

Supporting Statement A

Grazing Management: Range Improvement Agreements and Permits (43 CFR Subpart 4120)

OMB Control Number 1004-0019

Terms of Clearance: None.

General Instructions

A completed Supporting Statement 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.**

This submission pertains to range improvements on public lands managed by the Bureau of Land Management (BLM). Range improvements may be nonstructural (e.g., seedings or prescribed burns) or structural (e.g., fences, wells, or water pipelines). Many structural range improvements are considered permanent, as they are not easily removable from the land.

Range improvements enhance or improve livestock grazing management, improve watershed conditions, enhance wildlife habitat, or serve similar purposes. At times, the BLM may require holders of grazing permits or grazing leases (henceforth, "operators") to install range improvements to meet the terms and conditions of their permits or leases. Operators may also come to the BLM with proposals for range improvements. Often the BLM, operators, and other interested parties work together and jointly contribute to construction of range improvements in order to facilitate improved grazing management or enhance other multiple uses. Cooperators may include lenders which provide the funds that operators contribute for improvements.

The BLM collects both form and non-form information under this control number. Forms 4120-6 and 4120-7 document contributions to range improvements. A Cooperative Range Improvement Agreement (Form 4120-6) is an agreement between an operator and/or other cooperating parties and the United States that documents contributions of the cooperator(s) toward the initial construction of the improvement. Contributions may be in the form of funds, labor, or materials. Regulations that have been in effect since 1995 require a Cooperative Range Improvement Agreement in order to authorize new permanent water developments such as spring developments, wells, reservoirs, stock tanks, and pipelines.

In a Range Improvement Permit (Form 4120-7), an operator agrees to fund 100 percent of the construction costs. Regulations that have been in effect since 1995 limit Range Improvement Permits to removable or temporary range improvements. Examples of removable range improvements include corrals, creep feeders, and loading chutes. An example of a temporary range improvement is a trough for hauled water.

In these forms, the BLM documents operators' and cooperators' contributions of funds, labor, and materials to ensure proper credit in the event that an assignment or removal of range improvements becomes necessary, or if an operator is temporarily authorized to use forage for which another operator holds a permit or lease.

The non-form information collection under this control number consists of opportunities for consultation and coordination with the interested public.

The following statutory provisions pertain to range improvements on public lands managed by the BLM:

- Section 4 of the Taylor Grazing Act (43 U.S.C. 315c) authorizes the BLM to enter into cooperative agreements, and to issue permits, to construct fences, wells, reservoirs, and other improvements necessary for the management and care of domestic livestock that are authorized to use grazing allotments managed by the BLM. Section 6 of the Public Rangeland Improvement Act (43 U.S.C. 1901) provides that each year, either half of the grazing fees paid by operators or \$10 million (after it is appropriated through the Federal budget process), whichever is greater, will be provided to the BLM to fund range improvements.
- Section 402(g) of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1752(g)) provides that whenever a permit or lease for grazing domestic livestock is cancelled in whole or in part, in order to devote the lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States a reasonable compensation for the adjusted value, to be determined by the Secretary concerned, of his interest in authorized permanent improvements placed or constructed by the permittee or lessee on lands covered by such permit or lease, but not to exceed the fair market value of the terminated permittee's or lessee's interest therein.
- The Public Rangelands Improvement Act (PRIA) (43 U.S.C. 1901-1908) establishes a national policy and commitment to improve the conditions on public

rangelands, requires a national inventory and consistent federal management policies, and provides funds for range improvement projects. Section 5 of PRIA (43 U.S.C. 1904) is most pertinent to range improvements:

- o No less than 80 percent of funds appropriated for PRIA must be used for on-the-ground range rehabilitation, construction and maintenance of range improvements (including project layout, project design, and project supervision). No more than 15 percent of such funds may be used to hire and train such experienced and qualified personnel as are necessary to implement on-the-ground supervision and enforcement of land use plans and such allotment management plans as may be developed.
- o Such funds may be distributed as the Secretary deems advisable after careful consultation and coordination with district grazing advisory boards, advisory councils, range user representatives, and other interested parties.
- o An environmental assessment record must be prepared for each range improvement. If the environmental assessment record indicates that the range improvement will have a significant impact on the quality of the human environment, an environmental impact statement must be prepared, pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

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.

