

1SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

U.S. Fish and Wildlife Service Concessions OMB Control Number 1018-New

Terms of Clearance: This is a request for a new OMB control number (existing collection in use without an OMB control number).

Justification

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

The Secretary of the Interior is authorized to ensure that we provide opportunities within the Service for compatible wildlife-dependent recreational uses across the National Wildlife Refuge System (System). Furthermore, the Secretary is authorized to award concessions contracts under the following Acts:

- The National Wildlife Refuge System Administration Act of 1966 (Administration Act, 16 U.S.C. 668dd–668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997, authorizes the Secretary of the Interior to negotiate and award contracts and issue regulations to carry out the Act.
- The Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k-3) allows the use of refuges for public recreation when such use is not inconsistent with or does not interfere with the primary purpose(s) of the refuge.
- The Refuge Revenue Sharing Act (16 U.S.C. 715s) authorizes the Secretary to grant privileges and collect revenues from leases for public accommodations or facilities established for the System.

Specifically, the Administration Act provides that, with respect to the Refuge System, it is the policy of the United States that—

- a. Each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;
- b. Compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife;
- c. Compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and
- d. When the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate.

The Administration Act also provides that, in administering the Refuge System, the Secretary shall—

- a. Recognize compatible wildlife-dependent recreational uses as the priority general public uses of the System, through which the American public can develop an appreciation for

- fish and wildlife;
- b. Ensure that opportunities are provided within the System for compatible wildlife-dependent recreational uses;
 - c. Ensure that priority general public uses of the System receive enhanced consideration over other general public uses in planning and management within the System; and
 - d. Provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting.

Private businesses and non-profit organization under contract to the Service provide recreational, educational, and interpretive enjoyment of our lands and waters by managing lodging, food, transportation, and supplies and equipment for the enjoyment of the visiting public. These services gross approximately \$3,000,000 every year and provide jobs for more than 100 people annually.

The regulations at 50 CFR subpart F (§ 25.61) primarily implement the authorities governing public use facilities operated by concessionaires or cooperators under appropriate contact or legal agreement on national wildlife refuges where there is a demonstrated justified need for services or facilities, including but not limited to boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related service.

Service Manual [chapters 630 FW 6–8](#) (updated November, 2019) discuss the Service's current policy for concession management and provide guidance for permitting and administering concession operations on Service lands. We use concession contracts to assist us in providing wildlife-dependent recreation activities to the visiting public by using contracts between the Service and a private entity, where the private entity is allowed to charge a fee for services provided at a field station to the visiting public.

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.

We collect information in narrative (non-form) format. Details concerning the specific information required are contained in 50 CFR § 25.61 and the recently updated Service Manual chapters available to the public on the Service's website. The amount of information or degree of detail requested varies widely, depending upon the size and scope of the business opportunity. For example, a much greater amount of detailed information would be required for a multi-unit camping and food service operation than would be required for a small bait sales operation. We use the information provided by prospective concessionaires to objectively evaluate offers received for a particular business opportunity, assure adequate protection of refuge resources, and to determine which offeror will provide the best service to visitors.

Below are examples of types of information the Service collects from a potential or current concessionaire.

General Concessionaire Information

- Description of how the respondent will conduct operations to minimize disturbance to wildlife; protect refuge resources; and provide visitors with a high-quality, safe, and enjoyable visitor experience.

- Proposal to protect, conserve, and preserve resources of the refuge. The proposal must respond to specific resource management objectives and issues at the refuge and regarding the contract in question.
- Proposal to provide necessary and appropriate visitor services at reasonable rates. This proposal must respond to specific visitor service questions at the refuge and regarding the contract in question.
- Experience and related background of the offeror, including past performance and expertise of the offeror in providing the same or similar visitor services as those to be provided under the draft concession contract.
- Financial capability of the offeror to carry out its proposal. In particular, we require projected financials, including initial investments, startup expenses, income statement, operating assumptions, cash flow statement, recapture of investments, and all associated assumptions.
- The amount of the proposed minimum franchise fee and other forms of financial consideration.

We use this information to assess whether a potential offeror can meet operational and financial requirements of the concession operation and whether they fully understand the obligations of concession operation. We require concession operators to address how they will ensure they protect refuge resources while providing visitor services operations in order to assess potential impact on resources. We use information about visitor services and rates to assess how the concession will enhance the visitor experience on a refuge and whether it is consistent with other nearby facilities. We use past performance and financial capability information to assess potential for success of the operation and whether they have sufficient resources to operate. We use franchise fee information to evaluate potential offerors who will provide the best value for the government.

