

1 Supporting Statement A for Paperwork Reduction Act Submission

Procedures for State, Tribal, and Local Government Historic Preservation Programs 36 CFR 61

OMB Control Number 1024-0038

Terms of Clearance. None.

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

The National Historic Preservation Act (16 U.S.C. 470 et seq.), as amended, established the programs and 36 CFR 61 further defined the programs for which NPS created the information collections in this Supporting Statement. The programs relating to these information collections have been in operation for at least 20 years.

The Act does not require State, tribal, or local governments to participate in these programs. Those that do participate must meet certain requirements to maintain their eligibility for the programs and the associated funding.

- Section 2 of the Act provides the declaration of policy of the Federal government with regard to historic preservation.
- Section 101(b)(2) of the Act requires the Secretary of the Interior to periodically evaluate each State's historic preservation program to make a determination as to whether or not it is in compliance with the requirements of the Act.
- Section 101(b) of the Act outlines the specific standards that the States must meet in order to obtain such approval.
- Section 101(c)(1) requires that each approved State program must provide for a mechanism for the certification of local governments.
- Pursuant to Section 101(d) of the Act, federally recognized Indian tribes, after agreement with the NPS, may assume responsibilities specified in Section 101(b)(3) and therefore use related information collections.
- Section 101(a)(7)(C) and Section 101(b)(1) of the Act authorize the Secretary to revise or promulgate regulations implementing these approval and certification processes.
- Section 101(c)(1)(E) requires that each certified local government (CLG) satisfactorily perform the responsibilities delegated to it under the Act.
- Section 101(b)(3)(A) of the Act requires each State to survey for historic resources and maintain an inventory of such properties.
- Sections 101(b)(3)(E), (F), and (I) of the Act require participating States to cooperate with, consult, and advise Federal agencies in meeting Federal agency responsibilities under the Act. The short-hand terminology for this process is "Review and Compliance" because States assist Federal agencies in part by reviewing Federal work, undertakings, etc., for compliance with Federal responsibilities under the Act. NPS carries out the authorities that these sections of the Act assign to the Secretary of the Interior.
- Section 108 of the Act created the Historic Preservation Fund (HPF) to support activities that carry out the purposes of the Act.
- Section 101(e)(1) of the Act requires the Secretary of the Interior to administer a program of matching grants to the States.
- Sections 101(d) and 101(e) of the Act direct a program of grants to Tribal Historic Preservation Offices (THPOs) for carrying out their responsibilities under the Act. Each

year, Congress directs NPS to use part of the annual appropriation from the HPF for the State grant program and the tribal grant program. The purpose of both the HPF State grants program and the HPF THPO grants program is to assist States and tribes in carrying out their statutory role in the national historic preservation program.

- Section 103(c) requires that States pass at least 10 percent of their annual grant award through to CLGs.
- Section 102 of Act gives the Secretary the authority to require reports from grantees.
- Section 101(b) mandates that State staff include qualified historic preservation professionals and describes the responsibilities of each State Historic Preservation Officer.
- Section 102(a) mandates that no grants to States may be awarded unless the application is in accordance with the Statewide historic preservation plan. These program-specific statutory mandates (in combination with governmentwide grant requirements and restrictions) form the basis for determining which activities are eligible for HPF grant support.

Each State and tribe approved and local government certified under these requirements is eligible to receive grant assistance. 36 CFR 61 details the processes for approval of State and tribal programs, the certification of local governments, and the monitoring and evaluation of State and CLG programs in a manner that ensures the propriety of the uses of this Federal assistance. NPS intends the provisions of 36 CFR 61 to meet minimum standards and requirements that the Act established without imposing additional or unwarranted burdens on States, tribes, or CLGs. None of these information collections are unfunded mandates. Congress appropriates monies annually from the HPF for distribution to the States and territories and tribes, and States pass through HPF grant funds to CLGs.

2. Indicate how, by whom, and for what purpose the information is to be used.

The NPS, other Federal agencies, State, tribal, and local governments, public and private organizations, and individuals use – to varying degrees – the data from these information collections.

