

Supporting Statement for Paperwork Reduction Act Submission

Application for Land for Recreation or Public Purposes (43 CFR 2740 and 2912)

OMB Control Number 1004-0012

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

The Bureau of Land Management (BLM) uses the information collection to decide whether or not to lease or sell certain public lands to applicants under the Recreation and Purposes (R&PP) Act, 43 U.S.C. 869 to 869-4. The Act authorizes the Secretary of the Interior to lease or sell, for recreational and public purposes, certain public lands to State, Territory, county, and local governments; nonprofit corporations; and nonprofit associations. BLM regulations at 43 CFR Parts 2740 and 2912 provide standards and procedures for implementing the Act. The BLM collects no similar information from the same universe of respondents.

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

The BLM collects and uses the applicant's information once to determine if the applicant meets all requirements of the act and regulations to lease or purchase lands for recreational or public purposes.

The BLM uses the information on Form 2740-1 (Application for Land for Recreation or Public Purposes) as follows:

Item #1a: Applicant's name? The BLM uses the information to identify the applicant.

Item #1b: Applicant's address, home phone number, and business phone number? The BLM uses the information to identify and communicate with the applicant.

Item #2: Give legal description of the lands applied for: Subdivision; Section; Township; Range; and Meridian? The BLM uses the information to identify the location of the lands, and determine if the lands meet the requirements of the Act and regulations.

Item #3a: This application is for lease or purchase? The BLM uses information to determine the method of disposal. If the applicant plans to lease the lands, the BLM uses the years to determine the expiration date of the lease.

Item #3b: Proposed use is public recreation or other public purposes? The BLM uses the information to determine what the applicant pays for the lands.

Item #4: Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land? The BLM uses the applicant's construction schedule, development and management plans, and estimated revenue expenditures to determine if the applicant's proposed project is well planned, adequate, effective, realistic, and practical. If the proposed project substantially interferes with the environment or cultural resources, the applicant must select another site for the project.

Item #5: If the applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes? The BLM uses the information to determine the applicant's qualifications (governmental or nonprofit entity), if the applicant is registered to do business in the State, if the applicant has the authority to hold or acquire the lands, and if the signing official has the authority to act on the applicant's behalf.

Item #6: Attach a copy of your authority for filing this application and to perform all acts incident thereto? The BLM uses the information to verify the applicant's qualifications (governmental or nonprofit entity), if the applicant is registered to do business in the State, if the applicant has the authority to hold or acquire the lands, and if the signing official has the authority to act on the applicant's behalf.

Item #7: If the land described in this application has not been classified for recreation and/or public purposes pursuant to the Act, consider this application as a petition for such classification? The BLM uses this statement to eliminate the petition for classification form from the collection.

Item #8: Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? To lease or purchase lands under the Act the applicants must obligate themselves to the following commitment: Nondiscrimination as to access to the lands and facilities based on race, color, religion, sex, age, or national origin in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 241).

Item #9: Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? To lease or purchase lands under the Act applicants must obligate themselves to the Americans and Disabilities Act of 1990 (101 Stat. 327).

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.

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.

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 collection is unique to the R&PP Act and regulations. The BLM is the only agency collecting this information. The BLM is unable 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.

Table 5-1 - Affected Public: Respondents are State, Territory, county, and local governments; nonprofit corporations; and nonprofit associations. The BLM does not collect information about the size of the respondents. The BLM estimates in the Regulatory Information Service Center (RISC) and Office of Information and Regulatory Affairs (OIRA) Combined Information System (ROCIS) that none of the respondents are in the small business or entity category. 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 by the BLM is limited to only the information required for an applicant to meet the statutory requirements of the Act and regulations.

<i>Table 5-1:</i>		
<i>Affected Public by Industry</i>	<i>Annual Responses</i>	<i>Estimate Number of Applicants in the Small Business or Entity Category</i>
State, Territory, county, and local governments	21	0
Nonprofit corporations	1	0
Nonprofit associations	1	0

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.

