

April 25, 2011

## Supporting Statement for Paperwork Reduction Act Submissions

**OMB Control Number: 1660 – 0010**

**Title: Implementation of Coastal Barrier Legislation**

**Form Number(s): None**

### General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

### Specific Instructions

#### 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. Provide a detailed description of the nature and source of the information to be collected.**

Section II of the Coastal Barrier Resources Act (P.L. 97-348) prohibits the sale of National Flood Insurance Program (NFIP) policies for buildings that have been newly constructed or substantially improved on undeveloped coastal barriers on or after October 1, 1983. Federal Emergency Management Agency (FEMA) Regulation Title 44 of the Code of Federal Regulations, Section 71.4, requires documentation indicating that a building is neither new construction nor substantial improvement. The Coastal Barrier Resources Act of 1990 (P.L. 101-591) expands the areas encompassed by the Coastal Barrier Resource System (CBRS).

**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. Provide a detailed description of:**

**how the information will be shared, if applicable, and for what programmatic purpose.**

When an application for flood insurance is submitted for buildings located in CBRS and/or Otherwise Protected Area (OPA) communities, the following types of documentation must be submitted as evidence of eligibility by the applicant's insurance agent writing through the NFIP Direct Servicing Agent (DSA):

- 1) FEMA Flood Insurance Rate Map (FIRM)** - For buildings built on or after the date the insurance prohibition became effective, a legible copy of the current FEMA Flood Insurance Rate Map (FIRM) panel showing that the building is not located in a CBRS area or OPA.
- 2) Legally Valid Building Permit** - For buildings in CBRS areas and OPAs, a permit is needed, or, if the building permit was lost or destroyed, a written statement to this effect signed by the community official responsible for the building permits will be accepted in lieu of the building permit; and
- 3) Written and Signed Statement from a Community Official** - A statement by a responsible community official that is written and signed and states that:
  1. The walls and roof of the building were in place (1982 Act) or the start of construction took place (1990 Act), before the date the insurance prohibition became effective, and
  2. The building was not substantially improved or substantially damaged on or after the date the insurance prohibition became effective.
  3. For structures in OPAs only this also involves written certification from the governmental body overseeing the area indicating that a building in an OPA is used in a manner consistent with the purpose for which the area is protected may be submitted in lieu of the above documentation.

All of these documents are submitted to the NFIP Bureau for tracking and transmittal purposes. The Bureau sends the packet to the appropriate US Fish & Wildlife Field Office (F&WS) for an official determination. Issuance of the policy (eligibility for coverage) is based on the US F&WS determination.

The documents are submitted in conjunction with an application for NFIP insurance. Instructions for submitting an application for NFIP insurance, including submitting any supporting documents that may be required is outlined in the NFIP Flood Insurance Manual (FIM). Guidance and instructions concerning what information satisfies the requirements for 1660-0010, and when it is required to be submitted, are provided in the NFIP FIM in the "Coastal Barrier Resources System" Section. A copy of the NFIP FIM can be accessed online at: [http://www.nfipiservice.com/nfip\\_docs.html](http://www.nfipiservice.com/nfip_docs.html).

**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.**

No documents used in this process can be processed without first being obtained in printed (hard copy) format. These paper documents (such as letters/statements from officials) often need to be signed. The insurance agent writing business through the DSA submits the documents in conjunction with the application for flood insurance either in hard copy through the mail or electronically by scanning and uploading the documents through the DSA's web based system. The URL for the insurance agent's portal is <https://www.nfipservices.com/>. The agent uploads any documents and will use this portal to sign in and submit insurance applications and related documents – such as the scanned copies of coastal barrier legislation documents – electronically.

**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.**

This information is not collected in any form, and therefore is not duplicated elsewhere.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.**

This information collection does not have an impact on small businesses or small entities.

