

SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

U.S. Fish and Wildlife Service Preliminary Land Acquisition Processes OMB Control Number 1018-New

Terms of Clearance: None

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

Information collected by the U.S. Fish and Wildlife Service (in support of the land acquisition program) is required under applicable statutes, Department of Justice regulations, Departmental and Service policies, and best business practices. In addition, the PATS database facilitates Secretarial Orders 3356 and 3366 by tracking land acquisitions that have potential to support public hunting, fishing, and other forms of outdoor recreation, and access related thereto. Authorities for the collection of realty-related information include:

- Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016);
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601);
- National Wildlife Refuge Administration Act of 1966 (16 U.S.C. § 668dd);
- Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. § 718d);
- Migratory Bird Conservation Act (16 U.S.C. § 715-715r, as amended);
- Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. § 460l);
- Endangered Species Act of 1973, as amended (16 U.S.C. § 1534);
- Emergency Wetlands Resources Act of 1986 (16 U.S.C. § 3901); and,
- Fish and Wildlife Act of 1956, as amended (16 U.S.C. § 742a).

Currently, each Regional Office within the Service utilizes independent systems, both electronic and manual, for tracking information dealing with ongoing land transactions by the Service. The Pre-Acquisition Tracking System (PATS) database will standardize many business practices among the Regional Offices and will simplify and standardize the collection, use, sharing, and reporting of realty data. The Service internally processes and enters all data into PATS. The public does not access the PATS database at any point in the realty process.

The PATS tracks each step of an ongoing land transaction, and prepares the required standard documents throughout the process. The PATS database simplifies and standardizes the many common business practices involved in the collection, use, sharing, and reporting of realty data at all levels of the Division of Realty, and further allows for the uniqueness of the realty process found throughout the United States at the State and local levels. The PATS database is an enterprise approach for data tracking and document management. Implementation of this approach will make data calls and status reports more consistent and timely, and will assist with the Service's PRA compliance. Currently, the Service uses the Pre-Acquisition Tracking System (PATS) in Region 3. However, we plan to implement PATS as the standardized nationwide system for the Service's Realty Program.

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 Service tracks information collected from landowners as part of the preliminary land acquisition process within the PATS database. The public does not access the PATS database at any point in the realty process. It is strictly an internal system used to manage information collected from the public as part of the land acquisition process. Information collected by the Service as part of the preliminary land acquisition process may include the following:

Initial Requests - Initial request to consider property, to include such items as:

- Identifying information for the legal property owner(s), such as:
 - o Name of primary property owner, along with spouse and/or co-owner(s) whose names appear on the current deed to the property under review;
 - o Marital status;
 - o Other names used; and
 - o Contact information to include telephone numbers, personal email addresses, and mailing/home addresses.
- Financial information, to include Social Security Numbers (necessary for final payment transaction).
- Property description, to include such information as:
 - o Property name,
 - o Location,
 - o Legal description, and
 - o Introductory information.

Permission to Inspect and Appraise (FWS Form 3–2471) – Collects information about the property owner and location, and grants permission to enter and inspect the property for real estate acquisition purposes. We do not use Form 3–2471 in projects that are under Memoranda of Understanding (MOU), Memoranda of Agreement (MOA), Cooperative Agreements, some donation partnerships, and other special cases.

Inspection may include, but is not limited to:

- Appraisal Valuations;
- Boundary survey;
- Hazardous materials examination (contaminant survey); and
- Physical examination of any structures on the property.

Waiver of Appraisal Requirement (FWS Form 3–2461) – Per 49 CFR 24.102(c)(2), a willing-seller landowner may release the Service from the obligation of obtaining an appraisal for:

- (1) Land donations, and
- (2) Certain land acquisitions where the anticipated value is low and the valuation problem is uncomplicated.

Unless delivered in person, both the Permission to Inspect and Appraise (FWS Form 3–2471)

and the Waiver of Appraisal Requirement will contain a cover letter referred to as the Access Permission Letter. The Access Permission Letter does not request any information, but it used to explain the form or waiver process.

