

Supporting Statement for Paperwork Reduction Act Submissions
24 CFR Part 55, Floodplain Management and Protection of Wetlands
OMB# 2506-0151

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The legal and administrative requirements for this collection are Sec. 3(d) of Executive Order 11988 (Floodplain Management) and Sec. 6 of Executive Order 11990 (Protection of Wetlands) that require HUD to issue or amend its existing procedures in order to comply with these Orders. HUD has issued 24 CFR Part 55 (Floodplain Management and Protection of Wetlands) implementing E.O. 11988 and E.O. 11990. These Orders require that applicants who propose the use of HUD financial assistance for projects located within floodplain and wetland locations are to seek to avoid such sites, and avoidance is not practicable, must comply with the decision-making procedures prescribed in the Executive Orders (Secs. 1, 2, and 9 of E.O. 11988; and Secs. 1, 2, 5, and 10 of E.O. 11990). Documentation (Sec. 55.27) requires compliancers to provide the basic evidence of compliance with the prescribed procedures of the Executive Orders and Subpart C of 24 CFR 55. Sec. 55.21 [“Notification of floodplain hazard”] as prescribed in Sec. 4 of E.O. 11988 requires compliancers to notify any private party of flood hazards prior to the transaction (i.e., buying or renting property located within a floodplain).

HUD administers these requirements within the context of the National Environmental Policy Act (NEPA) and its implementing regulations at 24 CFR 50 and 58. A cross-reference to these requirements is provided at 24 CFR 50.4(b) and 58.5(b) as part of the environmental review process. Sec. 50.3(h) requires information collection in the environmental review process.

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.

The respondents are HUD recipients proposing to use HUD financial assistance for their projects located within floodplains or wetlands. The information, together with other environmental compliances that a proposed project may require under NEPA and related laws, serve to obtain the approval of an application under Part 50 or will allow the use of grant funds or assistance already awarded under Part 58. In addition, HUD uses the collection: (1) to obtain and/or provide evidence in challenges by the public or by other government agencies (Federal, State, and local) as to the technical adequacy or procedural completeness of the actions taken by compliancers when approving HUD financial assistance for projects within floodplain and wetland locations; and (2) to monitor the performance and adequacy of compliance with prescribed procedures and requirements of 24 CFR 55.

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.

Respondents are encouraged to prepare the information electronically through the HUD Environmental Review System (HEROS) whenever HUD assistance is proposed for a project in a floodplain or wetland location.. The public is encouraged to provide comments electronically, and information on major projects most often is accessible on the respondent's website. HUD is considering a change to Part 55 permitting public notices to be posted on appropriate local news media or government websites in lieu of publishing in a print newspaper. It is at the option of compliancers to use automated, electronic, mechanical, or other technological collection techniques or other forms of information technology as appropriate. HUD encourages appropriate cost-effective methods but does not prescribe particular technological collection techniques. Digitized maps showing floodplains and wetlands are accessible from websites administered respectively under the National Flood Insurance Program (NFIP) by the Federal Emergency Management Agency, Department of Homeland Security, and under the National Wetlands Inventory (NWI) by the Fish and Wildlife Service, Department of the Interior. Also, localities may have digitized land use maps showing vacant sites that can be used to locate sites outside the floodplain and wetland when complying with the Executive Orders and Part 55.

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 necessary for the collection is not available except through a respondent's compliance for a specific project site. To promote cost-effectiveness, HUD encourages a singular review through: (1) batching two or more sites (Sec. 55.24 Aggregation), (2) using the entire housing market area as a basis for compliance (Sec. 55.25 Areawide compliance), and (3) adoption of another agency's environmental review data (Sec. 55.26 Adoption of another agency's review under the executive orders) to prevent the potential for duplication.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I) describe any methods used to minimize burden.

This collection will not have a significant impact on small businesses or other small entities. Any costs for complying with the legal and administrative requirements are eligible as project costs and fundable under HUD programs.

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 the collection is not conducted, HUD's capability to comply with E.O.s 11988 and 11990 would be significantly impaired. The collection is already a one-time collection for a specific site and cannot be conducted less frequently. Nevertheless, to reduce the burden for certain categories of proposed actions, HUD has allowed exclusions listed at Sec. 55.12.

