

**Supporting Statement for Paperwork Reduction Act Submission**  
**NEPA Compliance Checklist**  
**OMB Control Number: 1018-0110**  
**February 19, 2004**

**Section A. Justification**

1. Explain why you need to collect this information. Identify any legal or administrative requirements that necessitate this information collection.

The U.S. Fish and Wildlife Service must consider certain issues during the process of reviewing an application for, and awarding, a Federal assistance grant. While these issues vary, an information collection is required to satisfy requirements for National Environmental Policy, Historical Preservation, Endangered Species, and other relevant laws and regulations. The National Environmental Policy Act (NEPA 42 U.S.C. 4321-4347) requires that a number of items be considered prior to any activity under a grant. The NEPA Compliance Checklist provides grantees and federal grant managers with a simple tool to ensure that all of those items are considered.

2. Explain how FWS will use the information. If this is not a new collection, explain how FWS has used the information received.

A quick look down the checklist reminds any State or Federal manager of the items he must consider prior to undertaking any activity under a grant. If any answer on the checklist is a "yes," he must take action to assess any environmental impact caused by grant activity. We use the checklist as a record in the file that these NEPA issues were considered prior to commencing grant activity.

In this renewal request, we are proposing certain changes to the checklist. Specifically, we have updated the checklist to ensure that it is substantially the same as the NEPA guidance approved by the Department. Most importantly, we have added extraordinary circumstances regarding high or adverse effect on low income and minority populations, limited access to and ceremonial use of Indian sacred sites, and contribution to the introduction, continued existence or spread of noxious weeds or nonnative invasive species. We also made several minor editorial changes to make the checklist easier for respondents to understand and complete.

3. Does this information collection use automated, electronic, mechanical, or other

technological techniques? Provide the reasons for the decision to adopt this means of collection. Describe any consideration you gave to using information technology to reduce burden on the public.

The NEPA Compliance Checklist is available online as a .pdf fillable file (see <http://training.fws.gov/fedaid/toolkit/3-2185.pdf>), but respondents must print out and mail in the completed checklist. This is because the checklist requires several original signatures, and as the Service does not yet have digital signature capability, we are not currently accepting this form electronically. The Service is, however, moving toward electronic submission of most grant information collections. Additionally, the Service is working very closely with the implementers of Grants.gov so that the we can use the site to its capacity. We are currently posting our new grant announcements on the grants.gov site.

4. Describe efforts to identify duplication. Show why similar information already available cannot be used or modified.

There are no other forms currently in use that collect similar information.

5. If the collection will have a significant impact on small entities, such as small businesses, describe methods used to minimize burden on them.

This collection of information has no significant impact on small businesses. Only Federal, State, and Territorial government agencies complete this checklist.

6. Describe the consequences to Federal programs or policies if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The National Environmental Policy Act requires that the checklist items be considered for each grant prior to the start of activity on the grant work. The Service must collect this information to demonstrate compliance with NEPA. The construction of the form lends itself to automation, and when that happens, it will reduce the burden on State grantees. There are no legal barriers to automation.

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

There are no special circumstances that would require this information to be collected

in a manner inconsistent with OMB guidelines.

8. Cite and provide a copy of the 60-day Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received on the 60-day notice, and describe actions taken by FWS in response to those comments. Specifically address comments received on cost and hour burden. Describe your efforts to consult with persons outside of FWS to obtain their views on the availability of data; frequency of collection; clarity of instructions, disclosure, or reporting format; and data elements to be recorded, disclosed, or reported. Consultation should include obtaining their views on the amount of burden to be imposed and ways to minimize the burden. If circumstances prevent this consultation, describe them.

On November 18, 2003, we published in the Federal Register (68 FR 65081) a notice soliciting public comment on this information collection for 60 days. The comment period ended on January 20, 2004. We did not receive any comments on the notice.

We worked closely with the Service's NEPA Coordinator, who in turn worked closely with the Department, the Council on Environment Quality, and other parties, to improve and clarify the NEPA Compliance Checklist. The revised checklist that is a part of the PRA submission reflects that collaborative effort.

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

No gifts or payments, other than grant money awarded to grantees, will be made to respondents.

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

There is no assurance of confidentiality. Once submitted, this form becomes public information and is not protected under the Privacy Act.

11. Provide justification for any questions of a sensitive nature. Include the reasons why the questions are necessary, the specific uses for the information, the explanation given to respondents, and steps taken to obtain respondents' consent.

