

SUPPORTING STATEMENT FOR THE NATIONAL ESTUARY PROGRAM
EPA ICR No. 1500.11, OMB Control No. 2040-0138

Part A

1. Identification of the Information Collection

1(a) Title - National Estuary Program (Renewal)

1(b) Characterization/Abstract

Section 320 of the Clean Water Act (CWA) amendments of 1987 established the National Estuary Program (NEP) to promote long-term planning and management in nationally significant estuaries threatened by pollution, development, or overuse. The NEP's objectives are to protect, preserve, and restore estuaries. The strategy of the Program is to focus on estuaries that are nationally significant in recreational and commercial value and are of great importance for fish and wildlife resources. Another facet of national significance is whether lessons learned in working with the estuary can be applied to other coastal areas. Further, the NEP strategy emphasizes estuaries that are facing increasing environmental stressors and where there is a greater likelihood that NEP efforts will result in improvements in water and sediment quality, as well as in the abundance and variety of living resources.

When the Governor of the State in which the estuary is located nominates the estuary for acceptance into the NEP, EPA then evaluates the Governor's nomination. If EPA approves the addition of an estuary to the NEP, a Management Conference is convened, which involves community stakeholders including, Federal, State, local, and interstate agencies with jurisdiction over the estuary and other interested groups.

Estuaries have come into the NEP in five groups. The first two groups included 12 estuaries which Congress recommended for priority consideration. In 1987, Albemarle-Pamlico Sounds in North Carolina; Buzzards Bay in Massachusetts; Long Island Sound in New York and Connecticut; Narragansett Bay in Rhode Island; Puget Sound in Washington; and San Francisco Bay in California entered into the NEP. In 1989, Delaware Inland Bays in Delaware; Delaware Bay in Delaware, New Jersey, and Pennsylvania; Galveston Bay in Texas; New York-New Jersey Harbor in New York and New Jersey; Santa Monica Bay in California; and Sarasota Bay in Florida entered into the NEP. The nominations were evaluated using EPA Nomination Guidance. In 1991, the third group of estuaries was designated based on Governors' nominations. These estuaries were Indian River Lagoon in Florida; Tampa Bay in Florida; Barataria-Terrebonne Estuarine Complex in Louisiana; Casco Bay in Maine; and Massachusetts Bays in Massachusetts.

The first 17 estuaries were established on the basis of completing a Comprehensive Conservation and Management Plan (CCMP) within five years. In an effort to maximize the success of these, the Administrator opened a fourth group of nominations in 1991, which called for the completion

of the planning process in four years. In 1992, four estuaries were designated under this streamlined approach: Peconic Bay in New York; San Juan Bay in Puerto Rico; Corpus Christi Bays in Texas; and Tillamook Bay in Oregon. Continuing the theme of streamlining, the Administrator designated seven new estuaries in 1995 which were to complete their CCMPs in three years: Great Bay in New Hampshire; Barnegat Bay in New Jersey; Maryland Coastal Bays in Maryland; Charlotte Harbor in Florida; Mobile Bay in Alabama; Morro Bay in California; and Lower Columbia River in Washington and Oregon.

Once the Administrator designates an estuary, an agreement of intent between the EPA and the State(s), called a Conference Agreement, establishes the project's governing entity, called a Management Conference. The Management Conference performs an objective, technical assessment of the condition of the estuary. Based on this assessment, the Conference summarizes the estuary's environmental challenges and indicates which challenges will be addressed by the Conference. After the estuary's priorities are identified, the Management Conference establishes goals and objectives for the estuary. Specific actions and commitments to protect and restore the estuary are developed and the costs and benefits of options are evaluated. This information is used by the Management Conference to develop a CCMP for the estuary. Once the CCMP is approved by the Administrator, the NEP is responsible for oversight, coordination, and facilitation of CCMP implementation activities.

To obtain funding to administer Management Conferences, to characterize and define environmental challenges of the estuary, and to develop the CCMP, States and other eligible applicants may apply for federal funds using a standard General Federal Assistance application. To ensure efficient use of allotted resources, an annual work plan for each estuary program must be developed by the Management Conference before individual awards can be approved. The approved work plan then becomes a part of the grant agreement between EPA and the recipient.

In addition, NEPs must also undergo a program evaluation every five years. The program evaluation aims to document progress made in implementing the CCMP; highlight successes, strengths, and environmental results; and identify opportunities for improvement. This information is used by EPA to inform recommendations regarding funding to NEPs implementing their management plans, to transfer lessons learned in the NEPs to other coastal watersheds and EPA programs, and to provide guidance and programmatic support to NEPs based on needs identified in the program evaluation.

Individual NEPs must also report annually on a number of performance measures that allow EPA to maintain effective program management, execute its fiduciary responsibility to the program, and summarize environmental results achieved within the overall NEP. Information gathered may be included in agency reports along with other EPA program measures.

Existing information collection (work plans, program evaluations, and performance measures) will expand to include work conducted under the Bipartisan Infrastructure Law and contributing to the Justice40 Initiative. Each NEP must also develop and submit an equity strategy. The primary purpose of the equity strategy is for each NEP to outline how they will address environmental justice within their watersheds and contribute to the nationwide NEP Justice40

goal of at least 40% of the federally-funded investments and benefits flowing to disadvantaged communities.