NPS uses the information provided by State, tribal, and local governments to evaluate whether or not State, tribal, and local governments meet minimum standards and requirements for participation in the national historic preservation program and to meet governmentwide requirements for Federal grant programs. The decision by a State, tribal, or local government to seek approval, certification, or funding is voluntary, but completing the information collections is required to obtain the benefits of participation.

Also, NPS may use the information in part (in accordance with an apportionment formula) to determine the amount that each State and territory is to receive from the HPF appropriation in the next fiscal year. We also use data from these information collections in reports on the grant program's accomplishments, budget documents, as well as NPS and Department of the Interior's strategic plan documents.

State, tribal, and local government partners use the information collections to demonstrate their eligibility for grant support, to document their compliance with statutorily-mandated responsibilities for historic preservation offices, to plan for and report on their historic preservation performance, and to demonstrate their contributions to the Federal-State-tribal-local national historic preservation partnership. Information related to program capability and to program achievements in the identification, evaluation, registration, and protection of irreplaceable historic and prehistoric resources is used by the general public and by

decisionmakers at all levels of government to assess the success of historic preservation programs everywhere.

Most of the information collection requirements remain unchanged from our previous submission. We have made minor, nonsubstantive changes to the following forms:

- State Achievements Annual Report
- CLG Baseline Questionnaire
- CLG Annual Accomplishments Report

In addition, we have added the requirement for each State to develop a Statewide Historic Preservation Plan. This is not a new requirement, but was mistakenly omitted in our previous submissions. Section 101(b)(3)(C) (16 U.S.C. 470a(b)(3)(C) requires every State to prepare and implement a Statewide Historic Preservation Plan. In accordance with standard planning practice, NPS has set broad parameters relating to the audiences that States should seek out in developing their State Plans as well as the range of resources that should be addressed. Within those parameters, each State can choose how to approach the public, analyze the data, address broad topics and present information in the plan, and make the plan available to the public.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].

The decentralized and flexible nature of our' administration of State, tribal, and local government partner historic preservation programs and the varying needs and computer capabilities of States, tribes, and local governments, and the different kinds of information collections covered by this Supporting Statement all are major obstacles to totally or uniformly automating the systems.

For most of the information collections that this supporting statement describes, there is no compulsory, paper-based requirement. The information collections that are not grants-related do not produce data that States, tribes, or local governments send routinely to the NPS. For these information collections, we give each State, THPO, and CLG the latitude to use whatever technological collection techniques make sense in its legal, organizational, and information technology environment. Consequently, Government Paperwork Elimination Act (GPEA) requirements are met for those information collections. Even where we do require a hard-copy document because of a signature requirement, we have attempted to put the spirit of GPEA into effect. Like all Federal grant programs, the Historic Preservation Fund State Grants program and Tribal Grants Program are committed to the government-wide "E-Grants," "Grants.gov," and similar initiatives. As soon as the original signature issues have been solved, the HPF State and Tribal Grants programs will drop their hard copy requirements and become fully compliant with GPEA. States submit electronically the grant-related forms for which NPS does not require hard-copy submittals.

4. Describe efforts to identify duplication.

The information that we collect is unique and not available from any other source.

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

These information collection requirements do not impact small businesses or other small entities as we only collect information from States, tribes, and local governments. In addition, we collect only the minimum information necessary to establish eligibility and to assess the effect of the programs.

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

We must collect this information in order to ensure that State, tribal, and local governments meet the specific requirements and standards that the Act established and to ensure the proper conduct of Federal assistance activities.

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.

The only special circumstance that is inconsistent with OMB guidelines is the timeframe for the retention of each State's inventory on its historic resources, which by its nature requires retention longer than 3 years. Maintenance of the State inventory is a requirement of the Act [Section 101(b)(3)(A)].

8. If applicable, 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 these 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.

On April 17, 2014, we published in the Federal Register (79 FR 21792) a notice soliciting public comment on this information collection for 60 days. The comment period ended on June 16, 2014. We did not receive any public comments in response to that notice.

