

## **2012 The Supporting Statement for OMB 0596-0227** Community Forest and Open Space Conservation Program Final Rule

Note: The agency submitted a collection package at the proposed rule stage; however it failed to submit a package at the time of publication of the final rule, October 20, 2011, Vol. 76, #203, pages 65121-65133. This submission is for the final rule.

### **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.**

The Forest Service is authorized to implement the Community Forest and Open Space Program (CFP) under Section 8003 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-234; 122 Stat. 2043), which amends the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d).

The purpose of the CFP is to achieve community benefits through grants to local governments, Indian tribes, and nonprofit organizations to establish community forests by acquiring and protecting private forestlands. The authorizing language specifies that the Secretary of Agriculture, acting through the Chief of the Forest Service, may award grants to eligible entities to acquire private forests that provide specified public benefits to communities and are threatened by conversion to non-forest uses.

The authorizing language defines eligible entities as local governmental entities, Indian tribes, or qualified nonprofit organizations. Local government is defined as any municipal government, county government, or other local government body with jurisdiction over local land use decisions. Indian tribe is defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b). Nonprofit organization is as an organization that is described in section 170(h)(3) of the Internal Revenue Code of 1986 (26 USCS § 170(h)(3)) and operates in accordance with one or more of the purposes specified in section 170(h)(4)(A) of that Code (26 USCS § 170(h)(4)(A)).

The rule states that community benefits under the CFP include, but are not limited to one or more of the following:

- (1) Economic benefits such as timber and non-timber products resulting from sustainable forest management and tourism
- (2) Environmental benefits, including clean air and water, storm water management, and wildlife habitat
- (3) Benefits from forest-based experiential learning, including K-12 conservation education programs; vocational education programs in disciplines such as

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forestry and environmental biology; and environmental education through individual study or voluntary participation in programs offered by organizations such as 4-H, Boy or Girl Scouts, Master Gardeners, etc.

- (4) Benefits from serving as replicable models of effective forest stewardship for private landowners
- (5) Recreational benefits from public access, such as hiking, hunting and fishing

The Federal contribution to the project cannot be more than 50 percent of the total project cost. Allowable project and cost share costs will include the purchase price and the following transactional costs associated with the acquisition: appraisals and appraisal reviews, land surveys, legal and closing costs, development of the community forest plan, and title examination. The following principles and procedures will determine allowable costs for grants: (1) Local governments and Indian tribes refer to OMB Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments).

(2) Nonprofit organizations refer to OMB Circular A-122 (Cost Principles for Nonprofit Organizations).

The Agency benefits from the collection by receiving information necessary to fulfill our statutory obligation to ensure that applicants to the CFP are eligible for the program, and that the best CFP projects are selected. The CFP helps the Agency meet its goals and objectives outlined in the USDA Forest Service Strategic Plan 2007-2012.

### **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 will issue a national Request for Applications (RFA) no more than once annually (depending upon the availability of funds) for grants under the CFP.

Applicants representing local governments or non-profits will submit CFP applications to their State Foresters. Indian tribes submit applications directly to the Forest Service. The State Forester or the equivalent Indian tribe official, per section §230.3 of the rule, will forward all applications to the Forest Service, and, as time and resources allow:

- 1) Provide a review of each application to help the Forest Service determine (a) that the applicant is an eligible entity (b) that the land is eligible (c) whether the project contributes to a landscape conservation initiative
- 2) Describe what technical assistance they may render in support of applications and an estimate of needed financial assistance (§230.10)

The applicant will need to provide information as outlined in the rule and the request for proposal. The rule defines the minimum application requirements

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(§230.4), but also states that the RFA may include additional requirements.

