

Supporting Statement A

Application for Land for Recreation or Public Purposes (43 CFR 2740 and 2912)

OMB Control Number 1004-0012

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A 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 below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

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

The Bureau of Land Management (BLM) uses the information collection to decide whether or not to lease or sell certain public lands to applicants under the Recreation and Public Purposes (R&PP) Act, 43 U.S.C. 869 to 869-4. The Act authorizes the Secretary of the Interior to lease or sell, for recreational or public purposes, certain public lands to State, Territory, county, and local governments; nonprofit corporations; and nonprofit associations. BLM regulations at 43 CFR Parts 2740 and 2912 provide standards and procedures for implementing the Act. The BLM collects no similar information from the same universe of respondents.

- 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.**

The BLM collects and uses the applicant's information once to determine if the applicant meets all requirements of the act and regulations to lease or purchase lands for recreational or public purposes.

The BLM uses the information on Form 2740-1 (Application for Land for Recreation or Public Purposes) as follows:

Item #1a: Applicant's name? The BLM uses the information to identify the applicant.

Item #1b: Applicant's address, home phone number, and business phone number? The BLM uses the information to identify and communicate with the applicant.

Item #2: Give legal description of the lands applied for: Subdivision; Section; Township; Range; and Meridian? The BLM uses the information to identify the location of the lands, and determine if the lands meet the requirements of the Act and regulations.

Item #3a: This application is for lease or purchase? The BLM uses information to determine the method of disposal. If the applicant plans to lease the lands, the BLM uses the years to determine the expiration date of the lease.

Item #3b: Proposed use is public recreation or other public purposes? The BLM uses the information to determine what the applicant pays for the lands.

Item #4: Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land? The BLM uses the applicant's construction schedule, development and management plans, and estimated revenue expenditures to determine if the applicant's proposed project is well planned, adequate, effective, realistic, and practical. If the proposed project substantially interferes with the environment or cultural resources, the applicant must select another site for the project.

Item #5: If the applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes? The BLM uses the information to determine the applicant's qualifications (governmental or nonprofit entity), if the applicant is registered to do business in the State, if the applicant has the authority to hold or acquire the lands, and if the signing official has the authority to act on the applicant's behalf.

Item #6: Attach a copy of your authority for filing this application and to perform all acts incident thereto? The BLM uses the information to verify the applicant's qualifications (governmental or nonprofit entity), if the applicant is registered to do business in the State, if the applicant has the authority to hold or acquire the lands, and if the signing official has the authority to act on the applicant's behalf.

Item #7: If the land described in this application has not been classified for recreation and/or public purposes pursuant to the Act, consider this application as a petition for such classification? The BLM uses this statement to eliminate the petition for classification form from the collection.

Item #8: Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? To lease or purchase lands under the Act the applicants must obligate themselves to the following commitment: Nondiscrimination as to access to the lands and facilities based on race, color, religion, sex, age, or national origin in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 241).

Item #9: Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? To lease or purchase lands under the Act applicants must obligate themselves to the Americans and Disabilities Act of 1990 (101 Stat. 327).

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.

Form 2740-1 is electronically available to the public in printable format on BLM's Forms Web site at <http://www.blm.gov/noc/st/en/business/eForms.html>. A respondent who chooses to submit the form electronically may do so by scanning and then emailing it to the appropriate BLM office. The requested information is unique to each respondent.

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.

The information collection is unique to the R&PP Act and regulations. The BLM is the only agency collecting this information. The BLM is unable to use or modify existing information collections to process new applications because the applicant's responses are distinct, unrelated, and specific to their individual proposed project.

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

Respondents are State, Territory, county, and local governments; nonprofit corporations; and nonprofit associations. The BLM does not collect information about the size of the respondents. The BLM assumes that some of the private-sector respondents may be small businesses or other small entities.

There are no special methods used to minimize the burden because the information collected by the BLM is limited to the information required for an applicant to meet the requirements of the R&PP Act and the relevant regulations.