We consulted with States and tribes when originally developing these information collection requirements. In addition, we consult with all States several times annually either directly at regularly scheduled meetings of SHPOs or through officials of the National Conference of State Historic Preservation Officers, which represents the interests of the States. These consultations serve as opportunities for the States to provide suggestions and comments on the availability of data, information items required, the clarity of instructions, etc. Similar consultations have taken place with tribes and local governments both individually and through their national organizations (the National Association of THPOs and National Alliance of Preservation Commissions). CLGs also have the ability to communicate with us through their SHPOs.

For this renewal, we consulted with a small sample of States, THPOs, and CLGs (see attachment 1) to determine the current burden in terms of time and dollars. We used an average of the responses to generate our burden estimates in item 12. Note that because no State Program Reviews have occurred in the last 3 years, we did not make new inquiries about the burdens associated with that information collection requirement. Instead, we used the time burden estimates from the previous submission and updated the dollar cost burdens.

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 respondents other than remuneration of grantees.

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

We make no assurance of confidentiality. The only exception is for location information concerning some properties included in the State inventories. Pursuant to Section 304 of the National Historic Preservation Act, as amended, (16 U.S.C. 470w-3), release of information is tightly controlled when such release could have the potential of damaging those qualities that make a property historic.

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.

We do not ask questions of a sensitive nature.

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

There are approximately 2,069 respondents (59 States, territories, and District of Columbia; 150 tribal governments; and 1,860 certified local governments) for these information collection requirements. We estimate that we will receive 56,680 annual responses totaling 58,249 burden hours as indicated below. We based our estimates on our experience in administering this collection and the results of our outreach. Completion times vary greatly depending on complexity. For each requirement, we averaged the completion times provided during our outreach and rounded.

ACTIVITY	ANNUAL NUMBER OF RESPONSES	COMPLETION TIME PER RESPONSE (hours)	TOTAL ANNUAL BURDEN HOURS
Local Government Certification Application/Agreement	40	39.75	1,590
Certified Local Government Monitoring	1,860	7.25	13,485
Certified Local Government Evaluations	465	12.00	5,580
Baseline Questionnaire for CLGs	250	6.00	1,500
Annual Achievements Report for CLGs	1,000	2.00	2,000
State Inventory Maintenance	26,904	.25	6,726
State Technical Assistance to Federal Agencies (Review & Compliance)	25,370	.25	6,343
Statewide Historic Preservation Plan	14	797.00 ¹	11,158
State Program Review	15	90.00	1,350
State Cumulative Products Table	89	10.00	890
State Organization Chart and Staffing Summary	30	2.00	60
State Anticipated Activities List	30	5.75	173
State Project Notification	59	1.50	89
State Final Project Report	59	1.00	59
State Project/Activity Database Report	59	18.25	1,077
State Sources of Non-Federal Matching Share Report	52	2.25	117
State Significant Preservation Accomplishments Summary	59	3.75	221
Annual Achievements Report for States	25	2.25	56
Tribal Historic Preservation Office (THPO) Grants Product Summary Page	150	15.50	2,325
THPO Annual Report	150	23.00	3,450
TOTAL	0		0

¹ Includes 294 hours for public engagement, 121 hours for data and resource analysis, 283 hours for plan design and writing, and 90 hours for publishing/posting.

We estimate that the total value of the burden hours is \$2,197,735 (58,249 hours x \$37.73). Historians represent a typical discipline found in every government historic preservation office. We have used the average hourly wage of a historian in a State government setting (\$25.15) as the average combined wage for all who perform work associated with these requirements (Clerical/Unskilled, Skilled/Technical, Professional Managers, and Executives). The source of the wage data is the Bureau of Labor Statistics Occupational Employment and Wages, May 2013, 19-3093 Historians (<http://www.bls.gov/oes/current/oes193093.htm>). In accordance with Bureau of Labor Statistics Bulletin USDL 14-1075 entitled "Employer Costs for Employee Compensation—March 2014" (<http://www.bls.gov/news.release/pdf/ecec.pdf>), we multiplied the hourly wage by 1.5 to account for benefits, resulting in an hourly wage of \$37.73.