Requirements outlined in the rule:

(a) Documentation verifying that the applicant is an eligible entity and that the proposed acquisition is of eligible land that contains forest land

(b) Applications must include the following regarding the property proposed for acquisition:

(1) A description of the property, including acreage and county location

(2) A description of current land uses, including improvements

(3) A description of forest type and vegetative cover

(4) A map of sufficient scale to show the location of the property in relation to roads and other improvements as well as parks, refuges, or other protected lands in the vicinity

(5) A description of applicable zoning and other land use regulations affecting the property

(6) Relationship of the property within and its contributions to a landscape conservation initiative

(7) A description of any threats of conversion to non-forest uses

(c) Information regarding the proposed establishment of a community forest, including:

(1) A description of the benefiting community, including demographics, and the associated benefits provided by the proposed land acquisition

(2) A description of the community involvement in the planning and long term management of the community forest

(3) An identification of persons and organizations that support the project and their specific role in acquiring the land and establishing and managing the community forest

(4) A draft Community Forest Plan. The eligible entity is encouraged to work with the State Forester or equivalent Indian tribe official for technical assistance when developing or updating the Community Forest Plan

(d) Information regarding the proposed land acquisition, including:

(1) A proposed project budget (§ 230.6)

(2) The status of due diligence, including signed option or purchase and sale agreement, title search, minerals determination, and appraisal

(3) Description and status of cost share (secure, pending, commitment letter, etc.) (§ 230.6)

(4) The status of negotiations with participating landowner(s) including purchase options, contracts, and other terms and conditions of sale

(5) The proposed timeline for completing the acquisition and establishing the community forest

(6) Long term management costs and funding source(s)

(e) Applications must comply with the Uniform Federal Assistance Regulations (7 CFR 3015)

(f) Applications must also include the forms required to process a Federal grant. Section 230.7 references the grant forms that must be included in the application and the specific administrative requirements that apply to the type of Federal grant used for this program

Additional requirements might be added to the above list in a subsequent

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RFA when determined to be necessary for improving the evaluation of the applications. Once a RFA is published the Forest Service does not anticipate amending the RFA to additional information.

Within 120 days of final land acquisition, the grantee must complete the final community forest plan and update the plan periodically, in accordance with the final rule (§230.9(a)). The successful grantees must submit a self-certifying statement electronically, in person, or by mail to the Forest Service every five years to ensure that the land has neither been sold nor converted to non-forest use or a use incompatible with the purposes of the CFP, as required by final rule (§230.9(e)).

**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.**

Information will be collected from eligible grant applicants. Eligible grant applicants are defined in the preamble of the rule as follows:

### **Eligible Entities**

The statute establishing the CFP states that only local governments, Indian tribes, and qualified nonprofit organizations are eligible to receive a grant through the CFP. The statute also provided definitions for those three eligible organizations.

- Local governments - are defined as municipal, county, and other local governments with jurisdiction over local land use decisions.
- Indian tribes - are defined as those that are federally recognized tribes as prescribed by section 4 of the Indian Self-Determination and Education Assistance Act (U.S.C. 450b).
- Qualified nonprofit organizations - are defined as charities under the Internal Revenue Code (26 U.S.C. 501(c)(3)) and which also have a conservation purpose (26 U.S.C. 170(h)(4)(A)). A conservation purpose is defined as the preservation of land for outdoor recreation or education, protection of natural habitat or ecosystems, preservation of open space, and preservation of historic lands or structures. Consistent with regulations of the Internal Revenue Service (26 CFR 1.170A-14(c)(1)) qualified non-profit organizations must also have a commitment to protect in perpetuity, the purposes for which the tract was acquired under the CFP and demonstrate that they have the resources to enforce the protection of the property as a community forest. In general, a land conservancy or land trust is the type of organization that would be considered a qualified nonprofit organization under the authorizing statute of the CFP.

The State Forester or the equivalent Indian tribal official, per section §230.3 of the rule, will forward all applications to the US Forest Service, and, as time and resources allow:

- 1) Provide an assessment of each application to help the US Forest Service

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determine (1) that the applicant is an eligible entity; (2) that the land is eligible; and (3) whether the project contributes to a landscape conservation initiative

2) Describe what technical assistance they may render in support of applications and an estimate of needed financial assistance (§230.10)

Participation in the CFP is voluntary, information will only be collected from grant applicants and State Foresters or the equivalent Indian tribe officials who chose to participate in the process.

