

## **Supporting Statement for OMB 0596-0158**

### Objections to Land Management Plans, Plan Amendments, and Plan Revisions November 2009

**Note:** This is a renewal of previously approved information collection 0596-0158. Based on recent California court ruling and Department of Agriculture decisions, the Forest Service is operating under the objection process from the 2000 planning rule. This a change from operating under the 2005 planning rule in previous information collection.

#### **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 and Regulations:* 36 CFR 219.32 (65 FR 67579, November 9, 2000); 5 USC 301 - Administrative Procedure Act; 16 USC 1604 - Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) as amended by the National Forest Management Act of 1976 (NFMA), 16 USC 1613 - RPA.

This is a renewal for a previously approved information collection 0596-0158. Based on recent court and Department of Agriculture decisions, the Forest Service is operating under the objection process of 36 CFR 219.32 of the 2000 planning rule. Under the planning rule, the process for objections to plans, plan amendments, or plan revisions provides the public 30 calendar days for pre-decisional review and the opportunity to object to plans, plan amendments, or plan revisions prior to approval.

The Forest Service has the authority to promulgate regulations regarding the appeals of land management plans. The planning rule contains review and objection process that the public may use prior to issuance of a final decision on a proposed plan, plan amendment, or plan revision. The information required is the minimum needed for persons or organizations to explain the nature of the objection made and the reason for the objection.

- 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.)**

The Forest Service collects the following information from individuals

objecting to land management plans, plan amendments, and plan revisions:

- Name, mailing address, and telephone number;
- Specific proposed plan, amendment or revision that is the subject of the objection;
- Statement explaining how the environmental disclosure documents, if any, and proposed plan, amendment, or revision is inconsistent with law, regulation, Executive Order, or policy and any recommendations for change.

The file code for this collection is 1920-2-5. Retention is required for 25 years. (FSH 6209.11, §41)

The Forest Service has collected information from the following individuals who consigned one objection to the Pre-Decisional National Grassland Land Management Plan:

Lauren McCain of WildEarth Guardians  
Rocky Smith of Colorado Wild  
Mary C. Krueger of the Wilderness Society  
Jonathan Proctor of Defenders of Wildlife  
Ellan Clark of the Wild Connections

- 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.**

This information is collected from those objecting to a proposed plan, plan amendment, or plan revision. As part of the objection process, the person objecting must file the objection in writing, with the reviewing officer within 30 days of the publication of the proposed plan, plan amendment, or plan revision.

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

The information collected is analyzed and responded to by a Forest Service official and may be used to modify the decisions on land and resource management planning. The reviewing officer uses the collected information during consideration of objections to National Forest land use plans. The reviewing officer is the supervisor of the official responsible for the plan, plan amendment, or plan revision.

- 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?**

Forms are not used. Individuals and organizations submit written statements outlining objections to decisions regarding land management plans, plan amendments, and plan revisions. There is no set format for the statements.

**e. How frequently will the information be collected?**

Information collection occurs during the 30-day period after the issuance of a land management plan, plan amendment, or plan revision decision. There is no set schedule for the issuing of such decisions. Estimates are that 1,210 individual filings a year will occur over the next 3 years.

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

This information is available to the public.

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

This is a renewal of a currently approved collection. Collection requirements have not changed over time.

**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.**

Objections to land and resource management planning decisions must be in writing and filed with the Reviewing Officer. The Forest Service currently does not have provision for the use of automated, electronic, mechanical, or other technological collection techniques for this collection. The Forest Service reviewed and evaluated opportunities to allow submission of objections via e-mail, but determined that at this time this is not a viable alternative. The Forest Service does make planning documents available to the public in a variety of formats including paper, compact disc, and via Internet web sites.

**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.**

This information collection provides the public and other agencies an opportunity to voice objections. There is no similar information already available. The collection requires a person to respond to unique plans, plan amendments, or plan revisions.

**5. If the collection of information impacts small businesses or other small**

**entities, describe any methods used to minimize burden.**

There is no impact on 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.**

Without the collection of information, the USDA Forest Service would not be able to provide an opportunity to seek reasonable solutions to conflicting views of plan components before a responsible official approves a plan, plan amendment, or plan revision. Agency decision-making would suffer from reduced public input.

**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 and the Forest Service conducts the collection of information 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.**

On May 6, 2009, the Federal Register published a 60-day comment period notice at 74 FR 20899. The Agency did received one comment from Jean Public, 15 Elm St., Florham Park, NJ 07932.

Comment excerpt: "Lumber companies own the forest service. This agency does nothing to help America. It falls over backwards to continually log the lands that national taxpayers tried to save for themselves and their children. The agency itself has been regulatory captured by those it was created to regulate. And the Agency has forgotten that it is supposed to have any protection provided to the general American public."

The Forest Service did not respond to the comment because the person did not comment on the objection process. The objection collection process is required by 36 CFR 219.32 (The objections process for land management plans); therefore, the comment is irrelevant.

**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.**

The basis of the 36 CFR 219, which sets forth the FS planning rule, has gone through many iterations, however, the IC aspects has remained the same. As part of the development of the objection process covered by this information collection, the Forest Service consulted with an interagency steering committee comprised of members from the Council on Environmental Quality, Department of Justice, Department of Interior, and others. In addition, the Secretary of Agriculture appointed a panel of scientists to review and evaluate land management planning, including the appeals process.

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

No payments or gifts will be provided to respondents.

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

There is no assurance of confidentiality. All information and data submitted by a person or entity objecting to an amendment or revision of a proposed plan, plan amendment, or plan revision, pursuant to the regulations, 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 sensitive information is collected.

**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 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**

(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)
Objections to proposed plan, plan amendment, or plan revision	None	1210	1	1210	10	12,100
Totals	---	1210	---	1210	---	12,100

- **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.**

**Table 2**

(a) Description of the Collection Activity	(b) Estimated Total Annual Burden on Respondents (Hours)	(c)* Estimated Average Income per Hour	(d) Estimated Cost to Respondents
File objections	12,100	\$13.26	\$160,446
Totals	12,100	---	\$160,446

\* Estimated average income per hour is from "Income - Median Family Income in the Past 12 Months by Family Size" for 2006 American Community Survey from the U.S. Census Bureau website at <http://www.census.gov/hhes/www/income/medincsizeandstate.html>. (Accessed November 5, 2009)

- 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

(a) Description of record keeping activity	(b) Number of Record keepers	(c) Annual hours per record keeper	(d) Total annual record keeping hours (b x c)
File objections	9	80	720
Tabulate objections	9	16	144
Totals	18	---	864

Total annual record keeping hours of 864 hours x cost to the government of approximately \$40.00 per hour equals \$34,560.

**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 changes associated with the information collected.

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

There are no plans 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.**

Forms are not used. Individuals and organizations submit written statements outlining objections to decisions regarding land management plans, plan amendments, and plan revisions. There is no set format for the statements. Therefore, the proponent is requesting an exemption from the requirement to display the expiration date for the OMB approval of the information collection.

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

Except for the exception outlined in item 17 above, the Forest Service is seeking no exceptions to the *Certification Requirement for the Paperwork Reduction Act*.

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

This information collection does not employ statistical methods.