

The Supporting Statement for OMB 0596-0172

Pre-decisional Objection Process for Hazardous Fuel Reduction Projects Authorized by the Healthy Forest Restoration Act of 2003

A. Justification

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

Laws, Statutes, Regulations

- Healthy Forests Restoration Act of 2003 (December 3, 2003, HFRA); Public Law No. 108-148, § 105; 117 Stat 1887
- Title 36 CFR, parts 217 and 219
- Interior and Related Agencies Appropriation Act of Fiscal Year 1993 (Appeals Reform Act or ARA); Public Law 102-381, § 322; 106 Stat. 1419; 36 CFR part 215

On December 3, 2003, President Bush signed the Healthy Forests Restoration Act of 2003. The purpose of the Act was, and is, to reduce the threat of destructive wildfires while upholding environmental standards and encouraging early public input during review and planning processes. The legislation, based on sound science, furthers the President's Healthy Forests Initiative pledge to care for America's forests and rangelands, reduce the risk of catastrophic fire to communities, help save the lives of firefighters and citizens, and protect threatened and endangered species.

One of the provisions of the Act, Section 105, requires that, "*...not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a pre-decisional administrative review process.*" This process "*...serves as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.*"

Those choosing to participate in the pre-decisional administrative review process must provide information in order for the Forest Service to respond. This information includes, at a minimum, the objector's name, address, and telephone number (if available); the name of the project for which they are filing an objection; and the specific changes in the authorized project they seek and the rationale for those changes.

The Forest Service, at its own discretion, provides processes by which persons or organizations may appeal or object to significant amendment, revision, or approval of a land and resource management plan (36 CFR parts 217 and 219). A separate process for notice, comment, and appeal of National Forest System projects and activities is mandated by Section 322 of the Interior and Related Agencies Appropriation Act of Fiscal Year 1993 (ARA). Enactment of the Healthy Forest Restoration Act (HFRA) mandates a new process for administrative review

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of certain hazardous fuel restoration projects.

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.

a. What information will be collected - reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)

Collection (in writing) of the following information from an objector occurs upon filing an objection with the Reviewing officer:

- Objector's name, address, telephone number (if available),
- Name of the project,
- Name and title of the Responsible Official,
- Project location, and
- Sufficient narrative description of those parts of the project that are objected to, specific issues related to the proposed decision, and suggested remedies which would resolve the objection

b. From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.

Collection of information is individuals or organizations voluntarily participating in the administrative review (objections) process for hazardous fuels reduction projects. Individuals include, but are not limited to, local, state, tribal governments, individuals or organizations that have an interest in projects on National Forest System lands.

c. What will this information be used for - provide ALL uses?

This information used by the Reviewing Officer responding to those participating in the objection process, prior to a decision by the Responsible Official. The Reviewing Officer's written review of the objection constitutes the final administrative determination of the Department of Agriculture.

d. How will the information be collected (e.g., forms, non-forms, electronically, face-to-face, over the phone, over the Internet)? Does the respondent have multiple options for providing the information? If so, what are they?

This information collected in writing, though no forms are associated with the information collection and consists of objections delivered through the mail, fax, e-mail, or hand-delivered to the Reviewing Officer's business office.

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e. How frequently will the information be collected?

The collection of information occurs on a project-by-project basis; on average, the Forest Service receives 121 objections each year. An individual submits one objection per project.

f. Will the information be shared with any other organizations inside or outside USDA or the government?

Information is available for public review and provided upon request.

g. If this is an ongoing collection, how have the collection requirements changed over time?

There are no changes in how the information is collected.

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.

The public may submit objections via electronic mail, as well as conventional mail, facsimile, or hand delivery. This has not changed since the 2004 submission.

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

The information required to file objections is specific to the individual project authorized by the Healthy Forest Restoration Act of 2003, and is unavailable until filing of an objection.