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

The US Forest Service will use the information in the application:

(1) To determine that the applicant is eligible to receive funds under the program

(2) To determine if the proposal meets the qualifications in the law and regulations

(3) To evaluate and rank the proposals based on standard, consistent information

(4) To determine if the projects costs are allowable and sufficient cost share is provided.

The State Forester or the equivalent Indian tribal official, per section §230.3 of the rule, will forward all applications to the Forest Service, and, as time and resources allow:

1) Provide an assessment of each application to help the Forest Service determine (a) that the applicant is an eligible entity; (b) that the land is eligible; and (c) whether the project contributes to a landscape conservation initiative

2) Describe what technical assistance they may render in support of applications and an estimate of needed financial assistance (§230.10)

The US Forest Service will use the community forest plans and self-certifying statements to ensure that the CFP purposes are secured in Community Forest funded projects in perpetuity. The updated plans will be used in periodic spot checks by US Forest Service personnel to verify that the uses listed are in practice and are compatible with the purposes of the CFP.

#### **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?**

The information will be collected on standard grant forms (SF 424, SF 424c, SF 424d and SF 425) and via written submissions, generally via electronic means (text documents using word processing software or shapefiles using geographic information system (GIS) mapping software), to meet program requirements defined in sections § 230.3 Application process, § 230.4 Application requirements, and § 230.7 Grant requirements.

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

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The US Forest Service proposes to issue a request for applications annually pending adequate funding. The final rule discusses the application process in 230.3 and 230.4. The US Forest Service plans to issue the request for applications at the same time each year but this is subject to the timing of the appropriations process.

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

The authorizing statute requires applicants to submit their applications to their State Forester or equivalent Indian tribal official who, as time and resources allow, may review the proposals as outlined in §230.3, and will forward all applications to the US Forest Service.

Once the US Forest Service has received the applications from the State Foresters or equivalent Indian tribal official, the US Forest Service will share limited collected information with other entities inside or outside the Government. The Forest Service will summarize information collected, such as number of proposals submitted, total number of acres to be acquired, total funding requested by all applicants, and summary of project benefits, and will share it with the Department of Agriculture, the Administration, Congress, and the public. This information will be compiled and posted to the CFP website following each grant award occurrence. The appropriate Congressional delegations will be provided summarized project briefing sheets prepared by the Forest Service. Following grant awards State Foresters or Indian tribes may provide technical assistance for the acquisition or for the development of the community forest plan. The US Forest Service will collect community forest plans for the project files and anticipates sharing only compiled information gathered from community forest plans.

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

This is a new information collection request.

#### **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.**

In an effort to increase efficiency, convenience for the respondents, and to reduce burden, US Forest Service allows applicants to submit the requested information by the means of their choice including electronically, hand delivery, hard copy, postal delivery, or by fax. Forms are readily available from [www.grants.gov](http://www.grants.gov).

#### **4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for**

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### **the purposes described in Item 2 above.**

The CFP is a grant program, and applicants will be developing grant proposals for new projects. The US Forest Service is the only agency charged with administering this program and issuing these funds. Since all projects will be new, information about them will not be available from existing sources.

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

The information requirements for all entities are necessary to protect the public interest, are not administratively burdensome or costly to meet, and are within the capabilities of all entities to perform. The use of State Foresters or Indian tribal official equivalents are intended to provide a means of minimizing the technical burden of preparing a community forest plan. Technical assistance funds may be made available to State Foresters or Indian tribes in accordance with the enacting legislation (16 USC 2103d) and Section 230.1 of the final rule.

### **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 US Forest Service would not be able to implement the program effectively or at all if the collection was conducted less frequently or not at all, respectively. The information collection would correspond with Congressional or other requirements for issuance of financial grant awards (anticipated once for each appropriations cycle).