2. Need for and use of the Collection

2(a) Need/Authority for the Collection

Statutory authority for the NEP is provided by section 320 of the CWA, as amended. The terms and conditions of grants under the NEP are provided in 40 CFR 35.9040 and sec. 35.9045, including the requirement for the 50 percent matching funds from non-federal sources and applications that are consistent with the annual work plan prepared by each Management Conference. On November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (P.L. 117-58), also known as the “Infrastructure Investment and Jobs Act of 2021” (IIJA) or “BIL.” The BIL references EPA’s underlying authority under CWA section 320 to fund the implementation of the NEP CCMPs.¹ As with annual appropriations distributed to NEPs to implement CWA section 320, the funds distributed under the BIL must implement the Management Conference- and EPA-approved CCMP and work plan. The FY2022 – FY2026 NEP BIL Funding Implementation Memorandum² serves as approval to waive the NEP non-federal match/cost-share requirements for BIL funds in FY2022 – FY2023. For FY2024 – FY2026 BIL funds, after approval of each estuary program’s equity strategy, EPA will waive non-federal match/cost-share requirements.

For each NEP, other than standard application data, EPA needs: 1) the one-time Governor’s voluntary nomination to determine whether an estuary should be included in the NEP; 2) the annual work plan to determine how the federal and non-federal matching funds will be spent; 3) program evaluation package documenting CCMP implementation progress in meeting their programmatic goals; 4) annual performance measures to document environmental results and progress toward meeting expectations under the Justice40 Initiative as described in part II section 223 of 86 FR 7619 (February 1, 2021); and 5) equity strategies to waive the NEP non-federal match/cost-share requirements for BIL funds in FY2024 – FY2026.

The State’s participation in the NEP is voluntary. A Governor nominates an estuary for the NEP on his or her initiative using guidelines established by EPA. The information from the Governor includes already available knowledge about the estuary and its importance. The nomination also contains the Governor’s views concerning the significance of the estuary, the need for designation, and the State’s goals and objectives for the estuary with a strategy for meeting them. To select an estuary for designation, EPA uses the nomination and other existing public information on the national significance of the estuary, considers the importance of the estuary on a regional scale, and analyzes the environmental challenges facing the estuary. To obtain funding under the NEP, the General Federal Assistance Grant application must be filed and an annual work plan must be prepared. The burden of the actual grant application is covered

1 H.R.3684 - 117th Congress (2021-2022): Infrastructure Investment and Jobs Act, H.R.3684, 117th Congress (2021), <https://www.congress.gov/bill/117th-congress/house-bill/3684> [Page 135 STAT. 1397-1398]

2 <https://www.epa.gov/nep/national-estuary-program-bipartisan-infrastructure-law-implementation-memo>

under the ICR for General Federal Assistance applications (ICR No. 0938.11; OMB No. 2030-0020). The only burdens covered under this ICR are the burdens of preparing the annual work plan, the program evaluation package, performance measures that are specific to the NEP, and equity strategies developed by each NEP to outline how they will address environmental justice within their watersheds and contribute to the nationwide NEP Justice40 goal. General Federal Assistance Grant application burdens are not unique to the NEP and are not covered by this document.

The annual work plan identifies and discusses major projects with goals and milestones that will be pursued in the upcoming year. The goals are comprehensive and broad and are based on the individual NEP's goals established by the Management Conference. In addition, the work plan must document the sources, amounts, and kinds of funds for the upcoming year's activities, including a demonstration of how the required matching funds will be provided from non-federal sources, except where they are waived. The work plan will also summarize of key highlights that the NEP accomplished in the previous fiscal year.

NEPs must report every five years to EPA on their progress in implementing the CCMP and achieving environmental results through the program evaluation process.

NEPs must also annually report on performance measures estimating: 1) the number of acres of habitat being restored and protected within their study areas and 2) the number of CCMP priority actions being initiated, ongoing, or completed by leveraging resources from partners. For BIL funds, the NEPs must also report on 1) project investments in disadvantaged communities; 2) the benefits that flowed to disadvantaged communities; and 3) the locations where the project was implemented and communities benefited.

NEPs must develop and submit an equity strategy for their BIL funds, including information about the NEP's 1) governance overview; 2) definition of disadvantaged communities or alternative term(s); 3) baseline analysis of disadvantaged communities; 4) numeric targets; 5) key activities; 6) tracking benefits; and 7) stakeholder engagement plan.

2(b) Practical Utility/Users of the Data

The EPA Administrator uses the information collected under this ICR to evaluate Governors' voluntary nominations of estuaries for the NEP and whether grant applications under the NEP should be approved. The following paragraphs describe information required by the NEP:

- Respondents;
- Process and techniques used to obtain this information;
- How and by whom the information is used; and
- Flow of information and where it is submitted, filed, etc.