Proposal for Concession Opportunity

- Offeror's transmittal letter, including the name and contact information of the entity offering a proposal to operate a concession contract.
- Business type of the offeror, such as corporation, limited liability company, partnership, etc.
- Business history information, including adverse history that could impact future operations under a concession contract.
- Credit report, so that we can understand the offeror's credit history and any risks of contracting with the entity.
- Proposed staffing/management operation information, including organization charts and delegations of authority, to ensure adequate staffing.
- Proof of indemnification, including public liability insurance that co-names the Government as co-insured.

We use this information to identify entities offering proposals for concession contracts. We use business type, history and credit report to assess financial capability and fitness to operate on the refuge. We use proposed staffing information to understand whether they potential offeror will be able to offer adequate staffing to deliver services to visitors. We use insurance information to assess the risk to the government.

Reporting Requirements

- Annual financial reports providing concessioner financial information, as required by each concession contract.

- Quarterly and annual progress reports to monitor performance.
- Inspections and inspection reports conducted in concert with the on-site concession manager.

We use this information to ensure the concession is remitting the proper franchise or other fees to the government. We use progress reports to ensure concessions are performing services as described in their contract. We use inspection information to ensure the operation is meeting the standards set forth in the contract.

Approval to Sell or Transfer Concession Operation

- Information to assess the transferee's ability to manage the business successfully and fulfill the terms of the concession contract, in order for the Regional Director to grant approval.

We use this information to ensure any transfers of the business are able to maintain adequate services to refuge visitors and reduce disruption to services.

Recordkeeping Requirements

- In accordance with Service Manual chapter 630 FW 8.3, a concessioner (and any subconcessioner) must keep and make available to the Service records for the term of the concession contract.

We use this information to ensure compliance with Service policies.

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 applicants will submit information 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 80% 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.

There is no duplication. The information collected is specific to the administration of the concessions program. Due to the unique nature of this program, no other division of the Service or any other Federal agency collects this information from the public.

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

We collect only the minimum information necessary to establish eligibility of the applicant and to assess the application. We have made efforts to keep the amount of information requested to a minimum and to standardize the application process across all Service concessions opportunities which reduces burden on respondents who apply for multiple concessions

opportunities, eliminating disparate processes. The information has to be sufficient to fulfill the trust responsibilities of the Service and be sufficient to make competitive award decisions. We do not believe the amount of information requested will have a significant impact on small entities, as they will be providing the minimum amount of information needed for the Service to make award decisions.

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 did not collect the information, the Service would be unable to evaluate prospective concession operations, select the most qualified bidder for contracts, assess compliance with Service policies, ensure safety of visitors and resources, or ensure adequate financial reporting.

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 requiring collection of 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 June 1, 2020, we published in the *Federal Register* ([85 FR 33193](#)) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on July 31, 2020. We received the following comment in response to that notice:

Comment 1: Email received June 1, 2020, from Jean Public - The comment does not address the information collection requirements.

Agency Response to Comment 1: No response required.

In addition to the *Federal Register* notice, we consulted with the eight (8) individuals identified in Table 8.1 who familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

Table 8.1

Organization	Title
Blue Heron Campground and Marina	Board Member
Tarpon Bay Explorers	General Manager
Little Grassy Campground and Boat Docks	Concession
Camp Manitowa - Cedar Point	Concession
Coastal Expeditions	Concession
Okefenokee Adventures	Co-owner
Okefenokee Swamp Park	Manager
Land for Learning	Concession

“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 information is necessary to evaluate potential concessions.

Agency Response/Action Taken: No action necessary.

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

Comments: No comments provided.

Agency Response/Action Taken: No action necessary.

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

Comments: No comments provided.

Agency Response/Action Taken: No action necessary.

And

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

Comments: Suggestion to eliminate requirement for multiple paper copies of prospectus and replace with electronic options.

Agency Response/Action Taken: We will encourage regions to require electronic versions whenever possible.

Additional comments received during the outreach:

Comments: General positive comment about helpfulness of refuge staff.

Agency Response/Action Taken: No action necessary.

Despite multiple attempts to solicit feedback via email and telephone calls, we only received responses from two of the eight Service concession operations we contacted. We attribute lack of response to the fact that several concessions are not operating during the current pandemic.