### **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;**

Required records are those normally maintained for landholding, the community forest plan, and the self-certifying statement (collected every 5 years) that the use and ownership has not changed in a manner which would contradict the CFP purposes. These records would be maintained for the duration of the ownership of the land by both the grantee and the US Forest Service. The land acquired in the CFP must be managed in accordance with the CFP purposes in perpetuity. The final rule also requires occasional spot checks by US Forest Service personnel, which

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may require grantees to provide the current version of their community forest plan to verify that the ownership is unchanged and that the use and management of the property is consistent with the plan and the purposes of the CFP. The rule states that the US Forest Service will be conducted periodically. We have not yet determined the interval for these spot checks. Over the next five years the US Forest Service anticipates conducting spot checks no more than annually and may elect to conduct them less frequently.

- **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 other special circumstances that would cause an information collection to be conducted in a manner similar to those described above. The collection of information will be 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 proposed rule with the 60-day comment notice embedded was published in the Federal Register January 6, 2011, Volume 76, Number 4, on pages 744-751. The US Forest Service received over 180 comments from 38 respondents consisting of Indian tribal entities; Indian tribal members; two Regional Offices of the Bureau of Indian Affairs, the National Association of State Foresters; state forestry agencies; national, regional, and local land trust organizations; national, regional, and local conservation organizations; city park departments; law students; and private citizens.

Comments were received on a variety of topics. For example, twenty respondents explicitly expressed support for the program, sixteen respondents suggested minor



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revisions including clarifications to some of the definitions, three respondents commented on the rules prohibition on using borrowed funds for cost-share, one respondent objected to Federal Spending for any new program. Twenty comments relate directly to cost and hour burden.

Seven respondents provided a total of twenty comments related to the cost and hour burden that would be imposed on State Foresters or equivalent Indian tribal officials by this proposed rule. Comments, summaries, and responses are available in the Federal Register Volume 76, Number 203, published Thursday, October 20, 2011 located on pages 65124-65128.

All twenty comments on cost and hour burden dealt with a perceived burden on State Foresters, Indian tribe officials. These comments focused on the role of the State Forester in reviewing the proposed grant applications and offered suggestions on the option for State Foresters to review the information collected. These comments ranged from increasing their role to clarifying the role, to reducing the role.

Many of the comments pointed out the language in the proposed rule that required action of the State Foresters or equivalent Indian tribal official. The proposed rule stated:

#### **230.3 Application Process**

(c) The State Forester or equivalent Indian tribal official will review all applications and assess:

- (1) That the applicant is an eligible entity;
- (2) That the land is eligible; and
- (3) Whether the project contributes to a landscape conservation initiative.

(d) In accordance with the RFA, the State Forester or equivalent Tribal Government official will forward all application to the US Forest Service, and

- (1) Provide an assessment of each application, and
- (2) Describe what technical assistance they may render in support of applications and an estimate of needed financial assistance.

Several commenters indicated that this required the State Forester or equivalent Indian tribal official to commit resources that they might not have available and even if they did, creates a burden.

A few of the comments that illustrate the concern were:

“One issue that probably should be addressed is how to deal with what will naturally be different capacities and experience with, as well as interest in, community forests across the states. Some State Foresters’ offices have the capacity (and interest) to provide more support to this program.”

“This program puts an increased workload and unfunded responsibility on the State Forester or equivalent Tribal Government official since technical

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assistance funding is only available for implementation after a grant is awarded in their jurisdiction.”

“The proposed rule indicates CFP technical assistance funds will only be provided when a project is approved and funded in a State Forester’s jurisdiction. This would mean mean State Foresters would have to cover the administration cost of processing the application for projects that are not guaranteed to be approved...State Foresters are unsure of how they would cover costs associated with providing administrative and technical assistance associated with the CFP.”