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 than quarterly; **N/A**
 - requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; **N/A**
 - requiring respondents to submit more than an original and two copies of any document; **N/A**
 - requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; **N/A**
 - in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study; **N/A**
 - requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **N/A**
 - 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 **N/A**
 - requiring respondents to submit proprietary trade secret, 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. **N/A**

There are no special circumstances that would cause this information collection to be conducted in a manner as explained above. The information collected remains in the respondents' environmental review records (Sec. 55.27).

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 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 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 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained.

HUD published the 60-Day Notice of Proposed Information Collection in the Federal Register on September 5, 2023. The Notice appears on vol 88 pages 63596. 0 comments have been received on this Notice. HUD additionally sought comment on the manner of the notices required through the Notice of Proposed Rulemaking (NPRM) and associated public comment period for its proposed rule revising 24 CFR Part 55.

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

No payment or gift is provided.

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

The respondent’s submission to HUD is a public document that must also be made available upon requires to any member of the public, and therefore usage of the form by the respondent provides no assurance of confidentiality under HUD environmental review procedures.

There are no assurances of confidentiality provided.

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.

No questions of a sensitive nature are involved.

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 covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I; and
 - 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. Instead this cost should be included in Item 13.

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
------------------------	-----------------------	-----------------------	---------------------	--------------------------	---------------------	--------------------------	-------------

Sec. 55.20	275.00	1.00	275.00	8.00	2,200.00	44.00	96,800.00
Sec. 55.21	300.00	1.00	300.00	1.00	300.00	44.00	13,200.00
Total	575.00	1.00	575.00	Varies	2,500.00	44.00	110,000.00

HUD grants cover all eligible costs including staff work. Hourly cost per response based on hourly mean wage of urban planners working for local government (Bureau of Labor Statistics, <https://www.bls.gov/oes/current/oes193051.htm>) with an additional 10% added to account for expenses such as consultant fees. The information collection is divided to show that the individuals giving notice under Sec. 55.20 and Sec. 55.21 are not always the same entities.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information (do not include the cost of any hour burden shown in Items 12 and 14).
- 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 purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. 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.

Section 55.20 requires respondents to publish two public notices: (1) Early Public Review; and (2) Findings and Public Explanation. For 275 respondents, HUD estimates: 2 notices per response; \$300 per notice; \$165,000 annualized notice publication. HUD grants cover all eligible costs including publication of newspaper notices. HUD is considering a proposed rule change that would permit respondents to post these notices on an appropriate government website to avoid this cost.

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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
Sec. 55.20	275.00	1.00	275.00	8.00	2,200.00	44.00	96,800.00
Sec. 55.21	300.00	1.00	300.00	1.00	300.00	44.00	13,200.00
Total	575.00	1.00	575.00	Varies	2,500.00	44.00	110,000.00

Because HUD grants may be used to cover all eligible costs and publication of newspaper notices, the annual cost to respondents is typically born by HUD. Hourly cost per response based on hourly mean wage of urban planners working for local government (Bureau of Labor Statistics, <https://www.bls.gov/oes/current/oes193051.htm>) with an additional 10% added to account for expenses such as consultant fees. There are no additional costs to HUD beyond the administrative grant used by respondents described in Question 12. Therefore, these tables are identical to reflect that the cost that appears to be borne by respondents is funded through HUD grants.

15. Explain the reasons for any program changes or adjustments reported in Items 13 and 14 of the OMB Form 83-I.re

There are no changes or adjustments.

16. For collection 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 is not applicable, because the collected information is not gathered for publication in the aggregate. Each respondent publishes notices in an appropriate local printed news medium and must provide copies to federal, state, and local public agencies, organizations, and individuals known to be interested in the proposed action. Generally, the commenting period for such notices is 15 to 30 days. The notices are retained in the respondents' files as evidence of compliance with Secs. 2(a)(2) and (3) of E.O. 11988, Sec. 2(b) of E.O. 11990, and 24 CFR 55.20(b) and (g).

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.

HUD is seeking approval not to display the expiration date for OMB approval of the information collection, because there is no HUD form on which to display the expiration date.

18. Explain each exception to the certification statement identified in item 19.

Not applicable

B. Collections of Information Employing Statistical Methods