Industry (3) State and Local Government	31 9 22
(b) Frequency of application (<i>for each industry</i>)	1 application
(c) Response time per applicant (1) Utility Industry (2) Service Providing Industry (3) State and Local Government	25 hours 25 hours 25 hours
(d) Annual response time for collection (25 hours x 4,677 annual responses)	1,550 hours
(e) Annual response time per industry (1) Utility Industry (31 x 25) (2) Service Providing Industry (9 x 25) (3) State and Local Government (22 x 25)	775 225 550
(e) Hourly costs per applicant (1) Utility Industry (2) Service Providing Industry (3) State and Local Government	\$40.23 \$22.35 \$34.66
(f) Annual costs per applicant (1) Utility Industry (\$40.23 x 25 hrs.) (2) Service Providing Industry (\$22.35 x 25 hrs.) (3) State and Local Government (\$34.66 x 25 hrs.)	\$1,005.75 \$558.75 \$19063
(g) Annual cost per industry (1) Utility (\$1,005.75 x 31) (2) Service Providing (\$558.75 x 9) (3) State and Local Government (\$866.50 x 22)	\$31,178.25 \$5,028.75 \$19,063
(h) Annual cost to applicants for the collection [sum of (g), (1), (2), and (3)]	\$55,270

(Table 12-2c) National Park Service	
Data Category	Burden
(a) Total average annual applications for collection	15
(b) Average annual applications per industry (1) Utility Industry (2) Service Providing Industry (3) State and Local Government	2 11 2
(b) Frequency of application (<i>for each industry</i>)	1 application
(c) Response time per applicant (1) Utility Industry (2) Service Providing Industry (3) State and Local Government	25 hours 2 hours 2 hours
(d) Annual response time for collection	76 hours
(e) Annual response time per industry (1) Utility Industry (2 x 25) (2) Service Providing Industry (11 x 2) (3) State and Local Government Industry (2 x 2)	50 22 4
(e) Hourly costs per applicant (1) Utility Industry (2) Service Providing Industry (3) State and Local Government Industry	\$40.23 \$22.35 \$34.66
(f) Annual costs per applicant (1) Utility Industry (\$40.23 x 25 hrs.) (2) Service Providing Industry (\$22.35 x 2 hrs.) (3) State and Local Government Industry (\$34.66 x 2 hrs.)	\$1,005.75 \$44.70 \$69.32
(g) Annual cost per industry (1) Utility (\$1,005.75 x 2) (2) Service Providing (\$44.70 x 11) (3) State and Local Government (\$69.30 x 2)	\$2,011.50 \$491.70 \$138.60
(h) Annual cost to applicants for the collection [sum of (g), (1), (2), and (3)]	\$2,641.80

(Table 12-2d) Bureau of Reclamation	
Data Category	Burden
(a) Total average annual applications for collection	1,000
(b) Average annual applications per industry (1) Utility Industry (2) Service Providing Industry (3) State and Local Government	850 50 100
(b) Frequency of application (<i>for each industry</i>)	1 application
(c) Response time per applicant (1) Utility Industry (2) Service Providing Industry (3) State and Local Government	25 hours 25 hours 25 hours
(d) Annual response time for collection	25,000 hours
(e) Annual response time per industry (1) Utility Industry (850 x 25) (2) Service Providing Industry (50 x 25) (3) State and Local Government Industry (100 x 25)	21,250 1,250 2,500
(e) Hourly costs per applicant (1) Utility Industry (2) Service Providing Industry (3) State and Local Government Industry	\$40.23 \$22.35 \$34.66
(f) Annual costs per applicant (1) Utility Industry (\$40.23 x 25 hrs.) (2) Service Providing Industry (\$22.35 x 25 hrs.) (3) State and Local Government Industry (\$34.66 x 25 hrs.)	\$1,005.75 \$558.75 \$911.00
(g) Annual cost per industry (1) Utility (\$1,005.75 x 850) (2) Service Providing (\$558.75 x 50) (3) State and Local Government (\$911 x 100)	\$1,396,875.00 \$27,937.50 \$91,100.00
(h) Annual cost to applicants for the collection [sum of (g), (1), (2), and (3)]	\$1,515,912.50