In response to the above comments, the language of the final rule was clarified to emphasize the voluntary nature of State Forester or equivalent Indian tribal official involvement by stating their involvement is “based on available time and resources.” To address these concerns the rule was changed to read:

#### 230.3 Application Process

(d) The State Forester or equivalent official of the Indian tribe will forward all applications to the US Forest Service, and as time and resources allow:

(1) Provide a review of each application to help the US Forest Service determine:

(i) That the applicant is an eligible entity:

(ii) That the land is eligible:

(iii) That the proposed project has not been submitted for funding under the Forest Legacy Program; and

(iv) Whether the project contributes to a landscape scale conservation initiative.

(2) Describe what technical assistance provided through CFP they may render I support of implementing the proposed community forest project and an estimate of needed financial assistance.

The requirement for the State Forester or equivalent Indian tribal official to forward all applications to the US Forest Service remained consistent between the proposed and final rule. This requirement is included in the authorizing legislation. State Foresters or equivalent Indian tribal officials providing support to applicants in the development of an application or development of a community forest plan is voluntary as outlined by the Final Rule. A summary of the response can be found under Section 230.3 comments on the Application Process and is located in column two of page 65127 in the above cited final rule notice.

One comment was received that suggested that the requirement of a draft community forest plan at the time of application could be burdensome, especially if the applicant was unsuccessful. While this may be true, the rule was not changed in response to this comment because the authorizing legislation requires that a forest plan (the rule refers to the plan as the community forest plan) is included in the application to receive funds through the community forest program. A summary of the comment and response can be found in comments on the Authorizing Statute and is located in column one of page 65125 of the final rule.

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**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.**

We contacted three individuals by phone who manage similar federal programs and information collections related to land acquisition. All indicated that the requirements were reasonable, clear, and necessary. The questions we asked were:

- 1) Are the data we collect available from other sources (ie is this collection redundant)?
- 2) Is the frequency of data collection (once per fiscal year, appropriation dependent) burdensome or unnecessary?
- 3) Are the rules, recordkeeping requirements (CF Plan, Self-Cert statement), disclosure, and/or reporting format (application and certification) burdensome, unclear, and/or unnecessary?
- 4) Are the data elements to be recorded, disclosed, or reported reasonable and clearly stated?

Summaries of the conversations are included below.

Elizabeth Crane-Wexler, Grassland Reserve Program Manager at the Natural Resource Conservation Service (NRCS), believed the 32 hours was an overestimate as much of the information collected is already prepared to present projects to nonprofit boards, city councils, etc. when proposing community forest projects and plans internally at eligible entities. She believed that the burden was light primarily because the information would already be compiled by respondents, and this information collection is required for the government to receive the information and administer the program responsibly.

Leakhena Au, the North American Wetland Conservation Act Program Manager at the US Fish and Wildlife Service (USFWS). In response to the first question Ms. Au stated that the nature of a land acquisition grant program required new information to be collected that is not available anywhere else and is therefore unique. Ms. Au indicated that the type of data and frequency of data collection appears to be appropriate for a land acquisition program. She also indicated that the rule requirement do not appear to be burdensome.

Elisabeth Morgan, Branch Chief for Recreation Grant Programs at National Park Service (NPS), had a similar perspective as Leakhena Au, but wanted to emphasize that the elements of data collected are necessary and consistent with other federal grant programs. Regarding the burden, Elisabeth cautioned against treating the 32 hours for developing the grant application as anything more than the average, because the wide variability in project complexity could result in divergent burdens based on project needs and forest plan development.

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**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.**

We contacted three nonprofit organizations familiar with landowner assistance programs and forest conservation. We contacted the organizations by phone or through in person meetings. These organizations represent potential nonprofit applicants and work closely with small entities including local, state, and tribal authorities, to provide assistance in applying for programs similar to the Community Forest Program. Their feedback is presented as representative of the experience we would expect nonprofits, and local or Indian tribal governments to have when applying for this program. These conversations were guided by the same questions that were used with the Federal Program Managers discussed in the previous section. After discussing the information collection requirements, the organizations agreed that the data are not available elsewhere and would need to be collected uniquely for each land acquisition project. Summaries of the conversations are included below.

