

**SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION  
PROTECTION, MANAGEMENT, AND CONTROL OF WILD HORSES AND BURROS  
(43 CFR PART 4700)**

**OMB CONTROL NUMBER 1004-0042**

**Terms of Clearance:** None.

**JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

In accordance with the following authorities, the Bureau of Land Management (BLM) collects information from those who wish to adopt and obtain title to wild horses and burros:

- (1) Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1331-1340); and
- (2) Regulations at 43 CFR part 4700.

The Wild Free-Roaming Horses and Burros Act directs the Secretary of the Interior and the Secretary of Agriculture to protect and manage wild free-roaming horses and burros as components of the public lands, and authorizes the removal of excess wild horses and burros from public rangelands. "Excess" wild horses and burros are those which have been removed from an area pursuant to applicable law or those which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area. 16 U.S.C. 1332(f).

The BLM must remove thousands of excess animals from the range each year to control herd sizes. Based on data compiled as of February 28, 2010, approximately 38,400 wild horses and burros (33,700 wild horses and 4,700 burros) are roaming on BLM-managed rangelands — nearly 12,000 more than the number of wild horses and burros that the BLM has determined is conducive to sound management of public lands. Moreover, wild horses and burros have virtually no natural predators, and their herd sizes can double about every 4 years.

Upon examination of current information and a determination by the BLM that an excess of wild horses or burros exists, the BLM destroys old, sick, or lame animals in the most humane manner possible. The BLM humanely captures and makes available for private maintenance (i.e., adoption) those healthy animals for which an adoption demand by qualified individuals exists. The BLM sends excess animals that are found to be unadoptable to federally funded sanctuaries or long-term holding facilities.

The Wild Free-Roaming Horses and Burros Act allows an individual to adopt a maximum of four animals per year unless the BLM determines in writing that such individual is capable of humanely caring for more than four animals, including the transportation of such animals by the

adopting party. 16 U.S.C. 1333(b)(2)(B). An adopted horse or burro remains the property of the Federal Government until the adopter has proven, and the BLM has determined, that the animal has been provided with a good home for at least 1 year. Once that requirement has been met, the BLM may transfer title to the adopter, and the animal becomes private property. However, the statute only allows the BLM to grant title to four animals annually to any applicant. 16 U.S.C. 1333(c). Thus, while the BLM has discretion in some circumstances to allow adoption of more than four animals annually by an individual, the BLM does not have discretion to grant title to more than four animals annually to any individual.The regulations at 43 CFR part 4700 provide for the collection of information that enables the BLM to determine:

- Whether or not a prospective adopter is qualified to receive a wild horse or burro for private maintenance (i.e., adoption) and is able to provide humane care and proper treatment;
- Whether or not an individual is qualified to adopt more than four wild horses or burros within a 12-month period;
- Whether or not an individual or group is qualified to maintain more than four wild horses or burros at a single location;
- Whether or not to grant an adopter's request to terminate a Private Maintenance Care Agreement; and
- Whether or not to grant an adopter's request for replacement of a previously adopted animal.

**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.**

***Application for Adoption of Wild Horse(s) or Burro(s)***  
***43 CFR 4750.3-1 and 4750.3-2***  
***Form 4710-10***

A prospective adopter must file Form 4710-10, Application for Adoption of Wild Horse(s) or Burro(s). The BLM needs the following information in order to determine whether or not to approve the application:

(1) The name, address, driver's license number, State, birth date, taxpayer identifying number, home phone (including area code), alternate phone (including area code), and e-mail address. We require this information in order to identify the applicant. In addition: (1) We require the applicant's taxpayer identifying number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the Government (see 31 U.S.C. 7701); and (2) We require the applicant's driver's license number in order to keep track of the location of any animals that may be adopted.

(2) The number of animals requested (burros, horses younger than 18 months, horses older than 18 months, geldings, and trained animals). We require this information in order to determine whether or not an individual wants to adopt more than four animals.

(3) A description of the respondents' existing facility and transportation:

- a) Corral: Length, Width, Height of Corral, Gate Height, Gate Width, Materials used in Corral, Materials used in Gate;
- b) Shelter: Maximum Height, Minimum Height, Gate Height, Gate Width, Materials used in Shelter, Attached to Corral? Yes No (If not attached, how is it accessible?);
- c) Feed: Type of Hay or Pasture, Amount per Day, Supplemental Feed;
- d) Water: Tank Capacity and Source of Water; and
- e) Trailer: Interior Length, Interior Width, Interior Height, What the Trailer is Covered With, Type of Doors.

