

**SUPPORTING STATEMENT A
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**Alaska Native Vietnam-Era Veterans Allotments (43 CFR 2569)
OMB Control Number 1004-0216**

Terms of Clearance: Not applicable – This is a request for a new OMB control number in conjunction with the final rule, “*Alaska Native Vietnam-Era Veterans Allotments*” (RIN 1004-AE66).

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) proposes to issue regulations to allow certain Alaska Native Vietnam-era veterans (Eligible Individuals) and their heirs to apply for land allotments under Section 1119 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, Pub. L. No. 116-9 (Section 1119). This is a brand new program.

The Native Allotment Adjudicators within the BLM’s existing Alaska Conveyance Program would use the information collections to:

- (1) Determine whether the applicants or their heirs are Eligible Individuals;
- (2) Determine whether court-appointed representatives and attorneys-in-fact have authority to represent Eligible Individuals;
- (3) Determine whether chosen allotments are available for conveyance; and
- (4) Ultimately issue Certificates of Allotment.

The following authorities necessitate this collection of information:

- Open season for certain Alaska Native veterans for allotments (43 U.S.C. 1629g-1(b) (2))
- 43 CFR 2569.402 (newly proposed subpart in conjunction with RIN 1004-AE66).

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.

This final rule imposes new information-collection requirements on Eligible Individuals who participate in the program, their heirs, and their legal representatives. These requirements would expire when the program terminates 5 years after the effective date of the final rule. The BLM would share the information with the Bureau of Indian Affairs (BIA) and the Department of Veterans Affairs (VA), both of which would assist the BLM in verifying the Eligible Individuals’ qualifications.

The following sections of the final rule address this information collection:

Provide Proof of Eligibility (43 CFR 2569.302) – Section 2569.302 would allow individuals who believe that they are eligible to participate in the program, but who have not been automatically notified by the BLM that they are eligible, to apply for an allotment. Such individuals would be required to provide with their application supporting documents to prove they are eligible, such as a Certificate of Degree of Indian Blood, and a Certificate of Release or Discharge from Active Duty (Form DD-214).

Appointment of Personal Representative/Guardian/Attorney-in-fact (43 CFR 2569.303 and 2569.404) – Section 2569.303 would allow another person to apply for an allotment on behalf of an Eligible Individual. A personal representative of the estate of an Eligible Individual could apply for an allotment for the benefit of the estate. The personal representative must be appointed in an appropriate Alaska State court by either a judge in the formal probate process or the registrar in the informal probate process. A court-appointed guardian or conservator or an attorney-in-fact of an Eligible Individual could apply for an allotment for the benefit of the Eligible individual. Similarly, under § 2569.507 if an applicant dies or becomes incapacitated before completing the application process, a personal representative, guardian, conservator, or attorney-in-fact could be appointed to continue to represent the applicant or the applicant's estate.

Section 2569.404 identifies the information and documents that applicants would be required to include on their initial application form under various applicant scenarios. This form would collect basic contact information, along with the Eligible Individual's date of birth, and:

- A map showing the location of the requested allotment, along with a written description of the land requested. The BLM will provide an internet-based mapping tool with the identified available Federal lands;
- Appropriate documentation proving that the Eligible Individual is an Alaska Native;
- Appropriate documentation proving that the Eligible Individual is a Veteran who served during the Vietnam Conflict (between August 5, 1964, and December 31, 1971).
- If applicable, documentation from an Alaska State Court that shows that a personal representative, guardian/conservator, or attorney-in-fact is authorized to file the application or pursue an already-filed application on behalf of the Eligible Individual or his/her estate.

If additional time is needed for the applicant or the applicant's heirs to arrange for a personal representative, guardian, conservator, or attorney-in-fact to be appointed, the BLM would allow the applicant, an employee of the BIA, or a Realty Service Provider to request that the application be held in abeyance for 2 years.

NOTE: With regard to the application process, section 2569.407 specifies that if an applicant's selection contains more than 160 rods (one-half mile) of water frontage, the BLM will automatically request the Secretary to waive the 160-rod limitation contained in Section 1 of the Act of May 14, 1898 (48 U.S.C. 371).

