U.S. Environmental Protection Agency
Information Collection Request

Title: National Estuary Program (Renewal)

OMB Control Number: 2040-0138

EPA ICR Number: 1500.11

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.

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate 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 Memorandum[2] 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.

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

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 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. PRACTICAL UTILITY/USERS OF THE DATA

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 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]

(E) Equity Strategy

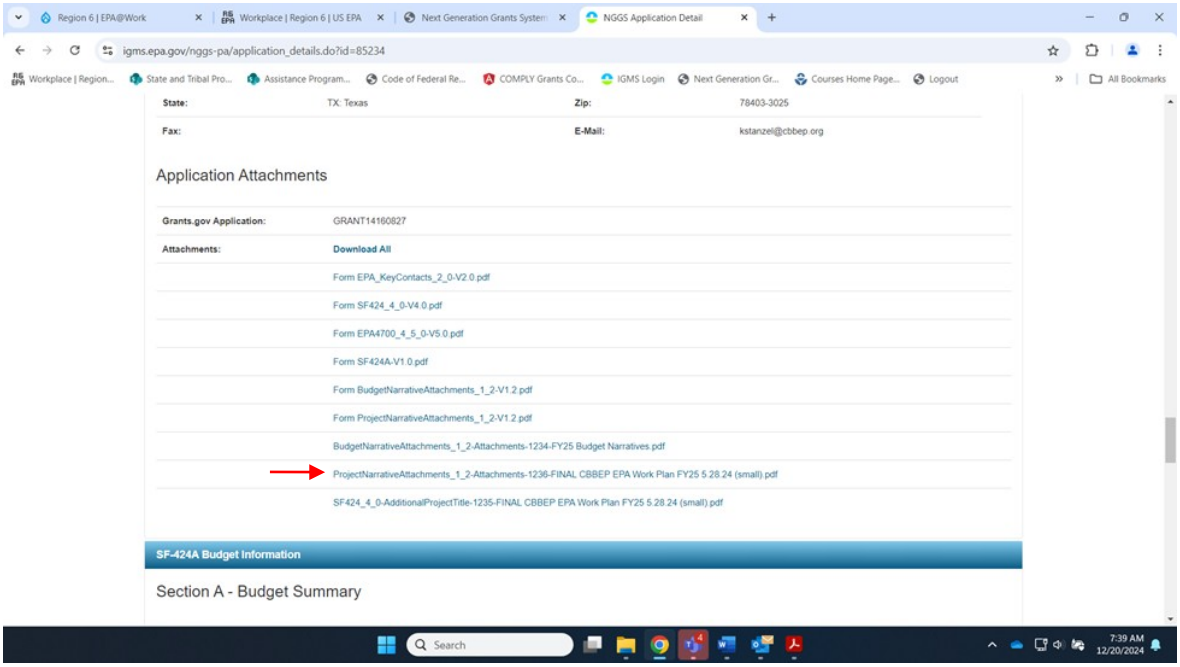
Each NEP must develop and submit an equity strategy. The primary purpose of the equity strategy is for each NEP to outline how they will address environmental justice within their watersheds and contribute to the nationwide NEP Justice40 goal of at least 40% of the federally-funded investments and benefits 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. USE OF TECHNOLOGY

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.

Annual work plans serve as a scope of work for the grant agreement and are submitted electronically as part of the grant application in grants.gov. A screenshot example is provided below showing attachments included in the application when EPA receives it through EPA's Next Generation Grants System.

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



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.

4. EFFORTS TO IDENTIFY DUPLICATION

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 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.

5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES

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

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.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION

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.

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.

7. GENERAL GUIDELINES

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB 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.

8. PUBLIC COMMENT AND CONSULTATIONS

8a. Public Comment

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.

EPA published a *Federal Register* notice on January 4, 2023, to announce the renewal of this ICR. A 60-day notice was published on January 5, 2023, and a 30-day notice was published on August 16, 2023. No comments were received.

8b. Consultations

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 3 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.