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.

Currently, we expect most landowners will submit documents to the Service in paper format by either submitting the request in person or by post. We will also accept documents as an email attachment or via fax. We estimate receiving approximately 25% of submissions 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.

The information that we collect is unique to each landowner conducting realty transactions with the Service and is not available from any other source.

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

This collection will not have a significant impact on small entities. We collect only the minimum information necessary to establish the identity of the landowner, to conduct the realty transaction, and to finalize electronic payment to the landowner.

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

If we do not collect the information or if we collect the information less frequently, we could not complete the realty transaction. Further, we would be unable to comply with Internal Revenue Service requirements to prepare the required Forms 1099 or process electronic payments.

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 us to collect this information in a manner inconsistent with OMB guidelines.

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.

8.1 – Publication of 60-day Federal Register Notice

On July 11, 2018, we published in the *Federal Register* ([83 FR 32138](#)) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on September 10, 2018. We received no comments in response to that Notice:

8.2 – Targeted Outreach

In addition to the Federal Register Notice, we consulted with the nine (9) individuals identified in Table 8.2A who familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

Table 8.2A

Organization	Title	Small Entity?
State Government*		
Private Sector*		X
Private Sector*		X
Private Sector*		X
Private Sector*		X
	Private Landowner*	
	Private Landowner*	

	Private Landowner*	
	Private Landowner*	

*Government, Private Sector and Private Landowner names are confidential due to active ongoing acquisitions.

“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary”

Comments: The State Government surveyed thought the forms were well put together and useful. They also commented that the form would be more useful for them if it had additional information that included their state requirements and internal codes. Respondents commented that the forms were clear and the information gathered was necessary. They also commented that they appreciated that we did the forms and agreed with the collection of information and there were no additional comments or suggestions.

FWS Response/Action Taken: We appreciate that the state thought our forms were good, but we will not be making additional fields on the forms since we work with multiple states and not all would agree on the additional content. No Action taken (no issues were addressed – non required)

“The accuracy of our estimate of the burden for this collection of information”

Comments: The State Government commented that filling out the forms only took a few minutes. However, it took additional time to get it to the correct signing official with the state and to follow the approval process. Individual respondents commented that our time estimates were too high for the forms. Private sector respondents felt the time estimates were reasonable for corporate processes.

FWS Response/Action Taken: We increased time estimate for State government entities from 30 minutes to 2 hours due to the approval process and time it takes to obtain additional levels of approval. We reduced the time estimated for an individual or private sector landowner from 1 hour to a half hour for the Initial Request Section.

“Ways to enhance the quality, utility, and clarity of the information to be collected”

Comments: Respondents commented that the Information collected seems clear and the form was straightforward.

FWS Response/Action Taken: No Action taken (no issues were addressed – non required)

“Ways to minimize the burden of the collection of information on respondents”

Comments: All respondents agreed with the collection of information and none had any detailed comments or recommendations.

FWS Response/Action Taken: No Action taken (no issues were addressed – non required)

Additional comments received during the outreach:

Comments: Respondents mentioned these were the easiest government forms they had ever filled out and that they appreciate the partnership.

FWS Response/Action Taken: No Action taken (no issues were addressed – non required)

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

We do not provide payment or gifts to respondents.

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

Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. § 552). In addition to personally identifiable information needed to identify property owners, we gather Social Security Numbers and banking information to assist with electronic payments and preparation of the required Internal Revenue Service Form 1099. All information is maintained in a secure System of Records ([Real Property Records, FWS-11](#), 64 FR 29055, dated May 28, 1999).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

We do not ask 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.**

We estimate that we will receive **373 responses** totaling **266 annual burden hours**. We estimate the dollar value of the annual burden hours to be **\$10,033** (rounded).