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.

The BLM is the only Federal agency responsible for implementing the R&PP Act. Failure to collect the information, or reducing the burden would preclude the collection of sufficient information to determine if the applicant meets the statutory requirements of the R&PP Act and regulations.

- 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. We do not exceed 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.

On June 16, 2015, the BLM published the required 60-day notice in the Federal Register (80 FR 34454), and the comment period ended August 17, 2015. The BLM received no comments.

The BLM has consulted with the following respondents to obtain their views on the availability of data; frequency of collection; the clarity of instructions; the recordkeeping, disclosure, and reporting formats; and on the data elements to be recorded, disclosed, or reported. Four respondents provided feedback and are summarized below.

Leigh E. Johnson, Maricopa County Parks and Recreation Department

Mr. Johnson, Maricopa County Parks and Recreation Department’s suggested two changes to the application form. On item 2, the respondent suggested allowing for GIS/GPS data. On the upper right corner of the form, the respondent suggested removing the home phone number box, because he indicated the business phone number is sufficient. The respondent stated applicants should be able to submit applications electronically via the web, which may provide better tracking of application status or progress.

In response to Mr. Johnson, the BLM can only accept a legal description based upon a Federally-approved survey, so the BLM will continue to ask for legal descriptions. Regarding elimination of the home phone number from the form, the BLM finds the number is helpful for contact purposes; and the applicants have the flexibility to either provide a business phone or home phone or both as part of their request.

Bill R. Hamm

City of Las Cruces East Mesa Public Safety Complex and Recreation Area

Regarding Form 2740-1, page 2, Specific Instructions, item 4.c., the respondent indicated that drawings should refer to ‘conceptual design drawings’ or ‘preliminary design’. Requiring more detailed and technical drawings beyond preliminary design at this stage in the development of a project could be financially burdensome on an applicant. In addition, the results of assessing “any known environmental or cultural concerns specific to the land” (from Form 2740-1, page 1, line 4) could affect the continuing design development subsequent to the granting of an R&PP lease.

According to the BLM, the application process requires a plan of development which specifies what the lands will be utilized for and is the basis for future compliance reviews as the lands are developed. No change to the application requirement is necessary.

**Catherine Burr Mathews,
City of Las Cruces/PublicWorks**

On Form 2740-1, page 2, Specific Instructions, item 6, the respondent would like to guarantee that BLM personnel will actually recognize a resolution from the governing board of the applicant's organization as sufficient evidence of authority to contract. For example, the local BLM office does not recognize a City Council Resolution, specifically granting authorization to apply for a lease to the City Manager, as proper evidence of authority.

Applications require a single contact who will be the responsible party who BLM will coordinate with throughout the process.

The instructions should also include specific information or a chart detailing the supplemental documents and studies that will be required throughout the process. For instance, a chart could indicate the steps in the process when a Categorical Exclusion, ESA / Phase I, or Environmental Assessment would be required. Also, additional reports and studies required (Archaeological studies, Biological studies, Paleontological studies, Mineral studies, etc.) should be clearly identified early in the process or before the application is even started.

The BLM has documents outlining the Environmental Analysis process identifying the various steps for the process, which are available through local and state BLM offices.

**Brad M. Isaacson,
Department of Public Safety, New Mexico State Police District 4 Headquarters**

The New Mexico General Services Dept. / Facilities Management Division never had issues in regards to their facilities in Las Cruces (State Police, JP Taylor Youth Detention Facility, and the Southern NM Correctional Facility) vis-a-vie the RPP. The respondent does not have any comments directed to changes or improvements to the application form.

The burden estimates were not adjusted as a result of these consultations.

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

The applicant receives no payments or gifts.

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

The BLM provides the respondents no assurance of confidentiality.

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.

The applicant is not required 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.**

Table 12-1, below, shows our estimate of the hourly cost burdens for State, Territory, county, and local respondents. The mean hourly wages for Table 12-1 were determined using national Bureau of Labor Statistics data at: http://www.bls.gov/oes/current/naics3_999000.htm.