**6. Describe the consequence to Federal/FEMA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.**

If FEMA did not collect this information, which allows for the verification that properties located in CRBS/OPA communities are eligible for NFIP coverage, NFIP policies would be issued for ineligible buildings in CBRS areas and OPAs in violation of the prohibitions as stated in the Acts identified in question 1. This information collection is conducted only as necessary for the issuance of an NFIP policy. The information collection for a particular building is only required one time at the time of application for NFIP coverage, or before a claim payment can be made and could, therefore, not be collected less frequently.

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

**(a) Requiring respondents to report information to the agency more often than quarterly.**

**(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.**

**(c) Requiring respondents to submit more than an original and two copies of any document.**

**(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.**

**(e) 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.**

**(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.**

**(g) 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.**

**(h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

## **8. Federal Register Notice:**

**a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A 60-day Federal Register Notice inviting public comments was published on January, 26, 2011, Volume 76 FR pp 4707. No comments were received. See attached copy of the published notice included in this package.

A 30-day Federal Register Notice inviting public comments was published on April, 22, 2011, Volume 76 FR pp 22116. No comments were received. See attached copy of the published notice included in this package.

**b. 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.**

The Flood Insurance Producers National Committee (FIPNC), and the Institute for Business & Home Safety (IBHS) which are made up of non-government professionals involved with the NFIP, meet regularly with government officials from FEMA to discuss any aspects of the NFIP that are of concern to them. This information collection is open to FIPNC, and IBHS, as a subject of discussion, if they so choose.

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

Respondents would consult with their personal insurance agents on the building permits, written statements, maps, and signed statements required by this information collection are submitted along with, and as part of, an application for flood insurance.

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

FEMA does not provide payments or gifts to respondents in exchange for a benefit sought.

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

A Privacy Threshold Analysis (PTA) was submitted to the FEMA Privacy office on 12-20-10. It was determined that a Privacy Impact Analysis (PIA) and a System of Records Notice (SORN) for this collection is needed. The SORN, Privacy Act of 1974; Federal Emergency Management Agency—003 National Flood Insurance Program Files System of Records, was published on December, 19, 2008, Volume 73 FR pp 77747. See attached copy of the published notice included in this package. The system is covered by existing PIA: National Flood Insurance Program Information Technology Systems. A copy is attached.

**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). 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.**

There are no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

**a. 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 desired. 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.**

It is anticipated that 2,690 respondents will complete the needed documentation. Each respondent will only complete the forms needed once and each response will require .25 (15 minutes) hours to complete on average. The total annual hour burden is 2,690 x .25 hours = 672.5 annual hours.

The .25 hours is calculated from the average time it takes respondents to consult with their personal insurance agents on the provided building permits, written statements, maps, and signed statements required to be submitted along with, and as part of, an application for flood insurance and uploaded by their personal insurance agents.

**b. 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.**

**c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost to the respondents of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.**

Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost
Individuals or households	- FEMA Flood Insurance Rate Map, - Legally Valid Building	2500	1	2500	.25 hours (15 mins)	625	27.38	17,112.50.

	Permit, - Written and Signed Statement from a Community Official							
Business or other for-profit	- FEMA Flood Insurance Rate Map, - Legally Valid Building Permit, - Written and Signed Statement from a Community Official	170	1	170	.25 hours (15 mins)	42.5	39.91	1,696.18
Not-for-profit institutions	- FEMA Flood Insurance Rate Map, - Legally Valid Building Permit, - Written and Signed Statement from a Community Official	8	1	8	.25 hours (.15 mins)	2	27.38	54.60
Farms	- FEMA Flood Insurance Rate Map, - Legally Valid Building Permit, - Written and Signed Statement from a Community Official	8	1	8	.25 hours (15 mins)	2	27.13	54.26
State, Local or Tribal Government	- FEMA Flood Insurance Rate Map, - Legally Valid Building Permit, - Written and	4	1	4	.25 hours (15 mins)	1	33.59	33.59

	Signed Statement from a Community Official							
<b>Total</b>		<b>2,690</b>		<b>2,690</b>		<b>672.5</b>		<b>\$18,951.13</b>

- \* Note: The “Avg. Hourly Wage Rate” for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.
- “Type of Respondent” should be entered exactly as chosen in Question 3 of the OMB Form 83-I

According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)) the wage rate category for All Occupations (representing all homeowners) is estimated to be 27.38 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to respondents All Occupations is estimated to be 625 hours x \$27.38 = \$17,112.50 annually.