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

Most objections received are from individuals or non-profit organizations that are dominant in their field. The objection process is simple, with minimal impact on 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.

The Healthy Forest Restoration Act of 2003 required the Forest Service to establish a pre-decisional objections process for authorized fuel reduction projects.

The Agency could not meet the intent of Congress without collecting this information.

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

- **Requiring respondents to report information to the agency more 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 secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

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

The 60-day Notice and Request for Comment was published in the Federal Register (March 5, 2007; 72 FR 9725). The agency received the following comments:

- John Harja, Assistant Director for Policy and Planning, Office of the Governor - State of Utah, 5110 State Office Building, PO Box 141107, Salt

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Lake City Utah 84114-1107, telephone number: (801) 537-9230

Comment: *Utah Air Quality Rule R307-204, Emission Standards: Smoke Management applies to all persons using prescribed fire or wildland fire on land they own or manage. Land managers must submit information on proposed burns to the Executive Secretary at the Division of Air Quality at 150 North, 1950 West, Salt Lake City, Utah, 84116, for review and approval ignition prior to ignition of the prescribed burn.*

Forest Service Response: The comment is applicable when specific hazardous fuels reduction projects are being proposed and outside the scope of this particular information collection request. The Forest Service will respond to the commenter as such and forward a copy of the comment and response to the Intermountain Regional Office for information.

- B. Sachau, Individual, 15 Elm Street, Florham Park, NJ 07932

Comment: *"[I] very much oppose all of these various logging plans" and objects to "this present policy of slash and burn."*

Forest Service Response: The Forest Service did not respond to the comment since it is outside the scope and irrelevant to this information collection request

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 record keeping, 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.

There are circumstances that preclude consultation. Promulgation of the pre-decisional objections process for hazardous fuel reduction projects was under the Healthy Forest Restoration Act of 2003, and is a relatively new process within the Forest Service that has seen limited use. It is very similar to the process outlined in the objections to new land management plans, plan amendments, and plan revisions outlined in 36 CFR 219.32. Currently, there have been no plans, plan amendments, or plan revisions approved under the 2005 planning rule. Therefore, no agency employee or citizen has extensive experience with the objections process. Because of this lack of experience, the

agency believes it would be inappropriate to consult with people outside the Federal government to obtain their views on this information collection. Potential respondents are busy individuals and it would be unproductive to ask them questions about this information collection, because they do not have experience with the process. This information collection is required under 36 CFR 218, the process for objections to hazardous fuel reduction projects authorized under the Healthy Forest Restoration Act of 2003. The purpose is to provide the public 30 calendar days for pre-decisional review and the opportunity to object to proposed authorized hazardous fuel reduction projects prior to approval. An objection must contain the name, mailing address, and telephone number of the person filing the objection so that agency employees can respond to the person or entity objecting. The agency believes it would be impossible to collaborate with people and resolve objections if a person did not provide this information.

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

There is no payment or gift provided to respondents.

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

All information and data submitted by a person filing an objection pursuant to the regulations promulgated under the Healthy Forest Restoration Act of 2003 shall be available for examination by the public at the office of the responsible official.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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 is collected that could be considered sensitive or personal in nature.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide**

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separate hour burden estimates for each form.

- a) Description of the collection activity**
- b) Corresponding form number (if applicable)**
- c) Number of respondents**
- d) Number of responses annually per respondent,**
- e) Total annual responses (columns c x d)**
- f) Estimated hours per response**
- g) Total annual burden hours (columns e x f)**

Table 1 - Burden Hour Estimate

(a) Description of the Collection Activity	(b) Form Number	(c) Number of Respondents	(d) Number of responses annually per Respondent	(e) Total annual responses (c x d)	(f) Estimate of Burden Hours per response	(g) Total Annual Burden Hours (e x f)
Pre-decisional Objections to Hazardous Fuel Reduction Projects	No form utilized	121	1	121	8 hours	968
Totals	---	121	1	121	8 hours	968