(Table 12-2e) U.S. Army Corps of Engineers	
Data Category	Burden
(a) Total average annual applications for collection	32 applications
(b) Average annual applications per industry (1) Utility Industry	32 applications
(b) Frequency of application (<i>for each industry</i>)	1 application
(c) Response time per applicant (1) Utility Industry	25 hours
(d) Annual response time for collection	800 hours
(e) Annual response time per industry (1) Utility Industry (850 x 25)	800 hours
(e) Hourly costs per applicant (1) Utility Industry	\$40.23
(f) Annual costs per applicant (1) Utility Industry (\$40.23 x 25 hrs.)	\$1,005.75
(g) Annual cost per industry (1) Utility (\$1,005.75 x 32)	\$32,184
(h) Annual cost to applicants for the collection	\$32,184

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 [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 incur no annual capital or start-up 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.

Bureau of Land Management

Pursuant to 43 CFR 2804.14 applicants pay a one-time non-refundable application processing fee to the BLM for the reasonable costs of processing an application before the Federal Government incurs the cost. The fee is based on the amount of time the BLM will spend to prepare reports and statements required by the National Environmental Policy Act of 1969 (43 U.S.C. 4321 *et seq.*). See Tables 13-2 and 13-3 for the application processing fee information.

Table 13-1 - Annual Cost Burden to Respondents or Recordkeepers: The burden estimates are based on average number of applications received within a three-year collection period from Fiscal Year (FY) 2005 through FY-2007 (10/01/2004 through 09/30/2007). Applicants incur no annual capital or start-up costs, and no recurring annual costs to prepare or respond to the

information collection. Applicants do not need to purchase and computer software or hardware to comply with this information collection.

(Table 13-1)	
Data Category	Burden
(a) Total capital and start-up cost	\$0
(b) Total operation/maintenance and purchase service cost	\$0

Table 13-2 - Application Processing Fee: The application processing fees estimate for the BLM is based on the sum of fees received within a three-year collection period from Fiscal Year (FY) 2005 through FY-2007 (10/01/2004 through 09/30/2007). Pursuant 43 CFR 2804.14 applicants pay a one-time non-refundable application processing fee to the BLM for the reasonable costs of processing an application before the Federal Government incurs the cost. The fee is based on the amount of time the BLM will spend to prepare reports and statements required by the National Environmental Policy Act of 1969 (43 U.S.C. 4321 *et seq.*).

(Table 13-2)	
Data Category	Totals
(e) Average annual applications	4,677 applications
(f) Application processing fees received during collection period	\$19,308,801.
(g) Average annual application processing fees ((f) ÷ 3)	\$6,436,267

The grand total annual cost burden for the five agencies covered by this ICR is \$8,611,902, detailed in Table 13-3 below.

Table 13-3 - Application Processing Fee by Industry:

Bureau of Land Management

The BLM does not maintain a record of the number of applications included in each industry; therefore, the number of applications included in each industry is based on the BLM's estimates.

(Table 13-3a)			
Industry	Estimate Average Annual Applications Per Industry	Average Application Fee Per application	Application Processing Fee Per Industry
(a) Utility	3,577	\$1,690.15	\$6,045,667
(b) Service Providing	200	\$343	\$68,600
(c) State and Local Government	400	No fee required	No fee required
(d) Federal Government	500	\$644	\$322,000
(e) Totals	4,677		\$6,436,267

Fish and Wildlife Service

The FWS estimates an average non-hour cost burden of \$10,000 per response. The burden varies greatly depending on the size and scope of the right-of-way project in question. Based on an average of 62 applications per year, the total annual average cost burden is estimated as \$620,000.

National Park Service

The NPS charges a \$500 application fee for a utility right-of-way, and charged cost recovery fees of \$1,342.64 for the single utility right-of-way response reported for 2008.