Request for 2-year Extension of Application Deadline (43 CFR 2569.401 and 2569.507) – Section 2569.401 would set a 5-year deadline for Eligible Individuals, their heirs, or representatives to submit initial applications. In the case of those who submit applications that are incorrect, incomplete, or conflict with other selections, Eligible Individuals would have 60 days after the BLM notifies them of these defects to submit corrected, completed, or substitute

applications. This period may be extended for up to 2 years in order to allow a personal representative, guardian, conservator, or attorney-in-fact to be appointed. (see §§ 2569.410, 2569.502, and 2569.503) (This two-year extension language appears in both 2569.401(b) and 2569.507(c) reg text. The preamble in the final rule discusses the two-year extension under the 2569.401 discussion and includes the .507(c) citation.)

Allotment Application – Form BLM No. AK-2469 (43 CFR 2569.402 and 2569.404) – Section 2569.402 would require applicants to fill out and sign an application form (BLM No. AK-2569). The requirements associated with 2569.404 are specified above.

Section 2569.403 would require the BLM to directly mail a copy of the application form to those persons who have been preliminarily identified as Eligible Individuals through the process described in § 2569.301. The applications would be mailed to the most recent addresses on file with the VA, BIA, and the BLM. This section also identifies locations where copies of the application form would be available for applicants who do not receive an application in the mail.

Applications That Include Selected State and Native Corporation Lands (43 CFR 2569.405) – If an applicant requests land previously selected by, but not yet conveyed by the Federal Government to the State or a Native corporation, the applicant, or the BLM acting on behalf of the applicant, could request that the State or Native Corporation relinquish the land to the applicant. This relinquishment would be conditioned upon the applicant successfully completing the application process. In conjunction with this rulemaking, the BLM anticipates that the State and Native corporations would also issue blanket conditional relinquishments of certain selected unconveyed lands. These blanket relinquishments also would take effect only if valid applications for these lands are successfully completed.

Upon receipt of an application requesting State or Native Corporation selected, unconveyed lands, if the application does not include a relinquishment request from either the State or Naive Corporation, the BLM would automatically request such relinquishment on behalf of the applicant. The BLM must receive a valid relinquishment from the State or Native Corporation, agreeing to relinquish the land to the applicant before approving the application. Following existing Alaska Conveyance Program policy, the relinquishment would be in the form of a letter from the State or Native Corporation, and must include the legal description of the parcel the entity is willing to relinquish. The letter must also describe the conditions, if any, for the relinquishment. If the relinquishment is by a Native corporation, the letter must be accompanied by a board resolution authorizing the relinquishment and granting the person signing the letter authority to do so.

If an application requests land covered by a blanket State or Native corporation relinquishment, a relinquishment letter and a Native corporation board resolution would not be required.

Correcting Technical Errors on Applications (43 CFR 2569.410) – If the BLM finds a technical error in an application, such as an incomplete or unsigned application, it would notify the applicant. The applicant would then have 60 days after receiving notification to correct the error.

Correcting Errors in Survey-related Documents (43 CFR 2569.501) – After receiving an application, reviewing the legal description of the land requested, and making minor boundary adjustments, if needed, the BLM would send the applicant a Notice of Survey, informing the applicant of the shape and location of the lands the BLM planned to survey. The applicant would

have an opportunity to challenge, in writing, the draft Plan of Survey within 60 days of receipt of the BLM's notice.

Upon completion of the survey, the BLM would mail the applicant a document titled Conformance to Plat of Survey. If the applicant found an error in the way the BLM surveyed the land, based on the Plan of Survey, the applicant could dispute the survey in writing within 60 days of receipt of the Conformance of Plat of Survey.

Substitute Selections – Multiple Applications on Same Lands (43 CFR 2569.502) – If two or more Eligible Individuals select the same lands, in whole or in part, the BLM would decide which application would be given preference based on either submission dates and times, or a lottery. The non-preferred applicants could, within 60 days of receipt of the BLM's decision, either provide the BLM a new substitute selection or request that the BLM continue to adjudicate the non-conflicting portion of the selection.

If a non-preferred applicant does not respond to the BLM's decision within 60 days, the BLM would reject the application and the Eligible Individual could file a new application for different lands before the end of the five-year program.

Substitute Selections and Requests for Partial Adjudication (2569.502 and 43 CFR 2569.503) – If an Eligible Individual's selection includes lands that are not available Federal lands, the BLM would issue a decision informing the applicant that the land is unavailable. The applicant could, within 60 days of receipt of the BLM's decision either provide the BLM a new substitute selection or request that the BLM continue to adjudicate the portion of the selection that is within available Federal lands.

If the applicant fails to respond within 60 days of receipt of the BLM's decision, the BLM will reject the initial application and the Eligible Individual could file a new application for different lands before the end of the five-year application period.