According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)) the wage rate category for Business or other for-profit is estimated to be 33.31 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to respondents Business or other for-profit is estimated to be 42.5 hours x \$39.91 = \$1,696.18 annually.

According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)) the wage rate category for Not-for-profit institutions is estimated to be 27.38 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to respondents Not-for-profit institutions is estimated to be 2 hours x \$27.38 = \$54.60 annually.

According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)) the wage rate category for Farms is estimated to be 27.13 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to respondents Farms is estimated to be 2 hours x \$27.13 = \$54.26 annually.

According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)) the wage rate category for State, Local or Tribal Government is estimated to be 33.59 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to respondents State, Local or Tribal Government is estimated to be 1 hours x \$33.59 = \$33.59 annually.

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)**

**The cost estimates should be split into two components:**



a. **Operation and Maintenance and purchase of services component.** These estimates should take into account cost associated with generating, maintaining, and disclosing or providing information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred.

b. **Capital and Start-up-Cost** should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring sampling, drilling and testing equipment, and record storage facilities.

**Annual Cost Burden to Respondents or Record-keepers**

<b>Data Collection Activity/Instrument</b>	<b>*Annual Capital Start-Up Cost</b> (investments in overhead, equipment and other one-time expenditures)	<b>*Annual Operations and Maintenance Cost</b> (such as recordkeeping, technical/professional services, etc.)	<b>Annual Non-Labor Cost</b> (expenditures on training, travel and other resources)	<b>Total Annual Cost to Respondents</b>
- FEMA Flood Insurance Rate Map, - Legally Valid Building Permit, - Written and Signed Statement from a Community Official		<b>\$2690.00</b> (538 respondents x \$5.00 per respondent)		<b>\$2690.00</b>
<b>Total</b>				<b>\$2690.00</b>

The cost to the respondent, the applicant for flood insurance, is the cost, if any, that requires payment from the respondent to obtain photocopies of the public records, make cell or home phone calls which may involve a local long distance charge, postage to mail a request, or transportation costs to make a trip to a local office to obtain the document. Generally, information of this type is provided upon request, free of any charge, by the community as a public service, but there are some instances where there will be a photocopy fee charged. Some may also need to print out copy a section of the map showing their property is outside of the restricted areas by photocopying.

Estimated Total Cost to Respondents: The respondent is required to submit documentation an average cost of \$5.00 per respondent for 20% (538) of the respondents (\$5.00 \*538 = \$2690.00). The total cost for this is: photocopies (538 \* \$1.00 = \$538.00); mileage (2010 IRS mileage rate for business mileage of 50 cents \* 4 total miles = \$2.00 \* 538 = 1,076 ); a stamp (.44 \* 538 = 236.72); envelope/paper (.07 \*538 =37.66); and cell

phone overage minutes or local long distance toll charges (1.49 \* 538 = \$801.62) added together equals \$2690.00 total annual cost to respondents or record-keepers.

**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 have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.**

The dollar cost to the Federal Government is minimal, to process, analyze, and maintain the information that is submitted by an applicant.

The information required under this information collection is processed in conjunction with an application for NFIP insurance.