The BLM implements the statutory authorities described above in accordance with regulations at 43 CFR part 4100, subpart 4120. The information collected under the regulations enables the BLM to make decisions regarding proposed range improvement projects and documents agreements and responsibilities for constructing and maintaining specified projects.

Under 43 CFR 4120.3-1(b), the BLM requires that an operator enter into a Cooperative Range Improvement Agreement, or obtain a Range Improvement Permit, before installing, using, maintaining, and/or modifying a range improvement. Cooperative range improvement agreements are addressed at 43 CFR 4120.3-2. The BLM uses Form 4120-6, Cooperative Range Improvement Agreement, to document cooperative range improvement construction arrangements with grazing operators. The following information is required by Form 4120-6:

- Project Name and Number allows BLM to identify the project;
- Location of Project distinguishes the project from similar projects and allows the BLM to provide adequate analysis of the effects of implementing the project;
- Names of Cooperators documents the parties to whom responsibility for maintenance will be assigned, and to whom compensation will be provided when appropriate;

- Contributions made by Cooperators and Value of the Contribution (contributions may be labor, materials or equipment use) provides the BLM with information needed to properly distribute compensation when appropriate;
- Signature(s) of Cooperator(s) and Date provides documentation of when all the cooperators have agreed to the terms of the Agreement.

Range improvement permits are addressed at 43 CFR 4120.3-3. The BLM uses Form 4120-7, Range Improvement Permit, to authorize grazing operators to develop removable or temporary rangeland improvement projects. The following information is required by Form 4120-7:

- Name and Address of Applicant allows BLM to identify the owner of the improvement and to contact the Applicant when it is necessary to remove the project;
- Whether project will be constructed and maintained or just maintained by the applicant identifies the level of responsibility the Applicant assumes for the project;
- The Purpose and Need for the Project allows BLM to decide if the project is appropriate in a multiple-use context;
- Location of Project distinguishes the project from similar projects and allows BLM to provide adequate analysis of the effects of implementing the project;
- Cost and Value of Improvement (Labor, materials or equipment use) allows BLM to oversee and ensure accurate compensation for improvement interest if the permittee transfers the permit;
- Signature(s) of Applicant(s) and Date provides documentation of when applicant has agreed to the terms of the Agreement.

Non-form information collection under this control number is in accordance with the regulations at 43 CFR 4120.5, which provide for opportunities for cooperation. Under 43 CFR 4120.5-1, the BLM is required, to the extent appropriate, to cooperate with Federal, State, Indian tribal and local governmental entities, institutions, organizations, corporations, associations and individuals to achieve the objectives of 43 CFR part 4100. Under 43 CFR 4120.5-2, the BLM is required to cooperate with permittees, appropriate Federal and State agencies, Indian tribes and local government entities, organizations, corporations and individuals, to the extent consistent with applicable laws, in the administration of laws and regulations relating to livestock, livestock diseases, sanitation, and noxious weeds, including:

- State cattle and sheep sanitary or brand boards in control of stray and unbranded livestock, to the extent such cooperation does not conflict with the Wild Free-Roaming Horse and Burros Act (16 U.S.C. 1331, et seq.);
- County or other local weed control districts in analyzing noxious weed problems and developing control programs for areas of the public lands and other lands administered by the BLM; and
- Tribal, state, county, or local government-established grazing boards in reviewing range improvements and allotment management plans on public lands.

This cooperation is often accomplished through NEPA processes, collection of monitoring data, and development of evaluation reports. No specific information is required, but these entities may voluntarily submit information that they consider relevant to the project and which they wish the BLM to consider in the decision making process.