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. The annual workshop continues to be a mechanism to share milestones, successes and lessons learned between EPA and the 28 individual programs. It also serves as a forum for EPA to gather feedback to identify efficiencies and to discuss additional considerations when revising programmatic guidance (NEP Funding Guidance) and implementation of CCMPs (Program Evaluation Guidance). Each annual workshop provides the opportunity for EPA to engage all 28 local NEPs on programmatic topics, including reporting requirements, which has helped inform national program efforts.

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. The burden estimates from the recipients reflect the general effort across the 28 individual programs based on their Management Conference structure and the complexity of their partnership network.

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

9. PAYMENTS OR GIFTS TO RESPONDENTS

Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to respondents.

10. ASSURANCE OF CONFIDENTIALITY

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records

notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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.

11. JUSTIFICATION FOR SENSITIVE QUESTIONS

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 information of a sensitive nature is requested by this ICR.

12. RESPONDENT BURDEN HOURS & LABOR COSTS

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. 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 the 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. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*

12a. Respondent/NAICS Codes

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

12b. Information Requested

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.

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.

12c. 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.

12d. Respondent Burden Hours and Labor Costs
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. The figure is based on the median value of estimates from eight programs. It includes estimates for BIL-specific workplans. 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 figure is based on the average of estimates from eight programs. It includes estimates for including relevant BIL information, per the 2021 PE Guidance. 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**

Estimating Respondent Costs

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 years8,400 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**

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

Capital/Start-up Operating and Maintenance (O&M) Costs:
As in the last review cycle, no Capital and Operations and Maintenance Costs are expected.

Annualizing Capital Costs: N/A

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**

Bottom Line Burden Hours and Cost Tables

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

Information Collection Requirement	**A**	**B**	**C**	**D**	**E**	**F**
	Actions per Year	**Submissions per Agreement**	**Burden Hours per Action**	**Total Burden Hours for Recipients**	**Burden Hours per Action for EPA**	**Total Burden Hours for EPA**
Annual Workplan	28	3	220	18,480	25	2,100
Program Evaluation	7.66 (average)	3	280	6,440	80	1,840
Performance Measures	28	3	100	8,400	30	2,520
Equity Strategies	28	1	82	2,296	10	280

13. RESPONDENT CAPITAL AND O&M COSTS

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

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 consider 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 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

collections services should be a part of this cost burden estimate.
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.

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

Capital/Start-up Operating and Maintenance (O&M) Costs:
As in the last review cycle, no Capital and Operations and Maintenance Costs are expected.

Bottom Line Burden Hours and Cost Tables

Respondent Tally	Total Burden: **11,872 hours/year**	Total Cost: **$763,844/year**
The Agency Tally	Total Burden: **2,247 hours/year**	Total Cost: **$162,254/year**

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.

14. AGENCY COSTS
Provide estimates of annualized costs 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.

14a. 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.

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.

14b. Agency Labor 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://wwwhttps://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**

(D) 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**

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

Information	A	B	C	D	E	F

Collection Requirement						
	Total Burden Hours for Recipients	Cost per Hour for Recipients	Total Cost for Recipients	Total Burden Hours for EPA	Cost per Hour for EPA	Total Cost Burden for EPA
Annual Workplan	18,480	$64.34	$1,189,003	2,100	$72.22	$151,662
Program Evaluation	6,440	$64.34	$414,350	1,840	$72.22	$132,885
Performance Measures	8,400	$64.34	$540,456	2,520	$72.22	$181,994
Equity Strategies	2,296	$64.34	$147,725	280	$72.22	$20,222

15) REASONS FOR CHANGE IN BURDEN

Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.

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.

16) PUBLICATION OF DATA

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 results of the data collected in the Program Evaluation Packages will be synthesized by EPA and presented in a program evaluation results summary report. Program evaluation package data are submitted in the March to May timeframe for the previous year. The summary report will be published within approximately one year following the completion of EPA's program evaluations.

Performance measure data for the previous year, including habitat, leveraging, and BIL project data, will be collected and approved by EPA in the September to October timeframe each year, then shared publicly via EPA's National Estuary Program Online Reporting Tool (NEPORT) in the December timeframe.

17) DISPLAY OF EXPIRATION DATE

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

N/A

18) CERTIFICATION STATEMENT

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

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.

Part B

COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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