Appeals of BLM Decisions (43 CFR 2569.502, 2569.503, and 2569.801) – Applicants would be allowed to appeal any of the BLM's decisions regarding their applications to the Interior Board of Land Appeals as provided for under 43 CFR part 4. If the applicant is a non-preferred applicant under proposed 43 CFR 2569.502, the losing applicant could select a substitute parcel under proposed § 2569.502(b).

CHANGES SINCE PROPOSED RULE SUBMISSION

In response to a request from the Department of Veterans Affairs - Veterans Benefits Administration (see question 8), we removed proposed § 2569.412(d) to eliminate any confusion and redesignated paragraph (e) as new paragraph (d).

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.

There will be no collection of information through technological methods. The Eligible Individuals must submit their application via mail, delivery service, or in person.

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 is new legislation for providing Eligible Individuals any opportunity to apply for land, therefore there is no duplication. This new form would provide current contact information and specific information of Eligible Individuals for this newly authorized program.

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

This program and related application form would not have an impact on small businesses or small entities. It is inherently a governmental function to issue a Certificate of Allotment.

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 consequence of not collecting the information would result in a total failure to implement a program that has been authorized by recent legislation.

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 circumstances that would require us to collect the 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.

On July 10, 2020, we published a proposed regulation (RIN 1004-AE66, “Alaska Native Vietnam-Era Veterans Allotments” 85 FR 41495). The proposed rule solicited comments on the the information collections for a period of 30 days, ending on August 10, 2020. We received the following comment related to information collection in response to the proposed rule:

Comment: Department of Veterans Affairs - Veterans Benefits Administration (VA-VBA), received August 10, 2020:

The VA-VBA requested the BLM clarify the roles for the VA and the DOI regarding proposed § 2569.412(d) which included the VA in a list of places that applicants could seek assistance in filling out their applications. The VA does not have a role in providing assistance to applicants in completing applications; that role belongs to the BLM. The VA’s role is to effectively direct inquiries about the Program that are made to the VA to the BLM or the BIA Alaska. The VA’s statutory obligations to provide outreach to veterans and make referrals to the DOI regarding this Program will continue, along with its support in determining veteran eligibility.

Agency Response to Comment: In response to this comment, in the final rule we removed proposed § 2569.412(d) to eliminate any confusion and redesignated paragraph (e) as new paragraph (d).

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

We would not provide payments 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.

BLM Alaska would house the new Native Veteran allotment program data within its existing Alaska Land Information System with an existing System of Records Notice, “[BLM-32 Lands & Minerals Authorization Tracking System](#)” (56 FR 5014, February 7, 1991; Modification published 73 FR 17376, April 1, 2008).

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 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 **1,265 responses** totaling **3,828 burden hours** and an estimated annual dollar value of the burden hours is **\$159,145** (rounded) during the program's 5-year duration.

During the legislative outreach for the law, it was estimated that approximately 2,500 total Eligible Individuals may apply, or 500 applications per year over 5 years.

Table 12-1 shows the BLM's estimate of the hourly cost burdens for individuals/households and local government respondents, respectively. The BLM determined the mean hourly wage using the Bureau of Labor Statistics, [May 2019 State Occupational Employment and Wage Estimates Alaska](#) (Occupation Group [45-0000](#)). The BLM selected the occupational category of "All Occupations" for individual respondents because of the diversity among the veterans that comprise the respondents in this collection. We selected the occupational category of "Management Occupations" for Government respondents because it includes estimated salaries of local government employees. In accordance with Bureau of Labor Statistics (BLS) News Release [USD L-20-0451](#), March 19, 2020, Employer Costs for Employee Compensation—December 2019, we applied a benefits multiplier of 1.4 for individual occupations and 1.6 for local-government sector (government) to obtain the fully burdened rates in Table 12-1:

Table 12-1: Hourly Cost Calculation for

| Position and BLS Occupation Code | Mean Hourly Wage | Hourly Rate with Benefits |
|---|-------------------------|----------------------------------|
| All Occupations (SOC 00-0000) | \$28.51 | \$39.91 |
| Managerial Operations (SOC 11-0000) | \$51.48 | \$82.37 |

Respondents' hour burdens include time spent researching, preparing, and submitting information. It includes the time that applicants would spend going to court, seeking authority to represent the estate of deceased Eligible Individuals or incapacitated Eligible Individuals. It also includes the time it would take the State and Native corporations to issue valid relinquishments, if they so agree, in favor of applicants who request land that previously was aside for the State or Native corporations but not yet conveyed to them. The frequency of response is "on occasion."

