

July 6, 2011

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660-0062

Title: State/Local/Tribal Hazard Mitigations Plans

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 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5165, as amended by the Disaster Mitigation Act of 2000 (DMA 2000), Public Law 106-390, provides new and revitalized approaches to mitigation planning. The Stafford Act provides a framework for linking pre-and post-disaster mitigation planning and initiatives with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction. Title 44 CFR Part 201 provides the mitigation planning requirements for State, local and Indian tribal governments to identify the natural hazards that impact them, to identify actions and activities to reduce any losses from hazards, and to establish a coordinated process to implement the plan, taking advantage of a wide-range of resources.

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.

The purpose of the plan requirements is to enable State, tribal and local governments to better understand the risks they face from natural hazards and to make decisions and take actions to reduce the risks from those hazards. Implementation of planned, pre-identified, cost-effective mitigation measures will streamline the disaster recovery process. The mitigation plan is the demonstration of the goals, priorities, and commitment to reduce risks from natural hazards and serves as a guide for State and local decision makers as they commit resources to reducing the effects of natural hazards.

In order to be eligible for certain types of FEMA mitigation grants, States, Tribes and local communities are required to have a hazard mitigation plan that meets the criteria established in 44 CFR Part 201 for this information collection. States are required under Section 322 of the Stafford Act to have a FEMA-approved Standard State Mitigation Plan, following the criteria established in 44 CFR §201.4 to be eligible to receive certain Stafford Act assistance.

Per 44 CFR Part 201, new mitigation plans (including local and Tribal) are required to include documentation of the planning process, risk assessment, mitigation strategy and a maintenance process. Mitigation plan updates for local and Tribal governments are required every five years and must document changes in development, progress in local mitigation efforts, and changes in priorities. Local and Tribal governments use their mitigation plans, particularly the mitigation strategy, to guide decision makers as they commit resources to reducing the effects of natural hazards.

FEMA also receives from Mitigation plan reviews from States which may be in the form of a letter, email or other format conveying completion of State review and must document that the local or Tribal mitigation plan meets the requirements of 44 CFR Part 201. States also use these reviews to provide technical assistance and to prioritize project funding.

States, at their discretion may develop an Enhanced State Mitigation Plan, following the criteria established in 44 CFR §201.5 in order to be eligible for increased HMGP funding. The Enhanced Plan is a separate plan type, it is a state-level plan, and would not take any additional time to develop. The Enhanced Plan must demonstrate that a State has developed a comprehensive mitigation program, effectively uses available mitigation funding, and is capable of managing the increased funding.

Indian tribal governments are addressed under a specific planning requirement in 44 CFR §201.7 that recognizes some of the unique aspects of these governments. Section 201.7 provides for plans prepared and approved under the existing rule, either under the State or local requirements, to be recognized as Tribal Mitigation Plans. Tribal governments would

then be eligible for FEMA mitigation grants under both the Stafford and Flood Insurance Acts.

Plans must be submitted to the State Hazard Mitigation Officer (SHMO) for initial review and coordination. The States will then send the plan to the appropriate FEMA Regional Office for formal review and approval. FEMA-approved hazard mitigation plans developed under 44 CFR Part 201 have been used by FEMA to determine State and Tribal eligibility for Stafford Act assistance, including HMGP and PDM grant funds, and are now also used to establish eligibility for Flood Insurance Act grant programs such as SRL and FMA.

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.

FEMA has not implemented a requirement for States, Local or Tribal governments to use information technology to submit the Hazard Mitigation Plans; however, it does not preclude States, Local or Tribal governments from e-mailing electronic file(s) containing the plans to the appropriate FEMA Regional Office for review and approval.

These plans may be submitted in any format the jurisdiction chooses, such as Microsoft Word documents (.doc), Adobe Acrobat portable document format (pdf), or in hard paper copy. FEMA encourages States, Local and Tribal governments to use available technology to develop their plans. Approximately 95% of the plans in this collection utilize the mail submission option while 5% chose to email them in. No plans are faxed. The files are generally too large to send by fax or email.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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 other 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.

All Standard and Enhanced State Mitigation Plans must be reviewed, revised, and re-approved every three years by the appropriate FEMA Regional office, and Local and Tribal Mitigation Plans must be reviewed, revised and re-approved every five years. According to the Stafford and Flood Insurance Acts, without an approved mitigation plan, States, Local and Tribal governments can not receive certain FEMA assistance, including HMGP and PDM under the Stafford Act, and FMA and SRL under the Flood Insurance Act.

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 March 10, 2011, Volume 76 FR 13200. **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 June 8, 2011, Volume 76 FR 33327. **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.

FEMA Mitigation staff is regularly invited to participate in conferences, work groups or other meetings with the American Planning Association, Association of State Floodplain Managers and the National Emergency Managers Association, to discuss issues related to mitigation planning.

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.