In summary, the collection of information under this control number takes place for each range improvement project or project modification. The information is used to maintain records of improvements on the public lands; make decisions on proposed rangeland improvement projects; oversee and ensure accurate compensation for improvement interest if the permittee transfers the grazing preference (resulting in the issuance of a permit to one or more permittees); and determine the amount we must compensate the permittee if the public lands associated with the range improvement become devoted to another purpose that precludes livestock grazing.

- 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.**

The public can download, fill out, and submit forms electronically from the BLM's Forms Central website: <http://www.blm.gov/noc/st/en/business/eForms.html>.

- 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.**

No duplication of information occurs in the information we collect. The requested information is unique to the applicant or cooperator and is not available from any other data source. No similar information is available or able to be modified. The information is required in order for the applicant or cooperator to receive a benefit.

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

Small businesses or other small entities are among the respondents. We review the requirements to ensure that the information requested of small organizations and all other potential respondents is the minimum necessary. There are no special provisions for small organizations. We structure the request to require only necessary data.

- 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 we did not collect the information, we could not administer the construction and maintenance of projects placed or constructed by private parties or organizations on the public lands. Anyone, including a rancher, who places improvements on public lands without a permit or an agreement is subject to unauthorized use violations. Also, we could not maintain land records or locate the physical facilities. Less frequent collection of the information would mean no collection of the information at all.

- 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 the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5. (A response may be required in less than 30 days if an applicant wants to place temporary water facilities in response to drought conditions.)

- 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 April 9, 2013, the BLM published the required 60-day notice in the Federal Register (78 FR 21147), and the comment period ended June 10, 2013. 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:

Name	Affiliation	Phone Number
Gary Zakotnik	Public Land Grazing Permittee	307-273-9481
Robert Mittel	Public Land Grazing Permittee	325-277-6883
Mike Davis	Davis Ranches and Farms	541-589-2122
Vic Hansen	6 Creeks Farm	406-775-6847

While all of the respondents told us that they found the forms' instructions straightforward, clear, and reasonable as to information requirements, they indicated that either they visit the BLM field office where a Rangeland Management Specialist can assist and discuss any questions they may have, or BLM completes most of the forms for them, and they review and sign them. Some respondents indicated a range of times needed to complete the form, the low being 10 minutes and the high being 2 hours for more complex projects or if the information had to be collected. However, this time was based on the their time to complete the form and did not include some of the other tasks needed to complete the form such as time for travel involved, coordination and consultation with the BLM and other parties to prepare information. Form 4120-7, Range Improvement Permit, generally takes less time to complete than Form 4120-6, Cooperative Range Improvement Agreement, because it is used to document range improvement construction arrangements for removable or temporary rangeland improvement projects. Form 4120-6, Cooperative Range Improvement Agreement is used to document range improve construction arrangements that are for more long-term projects. The form is also used to identify assign maintenance for old projects that do not have any agreements as well as for construction of new projects.

The hour burden for each form was estimated as indicated in Item 12 for reviewing instructions, gathering and maintaining data, time for travel involved to complete these tasks, coordination and consultation with the BLM and other parties to prepare information, and completing and reviewing these forms.

The respondents did not have any suggestions to change the forms since the BLM assists them with filling out the forms.

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 the respondents.

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

As described at 72 FR 9025 (Feb. 28, 2007), a Privacy Act system of records is associated with this information collection: Interior / LLM-2, Range Management System. Also, in accordance with the E-Government Act of 2002 (44 U.S.C. 3601 – 3606, 40 U.S.C. 305, and 44 U.S.C. 3501 note), respondents are informed that providing the information is necessary to obtain or maintain a benefit.

On December 29, 2010, the BLM published a notice at 75 FR 82061 (Dec. 29, 2010), proposing to amend the existing system of records. The proposed amendments have been approved as proposed. Names and addresses in the BLM's grazing records will be accessible through the BLM's public website in reports generated from the RAS records.