Table 12-2 – Estimates of Hour and Cost Burdens

| Requirement | Estimated Annual Number of Responses | Estimated Annual Hours per Response | Estimated Total Annual Burden Hours* | Hourly Cost | \$ Value of Annual Burden Hours* |
|---|--------------------------------------|-------------------------------------|--------------------------------------|-------------|----------------------------------|
| <i>Provide Proof of Eligibility (43 CFR 2569.302)</i> | | | | | |
| Individuals/Households | 50 | 2 | 100 | \$ 39.91 | \$ 3,991 |
| <i>Appointment of Personal Representative/Guardian/Attorney-in-fact (43 CFR 2569.303 and 2569.404)</i> | | | | | |
| Individuals/Households | 200 | 2.5 | 500 | \$ 39.91 | \$ 19,955 |
| <i>Request for 2-year Extension of Application Deadline (43 CFR 2569.401 and 2569.507)</i> | | | | | |
| Individuals/Households | 20 | .5 | 10 | \$ 39.91 | \$ 399 |
| <i>Allotment Application – Form BLM No. AK-2469 (43 CFR 2569.402 and 2569.404)</i> | | | | | |
| Individuals/Households | 500 | 4.5 | 2,250 | \$ 39.91 | \$ 89,798 |
| <i>State/Native Corporation Relinquishments (43 CFR 2569.405)</i> | | | | | |
| State/Local/Tribal Governments | 75 | 2 | 150 | \$ 82.37 | \$12,356 |
| <i>Correcting Technical Errors on Applications (43 CFR 2569.410)</i> | | | | | |
| Individuals/Households | 175 | 2 | 350 | \$ 39.91 | \$13,969 |
| <i>Correcting Errors in Survey-related Documents (43 CFR 2569.501)</i> | | | | | |
| Individuals/Households | 20 | 2 | 40 | \$ 39.91 | \$1,596 |
| <i>Substitute Selections – Multiple Applications on Same Lands (43 CFR 2569.502)</i> | | | | | |
| Individuals/Households | 150 | 2 | 300 | \$ 39.91 | \$11,973 |
| <i>Substitute Selections and Requests for Partial Adjudication (2569.502 and 43 CFR 2569.503)</i> | | | | | |
| Individuals/Households | 15 | .5 | 8 | \$ 39.91 | \$ 319 |
| <i>Appeals of BLM Decisions (43 CFR 2569.502, 2569.503, and 2569.801)</i> | | | | | |
| Individuals/Households | 60 | 2 | 120 | \$ 39.91 | \$ 4,789 |
| Totals | 1,265 | | 3,828 | | \$159,145 |

*Rounded

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.

We estimate that the total annual non-hour costs would amount to approximately **\$55,000**. Nearly all of these costs -- \$50,000 -- would be the \$250 court fee that approximately 200 applicants would spend each year going to court to get authorization to represent a deceased or incapacitated Eligible Individual in the application process. In addition, we estimate that each year the 500 applicants would spend a total of \$5,000, or \$10 each, when submitting their applications on miscellaneous expenses, such as parking, copying fees, and postage.

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 that the annual cost to the Federal Government to administer this information collection is **\$484,283** (4 positions dedicated full time). These FTEs will be reviewing, processing, and adjudicating the applications for issuing a Certificate of Allotment to Eligible Individuals.

We used Office of Personnel Management Salary Table [2020-RUS](#) to obtain the most up-to-date hourly rates for staff. We used BLS News Release [USDL-20-0451](#), March 19, 2020, Employer Costs for Employee Compensation—December 2019, and multiplied the hourly wage by 1.59 to account for benefits.

Table 14-1 — Average Annual Federal Salary Costs

| Position/Cost | Grade/ Step | Annual Salary | Fully Burdened Salary (x1.59)* | % of Time on Collection | # of Positions | Total Costs |
|--------------------------|-------------|---------------|--------------------------------|-------------------------|----------------|-------------------|
| Land Law Examiner | | | | | | |
| | GS-11/05 | \$ 72,543 | \$ 115,343 | 100% | 3 | \$ 346,029 |
| | GS-12/05 | 86,952 | 138,254 | 100% | 1 | 138,254 |
| TOTAL: | | | | | | \$ 484,283 |

*Rounded

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

This is a new collection of information in conjunction with final rule RIN 1004-AE66.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information would not be published.

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.

The expiration date would be displayed on the form titled, "Alaska Native Vietnam-Era Veteran Land Allotment Application."

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions.