

Supporting Statement A

Land Use Application and Permit (43 CFR Part 2920)

OMB Control Number 1004-0009

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

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

Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1732) and regulations at 43 CFR part 2920 authorize the issuance of leases, permits, and easements for the use, occupancy, or development of public lands administered by the BLM. Respondents include individuals, private entities, and State or local governments. They use Form 2910-1 to apply for leases, permits, or easements, and the BLM uses the information collected on Form 2920-1 to determine whether or not to grant the applications.

A variety of land uses may be authorized under FLPMA Section 302 and 43 CFR part 2920: commercial filming, advertising displays, commercial or noncommercial croplands, apiaries, livestock holding or feeding areas not related to grazing permits and leases, harvesting of native or introduced species, temporary or permanent facilities for commercial purposes (other than mining claims), ski resorts, construction equipment storage sites, assembly yards, oil rig stacking sites, mining claim occupancy if the residential structures are not incidental to the mining operation, and water pipelines and well pumps related to irrigation and non-irrigation facilities. The complexity of the applications can vary widely. Therefore, the burdens to respondents also can vary widely.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information**

received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

The BLM collects and uses the information on Form 2920-1 to:

- (a) Identify the proposed land use and activities;
- (b) Identify the project's location; and
- (c) Examine a schedule for construction of any facilities.

We require applicants to provide the following information:

- (a) Applicant's name, address, and phone number. The BLM uses this information to identify and contact potential or authorized users, and for billing purposes.
- (b) Map or sketch showing public lands for which the respondent is applying. The BLM uses this information to establish legal ownership and identify the lands on which the use would take place.
- (c) Proposed date(s) of use. The BLM uses this information to make sure that the duration of the proposed use is consistent with the term specified in the land use authorization.
- (d) Legal basis for holding interest in lands. The BLM uses this information to define the legal basis and qualifications for issuing a permit or lease.
- (e) Current land conditions (i.e., are the lands now improved, occupied or used). The BLM uses this information to identify potential conflicts between the proposed use and other uses of the lands.
- (f) Access needs (i.e., do you need access to the lands). The BLM uses this information to determine if the applicant needs to obtain a right-of-way for access to the lands.
- (g) Proposed use of the lands. The BLM uses this information to determine if the proposed use is consistent with the BLM programs and land use plans, and what type of land use authorization is appropriate for the proposed land use.
- (h) Proposed improvements and/or land development. The BLM uses this information to determine if the proposed improvements and/or developments are consistent with the type of uses authorized. Engineering and construction drawings are required for land use authorizations involving major capital expenditures.
- (i) Estimated capital costs. The BLM uses this information to determine the type of land use authorization that would be issued.
- (j) Water source for the proposed use. Water rights are closely regulated by State agencies. Therefore, the BLM may not issue authorizations for uses that require a water use without a showing that the user has a valid water right or permit.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

Form 2920-1, the form in this collection, is electronically available to the public in fillable, printable format on BLM's Forms Web site at <http://www.blm.gov/noc/st/en/business/eForms.html>. A respondent who chooses to submit this form electronically may do so by scanning and then emailing it to the appropriate BLM office.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

There is no duplication between this information collection and other collections. The information is unique to each application and is unsuitable for other uses. The BLM is not able to use or modify existing information collections to process new applications because respondents' applications are distinct, unrelated to each other, and specific to their individual proposed projects.

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

The BLM is collecting the minimum amount of information necessary in order to issue the permit or lease. The BLM does not collect information on whether the respondents are small businesses or small entities. However, we estimate that all of the 66 individual respondents and all of the 286 typical private-sector respondents¹ may qualify as small businesses or other small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the BLM did not collect this information, respondents would not be able to acquire leases, permits, and easements to use, occupy, or develop public lands under FLPMA Section 302 and 43 CFR part 2920. Less frequent collection would mean no collection at all. Reducing the burden would preclude the collection of sufficient information to determine whether or not an applicant meets the statutory and regulatory standards.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

¹ For an explanation of the differences between typical and complex private-sector responses, see Item Nos. 12 through 15, below.

- * **requiring respondents to report information to the agency more often than quarterly;**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

A respondent needs to fill out an application in order to obtain an easement, permit, or lease under FLPMA Section 302 and 43 CFR part 2920. The guidelines in 5 CFR 1320.5 are not exceeded.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On September 27, 2013 the BLM published the required 60-day notice in the Federal Register (78 FR 59711), and the comment period ended November 26, 2013. The BLM received one comment. The comment was a general invective about the Federal government, the Department

of the Interior, and the BLM. It did not address, and was not germane to, this information collection. Therefore, we have not changed the collection in response to the comment.