Kelly Reed, Director of Government Relations at The Conservation Fund agreed that because the grant program is scheduled to have an annual application process, the frequency is appropriate to the program. She also noted that the requests and requirements for information asked in the rule seemed clear, and that the data and reporting requirements were acceptable. In fact, she was surprised that the self-certifying statements would only be required every five years.

Russ Shay, Director of Public Policy at The Land Trust Alliance, had experience with several programs for land acquisition, including Forest Legacy and observed that this community forest program is a good bridge between local communities and forest conservation. His perspective as a land trust association policy director provided a colorful view of the program and he emphasized that the information collection requirements, while clear and reasonable, were nothing compared to the transaction costs and burdens associated with executing a real estate transaction.

Jad Daley, Director of Climate Conservation Program at the Trust for Public Land, agreed that the information collection requirements were reasonable, necessary, and clear, agreeing that every piece of land is unique and therefore requires unique information collection.

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

No payment or gift will be given to respondents.

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

Names, job title, and organizational affiliation of the official signing the grant application and required forms are the personally identifiable information being collected in the Community Forest Program. This information will only be used internally for grant management purposes. None of the information compiled and shared publically will include Personally Identifiable Information (PII). Applications from Indian tribes may also indicate Indian tribal affiliation and tribal government role if forms are signed by an elected Indian tribal government official. Information collected containing PII will be managed in accordance with US Forest Service policy (FSM 6682.9).

**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 questions of a sensitive nature will be asked as a part of this information collection.

**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.**

In order to access funds through the CFP an eligible entity must submit an application. Projects will be selected on a competitive basis. The enacting legislation requires applications to be submitted to the State Forester or equivalent Indian tribal official. The State Forester or equivalent Indian tribal official submits those applications to the US Forest Service. On strictly a voluntary basis the officials may provide a review of the applications to help the US Forest Service determine eligibility of the entity and the land, determine if the project has also been submitted as a Forest Legacy proposal, and determine if the project contributes to a landscape conservation initiative. Applicants can request these officials to provide technical assistance through the use of technical assistance grants.

The Request for Applications will be issued annually (given adequate funding). The initial Request for Applications limits the information collected to an 8 page

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narrative with 2 maps (no form required), a draft community forest plan and the SF 424 grant form. The narrative should describe the property to be acquired, the community benefits, the threat to the tract in question and how the property complements nearby conservation land. The community forest plan will describe how the property and its resources will be used to provide community benefits.

Successful applicants that receive grants are responsible for grant reporting, developing a community forest plan, record keeping, completing and submitting self-certification statements, and assisting with spot checks.

Entities that are awarded CFP grants are responsible to provide quarterly financial reports and annual grant reports while the grant is open. Following the purchase of the CFP tract the grantees have 120 days to complete the community forest plan. A project file is to be maintained by the grantee which includes pertinent landowner records and the community forest plan.

Approximately 5 years after the purchase of the property the grantee will be required to submit a self-certifying statement that the CFP tract is still in their ownership and is being managed according to the community forest plan and the purposes of the CFP. During a 5 year period the grantee will be subject to at least one spot check of the CFP tract which would normally include a review of the current community forest plan and site visit.

*Estimated Number of Respondents:* 150. Information was gathered from a selected set of established federal grant programs to establish an estimate of respondents. The application numbers from five different grant programs in 2 federal agencies were considered. These programs are the Forest Legacy Program, National Urban and Community Forestry Advisory Council's Program (NUCFAC),

Forest Legacy Program-The Forest Legacy Program identifies and protects environmentally important forests threatened by conversion to nonforest use. The eligible entities for grants are limited to State agencies. Currently, 54 States and Territories participate in the program. States can submit for consideration up to three applications. This limits the total number of applications that can be submitted. Three years of application submissions were considered for this program.

National Urban and Community Forestry Advisory Council's Program (NUCFAC)- The NUCFAC grants address how urban and community trees and forests assist communities with issues such as climate change, energy conservation, and improved public health and wellbeing. Two years of application submissions were considered for this program.