We require this information because we have determined it is relevant to our obligation under the Wild Free-Roaming Horses and Burros Act (at 16 U.S.C. 1333(b)(2)(B)) to ensure humane treatment and care (including proper transportation, feeding, and handling).

(4) Have you previously adopted animals through the Wild Horse and Burro Program? Yes No -- If your answer is yes, are these animals titled? Yes No  
How many untitled animals do you have?

We require this information because we have determined it is relevant to our obligation under the Wild Free-Roaming Horses and Burros Act (at 16 U.S.C. 1333(b)(2)(B)) to ensure humane treatment and care.

(5) Will more than four untitled animals be kept at the location described? Yes No

We require this information because the Wild Free-Roaming Horses and Burros Act limits our title-granting authority to not more than 4 animals per applicant at the end of a 1-year period. 16 U.S.C. 1333 (b)(2)(B) and (c).

(6) Have you ever adopted under another last name? Yes No (If yes, what other name did you use?)

We require this information because we have determined it is relevant to our obligation under the Wild Free-Roaming Horses and Burros Act (at 16 U.S.C. 1333(b)(2)(B)) to ensure humane treatment and care.

(7) Have you ever been convicted of abuse or inhumane treatment of animals, violation of the Wild Free-Roaming Horses and Burros Act, or violation of the Wild Horses and Burros Regulations? Yes No

We require this information because we have determined it is relevant to our obligation under the Wild Free-Roaming Horses and Burros Act (at 16 U.S.C. 1333(b)(2)(B)) to ensure humane

treatment and care.

In addition to the information listed above, the respondents must provide the facility address, owner's name and phone number, directions to the facility, a map of the location of adopted wild horses and/or burros, and layout of corral and shelter. We require this information because we have determined it is relevant to our obligation under the Wild Free-Roaming Horses and Burros Act (at 16 U.S.C. 1333(b)(2)(B)) to ensure humane treatment and care.

***Supporting Information and Certification for  
Private Maintenance of More Than Four Wild Horses or Burros  
43 CFR 4750.3-3***

The information collection requirements at 43 CFR 4750.3-3 apply to applicants who adopt more than four wild horses or burros within a 12-month period, and to applicants who maintain more than four wild horses and burros at a single location. Each of these applicants must supply, in addition to Form 4710-10, a written report verifying that the applicant's facilities have been inspected, appear adequate to care for the number of animals requested, and satisfy the requirements of 43 CFR 4750.3-2(a) (qualification standards for private maintenance). This report must be prepared by the BLM or by a local humane official, veterinarian, cooperative extension agent, or similarly qualified person approved by the BLM. The report must include a description of the facilities, including corral sizes; pasture size; and shelter, barn, or stall dimensions; and must note any discrepancies between the facilities inspected and representations made in Form 4710-10. The BLM needs this information to determine whether the respondent is qualified to care for more than four animals. In addition, when an applicant requests 25 or more animals or when 25 or more animals will be maintained at any single location regardless of the number of applicants, the facilities for maintaining the adopted animals must be inspected by the BLM before approval of the application.

***Request to Terminate Private Maintenance and Care Agreement  
43 CFR 4750.4-3***

In order to adopt a wild horse or burro, a qualified applicant must execute a Private Maintenance and Care Agreement and agree to abide to its terms and conditions, in accordance with 43 CFR 4750.4-1. We have determined that this agreement is not a collection of information that is subject to the requirements of the Paperwork Reduction Act, since it entails no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the document. See 5 CFR 1320.3(h)(1).

However, we have determined that a request to terminate a Private Maintenance and Care Agreement is a collection of information that is subject to the requirements of the Paperwork Reduction Act. An adopter who wants to terminate a Private Maintenance and Care Agreement must submit a written request to the BLM in accordance with 43 CFR 4750.4-3. The BLM needs this information in order to make other arrangements for the care and maintenance of the animal.

***Request for Replacement Animals  
43 CFR 4750.4-4***

If an adopted animal dies or needs to be destroyed due to a condition that existed at the time of placement with the adopter, the adopter may request a refund or a replacement animal. The adopter must provide the BLM with a veterinarian's certificate that reasonable care and treatment of the animal would not have corrected the condition. The BLM needs this information to determine whether replacement of an animal or a refund is justified and appropriate.

**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.**

In accordance with the Government Paperwork Elimination Act (GPEA), the public can fill out and download forms. They cannot submit the forms to BLM electronically at this time because we require an original signature.