None of the information collected is considered to be sensitive.

12. Provide estimates of the hour burden of the information collection. Include an estimate of the dollar value of the burden hours.

There are 56 non-Federal eligible entities (the 50 U.S. States and 6 U.S. Territories) that can participate in applicable grant programs. Of the 3,500 grant agreements and 1,750 amendments initiated each year for our grant programs, approximately 3%, or about 160 actions, will require a NEPA Compliance Checklist completion. The NEPA Coordinator estimates that each form takes about one-half hour to complete.

Form Name	Number of Respondents	Total Annual Responses	Completion Time for Each Form	Total Annual Hour Burden	Hourly Wage for Respondent	Dollar Value of Total Annual Burden Hours
NEPA Compliance Checklist	56	160	½ hour	80 hours	\$25.00	\$2,000.

13. Provide an estimate for the total annual non-hour dollar cost burden to respondents or recordkeepers. Do not include the cost of burden hours described in items 12 and 14.

There is no non-hour dollar cost burden to respondents; there are no filing fees.

14. Provide estimates of the annual cost to the Federal Government. Include a description of the method used to estimate cost, which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

#### **Annual Costs to the Fish and Wildlife Service**

	Printing of Forms	Mailing of Forms	Management of Information (\$35/hour)	Data Entry	File Maintenance	Total Annual Cost to the Service
NEPA Compliance Checklist	\$10	\$100	8 hours each per 160 responses = \$44,800.	\$10	\$10	\$44,930

15. Provide the reasons for any program changes or adjustments reported in items 13 or 14 of OMB 83-I.

There are no program changes or adjustments reported in items 13 or 14 of the OMB 83-I; we are requesting the same number of burden hours that we currently have approved.

16. For collections whose results will be published, outline the plans for tabulation and publication.

This data is entered into Federal Aid Information Management System (FAIMS) data base and used to generate FWS reports on the programs for internal and external stakeholder use.

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 Service is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.

18. Explain each exception to the certification statement identified in item 19 of OMB 83-I.

There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I for the information being collected.

## **Section B. Collections of Information Employing Statistical Methods**

This collection does not use statistical methods.

ADDITIONAL INFORMATION FOR OUR RESPONSE TO  
QUESTION 8 OF THE SUPPORTING STATEMENT

NEPA Compliance Checklist  
OMB Control Number: 1018-0110  
June 14, 2004

On March 13, 2004, we received a comment regarding this information collection in response to our Federal Register notice published on March 8, 2004 (69 FR 10737). The commenter opposed this collection of information for several reasons, including a belief that the information gathered has little value for the agency and the American public. The commenter requested that, in lieu of this collection, we conduct unannounced inspections of grantees to ensure their compliance with NEPA requirements. The commenter also expressed concern that the form itself was not a part of our Federal Register notice and that the purpose of the collection was not made clear in that notice.

We disagree with the commenter. The NEPA Compliance Checklist form is revised as needed to collect data related to compliance with the National Environmental Policy Act (NEPA), as amended. The form is designed to economically and effectively document compliance with NEPA without duplicating other grantee efforts. When completed by the grantee, the form is used as a tool to efficiently process State grants by the U.S. Fish and Wildlife Service (Service).

After being completed by the grantee and the Service, the NEPA Compliance Checklist (Form 3-2185) becomes part of the public record for the grant award and is subject to provisions of the Freedom of Information Act.

The NEPA Compliance Checklist (Form 3-2185) is an effective tool to collect consistent environmental policy compliance information on fish- and wildlife-related projects implemented to benefit public resources and public recreation.

The environmental compliance information is collected from prospective State agency grantees and is used as a basis to determine the environmental and social effects of proposed grant projects. If the grant is awarded, the information collected on the form is used as part of subsequent monitoring of accomplishments and results. The NEPA Compliance Checklist form does not replace the need for site visits and other verification of satisfactory performance towards achieving federal grant objectives.

As stated in our Federal Register notice published on March 8, 2004, the Service will provide, when requested, a copy of the revised NEPA Compliance Checklist and any other supporting documents to interested persons. Specifically, as stated in that notice, we will provide, at the commenter's request, a copy of the supporting statement, the form, and any other explanatory materials we have, and we included our contact information (voice, fax, and e-mail address) to ensure that the public can easily request those materials.