The BLM is the only Federal agency responsible for implementing the R&PP Act. The Act authorizes the lease or purchase of certain public lands by qualified applicants for recreational and public purposes. Less frequent collection would mean no collection at all. Reducing the burden would 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 secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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

Federal Register Notice: No comments were received in response to the 60-day Federal Register notice published on May 19, 2009 (74 FR 23427). The formal public comment period closed on July 20, 2009. A copy of the notice is provided in ROCIS.

Consultation Results: The applicants indicated that the data required for the application was obtained without a great deal of difficulty; one application was required; instructions on the application were clear; and the cost and hour burden are accurate.

Applicants Consulted:

(1) – (Applicant) San Bernardino County, California, 157 West 15th Street, San Bernardino, California 92415 (Carol Montag, 909-387-5944),

(2) – (Applicant) Blain County Commissioner, Idaho, 206 1st Avenue, Hailey, Idaho 83333, (Susie Cavanaugh, 208-244-6140).

(3) – (Applicant) Town of Philipsburg, Philipsburg, Montana, (Richard Hoehne, 406-859-3455).

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.**

Table 12-1 – Hourly Cost Calculations: The hourly mean hourly wage data in Table 12-1, below, are based on the Bureau of Labor Statistics (BLS) May 2008 National Occupational Employment and Wage Estimates for Compliance Officers, Except Agriculture, Construction, health and Safety, and Transportation (Occupational Code 13-1041) at <http://www.bls.gov/oes/2008/may/ois131041.htm>.

The benefits multipliers are implied by information on page 4 of USDL 09-1098, September 10, 2009, at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

<i>Affected Public</i>	<i>Mean Hourly Wage</i>	<i>Benefits Multiplier</i>	<i>Total Mean Hourly Wage (including benefits)</i>
State, Territory, county, and local governments	\$25.85	1.5	\$38.78
Nonprofit corporations	\$25.85	1.4	\$36.19
Nonprofit associations	\$25.85	1.4	\$36.19

Table 12-2 – Estimates of Hour and Cost Burden: The burden estimates are based on the average number of applications received within a three-year collection period from Fiscal Year (FY) 2006 through FY-2008 (10/01/2005 through 09/30/2008). 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 cost burden includes the time it takes an applicant to read instructions, gather information, and answer questions.

<i>Data Category</i>	<i>Burden</i>
(a) Estimated annual applications from State, Territory, county, and local governments	21 applications
(b) Frequency of application	Once
(c) Response time (hours) per applicant	40 hours
(d) Response time for collection (21 applications) x (40 hours)	840 hours
(e) Hourly cost per applicant	\$38.78
(f) Cost for one application (40 hours) x (\$38.78)	\$1,551.20
(g) Cost to applicants for collection (\$1,551.20) x (21 applications)	\$32,575.20

<i>Data Category</i>	<i>Burden</i>
(a) Estimated annual applications from nonprofit corporations	1 application
(b) Frequency of application	Once
(c) Response time (hours) per applicant	40 hours
(d) Response time for collection (1 application) x (40 hours)	40 hours
(e) Hourly cost per applicant	\$36.19
(f) Cost for one application (40 hours) x (\$36.19)	\$1,447.60
(g) Cost to applicants for collection (\$1,447.60) x (1 application)	\$1,447.60

<i>Data Category</i>	<i>Burden</i>
(a) Estimated annual applications from nonprofit associations	1 application
(b) Frequency of application	once
(c) Response time (hours) per applicant	40 hours
(d) Response time for collection (1 application) x (40 hours)	40 hours
(e) Hourly cost per applicant	\$36.19
(f) Cost for one application (40 hours) x (\$36.19)	\$1,447.60
(g) Cost to applicants for collection (\$1,447.60) x (1 application)	\$1,447.60

The estimated total hour burden for all respondents is 920 hours annually. The estimated total non-hour cost burden for all respondents is \$35,470.40 annually.