**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.**

No duplication of information occurs in the information we collect. The requested information is unique and is not available from any other data source. No similar information is available or able to be modified. The information is required to receive a benefit.

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

We do not collect information on whether the respondents are small businesses or small entities, but we have determined that it is unlikely that any respondents are small businesses or small entities. At any rate, the information we require from all respondents is limited to the minimum necessary to manage the adoption of wild horses and burros and comply with our statutory obligations.

**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 we did not collect the information, applicants would not be able to adopt wild horses or burros, and the BLM would have to maintain and care for all the animals that otherwise would have been adopted. Less frequent collection would mean no collection of information at all.

**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 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.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

As required in 5 CFR 1320.8(d), the BLM published the 60-day notice in the Federal Register on June 28, 2010 (75 FR 36665), soliciting comments from the public and other interested parties. The comment period closed on August 27, 2010. We received one comment. The comment was a general invective about the Federal government, the Department of the Interior,

and the BLM. It did not address, and was not germane to, this information collection. Therefore, we have not changed the collection in response to the comment.

During the approval period, we consulted with the following respondents to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. The burden estimates in Question 12 reflect their input in these consultations.

Steve Smith; Las Vegas, NV; (702) 595-6018  
Anne Shannon; Las Cruces, NM (575) 382-5453; and  
Sue Fox; Winnemucca, NV; (775) 623-2068.

**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 the 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 respondent's confidentiality to the extent consistent with the Freedom of Information Act (5 U.S.C. 552) and the Debt Collection Improvement Act (31 U.S.C. 7701).

As described in a system of records notice at 74 FR 67056 (Dec. 3, 2007), a Privacy Act system of records is associated with this information collection: Interior / BLM-28, Adopt a Wild Horse. The routine uses listed in that notice are:

- (1) Identify individuals who have applied to obtain custody of a wild horse or burro through adoption or sale;
- (2) Document the rejection, suspension or granting of the request for adoption or sale;
- (3) Monitor compliance with laws / regulations concerning maintenance of adopted animals;
- (4) Identify contractors/employees / volunteers/service providers required to perform program functions;
- (5) Provide necessary program management information to other agencies involved in management of wild horses and burros on public lands, i.e., the U.S. Forest Service (FS) and the Animal and Plant Health Inspection Service (APHIS); and
- (6) Identify and assign level of system access required by BLM, FS and APHIS wild horse and burros program personnel.

This system of records notice was amended at 73 FR 17376 (April 1, 2008) to add a new routine use to authorize the disclosure of records to individuals involved in responding to a breach of Federal data.

Also, in accordance with the privacy provisions of the E-Government Act (codified at 44 U.S.C. 3501 note, § 208) and guidance of the OMB, respondents are informed that providing the information is necessary to obtain or maintain a benefit. In accordance with the Debt Collection

Improvement Act, the BLM discloses to respondents the agency’s intent to use their taxpayer identifying numbers for purposes of collecting and reporting on any delinquent amounts arising out of such person’s relationship with the Government.

**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.**

**\* 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 under “Annual Cost to Federal Government.”**

The tables summarize the estimated burden hour and cost for the form and non-form information.

***Tables 12-1 and 12-2 Hourly Cost Calculations:*** As shown at Table 12-1, below, the average respondent hourly cost for this collection of information is \$28.74. The mean hourly wage for Table 12-1 was determined using national Bureau of Labor Statistics data at: [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). The benefits multiplier of 1.4 is supported by information in Table A of Bureau of Labor Statistics News Release USDL 10-1687, Employer Costs for Employee Compensation — September 2010 (dated December 8, 2010), at <http://www.bls.gov/news.release/ecec.nr0.htm>.

**Table 12-1 — Hourly Cost Calculation**

Position	Mean Hourly Wage	Hourly Wage with Benefits
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	<b>(\$/hour)</b>	<b>(\$/hour x 1.4)</b>
Farmers and Ranchers (11-9012)	\$20.53	\$28.74

***Table 12-2 Estimates of Hour and Cost Burdens:*** Hour and cost burdens to respondents include time spent for researching, preparing, and submitting information. The average hourly wage associated with these information collections is shown at Table 12-1, above. The BLM’s estimate of the time it takes a respondent to supply the information was verified by consultations with several respondents (see Item 8, above).

The frequency of response for each of the information collections is “on occasion.” As shown below, the estimated number of responses is 14,452, the estimated hour burden is 7,222 hours, and the estimated wage cost burden is \$207,559.

