

## Supporting Statement A

### Cave Management: Cave Nominations and Requests for Confidential Information (43 CFR Part 37)

OMB Control Number 1004-0165

**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.**

Agencies within the Department of the Interior (i.e., the Bureau of Land Management (BLM), National Park Service, U.S. Fish and Wildlife Service, and Bureau of Reclamation) collect the information in this request in accordance with the Federal Cave Resources Protection Act (Act), which requires the Secretaries of Agriculture and Interior to identify and protect significant caves on Federal lands within their respective jurisdictions. This request covers Federal lands managed by agencies within the Department of the Interior, but not Federal lands managed by agencies within the Department of Agriculture (e.g., U.S. Forest Service).

The FCRPA does not define what constitutes a “significant” cave. Instead, it requires the Secretaries, in cooperation and consultation with each other, to issue regulations that include criteria for the identification of significant caves. 16 U.S.C. 4303(a).

The FCRPA also requires each Secretary to:

- Identify significant caves on Federal lands within each Secretary’s respective jurisdiction;
- Regulate or restrict use of significant caves, as appropriate;

- Enter into volunteer management agreements with persons of the scientific and recreational caving community;
- Appoint appropriate advisory committees;
- Ensure consideration of significant caves in the preparation or implementation of land management plans; and
- Foster communication, cooperation, and exchange of information between land managers, those who utilize caves, and the public.

16 U.S.C. 4301(b) and (c).

The implementing regulations for the Department of the Interior are at 43 CFR Part 37 — Cave Management. Regulations at 43 CFR 37.11 authorize cave nominations, and include the Department’s criteria for determining whether or not a nominated cave is significant, in accordance with Section 4 of the FCRPA (16 U.S.C. 4303). Regulations at 43 CFR 37.12 authorize requests for confidential cave information, which may be granted only under the limited circumstances.

The information collected under control number 1004-0165 is necessary in order to comply fully with these statutory requirements.

- 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.**

#### Cave Nomination

Agencies within the Department of the Interior use the information in a cave nomination to determine if the nominated cave will be listed as significant in accordance with the FCRPA and the Department’s regulations at 43 CFR 37.11(c). The information is thus necessary for full compliance with agencies’ responsibilities to identify and protect significant caves and their resources.

Nominations are required to obtain or retain benefits. No specific form is required. A cave nomination must include the following information:

- The name, address, and telephone number of the individual or organization submitting the nomination. This allows us to confirm the source of the information;
- The name of the cave, which is necessary for the listing of caves and to ensure there are no duplications;
- The location of the cave, which is essential for verification, management, and future

planning purposes;

- The name of the agency and the administrative unit, which is necessary to ensure that the application is forwarded to the appropriate agency office;
- A discussion of how the cave meets the criteria, which is the key aspect of the nomination, and is used to determine whether the cave should be designated as significant;
- Studies, maps, research papers, and other supporting documentation, which are important in the significance evaluation;
- The name, address, and telephone number of the individual who is knowledgeable about the resources in the cave, which are necessary in case the information in the nomination is unclear or there is a need for additional information to complete the evaluation;
- The date that the nomination is submitted, which is essential for tracking purposes; and
- The signature and title of the individual submitting the nomination, which is necessary to confirm that it is an official nomination.

#### Request for Confidential Cave Information

Agencies within the Department of the Interior use the information in confidential cave information requests to determine whether to grant access to confidential cave data. Agencies need this information in order to comply with their statutory responsibilities to communicate, cooperate, and exchange information, within the limits prescribed by the FCRPA. These requests are required to obtain or retain benefits.

Under the FCRPA and the Department's regulations, the specific location of significant caves may be disclosed by the Department only as follows:

- To the public under the Freedom of Information Act (5 U.S.C. 552) only after a determination that disclosure of such information would further the purposes of the FCRPA and would not create a substantial risk of harm, theft, or destruction of such cave; or
- To Federal and state governmental agencies and their cooperators, and to bona fide educational and research institutions, upon submission of a written request that includes the following information:
  - (1) Name, address, and telephone number of the individual responsible for the security of the information received;
  - (2) A legal description of the area for which the information is sought;
  - (3) A statement of the purpose for which the information is sought, and
  - (4) Written assurances that the requesting party will maintain the confidentiality of the information and protect the cave and its resources.

43 CFR 37.12(b); see 16 U.S.C. 4304. The Department's cave management regulations, at 43 CFR 37.12(a), extend the statutory protection of the location of significant caves to the location of caves that are nominated for significant status, but for which the final determination of significance is pending.

- 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.**

Each cave is unique and requires unique descriptive information. There is no uniform computer-based program from which this information collection could or should be obtained due to the uniqueness of individual caves and the Department's mandate to manage and protect significant caves. Use of automated information technology could possibly compromise the confidentiality of significant cave information and the caves themselves.