Use of Improved Information Technology

States can access numerous computerized databases to obtain information necessary for the

Governor's nomination. These databases are particularly useful in assessing water quality. EPA databases available are: Index of Watershed Indicators (IWI), Reach File, Water Quality File, Industrial Facilities Discharge File, Permit Compliance System, BIOS, Complex Effluent Toxicity Information System, Water Body File, Federal Reporting Data System, Needs Survey File, Grants Information Control System, EnviroAtlas, Water Quality Portal, How's My Waterway, and ATTAINS. EPA encourages the use of internet resources to the maximum extent in all NEP transactions.

(A) Governor's Nomination

A Governor's nomination is submitted on a one-time basis only by States that wish to participate in the NEP, and nominations are accepted only when the Administrator determines additional programs are needed and sufficient resources are available to support them. Currently, the EPA does not anticipate soliciting nominations in the information collection period of 2023-2025. A Governor's nomination is submitted by the State in where the target estuary lies. If the estuary is located in more than one State, a single nomination may be submitted for the estuary, which combines the information from all the participating States.

The National Estuary Program guidelines for the Governor's nomination should address three general topics: 1) national significance of the estuary; 2) need for a Management Conference; and 3) likelihood of success.

Much of the information included in a Governor's nomination is based on previous accomplishments by States, EPA Regions, and local organizations. Information is also available in EPA's CWA section 305(b) reports; NOAA's National Estuarine Inventory; NOAA's Coastal Zone Management, Estuarine Research, and Marine Sanctuary Programs; and university studies. In the Guidance, States are urged to use existing and readily available information in the nominations. New research and studies are not required. For example, data attained from the State economic development agency or a community business group can be used to evaluate recreational and/or commercial value of the estuary. The uses of the specific information recommended for inclusion in the nomination are described below:

Describe estuary's boundaries

-To determine if the estuary meets CWA definition.

Describe estuary's value

-To determine if the estuary is nationally significant.

Demonstrate how problems will yield transferable results

-To determine how an estuary will enhance results that can be applied to other estuarine or coastal watersheds.

Data on economic and living resources

-To determine if the estuary has significant local or regional value.

Data on problems

-To determine if problems reduce value of estuarine resources.

Discussion of cause and effect

-To determine if the problem is sufficiently understood so as to be addressed effectively.

Assess existing laws, regulations, control programs, enforcement, and coordination

-To determine if the proposed estuary program entails studies and control efforts beyond these programs.

List overall goals for the estuary and provide examples of specific objectives and action plans

-To demonstrate whether the State understands the work which must be done to mitigate problems.

List structure and membership of proposed Management Conference

-To demonstrate broad stakeholder support for the program.

Document existence of and/or potential for generating public support

- To determine whether there is or will be sufficient public support for successful implementation of the program.

Discuss interests and agencies already working in the estuary

-To determine these public entities' interest in and commitment to protecting or restoring estuarine water quality.

Discuss ability to fund the coordination of the Management Conference and action plans

-To determine if the non-federal cost share requirement of the statute can be met and if sufficient funding exists to implement the program.

After an estuary is accepted into the NEP, the information in the Governor's nomination is used to initiate consensus among Management Conference members on priorities to be addressed by the program and to set goals and objectives.

(B) Annual Work Plan

In order to receive funds, grantees must submit an annual work plan to EPA. The contents of annual work plans are specified in 40 CFR 35.9045. Work plans should include: 1) a listing and discussion of completed projects and projects planned for the upcoming year; 2) description of the types of funding and amounts to be supplied by each funding source and expected milestones; and 3) summary of key highlights that the NEP accomplished in the previous fiscal year. The work plan is reviewed by EPA and serves as the scope of work for the assistance agreement. Annual work plans must be approved by EPA after they are approved by the Management Conference so assistance funding can be awarded. EPA also uses these work plans to track performance of the 28 programs currently in the NEP.

Information presented in the work plan is based on the EPA/State Conference Agreement developed for the Management Conference and may further define the goals and milestones in the overall plan and modify them based on the success or failure of activities completed in the previous years. EPA uses the work plan to determine whether the monies requested in the grant application serve the seven statutory purposes of the Management Conference, whether they fund activities consistent with the individual program goals, and whether their expenditure is an efficient use of resources. The budget information is also used to determine whether 50 percent of the funding is provided by non-federal sources as required by 40 CFR 35.9040. As stated earlier, the BIL references EPA's underlying authority under CWA section 320 to fund the implementation of the NEP CCMPs. As with annual appropriations distributed to NEPs to implement CWA section 320, the funds distributed under the BIL must implement the

Management Conference- and EPA-approved CCMP and work plan. The FY2022 – FY2026 NEP BIL Funding Implementation Memorandum serves as approval to waive the NEP non-federal match/cost-share requirements for BIL funds in FY2022 – FY2023. For FY2024 – FY2026 BIL funds, after approval of each estuary program’s equity strategy, EPA will waive non-federal match/cost-share requirements.

(C) Program Evaluation Package

Each NEP must submit a program evaluation (PE) package every five years documenting the CCMP implementation progress. The purpose of the PE is to document progress made in implementing the CCMP; highlight successes, strengths, and environmental results; and identify opportunities for improvement. A revised PE Guidance was released in 2021.

