

**Supporting Statement A for
Paperwork Reduction Act Submission
Gathering of Certain Plants or Plant Parts by Federally Recognized Indian
Tribes for Traditional Purposes, 36 CFR 2
OMB Control No. 1024-New**

Terms of Clearance. None.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The National Park Service (we, NPS) proposes to authorize agreements between the NPS and federally recognized Indian tribes to allow the gathering of plants or plant parts by designated tribal members for traditional purposes. The agreements would facilitate continuation of tribal cultural traditions on traditionally associated lands that now are included within units of the National Park System without impairment to park resources and values. The proposed rule respects tribal sovereignty and the government-to-government relationship between the United States and the tribes and would provide systemwide consistency to this aspect of NPS-tribal relations.

The proposed rule would authorize agreements allowing and regulating tribal gathering of plants or plant parts for traditional purposes in parks where such gathering has not been specifically authorized by Congress. The agreements would explicitly recognize the special government-to-government relationship between Indian tribes and the United States, and would be based upon mutually agreed upon terms and conditions subject to the requirements of 36 CFR 2.6(f). The agreements would serve as the documents through which the NPS would authorize tribal gathering and would be implemented by an accompanying permit authorized by 36 CFR 1.6.

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.

Authorizations pursuant to this proposed rule are to be made based solely upon requests voluntarily submitted to specific NPS unit managers by recognized Indian tribes. Information will be collected in the form of a letter, which is the starting point for entering into discussions with the purpose of negotiating and entering into an agreement under this proposed rule.

To make determinations based upon these requests, NPS unit managers may need to collect information from those Indian tribes who make requests and from the specific tribal members who are proposed to participate in the authorization. The information may be needed to help determine what traditional practices are acceptable according to NPS statutory requirements and policy, what traditional uses are to be accommodated, what materials are specifically needed, and what locations are specifically identified for gathering the requested materials. The information collected will be used only to make determinations pursuant to the proposed rulemaking and to administer any authorization agreements subsequently developed.

Initial Request

What NPS Collects	Why
An explanation of the traditional association that the Indian tribe has to the park area	§2.6(d)(1) requires the superintendent to determine, based on evidence provided by the tribe, that the Indian tribe has a traditional association with the park area.
An explanation of the traditional purposes to which the gathering activities will relate	§2.6(d)(1) requires the superintendent to determine, based on evidence provided by the tribe that the proposed gathering is a traditional use of the park area by the Indian tribe.
A description of the gathering activities that the Indian tribe is interested in conducting	§2.6(d)(2) requires the superintendent to analyze any potential impacts of the proposed gathering in accordance with the requirements of the National Environmental Policy Act, the National Historic Preservation Act, and other applicable laws.

Agreement

What NPS Collects	Why
The Indian tribe that is authorized to gather and the basis for its eligibility to enter into the agreement.	Identifies the tribe that is authorized to gather.
A description of the system to be used to administer gathering including a clear means of identifying appropriate tribal members to receive the passes that will identify them as being designated by the Indian tribe to gather and a means for the tribal government to keep the NPS regularly informed of which tribal members have been issued such passes by the Indian tribe.	Provides a description of protocols for gathering as agreed by the park area and the tribe, and provides protocols for identifying tribal members that have been designated to gather by the tribe.
A description of the specific plants or plant parts that may be gathered.	Identifies the plants or plant parts that have been authorized for gathering.
Specification of the size and quantity of the plants or plant parts that may be gathered and removed.	Establishes NPS-tribal protocols for monitoring park resources subject to gathering, and for administering protocols for noncompliance.
Identification of the times and locations at which the plants or plant parts may be gathered and removed.	Establishes NPS-tribal protocols for monitoring park resources subject to gathering, and for administering protocols for noncompliance.
Identification of the methods that may be used for gathering and removal.	Establishes NPS-tribal protocols for monitoring park resources subject to gathering, and for administering protocols for

	noncompliance.
Protocols for monitoring gathering and removal activities.	Establishes NPS-tribal protocols for monitoring park resources subject to gathering.
Operating protocols and remedies for noncompliance with the terms of the agreement.	Establishes NPS-tribal protocols for noncompliance.
Key Officials	Identifies park and tribal leadership for contact purposes relating to the agreement.

NPS park units will issue a special use permit to the tribe upon completion of an agreement. The OMB has reviewed and approved the special use permit application (OMB Control No. 1024-0026, expires August 31, 2016).

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 collection of information does not involve the use of electronic or other technological collection techniques. We do, however, use electronic information technology to make the process of applying for permits easier by making the application available in a fillable PDF format.

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 other NPS office collects similar information. Each agreement describes the particular traditional association that an Indian tribe has to the park area; the traditional purposes to which the gathering activities will relate; and a description of the gathering activities that the Indian tribe is interested in conducting. Thus, each agreement is unique and the information is specific to each agreement between the requesting Indian tribe and the park area.

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

This proposed rule does not affect small business or other small entities. We collect only the minimum information necessary.

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 the information collection were not conducted, it would affect our ability to manage units of the National Park System in such a manner and by such means that will leave them unimpaired for future generations. We are requiring that each agreement undergo its own National

Environmental Policy Act (NEPA) analysis. The information collection is required for us to carry out our regulatory responsibilities under NEPA. The information cannot be collected less frequently.

