

SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

U.S. Fish and Wildlife Service Preliminary Land Acquisition Processes OMB Control Number 1018-0174

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 Pre-Acquisition Tracking System (PATS) database) 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. The collection of realty-related information is required and supports the following authorities:

- 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 *et al.*);
- 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 (54 U.S.C. § 200301 *et seq.*);
- 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).

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. 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). (NOTE: We collect as part of the process, but do not store within the system. The information stored securely within Interior's Federal Business Management System.)
- 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.

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.

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 (FWS Form 3-2461) will contain a cover letter referred to as the Access Permission Letter. The Access Permission Letter does not request any information but is 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, most landowners submit documents to the Service in paper format by either

submitting the request by email attachment, in person or by post. We estimate receiving approximately 50-75% 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.

On July 19, 2022, we published in the *Federal Register* ([87 FR 43047](#)) 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 19, 2022. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the *Federal Register* notice on Regulations.gov (Docket [FWS-R3-NWRS-2022-0097](#)) to provide the public with an additional method to submit comments (in addition to the typical Info_Coll@fws.gov email and U.S. mail submission methods). We did not receive any comments in response to that notice.

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

Organization	Title
N/A	Private Citizen
N/A	Private Citizen
Western River Conservancy	Non-Governmental Organization
N/A	Private Citizen
N/A	Private Citizen
Ducks Unlimited	Non-Governmental Organization
N/A	Private Citizen
Maine Coast Heritage Trust	Non-Governmental Organization
N/A	Private Citizen

“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: One Commentor said that all questions seemed fair and necessary.

Agency Response/Action Taken: No action necessary.

Comments: One commentator said the paperwork was similar to other property transactions

they had done and that did not feel it was unnecessary.

Agency Response/Action Taken: No action necessary.

Comments: One Commentor said that the process appears to be necessary for the efforts.

Agency Response/Action Taken: No action necessary.

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

Comments: One commentor estimated time to be accurate with an estimate of 15 minutes. One commentor said the time estimate was accurate and that they did not spend excessive time on the documents.

Agency Response/Action Taken: We concur that our estimates are high for Forms 3-2471 and 3-2461 and subsequently reduced our burden estimate for both forms to 15 minutes.

Comments:

Agency Response/Action Taken: No action necessary.

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

Comments: No comments were received regarding this question.

Agency Response/Action Taken: No action necessary.

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

Comments: One commentor suggested automating the process.

Agency Response/Action Taken: In most cases, the paperwork is sent electronically, and we will consider this for future transactions.

Additional comments received during the outreach:

Comments: One commentor said his experience was stellar and that the staff was prompt in processing.

Agency Response/Action Taken: No action necessary.

Comments: We received 3 comments regarding the land acquisition process that were not relevant to this collection of information request.

Agency Response/Action Taken: We will take those into consideration in future land acquisition transactions.

Despite multiple attempts to solicit feedback, we only received responses from 5 of the 9 individuals and organizations we contacted.

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). We will maintain the information in a secure System of Records ([Real Property Records, FWS-11](#), 71 FR 68635 (November 27, 2006); modification published 73 FR 31877 (June 4, 2008)). 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.

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 **562 responses** totaling **362 annual burden hours**. We estimate the dollar value of the annual burden hours to be **\$15,153** (rounded).

We used Table 1 from the Bureau of Labor Statistics (BLS) [News Release](#) USDL-22-2307, December 15, 2022, Employer Costs for Employee Compensation—September 2022, to calculate the cost of the total annual burden hours:

- Individuals – the hourly rate for all workers is \$41.86, including benefits.

- Private Sector – the hourly rate for all workers is \$39.61, including benefits.
- Government – the hourly rate for all workers is \$57.02, 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	151	1	151	.5	76	\$ 41.86	\$ 3,181.36
Private Sector	208	1	208	1	208	39.61	8,238.88
Government	16	1	16	2	32	57.02	1,824.64
Permission to Inspect and Appraise (FWS Form 3-2471)							
Individuals	53	1	53	.25	13	\$ 41.86	\$ 544.18
Private Sector	96	1	96	.25	24	39.61	950.64
Government	7	1	7	.25	2	57.02	114.04
Waiver of Appraisal Requirement (FWS Form 3-2461)							
Individuals	9	1	9	.25	2	\$ 41.86	\$ 83.72
Private Sector	17	1	17	.25	4	39.61	158.44
Government	5	1	5	.25	1	57.02	57.02
TOTALS:	562		562		362		\$ 15,152.92

*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 **\$280,655** (\$112,655 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 BLS [News Release](#) USDL-22-2307, December 15, 2022, Employer Costs for Employee Compensation—September 2022, 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* (Inc. Benefits) (Salary x 1.59)	% of Time Spent on Collection	Total Costs*
Realty Specialist (HQ)	GS-11/05	MN 2023-MSP	\$ 84,968	\$ 135,099	75%	\$ 101,324
Realty Specialist (R1)	GS-11/05	OR 2023-POR	84,020	133,592	1%	1,336
Realty Specialist (R2)	GS-11/05	NM 2023-AQ	94,785	150,708	1%	1,507
Realty Specialist (R3)	GS-12/05	MN 2023-MSP	101,844	161,932	1%	1,619
Realty Specialist (R4)	GS-11/05	GA 2023-ATL	82,703	131,498	1%	1,315
Realty Specialist (R5)	GS-11/05	MA 2023-HAR	88,007	139,931	1%	1,399
Realty Specialist (R6)	GS-11/05	CO 2023-DEN	86,756	137,942	1%	1,379
Realty Specialist (R7)	GS-11/05	AK 2023-AK	88,282	140,368	1%	1,404
Realty Specialist (R8)	GS-11/05	CA 2023-SAC	86,252	137,141	1%	1,371
					TOTAL:	\$ 112,655

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

No changes were made to the information collected. We are, however, reporting a discretionary burden change of 189 annual responses and 96 annual burden hours associated with a change in estimate and changes to the completion times for Forms 3-2471 and 3-2461.

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.