For the years covered in the five-year PE cycle, the NEP must submit as part of the PE package a written narrative on its: 1) environmental/programmatic work plan accomplishments; 2) program implementation; and 3) ecosystem and community status. The whole PE process entails: 1) PE package submission; 2) conference calls; 3) on-site visits; and 4) findings letter issued by EPA.

Annual work plans are submitted as a component of the PE and cannot serve in place of the PE because annual work plans are limited to the activities of the grant recipient. The PE encompasses the progress made by the overall estuary program, which is a collaboration of many stakeholders, each contributing to the implementation of the CCMP and the restoration and protection of the estuary. Only the NEP can collect this information from stakeholders because, according to purpose (6) of section 320 of the CWA, the NEP is responsible for monitoring the effectiveness of actions taken to implement the CCMP. In addition, section 320(h) of the CWA requires grant recipients to report on the progress made under section 320. The standard recordkeeping requirement for EPA grants is three years after the date the recipient submits the final Financial Status Report.

(D) Performance Measures

The NEP’s performance measures require that each program report annually to EPA on the results of its implementation activities in each fiscal year. These performance measures allow EPA to maintain effective program management, execute its fiduciary responsibility to the program, and summarize environmental results achieved within the overall National Estuary Program. To assist in fulfilling this requirement, the NEPs are asked to report on: 1) number of acres of habitat that have been restored and protected within individual study areas, including type of restoration and type of habitat, and 2) priority action items within the CCMP that have been initiated, are ongoing, or have been completed by leveraging resources from partners. For BIL funds, the NEPs must also report on 1) project investments and benefits; 2) project investments and benefits that flowed to disadvantaged communities; and 3) the locations where the project was implemented and communities benefited. NEP reporting on these items helps to measure EPA’s overall goal of clean and safe water.³

³EPA FY2022 - FY2026 Strategic Plan: <https://www.epa.gov/planandbudget/strategicplan>

(E) Equity Strategy

Each NEP must develop and submit an equity strategy. The primary purpose of the equity strategy is for each NEP to outline how they will address environmental justice within their watersheds and contribute to the nationwide NEP Justice40 goal of at least 40% of the federally-funded investments and benefits flowing to disadvantaged communities. The equity strategy will include information about the NEP's 1) governance overview; 2) definition of disadvantaged communities or alternative term(s); 3) baseline analysis of disadvantaged communities; 4) numeric targets; 5) key activities; 6) tracking benefits; and 7) stakeholder engagement plan.

3. Non-Duplication, Consultations, and Other Collection Criteria

3(a) Non-Duplication

The NEP is administered by the Office of Wetlands, Oceans, and Watersheds (OWOW). The Governor's nomination, the annual work plan, the program evaluation, performance measures, and equity strategies are unique documents addressing particular NEP requirements. No other EPA office or any other federal, state, or local agency requests these same data organized in this particular manner.

Although there are no duplicative reporting requirements, some data required for the Governor's nomination may be available from other EPA programs and from other federal, state and local agencies. However, no one source contains all the data required for the Governor's nomination. Therefore, the data must be compiled from other sources and organized in a manner detailed in the NEP Nomination Guidance and it must reflect the Governor's priorities and recommendations. The Nomination Guidance also affords the states considerable flexibility in style and interpretation. Some of the federal agencies that compile information relevant to the Governor's nomination are the Department of Interior, National Oceanic and Atmospheric Administration, and the Natural Resources Conservation Service. In addition, public interest groups, such as The Nature Conservancy, may possess appropriate information. For example, data on declining fish catches to assess the estuary's commercial and recreational value can be obtained from the National Oceanic and Atmospheric Administration. For annual work plans, program evaluations, and performance measures, the NEP Management Conferences are the only source of information. Equity strategies will be informed by a variety of tools, such as EJScreen, the Climate Environmental Justice Screen Tool (CEJST), state environmental justice tools, and other mapping tools.

3(b) Public Notice Required Prior to ICR Submission to OMB

EPA last published a *Federal Register* notice on January 4, 2023, to announce the renewal of this ICR. No comments were received.

3(c) Consultations

EPA convenes one NEP national meeting each year for the purpose of achieving the mission of the Oceans, Wetlands, and Communities Division. The NEP national meeting is held in Washington, DC, and brings together EPA HQ staff, EPA Regional staff, and NEP Directors and staff to discuss policy, budget, and implementation issues on coastal watershed protection. The meeting is an annual opportunity to strengthen partnerships with EPA and the NEP community.

EPA also has regulations that address the grants portion of the NEP. These regulations require that a Management Conference be convened and that certain program objectives are complete before funds are awarded under section 320(g)(3) of the CWA.