- 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.**

Some duplication of significant cave nominations may occur. The number of duplications will depend on how well individuals and organizations coordinate their submissions for significant cave nominations. However, it is unlikely that any individual or organization will submit the same information more than once. Also, it is unlikely that duplications of requests for confidential cave information will occur, because the only access to such data is through the Secretary.

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

Most of the respondents are individuals. Some caving organizations that nominate caves may be nonprofit organizations that qualify as small businesses or other small entities. They supply the same information as other entities nominating caves. The information we request is the minimum necessary to determine whether the cave is significant, and to determine whether to grant access to information about the cave. The information collection methods are uniform regardless of the size of the entity.

- 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 agencies did not collect cave nominations, they might not become aware of potentially significant caves' existence or might have insufficient information upon which to base a judgment as to their significance. As a result, it is likely that agencies would not be able to comply fully with their statutory responsibilities to identify and protect significant caves and their resources. The information is collected on occasion, which is the minimum frequency necessary to comply with the statute.

If agencies did not collect requests for confidential cave information, they would not be able to provide access to confidential cave data in accordance with 16 U.S.C.4304 and 43 CFR 37.12. As a result, it is likely they could not comply fully with their statutory responsibilities to share data about caves with cooperating agencies, academia, and cavers. In addition, it is likely that the agencies would be less effective in identifying, protecting, and managing significant caves and their resources. The information is collected on occasion, which is the minimum frequency necessary to comply with the statute.

**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 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.**

There are no special circumstances that require collection to be conducted in a manner inconsistent with the guidelines. We do not exceed the guidelines in 5 CFR 1320.5.

**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 June 18, 2012, the BLM published the required 60-day notice in the Federal Register (77 FR 36290), and the comment period ended August 17, 2012. The BLM received no comments.

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:

Steve Peerman  
3125 Missouri Ave.  
Las Cruces, NM 88011  
(575) 521-8630

Pete Lindsley  
1 Whispering Winds Tr.  
Placitas, New Mexico, 78043  
505-918-1978 Cell

Buzz Hummel  
29 Moya Loop  
Santa Fe, New Mexico 87508  
(505) 466-3355

All three agreed with the burden estimates. No changes were made to the burden estimates as a result of the consultations.

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

We do not provide payments or gifts to respondents.

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

Section 5 of the FCRPA exempts cave information from availability to the public under the Freedom of Information Act (5 U.S.C. 552). The regulations in 43 CFR 37.12 make it clear that the Secretary determines, before disclosing, whether disclosure of such cave information would further the purposes of the FCRPA and would not create a substantial risk of harm to, theft, or destruction of such cave or its resources.

**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.**

We do not require respondents 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.**

Table 12-1, below, shows the BLM’s estimate of the hourly cost burdens for respondents. The mean hourly wages for Table 12-1 were determined using national Bureau of Labor Statistics data at: [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). The benefits multiplier of 1.4 is supported by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

**Table 12-1 – Hourly Cost Calculation**

<b>A. Occupational Category</b>	<b>B. Mean Hourly Wage</b>	<b>C. Total Mean Hourly Wage (Column B x 1.4)</b>
All Occupations	\$21.74	\$30.44

Table 12-2, below, details the individual components and respective hour burden estimates of this information collection request. The frequency of responses is “on occasion.” Cave-nominations are required to obtain or retain benefits. Requests for confidential cave information are required to obtain or retain benefits.

**Table 12-2 - Estimates of Annual Hour Burdens and Related Costs**

<b>A. Type of Response</b>	<b>B. Number of Responses</b>	<b>C. Time Per Response</b>	<b>D. Total Hours (Column B x Column C)</b>	<b>E. Annual Cost (Column D x \$30.44)</b>
Cave Nomination	90	12	1080	\$32,875
Request for Confidential Cave Information	10	1	10	\$304
Totals	100		1090	\$33,179

**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 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. No filing fees are associated with Cave Nominations or Requests for Confidential Cave Information.

**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 hourly cost to the Federal Government shown at Table 14-1, below, is based on the U.S. Office of Personnel Management Salary Table 2012-RUS at [http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp). The benefits multiplier of 1.5 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

**Table 14 -1 — Hourly Cost Calculations**

<b>A. Grade</b>	<b>B. Hourly Pay Rate</b>	<b>C. Hourly Rate Including Benefits (1.5 x Column B)</b>
GS-11, Step 1	\$27.51	\$41.27

Table 14-2, below, shows the estimated Federal hours and costs for each component of this information collection. The estimated hourly rate is derived as shown in Table 14-1, above.

**Table 14-2 — Estimated Annual Cost to the Government**

<b>A. Type of Response</b>	<b>B. Number of Responses</b>	<b>C. Time Per Response</b>	<b>D. Total Hours (B x C)</b>	<b>E. Total Wage Cost (D x \$41.27)</b>
Cave Nomination	90	1 hour	90	\$3,714
Request for Confidential Cave Information	10	1 hour	10	\$413
Totals	100		100	\$4,127

**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.**

We will display the expiration date of the OMB approval.

**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.**

We are not requesting approval not to 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 the certification statement.