Annual Cost to the Federal Government

Item	Cost (\$)
Contract Costs: The review and processing of the CBRL documents (building permits, FEMA Flood Insurance Rate Maps, written statements and signed statements by local officials) is performed under NFIP Direct Servicing Agent Contract in conjunction with processing applications for NFIP insurance. The cost for this is \$1264.30 per year.	1,264.30
Staff Salaries*	
Facilities [cost for renting, overhead, etc. for data collection activity]	
Computer Hardware and Software [cost of equipment annual lifecycle]	
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	
Travel	
Printing [number of data collection instruments annually]	
Postage [annual number of data collection instruments x postage]	
Other	
<b>Total</b>	<b>\$1,264.30</b>

\* Note: The "Salary Rate" includes a 1.4 multiplier to reflect a fully-loaded wage rate.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.**

*A "Program increase" is an additional burden resulting from an federal government regulatory action or directive. (e.g., an increase in sample size or coverage, amount of information, reporting frequency, or expanded use of an existing form). This also includes previously in-use and unapproved information collections discovered during the ICB process, or during the fiscal year, which will be in use during the next fiscal year.*

A "**Program decrease**", is a reduction in burden because of: (1) the discontinuation of an information collection; or (2) a change in an existing information collection by a Federal agency (e.g., the use of sampling (or smaller samples), a decrease in the amount of information requested (fewer questions), or a decrease in reporting frequency).

"**Adjustment**" denotes a change in burden hours due to factors over which the government has no control, such as population growth, or in factors which do not affect what information the government collects or changes in the methods used to estimate burden or correction of errors in burden estimates.

Itemized Changes in Annual Burden Hours						
Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
- FEMA Flood Insurance Rate Map, - Legally Valid Building Permit, - Written and Signed Statement from a Community Official				90	672.5	+582.5
<b>Total(s)</b>				<b>90</b>	<b>672.5</b>	<b>+582.5</b>

**Explain: FEMA Flood Insurance Rate Map, Legally Valid Building Permit, and Written and Signed Statement from a Community Official** - the previously approved burden recorded 60 respondents at a total of 90 burden hours. There is an adjustment, burden increase, of +582.5 additional hours in this submission. The change in number of respondents is due to a correction in reporting, i.e., how the number of respondents is determined. It is an adjustment for a more inclusive estimate based on a previous report of policies already issued that were the incorrect number to report and now the number reported represents a more accurate estimate of applicants to include all who are applying for new policies.

In the previous submissions, the 60 respondents reported included only those respondents (applicants for flood insurance) who had already been issued flood insurance policies for their properties located in CBRS Areas or OPA's of their communities. In these cases, letters were sent to the property owners outlining the additional documentation required to substantiate eligibility for flood insurance. Unless valid documentation was received showing the property is not in a CBRS Area or OPA, and/or that the property was built before the insurance prohibition for the area, the policy would be canceled.

The current figure represents all applicants for flood insurance in CBRS communities that submitted CBRA-related documentation either along with their original flood insurance application or in response to a request from the NFIP Direct Servicing Agent for additional information. This adjusted figure now includes those applicants whose properties are not located in the CBRS areas of their communities and should have been included upon last submission as well.

Itemized Changes in Annual Cost Burden						
Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
- FEMA Flood Insurance Rate Map, - Legally Valid Building Permit, - Written and Signed Statement from a Community Official				\$600.00	\$18,951.13	+\$18,351.13
<b>Total(s)</b>				<b>\$600.00</b>	<b>\$18,951.13</b>	<b>+\$18,351.13</b>

**Explain: FEMA Flood Insurance Rate Map, Legally Valid Building Permit, and Written and Signed Statement from a Community Official** - the previously approved cost burden was \$600.00. The current estimated annual cost burden is an “adjustment change” of \$18,951.13, resulting in an increase of \$18,351.13. The increase in cost burden results from an increase in annual responses due to a correction in reporting, i.e., how the number of respondents is determined. Also, the application of the 1.4 multiplier contributes to the increase in cost burden.

**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 information collection results will not be published for outline plans for tabulation and publication.

**17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.**

This collection is not seeking to not display the expiration date for OMB approval.

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

No exceptions to the certification are planned. This collection does not seek exception to “Certification for Paperwork Reduction Act Submissions”.

**B. Collections of Information Employing Statistical Methods.**

When Item 17 on the Form OMB 83-I is checked “Yes”, the following documentation should be included in the Supporting Statement to the extent it applies to the methods proposed:

THERE IS NO STATISTICAL METHODOLOGY INVOLVED IN THIS COLLECTION.