EPA previously consulted a subset of non-EPA individuals to gain a better understanding of burden estimates, which were reflected in this document accordingly. They were:

Curtis Bohlen (207-780-4820); Casco Bay Estuary Partnership
Joe Costa (774-377-6000); Buzzards Bay National Estuary Program
Duane De Freese (321-313-0764); Indian River Lagoon National Estuary Program
Kristi Foster (503-322-2222); Tillamook Estuaries Partnership
Jennifer Hecker (941-833-6583); Coastal & Heartland National Estuary
T. Bradley Keith (985-447-0868); Barataria-Terrebonne National Estuary Program
Kathy Klein (302-655-4990); Partnership for the Delaware Estuary
Maricela Perryman (787-725-8165); San Juan Bay Estuary Program

3(d) Effects of Less Frequent Collection

A Governor's nomination is submitted on a one-time basis by states that request participation in the NEP, and when the Administrator determines that there is an opportunity for additional programs with sufficient resources to support these actions. Currently, EPA does not anticipate soliciting nominations in the information collection period of 2023 – 2025. Therefore, frequency of collection is not an issue for the reporting requirements contained in this ICR.

Annual work plans are prepared every year and are submitted with the assistance agreement application. Priorities for Management Conferences can change during a year, and numerous projects are tied to the results of projects completed during the year. Therefore, work plans must be developed annually to plan and track progress.

PEs are conducted every five years. Five years is adequate time for significant progress to be made implementing the CCMP. Longer than five years poses the risk of not identifying program challenges in time to take corrective action. Waiting longer than five years also puts the Agency at risk of funding programs that are not using EPA funds for appropriate purposes or achieving expected results. PEs conducted in less than five-year intervals would be a burden with nominal, if any, increases in useful information.

Performance measures reporting is performed on an annual cycle, typically near the beginning of the new fiscal year. Therefore, the NEP submissions need to be provided annually to evaluate progress toward annual targets, agency measures, and environmental results.

Equity strategies are submitted by the NEPs on a one-time basis to waive the remaining NEP non-federal match/cost-share requirements for BIL funds in FY2024 – FY2026.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.6 in that:

- Information is not collected more often than quarterly.
- Responses are not required in less than 30 days.
- Respondents are not required to submit more than an original and two copies of the document.
- It does not provide for remuneration of respondents other than contractors or grantees.
- It does not require records to be kept for more than three years.
- It is not in conjunction with a statistical survey.
- Provisions for small businesses and other small entities are appropriate.
- Confidentiality is protected.
- It does not require provision of information in a format other than that which it is customarily maintained.

3(f) Confidentiality

The Governor's nomination is considered an application and is confidential until a Management Conference is convened. Similarly, applications for section 320(g)(3) grants are confidential until an offer or award is accepted by the applicant. After acceptance, all documents are public.

3(g) Sensitive Questions

No information of a sensitive nature is requested by this ICR.

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

Respondents are mainly state and local government workers. The SIC code applicable to the state and local governments is 9511.

4(b) Information Requested

(i) Data items: Annual work plans, program evaluation packages, performance measures, and equity strategies. For annual work plans, the standard recordkeeping requirement for EPA grants is three years after the date the recipient submits the final Financial Status Report.

(ii) Respondent Activities: Compiling information on activities for each NEP, such as restoration projects, outreach material that has been developed, and workshop proceedings. This may include reviewing and transmitting information or searching established databases.

5. The Information Collected: Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

For annual work plans, program evaluation packages, performance measures, and equity strategies, the Agency typically will answer respondent questions, hold conference calls, review and analyze the submissions, record the submissions, and store the information.

5(b) Collection Methodologies and Management

Annual work plans serve as a scope of work for the grant agreement and are submitted electronically as part of the grant application. PE packages are submitted electronically. PE submissions may include brochures, pictures, and other public outreach tools that have been developed. Performance measures are submitted through an online reporting tool. Equity strategies are submitted in electronic format to EPA-HQ for review. Only upon determination of completeness will these strategies be approved. Quality is checked by follow-up conversations with the respondents. For example, with PE, conference calls are set up to go over the PE package and discuss overall progress being made implementing the CCMP. The processing technology at this time is standard desktop computer with word processing software. Agency staff will enter and store some data electronically using these formats. Performance measures are also stored allow public access through the EPA website. Some information is not electronic and will be disseminated at conferences and workshops, as appropriate.

5(c) Small Entity Flexibility

State and local entities and non-governmental organizations are the most likely respondents to this information request. Therefore, the burden on small organizations is not an issue for the reporting requirements contained in this ICR.

5(d) Collection Schedule

Annual work plans are required each year from the 28 NEPs by June 1. Program evaluations are scheduled as follows: nine NEPs for FY2023 (added two NEPs from FY2022 for PE review one year later due to administrative reasons), seven NEPs for FY2024; and seven NEPs for FY2025. Performance measures are submitted annually to correspond with the Agency reporting process and are requested to be provided by the end of the fiscal year. Equity strategies are submitted on a one-time basis to waive the remaining NEP non-federal match/cost-share requirements for BIL funds in FY2024 – FY2026.