(Table 13-3b)				
<i>Industry</i>	<i>Estimated Average Annual Applications Per Industry</i>	<i>Application Fee Per application</i>	<i>Average Processing Fee per Application</i>	<i>Application & Processing Fee Per Industry</i>
(a) Utility	2	\$500	\$1,342.64	\$3,685.28
(b) Service Providing	11	\$100		\$1,100
(c) State and Local Government	2			
(d)Totals	15			\$4,785.28

Bureau of Reclamation

The Bureau of Reclamation, under its regulations at 43 CFR 429.6, collects an application fee of \$200 for each application, plus an amount to recover administrative costs in excess of \$200. If the administrative costs do not exceed \$50, the Bureau will refund \$150. If the administrative costs are between \$50 and \$200, the Bureau will refund the amount by which \$200 exceed the costs. We have estimated the additional administrative costs based on BLM experience.

(Table 13-3b)				
<i>Industry</i>	<i>Estimated Average Annual Applications Per Industry</i>	<i>Application Fee Per application</i>	<i>Average Processing Fee per Application</i>	<i>Application & Processing Fee Per Industry</i>
(a) Utility	850	\$200	\$1,500	\$1,445,000
(b) Service Providing	50	\$200	\$143	\$17,150
(c) State and Local Government	100	\$200	\$143	\$34,300
(d)Totals	1,000			\$1,496,450

U.S. Army Corps of Engineers

(Table 13-3b)				
<i>Industry</i>	<i>Estimated Average Annual</i>	<i>Application Fee Per</i>	<i>Average Processing</i>	<i>Application & Processing Fee</i>

	<i>Applications Per Industry</i>	<i>application</i>	<i>Fee per Application</i>	<i>Per Industry</i>
(a) Utility	32	\$200	\$1,500	\$54,400
Totals	32			\$54,400

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.

Table 14-1 - Hourly Cost to Federal Government Per Position: The hourly cost to the Federal Government is based on the U.S. Office of Personnel Management 2008 General Pay Schedule. The benefits multiplier (1.5) is based on the BLS data published in the National Compensation Survey: Occupational Earnings in the U.S., 2007.

(Table 14-1)				
<i>Position</i>	<i>Grade (Step1)</i>	<i>Hourly Wage</i>	<i>Benefit Multiplier</i>	<i>Hourly Wage (including benefits)</i>
(a) Clerical	GS-7	\$18.19	1.5	\$27.29
(b) Technical	GS-11	\$26.92	1.5	\$40.38
(c) Manager	GS-13	\$38.36	1.5	\$57.54

Table 14-2 - Federal Government Cost and Time by Industry: Time spent to process an 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 2008 General Pay Schedule.

(Table 14-2)			
<u>Utility Industry</u>			
Position	(a) Hourly Wage (including benefits)	(b) Time to Process one application (hours)	(c) Cost (a x b)
(1) Clerical	\$27.29	3	\$81.86
(2) Technical	\$40.38	33	\$1,332.54
(3) Managers	\$57.54	1	\$57.54
(4) Total Time and Cost for One Application		37	\$1,471.94
<u>Service Providing Industry</u>			
(e) Clerical	\$27.29	1	\$27.29
(f) Technical	\$40.38	7	\$282.66
(g) Managers	\$57.54	1	\$57.54
(h) Total Time and Cost for One Application		9	\$367.49
<u>State and Local government Industry</u>			
(i) Clerical	\$27.29	2	\$54.57
(j) Technical	\$40.38	22	\$888.36
(k) Managers	\$57.54	1	\$57.54
(l) Total Time and Cost for One Application		25	\$1,000.47
<u>Federal Government</u>			
(m) Clerical	\$27.29	2	\$54.57
(n) Technical	\$40.38	22	\$888.36
(o) Managers	\$57.54	1	\$57.54
(p) Total Time and Cost for One Application		25	\$1,000.47

Table 14-3 - Federal Government Cost and Time Per Industry: This table includes the Utility, Service Providing, State and Local Government, and Federal Government Industries.