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

We estimate the total annual nonhour burden cost for this information collection to be \$90,836, primarily for photocopying, mailing, office supplies, travel expenses, etc. This estimate is based on our outreach and on our experience in administering this collection. As more and more official communications are made via email, the photocopying and mailing costs have decreased substantially.

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

The total annual cost to the Federal Government is approximately \$279,011 (rounded). We used the Office of Personnel Management Salary Table 2014-DCB to determine hourly wages. We have used the hourly wage of a GS-11, step 4 (\$33.25) as the average combined wage for all who perform work associated with these requirements (Clerical/Unskilled, Skilled/Technical, Professional Managers, and Executives). To calculate benefits, we multiplied the hourly rate by 1.5 in accordance with BLS News Release USDL 14-1075, resulting in an hourly cost factor of

\$49.88.

Salary Costs - \$204,011

ACTIVITY	ANNUAL HOURS SPENT ON COLLECTION	TOTAL ANNUAL GOVT SALARY COSTS (\$49.88/HR) ¹
Local Government Certification Application	80	\$ 3,990
Baseline Questionnaire for CLGs	118	5,886
Annual Achievements Report for CLGs	390	19,453
Statewide Historic Preservation Plan	159	7,931
State Program Review ²	2,610	130,187
State Cumulative Products Table - Application	10	499
State Cumulative Products Table – End-of-Year Report	68	3,392
State Organization Chart and Staffing Summary	10	499
State Anticipated Activities List	28	1,397
State Project Notification	28	1,397
State Final Project Report	30	1,496
State Project/Activity Database Report	385	19,204
State Sources of Non-Federal Matching Share Report	27	1,347
State Significant Preservation Accomplishments Summary	29	1,447
Annual Achievements Report for States	9	449
Tribal Historic Preservation Office (THPO) Grants Product Summary Page	97	4,838
THPO Annual Report	12	599
TOTAL	0	\$204,011

¹ Rounded

² Includes costs for CLG monitoring, CLG evaluations, State inventory maintenance, State review and compliance tracking.

Nonhour Costs - \$75,000. We estimate approximate \$75,000 for nonsalary costs associated with this collection.

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

We are requesting 56,680 annual responses totaling 58,249 annual burden hours, and \$90,836 in nonhour burden costs for this information collection.

We are reporting as a program change a net decrease of 95 responses, a net increase of 10,799 annual burden hours, and an increase of \$47,026 in nonhour burden costs as follows:

- Decrease of 59 responses and 5 burden hours associated with the State Unexpected Carryover Funds Table and Statement. This table and statement is generated electronically and there is no burden on the States.
- Decrease of 50 responses and 354 burden hours associated with Tribal Historic Preservation Office (THPO) Unexpected Funds Carryover Statement. We no longer require the THPOs to prepare this statement. Because the funding has not kept up with the increasing number of THPOs, the average THPO program award has dropped to less than \$75,000. Requiring the carry-over statement no longer made sense given the ever lowering level of funding. Should this funding trend reverse itself, we would reconsider reinstating this requirement.
- An increase of 14 responses, 11,158 annual burden hours, and \$47,076 in nonhour burden costs associated with the Statewide Historic Preservation Plan. The plan is not a new requirement, but we have never included the requirement in our previous submission.

We are reporting as an adjustment, a net increase of 393 responses and 3,060 annual burden hours and a net decrease of \$296,664 in nonhour burden costs. We made these adjustments based on our experience in administering this collection and the burden information provided during our outreach.

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

Upon certification, we add the name of each CLG to the list of CLGs that appears on our CLG website. Also, we require States to either publish their approved Statewide Historic Preservation Plan or to post it on their web sites. Our website provides links to all approved State Plans that have been posted to State websites.

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 forms and other appropriate documents associated with this information collection.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.