6. Estimating Burden and Cost of the Collection

6(a) Estimating Respondent Burden

The total number of estuary programs in the NEP is limited by the amount of funds appropriated from Congress. Current status and budget projections provide up to 28 estuaries in the NEP in FY2023. During the term of this ICR, all 28 are operating in the post-CCMP characterization stage which, as discussed in the abstract in section 1(b), informs oversight and implementation of the CCMP. During the post-CCMP characterization phase and BIL implementation, the NEPs receive significantly more funding. Annual work plans, program evaluation packages, program measures, and one-time equity strategies encompass more effort than those of the pre-CCMP characterization period. Based on the experience of NEPs to date, EPA is updating the burden hour estimates developed for the 2020 ICR calculations for the Agency as well as respondents in the current *Federal Register* notice.

(A) Annual Work Plans:

It is estimated that 220 burden hours are required for state and local government and non-governmental personnel to prepare and gather information to summarize the previous year's activities and accomplishments, as stated in the 2020 NEP Funding Guidance, to plan for the current year, and to produce the annual work plan. This is a higher value than used in the previous review cycle to better account for staff time dedicated to obtaining additional information from their partners, particularly tracking and reporting associated with BIL. Management Conferences may identify efficiencies in their record keeping and tracking as BIL implementation progresses, which could result in a lower burden for the following cycle.

The Annual Work Plans burden to respondent is:

FY2023: 28 Annual Work Plans
FY2024: 28 Annual Work Plans
FY2025: 28 Annual Work Plans

28 Annual Work Plans * 220 hours/work plan = 6,160 hours/year
6,160 hours/year * 3 years = **18,480 hours/3 years**

(B) Program Evaluation Packages:

It is estimated that 280 burden hours per PE review cycle are required for respondents to prepare and gather information to summarize the previous period's activities. The NEPs are expected to continually review and reassess priorities, so 280 hours is considered to be the average of the effort required to prepare a program evaluation package as specified in the most recent 2021 PE Guidance. The personnel required to complete this effort is a mix of white-collar staff: approximately 55 percent technical, 5 percent secretarial, and 40 percent administration or managerial level.

The program evaluation burden to the respondent is:

FY2023: 9 Program Evaluation Packages⁺
FY2024: 7 Program Evaluation Packages

FY2025: 7 Program Evaluation Packages

*Two NEP PEs were shifted from FY2022 to FY2023.

23 Program Evaluation Packages * 280 hours/package = **6,440 hours/3 years**

(C) Performance Measures:

The 2020 ICR value will be updated for reporting performance measures in this ICR cycle. The 2023 value was derived based on discussions with respondents. It was estimated that an upper limit for burden hours to the NEPs for reporting performance measures information is 260 hours with a lower limit of 25 hours for those NEPs with relatively smaller study areas and/or with more established information management systems in place. The annual median estimate of burden hours for the NEPs to collect and report performance measures information has increased from 35 to 100 hours per report to better reflect increased reporting for BIL and Justice40, as well as contributions from partners and any potential sub-awardees which translate to additional staff time for consolidating information.

The Performance Measures burden to the respondent is:

FY2023: 28 Performance Measures

FY2024: 28 Performance Measures

FY2025: 28 Performance Measures

28 Performance Measures * 100 hours/report = 2,800 hours/year

2,800 hours/year * 3 years = **8,400 hours/3 years**

(D) Equity Strategies:

Each NEP must develop and submit an equity strategy. The primary purpose of the equity strategy is for each NEP to outline how they will address environmental justice within their watersheds and contribute to the nationwide NEP Justice40 goal of at least 40 percent of the federally-funded investments and benefits flowing to disadvantaged communities. Equity strategies are submitted on a one-time basis to waive the remaining NEP non-federal match/cost-share requirements for BIL funds in FY2024 – FY2026. The value of 82 hours below represents the average of the effort provided by the NEPs at the time of consultation.

FY2023: 28 Equity Strategies

28 Equity Strategies * 82 hours/strategy = **2,296 hours/year**

6(b) Estimating Respondent Costs

6(b)(I) Estimating Labor Costs

(A) Annual Work Plans:

The CCMP annual work plan is estimated to take 220 hours of preparation time by state and local government and non-governmental personnel. For estimates on respondent costs, EPA is updating the estimates developed for the 2020 ICR from the U.S. Department of Labor's occupational employment statistics employment cost index (see <https://www.bls.gov/oes/current/oes190000.htm>) to calculate the current value of the dollar. The 2022 mean hourly wage estimate of \$40.21 plus a benefits/overhead multiplier of 1.6 will have a current value of \$64.34. This amount will be applied to the occupational group of life, physical, and social science.

The Annual Work Plans cost to the respondent is:

FY2023: 28 Annual Work Plans

FY2024: 28 Annual Work Plans

FY2025: 28 Annual Work Plans

28 Annual Work Plans * 220 hours/work plan = 6,160 hours/year

6,160 hours/year * 3 years = 18,480 hours/3 years

18,480 hours/3 years * \$64.34/hour = **\$1,189,003/3 years**

(B) Program Evaluation Packages:

It is estimated that 280 burden hours are required for respondents to prepare and gather information to summarize the previous period's activities. Because it is expected that NEPs will continually review and reassess priorities, 280 hours is considered the average of the effort required to prepare a program evaluation package. The mean hourly wage estimate of \$40.21 plus a benefits/overhead multiplier of 1.6 will have a current value of \$64.34, which will be applied for the occupational group of life, physical, and social science (see Annual Work Plans cost description above).