The benefits multiplier of 1.5 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 12-1 – Hourly Cost Calculation for State, Territory, County, and Local Respondents

A. Position	B. Mean Hourly Wage	C. Hourly Rate with Benefits (Column B x 1.5)
Compliance Officers 13-1041	\$30.91	\$46.37

Table 12-2, below, shows our estimate of the hourly cost burdens for private-sector respondents (i.e., nonprofit corporations and nonprofit associations). The mean hourly wages for Table 12-1

were determined using national Bureau of Labor Statistics data at:
http://www.bls.gov/oes/current/oes_nat.htm.

The benefits multiplier of 1.4 is implied by information at
<http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 12-2 – Hourly Cost Calculation for Private-Sector Respondents

A. Position	B. Mean Hourly Wage	C. Hourly Rate with Benefits (Column B x 1.4)
Compliance Officers 13-1041	\$32.69	\$45.77

Table 12-3, below, shows our estimates of the annual hour and hour-related cost burdens. The estimated hourly wage was calculated as shown in Tables 12-1 and 12-2. Based on informal discussions with the respondents listed under Question 8, we estimate it will take respondents approximately 920 burden hours to complete the R&PP Application Form.

Table 12-3 - Estimates of Annual Hour and Cost Burdens

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (Column B x Column C)	E. Annual Cost (Column D x Estimated Hourly Wage with Benefits)
Application for Land for Recreation and Public Purposes — State, Territory, County, and Local Governments	21	40	840	\$38,950.80 (840 hours x \$46.37 / hour)
Application for Land for Recreation and Public Purposes — Nonprofit Associations	1	40	40	\$1830.80 (40 hours x \$45.77 / hour)
Application for Land for Recreation and Public Purposes — Nonprofit Corporations	1	40	40	\$1830.80 (40 hours x \$45.77 / hour)
Totals	23		920	\$42,612.40

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 incur no annual capital or start-up costs, and no recurring annual costs to prepare or respond to the information collection. Respondents are not required to purchase any computer software or hardware to comply with this information collection.

Pursuant to 43 CFR 2742.4, all applications must be accompanied by a one-time non-refundable filing fee of \$100. Based on the estimated number of applications filed annually, we estimate that respondents incur the following non-hour costs annually:

- \$2,100 for States, Territories, county, and local governments;
- \$100 for nonprofit associations; and
- \$100 for nonprofit corporations.

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.

Table 14-1, below, show the hourly cost to the Federal Government is based on the U.S. Office of Personnel Management Salary Table 2015-RUS at http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/15Tables/html/RUS_h.aspx. The benefits multiplier of 1.5 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 14 -1 — Hourly Cost Calculation

A. Position and Pay Grade	B. Hourly Pay Rate (\$/hour)	C. Hourly Rate with Benefits (Column B x 1.5)
Technical GS-11, Step 1	\$28.06	\$42.09

Table 14-2, below, shows the annualized Federal costs for each aspect of the collection. The estimated processing time is based on the BLM's experience and includes conducting field inspections; on-the ground environmental analyses, which include monitoring endangered species sites and archeological sites; conducting archeological surveys; and determining reclamation measures. The estimated hourly wage with benefits is shown at Table 14-1, above.

Table 14-2 — Estimated Annual Cost to the Government

A. Type of Response	B. Number of Responses	C. Time Per Response	D. Total Hours (Column B x Column C)	E. Total Wage Cost (Column D x \$42.09)
Application for Land for Recreation and Public Purposes — State, Territory, County, and Local Governments	21	40	840	\$35,355.60
Application for Land for Recreation and Public Purposes — Nonprofit Associations	1	40	40	\$1,683.60
Application for Land for Recreation and Public Purposes — Nonprofit Corporations	1	40	40	\$1,683.60
Totals	23		920	\$38,722.80

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.

We have no plans to publish this information 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.

We are not requesting approval to not display the expiration date.

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.