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.**

The average respondent hourly cost for individuals and households is shown at Table 12-1. The hourly wage for Table 12-1 was determined using national Bureau of Labor Statistics data at: 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 for Individuals and Households

Position	Mean Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.4)
Farmers, Ranchers, and Other Agricultural Managers (11-9013)	\$35.45	\$49.63

The average respondent hourly cost for the affected public (i.e., State, local, and Tribal governments) is shown at Table 12-2. The hourly wage for Table 12-2 was determined using national Bureau of Labor Statistics data at: http://www.bls.gov/oes/current/naics3_999000.htm. The benefits multiplier of 1.5 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 12-2 — Hourly Cost Calculation for State, Local, and Tribal Governments

Position	Mean Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.5)
Farmers, Ranchers, and other Agricultural Managers (11-9013)	\$32.08	\$48.12

Hour and cost burdens to respondents include time spent for researching, preparing, and submitting information. The average hourly wage associated with these information collections is shown at Tables 12-1 and 12-2, above. The frequency of response for each of the information collections is “on occasion.” As shown below, the total number of responses is 1,310, the total hour burden is 1,940 hours, and the total wage cost burden is \$95,332.

Table 12-3 — Hour and Cost Burdens for Individuals and Households

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (Column B x Column C)	E. Total Wage Cost (Column D x \$49.63)
43 CFR part 4100, subpart 4120 Cooperative Range Improvement Agreement Form 4120-6 and related non-form information	600	2	1,200	\$59,556
43 CFR part 4100, subpart 4120 Range Improvement Permit Form 4120-7 and related non-form information	30	2	60	\$2,978
43 CFR part 4100, subpart 4120 Affected Public / Individuals or Households	50	1	50	\$2,482
Total	680		1,310	\$65,016

Table 12-4 — Hour and Cost Burdens for State, Local, and Tribal Governments

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (Column B x Column C)	E. Total Wage Cost (Column D x \$48.12)
43 CFR part 4100, subpart 4120 Affected Public / State, Local, and Tribal Governments	630	1	630	\$30,316

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 are not required to purchase any additional computer hardware or software to comply with these information requirements. There is no filing fee associated with this information collection. There are no capital and start-up costs involved with this information collection.

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.

Table 14-1 — Hourly Cost Calculation for Federal Government

The hourly cost to the Federal Government is shown in Table 14-1 and is based on the U.S. Office of Personnel Management Salary Table at:

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>.

Position	Pay Grade	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.5)	Percent of time spent on these collections	Weighted Avg. (\$/hour)
Range Clerk	GS-7/5	\$21.07	\$31.61	5%	\$1.58
Rangeland Management Specialist	GS-11/5	\$31.17	\$46.76	90%	\$42.08
Field Manager	GS-13/5	\$44.43	\$66.65	5%	\$3.33
Weighted Average Hourly Pay Rate (\$/hour)					\$46.99

Table 14-2 — Hour and Cost Burdens for Federal Government

The table below shows the annualized Federal costs for each component of this collection of information. The estimated time spent to process the information collections is based on the BLM's experience. The hourly wage is shown at Table 14-1, above.

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (Column B x Column C)	E. Total Wage Cost (Column D x \$46.99)
43 CFR part 4100, subpart 4120 Cooperative Range Improvement Agreement Form 4120-6 and related non-form information	600	9	5,400	\$253,746
43 CFR part 4100, subpart 4120 Range Improvement Permit Form 4120-7 and related non-form information	30	8	240	\$11,278
43 CFR part 4100, subpart 4120 Affected Public / Individuals or Households	50	2	100	\$4,699
43 CFR part 4100, subpart 4120 Affected Public / State, Local, and Tribal Governments	630	1	630	\$29,604
TOTALS	1,310		1,940	\$299,327

15. Explain the reasons for any program changes or adjustments reported.

Burden	Previous Collection	This Collection	Difference
Responses	1,216	1,310	+50
Burden hours	1,799	1,940	+141

Adjustments:

The numbers of responses vary on an annual basis and are dependent on funding from the BLM, operators, and interested parties. Based on data from 2010-2012, the BLM increased the estimated number of responses and burden hours.

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.

The BLM will not publish the results of this information collection.

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 BLM will display the expiration date of the OMB approval on the forms included in this information collection.

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.