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

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

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

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

Table 13-1 - Annual Cost Burden to Respondents or Recordkeepers: Applicants incur no annual capital or start-up costs, and no recurring annual costs to prepare or respond to the information collection. Applicants are not required to purchase any computer software or hardware to comply with this information collection.

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

Table 13-2 - Application Service Fee: Pursuant to 43 CFR 2742.4 all applications must be accompanied by a one-time non-refundable filing fee of \$100. The burden estimates are based on the average number of applications received within a three-year collection period from Fiscal Year (FY) 2006 through FY-2008 (10/01/2005 through 09/30/2008).

<i>Table 13-2A</i>	
<i>Data Category</i>	<i>Totals</i>
(a) Estimated annual applications from State, Territory, county, and local governments	21 applications
(b) Application service fee per application	\$100
(c) Application service fee for collection (\$100) x (21 applications)	\$2,100

<i>Table 13-2B</i>	
<i>Data Category</i>	<i>Totals</i>
(a) Estimated annual applications from nonprofit corporations	1 application
(b) Application service fee per application	\$100
(c) Application service fee for collection (\$100) x (1 application)	\$100

<i>Table 13-2C</i>	
<i>Data Category</i>	<i>Totals</i>
(a) Estimated annual applications from nonprofit associations	1 application
(b) Application service fee per application	\$100
(c) Application service fee for collection (\$100) x (1 application)	\$100

The total estimated annual non-hour cost burden for all respondents is \$2,300.

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 – Federal Government Hourly Cost Per Position: 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 2009 General Pay Schedule located at <http://www.opm.gov/oca/09tables/indexGS.asp>. The benefits multiplier is implied by information on page 4 of USDL 09-1098, September 10, 2009, at

<http://www.bls.gov/news.release/pdf/ecec.pdf>.

Position	Grade (Step1)	Hourly Wage	Benefits Multiplier	Hourly Wage (including benefits)
(a) Clerical	GS-7	\$16.04	1.5	\$24.06
(b) Technical	GS-11	\$23.74	1.5	\$35.61
(c) Manager	GS-13	\$33.84	1.5	\$50.76

Table 14-2 - Federal Government Costs and Time to Process One Application: 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 data shown in Table 14-1, above.

Position	(a) Hourly Wage (including benefits)	(b) Time to Process one application (hours)	(c) Cost (a x b)
(a) Clerical	\$24.06	2	\$48.12
(b) Technical	\$35.61	37	\$1,317.57
(c) Managers	\$50.76	1	\$50.76
(d) Total Time and Cost for One Application		40 hours	\$1,416.45

Table 14-3 – Federal Government Cost and Time for Collection:

Data Category	Burden
(a) Annual applications for collection	23 applications
(b) Number of hours to evaluate one application	40 hours
(c) Cost to evaluate one application	\$1,416.45
(d) Cost to evaluate applications (\$1,416.45) x (23 applications)	\$32,578.35

While the estimated annual gross cost to the government is \$32,478.35, this cost is partially offset by the collection of a \$100 filing for each application. The estimated number of 23 applications each year, multiplied by \$100 per application, results in a partial offset of \$2,300 annually. Thus, the estimated net cost to the government is \$30,278.35.

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

<i>Data Category for Collection</i>	<i>Previous Collection</i>	<i>This Collection</i>	<i>Difference</i>	<i>Explanation</i>
(a) Annual applications	7	23	+16	Adjustment
(b) Applicants' burden hours	280	920	+640	Adjustment
(c) Application filing fee	\$200	\$2,300	+\$2,100	Adjustment

Table 15-1(a) – Annual Applications: Adjustment for this collection is due to an increase in the number of applications received annually.

Table 15-1(b) – Applicants' Burden Hours: Adjustment for this collection is due to an increase in the number of applications received annually.

Table 15-1(c) – Application Filing Fee: Adjustment for this collection is due to an increase in the number of applications received annually (and due to underreporting of the application filing fee in the previously approved information collection request).

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 to the certification statement.