(Table 14-3a) Bureau of Land Management					
<i>Industry</i>	<i>(a) Estimate Annual Applications</i>	<i>(b) Time to Process One application (hours)</i>	<i>(c) Cost to Process One Application</i>	<i>(d) Time Per Industry (a x b) (hours)</i>	<i>(e) Cost Per Industry (a x c)</i>
(1) Utility	3,577	37	\$1,471.94	132,349	\$5,265,111.50
(2) Service Providing	200	9	\$367.49	1,800	\$73,497.00
(3) State & Local Government	400	25	\$1,000.47	10,000	\$400,188.00
(4) Federal Government	500	25	\$1,000.47	12,500	\$500,235.00
(5) Totals				156,649	\$6,239,031.50

(Table 14-3b) Fish and Wildlife Service					
<i>Industry</i>	<i>(a) Estimate Annual Applications</i>	<i>(b) Time to Process One application (hours)</i>	<i>(c) Cost to Process One Application</i>	<i>(d) Time Per Industry (a x b) (hours)</i>	<i>(e) Cost Per Industry</i>
(1) Utility	31	37	\$1,471.94	1,147	\$45,629.99
(2) Service Providing	9	9	\$367.49	81	\$3,307.37
(3) State & Local Government	22	25	\$1,000.47	550	\$22,010.34
(4) Totals				1,778	\$70,947.69

(Table 14-3c) National Park Service					
Industry	(a) Estimate Annual Applications	(b) Time to Process One application (hours)	(c) Cost to Process One Application	(d) Time Per Industry (a x b) (hours)	(e) Cost Per Industry
(1) Utility	2	37	\$1,471.94	74	\$2,943.87
(2) Service Providing	11	9	\$367.49	99	\$4,042.34
(3) State & Local Government	2	25	\$1,000.47	50	\$2,000.94
(4) Totals				223	\$8,987.15

(Table 14-3d) Bureau of Reclamation					
Industry	(a) Estimate Annual Applications	(b) Time to Process One application (hours)	(c) Cost to Process One Application	(d) Time Per Industry (a x b) (hours)	(e) Cost Per Industry
(1) Utility	850	37	\$1,471.94	31,450	\$1,251,144.75
(2) Service Providing	50	9	\$367.49	450	\$18,374.25
(3) State & Local Government	100	25	\$1,000.47	2,500	\$100,047
Totals				34,400	\$1,369,566

(Table 14-3e) U.S. Army Corps of Engineers					
Industry	(a) Estimate Annual Applications	(b) Time to Process One application (hours)	(c) Cost to Process One Application	(d) Time Per Industry (a x b) (hours)	(e) Cost Per Industry
(1) Utility	32	37	\$1,471.94	1,184	\$47,101.92
Totals				1,184	\$47,101.92

The total estimated annualized cost to the Federal Government is \$7,735,634.25.

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

(Table 15-1)				
Statement Questions	Previous Collection	This Collection	Difference	Explanation
(a) Annual applications	8,340	5,786	-2,554	Adjustment
(b) Applicants' burden hours	208,500	144,351	-91,575	Adjustment
(c) Application Processing Fee	\$2,590,000	\$8,611,902	+\$6,021,902	Adjustment

Table 15-1(a) – Annual Applications: The decrease in the number of applications the BLM receives annually is an adjustment.

Table 15-1(b) – Applicants' Burden Hours: The decrease in burden hours is an adjustment, due to a decrease in the number of applications received for this collection.

Table 15-1(c) – Application Processing Fee: This increase in the application processing fees is an adjustment, due better estimation of fees assessed.

In addition, all of the data in this section is adjusted by adding estimates for the four agencies other than BLM: FWS, NPS, BuRec, and USACE.

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.

We have no plans to publish this information 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.

We are not requesting approval to not display the expiration date.

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

There are no exceptions identified in Item 19 of OMB Form 83-I.