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 would cause us to collect the information in a manner that is inconsistent with OMB guidelines.

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.

We have prepared proposed regulations to authorize agreements between the NPS and federally recognized Indian tribes to allow the gathering and removal of plants or plant parts by designated tribal members for traditional purposes. A copy of the proposed rule is attached. The proposed rule solicits public comment for a period of 30 days on the information collection requirements described in this supporting statement.

Six tribal consultation meetings were held in the “Lower 48” to consult with Indian tribes on this proposed rule. Locations in or near units of the National Park System where gathering by tribal members has been discussed over the years were selected in consultation with Indian tribes and NPS regional and park staff. One hundred and fifty representatives from 50 tribes attended meetings held from May through July 2010, in Bar Harbor, Maine; Flagstaff, Arizona; Pipestone, Minnesota; Yurok, California; Suquamish, Washington; and Cherokee, North Carolina. An additional meeting was held at Pipestone, Minnesota, in September 2010. Staff in Alaska contacted more than 70 federally recognized Indian tribes traditionally associated with parks in Alaska. Consultation occurred with those tribes that requested it. Additionally, general presentations were given at two Statewide conventions: the Alaska Tribal Leaders Summit in Fairbanks during the annual meetings of the Alaska Federation of Natives in October 2010 and at the annual Bureau of Indian Affairs Providers Conference in Anchorage in December 2010. A conference call with traditional elders and tribal peoples not associated with tribal governments was also conducted in June 2010 at the request of Arvol Looking Horse, Keeper of the Sacred White Buffalo Calf Pipe of the Lakota, Dakota, and Nakota Nation of the Sioux. Park managers and staff also attended these consultation meetings and participated in the discussions.

NPS and tribal representatives expressed support for agreements between tribal governments and the NPS to establish the conditions for gathering in parks. These agreements would respect both tribal sovereignty and NPS authority to manage park resources. These agreements would function as jointly agreed upon documents through which the NPS would authorize tribal gathering in ways that could be administered flexibly to respond to tribal traditions and local resource concerns. The participating tribal government would be responsible for designating which tribal members would be allowed to gather in accordance with the terms and conditions set forth in the agreement.

Tribal representatives and the NPS expressed the desire to work together to create and maintain the knowledge base needed to manage gathering and to protect park resources unimpaired for future generations. This would include joint research and monitoring, training programs for tribal members and park staff, and ongoing consultation regarding park resources.

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

We will not make 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.

The confidentiality of the information provided to NPS by the requesting Indian tribes is statutorily protected by the provisions of both the National Historic Preservation Act (16 U.S.C. 470w-3) and the Archaeological Resources Protection Act (16 U.S.C. 470hh).

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 ask 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.**

We estimate that 20 respondents will submit 25 responses annually totaling 180 annual burden hours.

We estimate that the dollar value of the annual burden hours will be \$7,493 (rounded). We used Bureau of Labor Statistics News Release USDL-14-1075, Employer Costs for Employee Compensation–March 2014, to determine hourly wages and benefits. Table 3 lists the hourly wage for all workers as \$27.75. We multiplied this rate by 1.5 to determine benefits, resulting in an hourly cost factor of \$41.63 (rounded).

ACTIVITY	NUMBER OF ANNUAL RESPONSES	AVERAGE TIME REQUIRED PER RESPONSE (hours)	TOTAL ANNUAL BURDEN HOURS	TOTAL \$ VALUE OF ANNUAL BURDEN HOURS (\$41.63/hr)
Initial Request	20	4	80	\$3,330.40
Agreements	5	20	100	4,163.00
Total	25		180	\$7,493.40

13. Provide an estimate of the total annual non-hour cost burden to respondents or record keepers 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, 2005, (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.

We have not identified any nonhour cost burdens to respondents.

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.

We estimate that the total annual cost to the Federal Government to administer this information collection will be \$50,383 (rounded).

To respond to any single request by a recognized Indian tribe, we estimate that 2 hours of qualified staff time will be needed to review the request and prepare a background summary with recommendations for the NPS unit manager. Approximately 170 hours of personnel time will be needed for qualified staff and the NPS unit manager to consult with the requesting Indian tribe, prepare a full background report and administrative record, draft an agreement, and finalize the agreement. We estimate that a GS-12/step 5 is the average grade level of Federal staff reviewing and processing the initial requests and agreements. We used the Office of Personnel Management Salary Table 2014-RUS to determine hourly wages (\$37.74). To account for benefits, we multiplied the hourly wage rate by 1.5, resulting in an hourly cost factor of \$56.61.

REQUIREMENT	NUMBER OF RESPONSES	STAFF TIME PER RESPONSE	TOTAL ANNUAL HOURS	TOTAL ANNUAL FEDERAL COST (\$56.61/hr)
Initial Tribal Request	20	2	40	\$ 2,264.40
Agreement	5	170	850	48,118.50
Totals	25		890	\$50,382.90

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

This is a new collection.

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 not publish this information.

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.

These are regulatory requirements. We will display the OMB control number and expiration date on appropriate materials.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Elimination Act Submissions."

There are no exceptions to the certification statement.