North American Wetland Conservation Act (NAWCA) grants-This program provides grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife. Grants can fund land acquisition and restoration. Three individual programs considered under this

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Act were the Small grant, the US Standard grant and the Mexico grant. Only the Small grant program has a similar funding level to the CFP.

Both experience and review of data from these programs suggest that there is little correlation between available grant money and the number of applications received. In the first Request for Applications for the CFP with approximately \$3.5 million, 49 applications were received. As the program becomes established we anticipate growth in applications in the first few years then the application numbers will level. The CFP has an unusually large number of eligible entities that could submit applications (see table below). Equally important in determining an estimate was the considerable number of inquiries received by Community Forest Program Managers around the country since the release of the Proposed Rules. It is estimated that the application submission in Year 2 will double to 100 applications. A similar increase is expected in Year 3 yielding a total of 150 applications. Beyond Year 3 application submission is projected to remain stable at 150 applications per year.

Estimated number of entities eligible to participate in the Community Forest Program*	
Qualified Non-profits <sup>1</sup>	1,667
Local Governments <sup>2</sup>	39,044
Federally Recognized Tribes <sup>3</sup>	565
<b>Total</b>	<b>41,276</b>

<b>Federal Grant Programs and Applications Received</b>				
Agency	Program	Funds	Applications Received	Comparison to CFP
USF&WS	NAWCA Small Grant	\$2.9 M	55	Similar funding, has smaller applicant pool
USF&WS	NAWCA US Standard	\$40 M	65	Greater funding, has smaller applicant pool
USF&WS	NAWCA Mexico	\$.5 M	18	Lesser funding, has smaller applicant pool
USFS	Forest Legacy FY12	\$58 M	69	Greater funding, has smaller applicant pool
USFS	Forest Legacy FY11	\$55 M	64	Greater funding, has smaller applicant pool
USFS	Forest Legacy FY10	\$79 M	84	Greater funding, has smaller applicant pool
USFS	NUCFAC FY12	\$0.9 M	19	Lesser funding, has smaller applicant pool
USFS	NUCFAC FY11	\$0.9 M	16	Lesser funding, has smaller applicant pool

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USFS	CFP FY12	\$3.5M	49	n/a
<b>Other Programs Considered but Determined to have Limited Applicability to CFP</b>				
DOD	ACUB/Repi			Both of these programs support military installations which are more geographically limiting than CFP.
FSA	CRP/CREP/GRP			These programs are short term grants (10-15 yrs) as opposed to CFP which protects land in perpetuity.

### Additional Information Collection Assumptions for the Burden

Experience in managing the Forest Legacy Program which has a similar information request it is estimated that an applicant will take on the average 32 hours to assemble the information needed in the application. This information includes the 8 page narrative, 2 maps, the draft community forest plan and the SF 424.

Applicants that successfully compete for grant funding have 120 days to complete the community forest plan. This effort includes community involvement, a determination of activities to be allowed on the forest, and a listing of improvements to support the activities. This effort is estimated on the average to take 160 hours to complete. Additionally, an assumption is made that there will be 12 CFP grant awards per year and constant funding. Each grantee will be required to provide grant reports (both acquisition and technical assistance) quarterly (SF 425) and annually (suggested example provided in supporting documents) during the time the grant is open. For the purposes of estimating the burden is assumed that grants will be open for one year on the average which will generate 4 quarterly financial reports and 1 annual report taking a total of 10 hours per grant. To prevent an underestimate of the burden the assumption is made that all acquisition grantees will ask for and receive a technical assistance grant. Record keeping requirements for grantees will take 4 hours each per year. Every 5 years grantees will need 1 hour to prepare self-certifying statement and 2 hours to participate in the spot check.

State foresters and Indian tribal officials have the responsibility to collect and forward applications. An assumption is made that 40 officials will be involved in this effort and they will need 2 hours to collect and forward applications. Additionally, it is assumed that these officials on the average will conduct the voluntary tasks at 4 hours each. Please refer to attached supplemental burden table document.

The following table shows the collective burden of the applicants and officials and the annual costs.