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

We will not provide any 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.

We will not provide any assurance of confidentiality. 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). We will maintain the information in a secure System of Records ([Interior, DOI-89, Grants and Cooperative Agreements: FBMS](#), published July 28, 2008, 78 FR 43775).

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 will not ask any 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 **132 annual responses** and **1,204 annual burden hours** (rounded). The total dollar value of the annual burden hours is approximately **\$42,145** (rounded).

We used the private industry rate of \$35.96 from Table 1 from the of Bureau of Labor Statistics (BLS) News Release [USDL-20-1736](#), September 17, 2020, Employer Costs for Employee Compensation—June 2020, to calculate the cost of the total annual burden hours:

Table 12.1

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*
General Concessionaire Information							
	80	1	80	3	240	\$ 35.96	\$ 8,630.40
Proposal for Concessions Opportunities							
Large Concession	3	2	6	40	240	35.96	8,630.40
Small Concession	3	1	3	16	16	35.96	575.36
Reporting Requirements							
Annual Financial	10	1	10	16	160	35.96	5,753.60
Quarterly Progress	3	4	12	4	48	35.96	1,726.08
Annual Progress	10	1	10	16	160	35.96	5,753.60
Approval to Sell/Transfer a Concession Operation							
	1	1	1	8	8	35.96	287.68
Recordkeeping Requirements							
Large Concession	5	1	5	40	200	35.96	7,192.00
Small Concession	5	1	5	20	100	35.96	3,596.00
TOTALS:	117		132		1,204		\$ 42,145.12

*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 an average annual total nonhour burden associated with this collection of information to be **\$69,900**. Costs estimated for general concessionaire information activities cover general administrative overhead costs which we expect are minimal. Costs estimated for the development of proposals for concessions opportunities would be more substantial and would include costs applicants may incur such as those for accounting services, legal services, insurance consultation, copies, printing, and binding.

Requirement	Average Number of Annual Responses	Average Cost per Proposal	Estimated Annual Nonhour Burden Cost
General Concessionaire Information			
Monthly administrative costs	80	\$ 375	\$30,000
Proposal for Concessions Opportunities			
Large Concession	6	5,000	30,000
Small Concession	3	3,300	9,900
Average Annual Nonhour Burden:			\$ 69,900

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.

The total estimated cost to the Federal Government for processing and reviewing proposals and reports as a result of this collection of information is **\$460,851** (rounded). While staff in the Service's eight Regional Offices and the Washington Office perform the work, we used the Office of Personnel Management Salary Table [2020-DCB](#) as the basis for an average salary rate. We used BLS News Release [USD-20-1736](#), September 17, 2020, Employer Costs for Employee Compensation—June 2020, to calculate the fully burdened rates for each staff member (hourly rate multiplied by 1.59 to account for benefits).

Position	Grade/ Step	Hourly Rate	Hourly Rate (Incl. Benefits)	Total annual Hours	Total annual cost*
Park Ranger	GS-11/05	\$ 39.12	\$ 62.20	4,160	\$ 258,752
Refuge Manager	GS-13/05	55.75	88.64	2,080	184,371
Contracting Officers	GS-13/05	55.75	88.64	200	17,728
Total Weighted Average (\$/HR)					\$ 460,851

*Rounded

Salary Costs: \$460,851 is broken down as follows:

- Park Rangers – Inspections, periodic reporting, program audits: 4,160 hours x 62.20 =

\$258,752.

- Refuge Managers – Evaluating offerors and overall management of the concession: 2,080 hours x \$88.64 = \$184,371
- Contracting Officers – Awarding/reviewing contracts: 200 hours x \$88.64 = \$17,728

For inspections/reporting, we estimate Federal staff will spend 4,160 hours (1 day/week/concession) to:

- (1) Inspect facilities and equipment
- (2) Evaluate programming and customer service
- (3) Check records; and
- (4) Maintain files.

For evaluating concession proposals and overall management of the concession, we estimate a total of 2,080 hours (1/2 day/week/concession) for staff to:

- (1) Develop criteria and announcement;
- (2) Advertise opportunities; and
- (3) Maintain files.

For reports, we estimate a total of 17,340 hours (3 hours per report) for staff to:

- (1) Review the reports;
- (2) Perform data entry; and
- (3) Maintain files.

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

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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 we will collect will 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.

Not applicable.

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.