- **Record keeping burden should be addressed separately and should include columns for:**
 - a) Description of record keeping activity:** None
 - b) Number of record keepers:** None
 - c) Annual hours per record keeper:** None
 - d) Total annual record keeping hours (columns b x c):** Zero
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

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Table 2 – Estimated Annual Cost to respondents

(a) Description of the Collection Activity	(b) Estimated Total Annual Burden on Respondents (Hours)	(c) Estimated Average Income per Hour*	(d) Estimated Cost to Responden ts
Information filed in pre-decisional objections	968	\$17.63	\$17,065.84
Totals	968	\$17.63	\$17,066

*This information obtained from page 4 of “Bureau of Labor News Release” at <http://www.bls.gov/news.release/pdf/realer.pdf>.

Estimates are that approximately 121 individuals file pre-decisional objections annually (one per national forest). The average time to prepare a pre-decisional objection is 8 hours. Therefore, the total annual burden equals 968 hours. The estimate used for the average income per hour is on page 4 of “Bureau of Labor News Release” at <http://www.bls.gov/news.release/pdf/realer.pdf>. The estimated hourly rate of \$17.63 is the average total private hourly rate for November 2007 and is for production workers in natural resources, mining, and manufacturing; construction workers in construction; and non-supervisory workers in service-providing industries. As indicated in the aforementioned news release, “These groups account for approximately four-fifths of the total employment on private nonfarm payrolls.”

- 13. Provide estimates of 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 shown in items 12 and 14). The cost estimates 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.**

There are no capital operation and maintenance costs.

- 14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

The response to this question covers the actual costs the agency will incur as a result of implementing the information collection. The estimate should cover the entire life cycle of the collection and include costs, if applicable, for:

Employee labor and materials for developing, printing, storing forms

Employee labor and materials for developing computer systems, screens, or reports to support the collection

Employee travel costs

Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information

Employee labor and materials for collecting the information

Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information

The response to this question covers the actual costs the agency will incur implementing the information collection.

The estimate covers the collection’s life cycle and includes Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information. Three GS-12/Step 5 (average cost to the government is \$30.57) NEPA Specialists, located in the Forest Service’s Washington DC and Salt Lake City offices will spend approximately 40 hours each analyzing comments. In addition, 121 GS-11/Step 5 (average cost to the government is \$25.51) NEPA Specialists, one specialist per national forest, will spend approximately 128 hours each analyzing comments. Each forest will spend approximately \$200 duplicating their individual forest plan (\$200 per forest multiplied by 121 forests).

Table 3 – Estimated Annual Cost to government

Activity	Amount	Job Title/Grade	Hourly Cost to Government*	Time	Calculations	Total
Analyzing Comments	3 employees	GS-12/Step 5 NEPA Specialists (In Washington DC and Salt Lake City)	\$30.57 x 1.3 = \$39.74	40 hours (each)	3 x \$39.74 x 40 =	\$4,768.80 ≈ \$4,769
Analyzing Comments	121 employees	GS-11/Step 5 NEPA Specialists (one at each national forest)	\$25.51 x 1.3 = \$33.163	128 hours (each)	121 x \$33.163 x 128 =	\$513,628.544 ≈ \$513,629
Printing and copying	121 forest plans	n/a	n/a	n/a	121 x \$200 =	\$24,200
Total Cost to Government	---	---	---	---	---	\$542,598

* Taken from: http://www.opm.gov/oca/07tables/pdf/g_s_h.pdf, Cost to Government calculated as hourly wage multiplied by 1.3

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

There are no program adjustments or change associated with this information

collection.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

Collection of information is for purposes of project planning improvement. The Agency does not intend to publish the information collected.

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.

There is no form associated with this information collection request.

18. Explain each exception to the certification statement identified in item 19, "Certification Requirement for Paperwork Reduction Act."

The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.