In 2008, FEMA consulted with Tribal representatives during the development of the Tribal Mitigation Planning Guidance which was later issued in February, 2010. The link to the Tribal Multi-Hazard Mitigation Planning Guidance is <http://www.fema.gov/library/viewRecord.do?id=4135> is attached. In 2008, 2009 and 2010, FEMA met with the National Emergency Managers Association (NEMA) to discuss issues related to Mitigation Planning requirements. FEMA is currently reviewing its guidance and plan review procedures to address these concerns.

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

There is no payment or gift to respondents for this information collection.

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

The Privacy Threshold Analysis (PTA) for this collection was approved by DHS Privacy Office on February 15, 2011.

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.

There are no questions of 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 for each collection instrument (separately list each instrument and describe information as requested). 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.

To determine the annual burden for this collection, the hours were calculated separately for 1) development of new plans, 2) development of updated plans and 3) the review time for all plans.

- 1) To determine the number of development of new plans submitted by each respondent annually, FEMA estimated that roughly 5 new local or tribal plans for 56 States (approximately 280 responses) will take an average of 2,080 hours (12 months) per plan to develop, resulting in 582,400 burden hours. It is estimated that $2080 \text{ hours} \times 280 \text{ responses} = 582,400$ total annual burden hours.
- 2) To determine the number of updated plans submitted by each respondent annually, FEMA estimated that it would take an average of 320 hours (8 weeks) per plan to update. Based on the current inventory of plans approved, FEMA estimates that roughly 10 plans for 56 States (approximately 560 responses) will be updated annually, resulting in 179,200 hours per year for updates. All of the updated plans are submitted directly to FEMA from the State. It is estimated that $320 \text{ hours} \times 560 \text{ responses} = 179,200$ total annual burden hours.
- 3) In addition, all States must review and submit plans. FEMA have estimated that 15 plans are submitted for 56 States (approximately 840 responses) for review annually and it takes 8 hours to review each plan, the burden would include an additional 6,720 hours annually. It is estimated that $8 \text{ hours} \times 840 \text{ responses} = 6,720$ total annual burden hours.

The estimated time per respondent is calculated as follows: Total Annual Burden Hours of 768,320 divided by the number of respondents of 56 equals 13,720 hours.

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.

There are no forms involved with this data collection.

c. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

- Note: The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

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 Burden Cost
State, Local or Tribal Government	New Plan Development (includes local and Tribal)	56	5	280	2080 hrs.	582,400	\$43.54	\$25,350,000
State, Local or Tribal Government	Mitigation Plan Updates (includes local and Tribal)	56	10	560	320 hours	179,200	\$43.54	\$7,800,000
State, Local or Tribal Government	Mitigation Plans Review by States (includes local and Tribal)	56	15	840	8 hours	6,720	\$43.54	\$292,000
Total		56		1680		768,320		\$33,452,000

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for Urban and Regional Planners is estimated to be \$43.54 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to respondents Urban and Regional Planners is estimated to be \$33,452,652 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.

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

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.

Annual Cost to the Federal Government

Item	Cost (\$)
Contract Costs [Describe]	
Staff Salaries [GS13/3 employees spending approximately 80 hours to review and approve 24 State plans, and 40 hours to review and approve 816 local plans for this data collection]	\$1,131,148.
Facilities [cost for renting, overhead, ect. 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	
Total	\$1,131,148.

- **Note:** The “Avg. Hourly Wage Rate” for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

FEMA staff review and approve State Standard and Enhanced Mitigation Plans. Since State plans only need updating once every three years, it is assumed that 21 States would come in for a review annually, plus it is estimated that three States would develop an Enhanced Plan. The estimated review time of State Plans is 80 work hours each. Based on a GS 13, Step 3 Federal employee’s salary for FY 2010 (\$32.73 per hour), the estimated annualized cost to the Federal Government to review State Standard and Enhanced plans is \$62,841 (24 plans x 80 hours per plan x \$32.73). Approximately 816 local plans are submitted for review and approval each year (see 12a above), and it generally takes approximately 40 hours to review each local plan. Based on a GS 13, Step 3 Federal employee’s salary for FY 2010 (\$32.73 per hour), the estimated annual cost to the Federal Government to review local mitigation plans is \$1,068,307 (816 plans x 40 hours per plan x \$32.73). Therefore, the total annual cost to the Federal Government is estimated at \$1,131,148.

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.

There are no changes to the annual hour burden and there has been no change to the information being collected.

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
New Plan Development (Local and Tribal Mitigation Included)				\$16,499,392	\$25,357,696	+\$8,858,304
Mitigation Plan Updates (Local and Tribal Included)				\$5,076,736	\$7,802,368	+\$2,725,632
Mitigation Plans Review by States (Local and Tribal Included)				\$190,378	\$292,588	+\$102,210
Total(s)				\$21,766,506	\$33,452,652	+\$11,686,146

• **Note:** The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

There is an increase adjustment to the total cost to respondents from \$21,766,506 (2008) to \$33,452,652 (2011) as a result of an increase in the mean wage and the introduction of a multiplier (1.4) to account for a fully loaded average wage rate.

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.

FEMA does not intend to employ the use of statistics or the publication thereof for this information collection.

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

This collection does not seek approval to not display the expiration data for this information collection.

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

FEMA does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.