

## Supporting Statement A

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

OMB Control Number 1004-0165

**Terms of Clearance:** None.

#### General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

#### Specific Instructions

##### Justification

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

Land-management agencies within the Department of the Interior (i.e., the Bureau of Land Management (BLM), National Park Service, U.S. Fish and Wildlife Service, and Bureau of Reclamation) collect the information in this request in accordance with the Federal Cave Resources Protection Act (FRCPA), 16 U.S.C. 4301 - 4310. The FRCPA requires the Secretaries of Agriculture and Interior to identify and protect "significant" caves on Federal lands within their respective jurisdictions, and generally allows disclosure of the location of significant caves to the public under the Freedom of Information Act only if such disclosure:

- Would further the purposes of the FRCPA; and
- Would not create a substantial risk of harm, theft, or destruction of such cave.

However, the FRCPA and BLM regulations authorize agencies to make available information regarding significant caves upon written request by:

- A Federal or state governmental agency;
- A bona fide education and research institutions

- An individual assisting a land-management agency with cave management; or
- An organization assisting a land-management agency with cave management.

While the FRCPA applies to Federal lands managed by both Departments, this request pertains only to information collected by agencies within the Department of the Interior.

The FCRPA does not define what constitutes a significant cave. Instead, it requires the Secretaries, in cooperation and consultation with each other, to issue regulations that include criteria for the identification of significant caves. 16 U.S.C. 4303(a). The implementing regulations for the Department of the Interior are at 43 CFR Part 37 — Cave Management. Regulations at 43 CFR 37.11(c)(1) through (c)(6) specify criteria for significant caves.

The information-collection provisions of those regulations are at 43 CFR 37.11 (nominations of potentially significant caves) and 43 CFR 37.12 (requests for confidential cave information).

The information collected under control number 1004-0165 enables the BLM to comply with the FRCPA.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

#### Cave Nomination

Agencies within the Department of the Interior use the information in a cave nomination to determine if the nominated cave will be listed as significant in accordance with the FCRPA and regulations at 43 CFR 37.11(c)(1) through (c)(6).

The FRCPA does not limit who may submit a nomination. A regulation (43 CFR 37.11(a)) provides that nominations may be submitted by:

- Governmental agencies; and
- Those who utilize cave for scientific, education, and recreational purposes.

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

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

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

Previously, this activity was not separated into collections from individuals, from the private sector, and from state, local, and tribal governments. This request corrects that omission by adding specific activities for the latter two categories of respondents, and by adding to the previous label the word “individuals.”

#### Request for Confidential Cave Information

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

Under the FCRPA and BLM regulations, the specific location of any significant cave or cave under consideration for determination as significant may be disclosed by the Department only as follows:

- Under the Freedom of Information Act (5 U.S.C. 552), only after a determination that disclosure of such information would further the purposes of the FCRPA and would not create a substantial risk of harm, theft, or destruction of such cave (see 43 CFR 37.12(a)); or
- Upon request of a Federal or state governmental agency, a bona fide educational or research

institutions, or an individual or organization assisting the land managing agency with cave management activities.

Under 43 CFR 37.12(b), a request for confidential cave information must include:

- (1) Name, address, and telephone number of the individual responsible for the security of the information received;
- (2) A legal description of the area for which the information is sought;
- (3) A statement of the purpose for which the information is sought, and
- (4) Written assurances that the requesting party will maintain the confidentiality of the information and protect the cave and its resources.

Previously, this activity was not separated into collections from individuals, from the private sector, and from state, local, and tribal governments. This request corrects that omission by adding specific activities for the latter two categories of respondents, and by adding to the previous label the word “individuals.”

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

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

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

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

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

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

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

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

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

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- \* **requiring respondents to report information to the agency more often than quarterly;**
- \* **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- \* **requiring respondents to submit more than an original and two copies of any document;**
- \* **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- \* **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- \* **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- \* **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes**

- \* sharing of data with other agencies for compatible confidential use; or requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that require collection to be conducted in a manner inconsistent with the guidelines. We do not exceed the guidelines in 5 CFR 132.

**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 January 16, 2018, the BLM published the required 60-day notice in the Federal Register (83 FR 2180), and the comment period ended March 19, 2018. On April 12, 2018, 24 days after the comment period closed, the BLM received one comment via email. The comment referred specifically to the Bears Ears and Grand Staircase Escalante National Monuments. Except for the mention of the OMB control number in the title of the comment, the comment did not mention the information collection. For that reason, the BLM has taken no action to revise the information collection in response to the comment. The BLM Information Collection Clearance Officer, however, has forwarded the comments to the appropriate BLM staff for consideration.

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:

Individual  
Baker, NV

Individual  
Santa Fe, NM

Individual  
Ogden, UT

Individual  
Fresno, CA

All four respondents agreed with the range of burden estimates, and had no problems with the availability of data, frequency of collection, the clarity of instructions and reporting format, or the data elements. Thus the BLM did not modify the collection of information as a result of these consultations.