The BLM has consulted with the following respondents to obtain their views on the availability of data; frequency of collection; the clarity of instructions; the recordkeeping, disclosure, and reporting formats; and on the data elements to be recorded, disclosed, or reported:

Applicant: Limey Films
Contact: Brian Bird, (310)696-2860

Contact: Onslot Creative
Contact: Catrina Williams (702)515-5176

Applicant: Muley Crazy, Inc
Contact: Ryan Hatch (435)644-2486

The respondents had no issues regarding Form 2920-1, including the availability of data, frequency of collection, the clarity of instructions, the reporting format, and on the data elements being collected. The BLM took their comments into account in estimating the burdens of this collection.

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

The applicant receives no payments or gifts.

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

We protect the respondent's confidentiality to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

A Privacy Act system of records is associated with this information collection: Land & Minerals Authorization Tracking System—Interior / LLM-32. The system includes records concerning individuals, corporations, and other entities in the private sector. Only the records concerning the personal information of individuals are subject to the Privacy Act. Disclosure of such records outside the Department of the Interior is permissible for the following reasons:

- (1) To appropriate Federal agencies when concurrence or supporting information is required prior to granting or acquiring a right or interest in lands or resources;
- (2) To Federal, State, or local agencies or a member of the general public in response to a specific request for pertinent information;
- (3) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior

determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled;

(4) To disclose pertinent information to appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, regulation, rule, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(5) To a member of Congress or a Congressional staff member from the record of an individual in response to an inquiry made at the request of that individual;

(6) To the Department of the Treasury to effect payment to Federal, State, and local government agencies, nongovernmental organizations, and individuals;

(7) To individuals involved in responding to a breach of Federal data;

(8) To consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C.1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Also, in accordance with the privacy provisions of the E-Government Act (codified at 44 U.S.C. 3501 note, § 208) and guidance of the OMB, respondents are informed that providing the information is necessary to obtain or maintain a benefit.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The applicant is not required to answer questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

Land use applications can vary markedly in complexity. We estimate that each response from individuals, or State or local governments, as well as each typical response from the private sector, is completed in one hour. However, an application involving substantial construction or development, or posing the possibility of significant environmental impacts, may result in burdens to the respondent that would be much higher than for a typical respondent. These complex applications generally come from the private sector. While we may receive none of these relatively complex applications in a given year, we estimate that we will receive 10 complex private-sector responses per year, and each of those responses will require an estimated 120 hours to prepare.

Hourly Cost Calculations

As shown at Tables 12-1 through 12-3, below, the estimated hourly cost is \$49.63 for individuals, \$39.30 for State and local governments, and \$45.72 for the private sector. The hourly cost calculations shown in Tables 12-1 through 12-3 are based on wage estimates of the National Bureau of Labor Statistics, and on benefits multipliers that are supported or implied by information at: <http://www.bls.gov/news.release/ecec.nr0.htm>.

The hourly cost for individuals is based on the mean hourly wage for Standard Occupational Classification (SOC) Code Number 23-2093 (Title Examiners, Abstractors, and Searchers), as shown at: The benefits multiplier for individuals is 1.4.

The hourly cost for State and local governments is based on the mean hourly wage for SOC Code Number 23-2011 (Paralegals and Legal Assistants), as shown at: http://www.bls.gov/oes/current/naics3_999000.htm. The benefits multiplier for State and local governments is 1.5.

The hourly cost for the private sector (for both typical and complex responses) is based on the mean hourly wage for SOC Code Number 13-0000 (Business and Financial Operations Occupations), as shown in the May 2009 National Occupational Employment and Wage Estimates, at http://www.bls.gov/oes/current/oes_nat.htm. The benefits multiplier for the private sector is 1.4.

Table 12-1 — Estimated Hourly Costs: Individuals

| A. Position | B. Mean Hourly Pay Rate | C. Hourly Rate with Benefits (Column B x 1.4) |
|--|------------------------------------|--|
| SOC Code Number 11-9013 Farmers, Ranchers, and Other Agricultural Managers | \$35.45 | \$49.63 |

Table 12-2 — Estimated Hourly Costs: State and Local Governments

| A. Position | B. Mean Hourly Pay Rate | C. Hourly Rate with Benefits |
|------------------------|------------------------------------|---|
|------------------------|------------------------------------|---|

| | | |
|--|---------|-------------------------|
| | | (Column B x 1.5) |
| SOC Code Number 23-2011 Paralegals and Legal Assistants | \$26.20 | \$39.30 |

Table 12-3 — Estimated Weighted Average Hourly Costs: Private Sector (Typical and Complex Responses)

| A. Position | B. Mean Hourly Pay Rate | C. Hourly Rate with Benefits (Column B x 1.4) |
|---|--|--|
| SOC Code Number 13-0000 Business and Financial Operations Occupations | \$32.66 | \$45.72 |

Estimated Hour and Cost Burdens

The per-hour costs are shown at Tables 12-1 through 12-3, above. The hour and cost burdens of the individual components of this information collection are itemized in Table 12-4, below.

