

**Supporting Statement A for Paperwork Reduction Act Submission**

**OMB Control Number 1024-0047**

**Land and Water Conservation Fund Conversion of Use Provisions**

**36 CFR 59**

**Terms of Clearance:** OMB approved this information clearance on August 8, 2007, with the following terms of clearance: None

**1. Explain the circumstances that make collection of information necessary.**

The Land and Water Conservation Fund Act of 1965 (LWCF Act) (16 U.S.C 4601-4 et seq.) was enacted to help preserve, develop, and ensure access to outdoor recreation facilities. The LWCF Act provides funds for and authorizes Federal assistance to the States for planning, acquisition, and development of needed land and water areas and facilities.

In accordance with the LWCF Act, the National Park Service (we, NPS) administers the LWCF State Assistance Program, which provides matching grants to States, and through the States to local units of government. As used in this information collection request, the term "States" includes the 50 States; the Commonwealths of Puerto Rico and the Northern Mariana Islands; the District of Columbia; and the territories of Guam, the U.S. Virgin Islands, and American Samoa.

LWCF grants are provided to States on a matching basis for up to 50 percent of the total project-related allowable costs. Grants to eligible insular areas may be for 100 percent assistance. The LWCF State Assistance Program gives maximum flexibility and responsibility to the States. States establish their own priorities and criteria and award the grant money through a competitive selection process based on a Statewide recreation plan. Payments for all projects are made to the State organization that is authorized to accept and administer funds paid for approved projects. Local units of government participate in the program as subgrantees of the State with the State retaining primary grant compliance responsibility.

In accordance with section 6(f)(3) of the Act and as codified in 36 CFR 59, no lands acquired or developed with LWCF funds can be converted to other than public outdoor recreation uses unless the NPS approves the substitution of property in advance. The basis for this information collection is the narrative and supporting documentation for a Conversion of Use Provisions request.

**2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.**

To convert land to other than public outdoor recreational use, States must submit a formal request to the appropriate NPS Regional Office with documentation to substantiate that:

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

Additional documents include maps identifying the assisted site, the area to be converted, and the proposed replacement property, and appraisal reports identifying property values.

We use the information to determine if the requirements of section 6(f)(3) of the LWCF Act would be met if the proposed conversion were implemented.

**3. Describe whether, and to what extent, the collection of information 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 decisions 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 Conversion of Use Provisions request may be submitted by mail or email.

**4. Describe efforts to identify duplication.**

There is no duplication. The information collected is specific to the lands or facilities proposed for conversion and substitution.

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

The collection of information does not impact small businesses or other small entities.

**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.**

We only collect this information when a grantee proposes to convert LWCF-assisted land to other than public outdoor recreational use; therefore, we could not collect it less frequently. If we did not collect the information, we could not ensure that the proposed conversion of use would meet the requirements of the LWCF Act.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- \* requiring respondents to report information to the agency more often than quarterly;
- \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- \* requiring respondents to submit more than an original and two copies of any document;
- \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- \* requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

None of the listed circumstances above apply.

**8. Provide 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 (or in response to a PRA statement) and describe actions taken by the agency in response to those comments.**

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 name, titles, addresses, and phone numbers of persons contacted.]

A notice announcing the extension of the collection and requesting public comments was published in the Federal Register on April 19, 2010 (75 FR 20374) for a 60-day period. The comment period ended on June 18, 2010. We received one comment. The commenter stated that the public should have an opportunity to comment on a State's request to convert LWCF-assisted land to other than public outdoor recreational use.

Response: While there is no requirement for a State to seek public comment on a conversion of use request, the regulations at 36 CFR 59 do require that such requests be in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP). Before receiving LWCF grants, States must develop a SCORP and revise it at least every 5 years. The Land and Water Conservation Fund Act of 1965 requires that States provide ample opportunity for public participation during SCORP development and revision. The Governor of the State must certify that this opportunity has been afforded, and results of public meetings and a summary of the public comments must be sent to NPS with the SCORP.

In addition to the Federal Register notice, we contacted the following State employees and solicited comments about conversion of use request requirements. The consensus was that the requirement is reasonable and well understood. The State employees agreed with the estimated time burden.

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Oregon Parks and Recreation Department  
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Through meetings with the National Association of State Outdoor Recreation Liaison Officers (whose members are State Liaison Officers appointed by the governors to administer LWCF within their respective State) and periodic workshops involving State park officials, opportunities are continually presented to provide input into LWCF concerns including conversions.

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

No payments or gifts are given to respondents.

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

There are no assurances of confidentiality provided to respondents.

**11. Provide additional justification for any question of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No sensitive questions are asked.

**12. Provide estimates of the hour burden of the collection of information.**

We are estimating 50 annual responses and 1,750 burden hours for this collection. We estimate that approximately 35 hours is the burden time for completing the narrative portion of a Conversion of Use Provisions request and providing supporting documentation.

We estimate the dollar value of the annual burden hours to be \$114,030. State LWCF Coordinators complete the Conversion of Use Provisions request. The mean hourly wage is approximately \$43.44 based on the Bureau of Labor Statistics, Occupational Employment and Wages, May 2009, <http://www.bls.gov/oes/2009/may/oes111021.htm>. A multiplier of 1.5 was added for benefits for State/local/tribal governments in accordance with BLS news release USDL 10-0774, June 9, 2010 (<http://www.bls.gov/news.release/pdf/ecec.pdf>) resulting in an hourly wage of \$65.16.

The annual burden estimate is summarized as follows:

REQUIREMENT	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	TOTAL ANNUAL BURDEN HOURS	HOURLY LABOR COSTS INCLUDING BENEFITS	TOTAL DOLLAR VALUE OF ANNUAL BURDEN HOURS
Conversion of Use Provisions Request	50	35	1,750	\$65.16	\$114,030

**13. Provide an estimate of the total annual [nonhour] cost burden to respondents or record keepers resulting from the collection of information.**

There are no nonhour costs.

**14. Provide estimates of annualized costs to the Federal Government.**

The annual cost to the Federal Government is \$8,409 (\$56.06 X 150 hours). An Outdoor Recreation Planner spends 3 hours reviewing the documentation and making a determination for each request. The hourly rate for a GS-12/step 5 is \$37.37, based on the Office of Personnel Management Salary Table 2010-RUS [http://www.opm.gov/oca/10tables/pdf/rus\\_h.pdf](http://www.opm.gov/oca/10tables/pdf/rus_h.pdf). A multiplier of 1.5 was added for benefits

in accordance with BLS news release USDL 10-0774, June 9, 2010 (<http://www.bls.gov/news.release/pdf/ecec.pdf>), resulting in an hourly wage of \$56.06.

**15. Explain the reason for any program changes or adjustments.**

There are no adjustments or program changes.

**16. For collections of information whose results will be published, outline plans for tabulation and publication.**

We do not publish this information.

**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 will display the OMB control number and expiration date on appropriate materials.

**18. Certification**

There are no exceptions to the certification statement.