We used the of Bureau of Labor Statistics (BLS) News Release [USDL-18-0944](#), June 8, 2018,

Employer Costs for Employee Compensation - March 2018, to calculate the cost of the total annual burden hours:

- Individuals. Table 1 lists the hourly rate for all workers \$36.32, including benefits.
- Private Sector. Table 5 lists the hourly rate for all workers as \$34.17, including benefits.
- Government. Table 3 lists the hourly rate for all workers as \$49.40, including benefits.

Requirement	Average Number of Annual Respondents	Average Number of Responses Each	Average Number of Annual Responses	Average Completion Time per Response	Estimated Annual Burden Hours*	Hourly Rate	\$ Value of Annual Burden Hours
Initial Requests							
Individuals	129	1	129	.5	65	\$ 36.32	\$ 2,342.64
Private Sector	78	1	78	1	78	34.17	2,665.26
Government	13	1	13	2	26	49.40	1,284.40
Permission to Inspect and Appraise (FWS Form 3-2471)							
Individuals	57	1	57	.5	29	\$ 36.32	\$ 1,035.12
Private Sector	24	1	24	.5	12	34.17	410.04
Government	4	1	4	2	8	49.40	395.20
Waiver of Appraisal Requirement (FWS Form 3-2461)							
Individuals	3	1	3	.5	2	\$ 36.32	\$ 54.48
Private Sector	56	1	56	.5	28	34.17	956.76
Government	9	1	9	2	18	49.40	889.20
Totals:	373		373		266		\$ 10,033.10

*Rounded to match ROCIS

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.

There is no non-hour cost burden to respondents 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 not have been incurred without this collection of information.

We estimate the total annual cost to the Federal government to administer this information collection is **\$339,393** (\$171,393 for Federal salary/benefits and \$168,000 for program administration costs).

To determine average annual salary costs, we used the Office of Personnel Management Salary Tables identified in Table 14.1 to determine the annual salary costs for staff involved in reviewing and processing the information collected as shown below. In accordance with Bureau of Labor Statistics News Release [USDL-18-0944](#), June 8, 2018, Employer Costs for Employee Compensation—March 2018, we multiplied the annual salaries by 1.59 to account for benefits:

Table 14.1 – Salaries and Benefits:

Position	Grade	OPM Table	Annual Salary	Annual Salary, Incl. Benefits (Salary X 1.59)	Time Spent on Collection (%)	\$ Value of Annual Burden Hours
Realty Specialist	GS-09/05	MN 2018-MSP	\$ 61,321	\$ 97,500.39	75%	\$73,125.29
Realty Specialist (HQ)	GS-13/05	DC 2018-DCB	109,900	174,741.00	25%	43,685.25
Realty Specialist (R1)	GS-11/05	OR 2018-POR	73,687	117,162.33	5%	5,858.12
Realty Specialist (R2)	GS-09/05	NM 2018-AQ	57,539	91,487.01	5%	4,574.35
Realty Specialist (R3)	GS-12/05	MN 2018-MSP	88,925	141,390.75	10%	14,139.08
Realty Specialist (R4)	GS-11/05	GA 2018-ATL	72,863	115,852.17	5%	5,792.61
Realty Specialist (R5)	GS-11/05	MA 2018-HAR	77,103	122,593.77	5%	6,129.69
Realty Specialist (R6)	GS-11/05	CO 2018-DEN	75,455	119,973.45	5%	5,998.67
Realty Specialist (R7)	GS-11/05	AK 2018-AK	76,989	122,412.51	5%	6,120.63
Realty Specialist (R8)	GS-11/05	CA 2018-SAC	75,088	119,389.92	5%	5,969.50
Total:						\$ 171,393.18

Table 14.2 – Program Administration:

Federal Costs/Investment	
Developer Contractor	\$150,000
Filemaker User Licenses	18,000
Total Program Administration Costs:	\$168,000

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

This is a new collection in use without OMB approval.

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.

This information collection is not subject to statistical analysis and we will not publish the results.

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.

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.