Table 12-4 — Hour and Cost Burdens

| A. Type of Response | B. Number of Responses Annually | C. Time for Each Response | D. Annual Hour Burden (Column B x Column C) | E. Cost per Hour | F. Annual Cost (Column D x Column E) |
|---|--|--|--|-------------------------------------|---|
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Individuals | 66 | 1 hour | 66 hours | \$49.63 | \$3,275.58 |

| A. Type of Response | B. Number of Responses Annually | C. Time for Each Response | D. Annual Hour Burden (Column B x Column C) | E. Cost per Hour | F. Annual Cost (Column D x Column E) |
|---|------------------------------------|------------------------------|---|---------------------|--|
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 State and Local Governments | 45 | 1 hour | 45 hours | \$39.30 | \$1,768.50 |
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Private Sector / Typical | 286 | 1 hour | 286 hours | \$45.72 | \$13,075.92 |
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Private Sector / Complex | 10 | 120 hours | 1,200 hours | \$45.72 | \$54,864.00 |
| Totals | 407 | | 1,597 hours | | \$72,984 |

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

*** The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount**

rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Respondents incur no annual capital or start-up costs, and no recurring annual costs to prepare for or respond to the information collection. Respondents do not need to purchase any computer software or hardware to comply with this information collection.

In accordance with 43 CFR 2804.14, respondents must pay a fee to BLM for the reasonable costs of processing an application before the Federal Government incurs them. The fee is a one-time fee and is not refundable. The amount of the fee is unique to each respondent. The fee is calculated based on the amount of time BLM will need to prepare reports and statements required by the National Environmental Policy Act (43 USC 4321 – 4347). The estimated fees are itemized in Table 13, below.

Table 13 — Processing Fees

| A. Type of Response | B. Number of Responses Annually | C. Estimated Fee for Each Response | D. Estimated Annual Fees (Column B x Column C) |
|--|--|---|---|
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Individuals | 66 | \$80 | \$5,280 |

| A. Type of Response | B. Number of Responses Annually | C. Estimated Fee for Each Response | D. Estimated Annual Fees (Column B x Column C) |
|---|--|---|---|
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 State and Local Governments | 45 | \$80 | \$3,600 |
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Private Sector / Typical | 286 | \$80 | \$22,880 |
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Private Sector / Complex | 10 | \$10,000 | \$100,000 |
| Totals | 407 | | \$131,760 |

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated hourly cost to the Federal Government is shown in Table 14-1 and is based on the U.S. Office of Personnel Management Salary Table at: <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2013/general-schedule/2013-gs-hourlyovertime-rates-by-grade-and-step/>. The benefits multiplier of 1.5 is implied by information at: <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 14-1 — Weighted Average Federal Wage Cost

| A. Position and Pay Grade | B. Hourly Wage | C. Hourly Rate with Benefits (Column B x 1.5) | D. Percent of the Information Collection Completed by Each Occupation | E. Weighted Average Pay Rate (Column C x Column D) |
|--|-------------------------------|--|--|---|
| Clerical GS-7, Step 5 | \$18.45 | \$27.68 | 25% | \$6.92 |
| Technical GS-11, Step 5 | \$27.31 | \$40.97 | 50% | \$20.48 |
| Managerial GS-13, Step 5 | \$38.92 | \$58.38 | 25% | \$14.60 |
| Total | | | | \$42.00 |

Table 14-2, below, shows the annualized Federal costs for each component of this information collection. The estimated time spent to process the information collections is based on the BLM's experience. The weighted average hourly wage associated with these information collections is shown at Table 14-1, above.

Land use applications can vary markedly in complexity. We estimate that each response from individuals, or State or local governments, as well as typical responses from the private sector, is processed by the BLM in 2 hours. However, an application involving substantial construction or development, or posing the possibility of significant environmental impacts, may result in burdens to the Government that would be much higher than for a typical respondent. These complex applications generally come from the private sector. While we may receive none of these relatively complex applications in a given year, we estimate that we will receive 10 complex private-sector responses per year, and each of those responses will require an estimated 240 hours to process.

Table 14-2 — Estimated Annual Cost to the Government

| A. Type of Response | B. Number of Responses Annually | C. Hours Per Response | D. Total Hours (Column B x Column C) | E. Total Wage Cost (Column D x \$42.00) |
|---|--|----------------------------------|---|--|
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Individuals | 66 | 2 hours | 132 | \$5,544.00 |
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 State and Local Governments | 45 | 2 hours | 90 | \$3,780.00 |
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Private Sector / Typical | 286 | 2 hours | 572 hours | \$24,042.00 |
| Land Use Application and Permit 43 CFR Part 2920 Form 2920-1 Private Sector / Complex | 10 | 240 hours | 2,400 hours | \$100,800 |
| Totals | 407 | | 3,194 hours | \$134,148 |

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

There are no program changes or adjustments.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The BLM will not publish the collection results.

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

The BLM will display the expiration date.

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

There are no exceptions to this certification statement.