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

We do not provide payments or gifts to respondents.

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

Section 5(a) of the FCRPA (16 U.S.C. 4304(a)) exempts information “concerning the specific location of any significant cave” from availability to the public under the Freedom of Information Act (5 U.S.C. 552) unless disclosure of such information:

- Would further the purposes of the FCRPA; and
- Would not create a substantial risk of harm, theft, or destruction of such cave.

Section 5(b) of the FCRPA (16 U.S.C. 4304(b)) and 43 CFR 37.12 authorize the BLM to grant a written request to disclose confidential cave information. A request for disclosure may be submitted by:

- A Federal or State governmental agency;
- A bona fide educational or research institute;
- An individual assisting the land managing agency with cave management activities; or
- An organization assisting the land managing agency with cave management activities.

**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 hourly labor and benefits costs used in calculating the hour-related cost burdens are in the Bureau of Labor Statistics News Release USDL-18-0451, dated March 20, 2018 (<https://www.bls.gov/news.release/ecec.nr0.htm>). As shown in Table 1 of that news release, individuals earn \$35.87 per hour, including benefits. As shown in Table 3 of that news release, employees of State, local, and tribal governments earn \$49.19, including benefits. As shown in Table 5 of that news release, employees in the private sector earn \$33.72, including benefits.

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

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

<b>A. Type of Response</b>	<b>B. Number of Responses</b>	<b>C. Time Per Response</b>	<b>D. Total Hours (Column B x Column C)</b>	<b>E. Dollar Equivalent (Column D x appropriate BLS hourly pay)</b>
Cave Nomination / Individuals	17	11 hours	187	\$6,707.69 (187 hours x 35.87)



				per hour)\$
Cave Nomination / Private Sector	4	11 hours	44	\$1,483.68 (44 hours x \$33.72 per hour)
Cave Nomination / State, Local, and Tribal Governments	4	11 hours	44	\$2,164.36 (44 hours x \$49.19 per hour)
Request for Confidential Cave Information / Individuals	1	1 hour	1	\$35.87 (1 hour x \$35.87 per hour)
Request for Confidential Cave Information / Private Sector	1	1 hour	1	\$33.72 (1 hour x \$33.72 per hour)
Request for Confidential Cave Information / State, Local, and Tribal Governments	1	1 hour	1	\$49.19 (1 hour x \$49.19 per hour)
Totals	28	—	278 hours	\$10,474.51

**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- \* Generally, estimates should not include purchases of equipment or services, or

portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Respondents incur no annual capital or start up costs to prepare for or respond to the information collection. Respondents do not need to purchase any computer software or hardware to comply with this information collection. No filing fees are associated with Cave Nominations or Requests for Confidential Cave Information.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The hourly cost to the Federal Government shown at Table 14-1, below, is based on the U.S. Office of Personnel Management Salary Table 2018-RUS at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/GS_h.pdf). The benefits multiplier of 1.6 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

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

<b>A. Grade</b>	<b>B. Hourly Pay Rate</b>	<b>C. Hourly Rate Including Benefits (1.6 x Column B)</b>
GS-11, Step 1	\$25.43	\$40.69

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

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

<b>A. Type of Response</b>	<b>B. Number of Responses</b>	<b>C. Time Per Response</b>	<b>D. Total Hours (Column B x Column C)</b>	<b>E. Dollar Equivalent (Column D x \$40.69)</b>
Cave Nomination / Individuals	17	1 hour	17	\$691.73
Cave Nomination / Private Sector	4	1 hour	4	\$162.76
Cave Nomination / State, Local,	4	1 hour	4	\$162.76

and Tribal Governments				
Request for Confidential Cave Information / Individuals	1	1 hour	1	\$40.69
Request for Confidential Cave Information / Private Sector	1	1 hour	1	\$40.69
Request for Confidential Cave Information / State, Local, and Tribal Governments	1	1 hour	1	\$40.69
Totals	28	—	28	\$1,139.32

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

We made program changes in order to correct previous omissions. Previously, the activities in this control number (i.e., cave nominations and requests for confidential cave information) were not separated into collections from individuals, from the private sector, and from state, local, and tribal governments. This request corrects that omission by adding specific activities for the latter two categories of respondents, and by adding to the previous labels for the activities the word “individuals.” The net effect of these program changes is 4 additional information collection activities.

We made adjustments based on our recent experience with this control number. The adjustments are as follows:

- 1) We adjusted the annual number of responses for cave nominations from 10 to 25, an increase of 15.
- 2) We adjusted the annual number of responses for requests for confidential cave information from 4 to 3, a decrease of 1.
- 3) The net effect of these adjustments is 14 more responses per year.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

We will display the expiration date of the OMB approval.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are not requesting approval not to display the expiration date.

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

There are no exceptions to the certification statement.