The Program Evaluation Packages cost to the respondent is:

FY2023: 9 Program Evaluation Packages⁺

FY2024: 7 Program Evaluation Packages

FY2025: 7 Program Evaluation Packages

⁺Two NEP PEs were shifted from FY2022 to FY2023.

23 Program Evaluation Packages * 280 hours/package = 6,440 hours/3 years

6,440 hours/3 years * \$64.34/hour = **\$414,350/3 years**

(C) Performance Measures:

Based on discussions with respondents, it is estimated that an upper limit for burden hours to the NEPs for reporting performance measures information is 260 hours with a lower limit of 25 hours for those programs with relatively smaller study areas and/or with more established

information management systems in place. As programs begin to establish tracking systems and information management systems, the burden hours should decrease. Presently, the annual median estimate of burden hours for the NEPs collecting and reporting performance measures information has increased from 35 to 100 hours per report. This change better reflects increased reporting for BIL and Justice40, as well as contributions from partners and any potential sub-awardees which translate to additional staff time for consolidating information. The mean hourly wage estimate of \$40.21 plus a benefits/overhead multiplier of 1.6 will have a current value of \$64.34, which will be applied for the occupational group of life, physical, and social science (see Annual Work Plans cost description above).

The Performance Measures cost to the respondent is:

FY2023: 28 Performance Measures

FY2024: 28 Performance Measures

FY2025: 28 Performance Measures

28 Performance Measures * 100 hours/report = 2,800 hours/year

2,800 hours/year * 3 years = 8,400 hours/3 years
8,400 hours/3 years * \$64.34/hour = **\$540,456/3 years**

(D) Equity Strategies:

Equity strategies are submitted on a one-time basis to waive the remaining NEP non-federal match/cost-share requirements for BIL funds in FY2024 – FY2026. Based on discussions with respondents, it is estimated that 82 hours represents the average of the effort provided by the NEPs at the time of consultation. The mean hourly wage estimate of \$40.21 plus a benefits/overhead multiplier of 1.6 will have a current value of \$64.34, which will be applied for the occupational group of life, physical, and social science (see Annual Work Plans cost description above).

28 Equity Strategies * 82 hours/strategy = 2,296 hours/year

2,296 hours/year * \$64.34/hour = **\$147,725/year**

(6)(b)(ii) Estimating Capital and Operations and Maintenance Costs:

As in the last review cycle, no Capital and Operations and Maintenance Costs are expected.

(6)(b)(iii) Capital/Start-up Operating and Maintenance (O&M) Costs:

As in the last review cycle, no Capital and Operations and Maintenance Costs are expected.

(6)(b)(iv) Annualizing Capital Costs: N/A

6(c) Estimating Agency Burden and Cost

(A) Annual Work Plans:

Part of the overall burden and cost to the Federal Government is based on the number of annual

work plans expected each year as estimated in Item No. 6(a). The burden also is based on the 2020 ICR cycle. In the 2020 ICR cycle, reviewing the CCMP annual work plan required 25 hours of Federal workers' time. These estimates were collected from several EPA Regional Offices and from Headquarters staff reviewers. Cost estimates are based on the 2023 General Schedule (GS) locality pay for a GS-12, Step 1 Federal employee for the Washington, DC area (see https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx). With these estimates applied, the hourly wage estimate is \$45.14 plus a benefits/overhead multiplier of 1.6 (total \$72.22). The burden and cost to the Federal Government for reviewing annual work plans is summarized below.

The Annual Work Plans burden and cost to the Agency is:

FY2023: 28 Annual Work Plans
FY2024: 28 Annual Work Plans
FY2025: 28 Annual Work Plans
28 Work Plans * 25 hours/work plan = 700 hours/year
700 hours/year * 3 years = 2,100 hours/3 years
2,100 hours/3 years * \$72.22/hour = **\$151,662/3 years**

(B) Program Evaluations:

Part of the overall burden and cost to the Federal Government is based on the number of program evaluations expected each year as estimated in Item No. 6(a). The whole program evaluation process (e.g., reviewing the PE packages, attending conference calls, participating in site visit, and issuing PE findings letter) required 80 hours of federal workers' time. These estimates were collected from several EPA Regional Offices and also from HQ staff reviewers. Cost estimates are based on the 2023 General Schedule (GS) locality pay for a GS-12, Step 1 Federal employee for the Washington, DC area (see https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx). With these estimates applied, the hourly wage estimate is \$45.14 + a benefits/overhead multiplier of 1.6 (total \$72.22). The burden and cost to the Federal Government conducting the whole program evaluation process is summarized below.

The Program Evaluations burden and cost to the Agency is:

FY2023: 9 Program Evaluations⁺
FY2024: 7 Program Evaluations
FY2025: 7 Program Evaluations
⁺Two NEP PEs were shifted from FY2022 to FY2023.