Description of the Collection Activity	Estimated Total Annual Burden on Applicants and	Hourly rate	Estimated Cost to Applicants and Officials (thousands of \$)
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		Officials (hours)										
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
<b>All Applicants</b>												
Submission of Application		156 8	320 0	480 0	480 0	480 0	\$19.3 4	30.3	61.9	92.8	92.8	92.8
Recipients	Developing Comm. Forest Plan	192 0	192 0	192 0	192 0	192 0	\$19.3 4	37.1	37.1	37.1	37.1	37.1
	Grant Reporting	120	120	120	120	120	\$19.3 4	2.3	2.3	2.3	2.3	2.3
	Record Keeping	96	96	96	96	96	\$19.3 4	1.8	1.8	1.8	1.8	1.8
	Spot Checks					24	\$19.3 4					0.4
	Self-Certifying Statement					12	\$19.3 4					0.2
All applicant Subtotal		370 4	533 6	693 6	693 6	697 2		71.6	103. 2	134. 1	134. 1	134. 7
<b>State Foresters and Indian Tribal Officials</b>												
Grant Reporting		120	120	120	120	120	\$19.3 4	2.3	2.3	2.3	2.3	2.3
Application Collection and Forwarding		80	80	80	80	80	\$19.3 4	1.5	1.5	1.5	1.5	1.5
Application Voluntary Tasks		160	160	160	160	160	\$19.3 4	3.1	3.1	3.1	3.1	3.1
Official's Subtotal		360	360	360	360	360		6.9	6.9	6.9	6.9	6.9

\*Average hourly earnings from Bureau of Labor News Release, February 2011 were used to identify the national average income per hour. The program is national in scope with multiple types of applicants so a national average is most applicable.

In conclusion, the burden for this collection can be divided into 3 categories of affected publics. Over the next 3 years the average annual burden for applicants is approximately 3,190 hours at a cost of \$62,000. Those applicants that receive grants will have an annual burden of approximately 4,050 hours at a cost of \$78,400. State Foresters and Indian tribal officials will have an annual burden of approximately 360 hours at a cost of \$7,000.

**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/start-up or ongoing operation/maintenance costs associated with this information collection.

**14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any**

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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

Table 2: Annualized cost to the Federal Government

<b>ACTION ITEM</b>	<b>PERSONNEL</b>	<b>GS LEVEL</b>	<b>HOURLY RATE*</b>	<b>HOURS</b>	<b>SALARY COST TO GOVERNMENT</b>
Request for Proposal preparation	1	14 (Step 5)	\$45.99	16	\$735.84
Review reports and audits	1	9 (Step 5)	\$22.57	240	\$5,416.80
Annual accomplishment reporting	1	14 (Step 5)	\$45.99	20	\$919.80
TOTAL					\$7,072.44

\* Taken from: [http://www.opm.gov/oca/12tables/pdf/g\\_s\\_h.pdf](http://www.opm.gov/oca/12tables/pdf/g_s_h.pdf)

The estimates included in this table include costs of information collection associated with the new program. However, if information collection does not occur, then the program could not be implemented, and therefore the cost to the agency would be zero.

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

This is a new information collection.

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

The CFP summary and accomplishment information will be published on the US

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Forest Service website and in administrative documents to highlight program accomplishments. Additional program information will be made available to the United States Department of Agriculture, the Administration, and members of Congress. The information planned to be published includes acres acquired, acquisition costs, cost share dollars, community benefits provided by projects as defined in the rule Section 230.2, contributions of projects to landscape scale initiatives, relationship to Administration initiatives such as America's Great Outdoors, names of entities that received grants, maps, and project names. Each year, after grants have been issued project information will be posted to the website. , Accomplishment information on the website will be updated upon completion (acquisition) of each project. We also intend to include cumulative program accomplishment information on the program website.

**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 expiration date is already displayed on the SF-424, SF-424c, SF-424d and SF 425 approved under other OMB control numbers and used in this information collection.

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

There are no exceptions.