**Table 12-2 Hour and Cost Burdens**

(a) Type of Response	(b) Number of Responses	(c) Time per Response	(d) Total Hours (b x c)	(e) Total Wage Cost (d x \$28.74)
Application for Adoption of Wild Horse(s) or Burro(s)  43 CFR 4750.3-1 and 4750.3-2  Form 4710-10	14,000	30 minutes	7,000	\$201,180
Supporting Information and Certification for Private Maintenance of More Than Four Wild Horses or Burros  43 CFR 4750.3-3	12	10 minutes	2	\$57
Request to Terminate Private Maintenance and Care Agreement  43 CFR 4750.4-3	320	30 minutes	160	\$4,598
Request for Replacement Animals or Refund  43 CFR 4750.4-4	120	30 minutes	60	\$1,724
Total	14,452		7,222	\$207,559

**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 already reflected in item 12.)

\* 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 for form processing). 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 are not required to purchase additional computer hardware or software to comply with these information requirements. There is no filing fee associated with this information collection. There are no capital and start-up costs involved with this information collection.

However, the regulations require respondents seeking to adopt more than four horses or burros, or requesting a replacement animal or refund for one that has died to provide certain certifications from a humane official, veterinarian, cooperative extension agent, or similarly qualified person. For purposes of calculating the cost burden, we have employed estimated fees of \$100 and \$50, respectively for these requests.

**Table 13 Non-Hour Costs**

(a) Type of Response	(b) Number of Responses	(c) Amount of Fee Per Response	(d) Total Fees
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			<b>(b x c)</b>
Supporting Information and Certification for Private Maintenance of More Than Four Wild Horses or Burros 43 CFR 4750.3-3	12	\$100	\$1,200
Request for Replacement Animals or Refund 43 CFR 4750.4-4	120	\$50	\$6,000
Total			\$7,200

**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.**

We estimate that the Federal Government spends 3,613 hours and \$156,479 annually to process the responses to this information collection.

**Table 14-1 Weighted Average Federal Wage Cost**

The hourly cost to the Federal Government is based on the U.S. Office of Personnel Management Salary Table 2010-RUS located at [http://www.opm.gov/oca/10tables/html/RUS\\_h.asp](http://www.opm.gov/oca/10tables/html/RUS_h.asp). The benefits multiplier of 1.5 is implied by information in Table A of Bureau of Labor Statistics News Release USDL 10-1687, Employer Costs for Employee Compensation — September 2010 (dated December 8, 2010), at <http://www.bls.gov/news.release/ecec.nr0.htm>.

<b>Position</b>	<b>Pay Grade</b>	<b>Hourly Pay Rate (\$/hour)</b>	<b>Hourly Rate with Benefits (x 1.5)</b>	<b>Percent of time spent on this information collection</b>	<b>Weighted Avg. (\$/hour)</b>
Clerical	GS-6, step 5	\$18.96	\$28.44	50%	\$14.22
Technical	GS-12, step 5	\$37.37	\$56.06	40%	\$22.42
Managerial	GS-13, step 5	\$44.43	\$66.65	10%	\$6.67
<b>Weighted Average Hourly Pay Rate (\$/hour)</b>					<b>\$43.31</b>

**Table 14-2 Estimated Annual Cost to the Government**

<b>(a)</b>	<b>(b)</b>	<b>(c)</b>	<b>(d)</b>	<b>(e)</b>
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<b>Type of Response</b>	<b>Number of Responses</b>	<b>Time per Response</b>	<b>Annual Hour Burden (b x c)</b>	<b>Annual Cost (d x \$43.31)</b>
Application for Adoption of Wild Horse(s) or Burro(s) 43 CFR 4750.3-1 and 4750.3-2 Form 4710-10	14,000	15 minutes	3,500	\$151,585
Supporting Information and Certification for Private Maintenance of More Than Four Wild Horses or Burros 43 CFR 4750.3-3	12	15 minutes	3	\$130
Request to Terminate Private Maintenance and Care Agreement 43 CFR 4750.4-3 43 CFR 4750.4-4	320	15 minutes	80	\$3,465
Request for Replacement Animals or Refund	120	15 minutes	30	\$1,299
Total			3,613	\$156,479

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

There are no program changes or adjustments.

**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.**

The BLM will not publish the results of this 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.**

The BLM will display the expiration date of the OMB approval on the forms included in this information collection.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.