23 Program Evaluations * 80 hours/evaluation = 1840 hours/3 years
1840 hours/3 years * \$72.22/hour = **\$132,885/3 years**

(C) Performance Measures:

Part of the overall burden and cost to the Federal Government is based on the number of performance measures expected each year as estimated in Item No. 6(a). Based on Headquarters

experience, approximately 30 hours of federal workers' time is required to review performance measures on the Oracle Apex platform. Cost estimates are based on the 2023 General Schedule (GS) locality pay for a GS-12, Step 1 Federal employee for the Washington, DC area (see https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx). With these estimates applied, the hourly wage estimate is \$45.14 plus a benefits/overhead multiplier of 1.6 (total \$72.22). The burden and cost to the Federal Government for reviewing performance measures is summarized below.

The Performance Measures burden and cost to the Agency is:

FY2023: 28 Performance Measures
FY2024: 28 Performance Measures
FY2025: 28 Performance Measures

28 Performance Measures * 30 hours/report = 840 hours/year
840 hours/year * 3 years = 2,520 hours/3 years
2,520 hours/3 years * \$72.22/hour = **\$181,994/3 years**

(E) Equity Strategies:

Part of the overall burden and cost to the Federal Government is based on the number of equity strategies submitted on a one-time basis as estimated in Item No. 6(a). Based on Headquarters experience reviewing similar reports, approximately 10 hours of federal workers' time is required to review equity strategies. Cost estimates are based on the 2023 General Schedule (GS) locality pay for a GS-12, Step 1 Federal employee for the Washington, DC area (see https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx). With these estimates applied, the hourly wage estimate is \$45.14 plus a benefits/overhead multiplier of 1.6 (total \$72.22). The burden and cost to the Federal Government for reviewing equity strategies is summarized below.

The Equity Strategies burden and cost to the Agency is:

FY2023: 28 Equity Strategies

28 Equity Strategies * 10 hours/strategy = 280 hours/year
280 hours/year * \$72.22/hour = **\$20,222/year**

6(d) Estimating the Respondent Universe and Total Burden and Costs

The total universe of respondents is 28 NEPs for work plans, performance measures, and equity strategies as every NEP is required to submit annual work plans and performance measures over this three-year cycle, and equity strategies are submitted on a one-time basis only in 2023. However, the universe of respondents for program evaluations is 23 NEPs over this three-year cycle.

Total Burden to Respondent:

Annual Work Plans	18,480 hours/3 years	
Program Evaluation Packages	6,440 hours/3 years	
Performance Measures	8,400 hours/3 years	
Equity Strategies	2,296 hours/year	
TOTAL	35,616 hours/3 years	Annualized
	11,872 hours/year	

Total Cost to Respondent:

Annual Work Plans	\$1,189,003/3 years
Program Evaluation Packages	\$414,350/3 years
Performance Measures	\$540,456/3 years
Equity Strategies	\$147,725/year
TOTAL	\$2,291,533/3 years
Annualized	\$763,844/year

Total Burden for Agency:

Annual Work Plans	2,100 hours/3 years
Program Evaluations	1,840 hours/3 years
Performance Measures	2,520 hours/3 years
Equity Strategies	280 hours/year
TOTAL	6,740 hours/3 years
Annualized	2,247 hours/year

Total Cost to Agency:

Annual Work Plans	\$151,662/3 years
Program Evaluations	\$132,885/3 years
Performance Measures	\$181,994/3 years
Equity Strategies	\$20,222/year
TOTAL	\$486,763/3 years
Annualized	\$162,254/year

6(e) Bottom Line Burden Hours and Cost Tables

(I) Respondent Tally Total Burden: **11,872 hours/year** Total Cost: **\$763,844/year**

(ii) The Agency Tally Total Burden: **2,247 hours/year** Total Cost: **\$162,254/year**

(iii) Variations in the Annual Bottom Line: It is anticipated that there will be a significant variation (>25%) for the burden or cost to either respondents or Agency over this ICR cycle.

6(f) Reasons for Change in Burden

There is a significant increase in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to 1) year-end reporting of activities and

accomplishments in Work Plans, 2) Program Evaluations taking place in the next three years, compared to two years in the currently approved ICR, 3) expanded reporting of existing information collection (work plans, program evaluation packages, performance measures) under BIL, and 4) requirement to develop equity strategies to meet expectations under the Justice40 Initiative, as well as to waive the remaining NEP non-federal match/cost-share requirements for BIL funds in FY2024 – FY2026.

6(g) Burden Statement

The public reporting and recordkeeping burden for this collection of information is estimated to be 220 hours per response for Annual Work Plans, 280 hours per response for Program Evaluation Packages, 100 hours per response for reporting Performance Measures, and 82 hours per response for Equity Strategies. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2006-0369, which is available for on-line viewing at www.regulations.gov or in person at the Water Docket in the EPA Docket Center (EPA/DC), WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426.

An electronic version of the public docket is available at www.regulations.gov. Use Regulations.gov to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget at oir_submission@omb.eop.gov. Please include the EPA Docket ID No. (EPA-HQ-OW-2006-0369) and OMB control number 2040-0138 in any correspondence.

Part B

COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This section is not applicable because no statistical procedures are employed for the data collection.