

2020 Supporting Statement for OMB 0596-0242
COOPERATIVE WILDLAND FIRE MANAGEMENT AND STAFFORD ACT
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Note:

The U.S. Department of Agriculture (USDA) Forest Service is the sponsoring agency for this information collection request. Department of Interior (DOI) agencies supporting this information request package include Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Bureau of Indian Affairs. This request seeks OMB approval for continued use of the Cooperative Wildland Fire Management and Stafford Act Response Agreement template and associated information collections. The agreement template is necessary to negotiate, create, develop, and administer cooperative agreements with state, tribal, and local government respondents related to wildland fire protection and to respond to emergencies or disasters, ensuring maximum protection of resources.

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 agreement template instrument included in this request is necessary to enter into Cooperative Wildland Fire Management and Stafford Act Response Agreements with willing Federal, state, local, and tribal governments to provide wildland fire protection, to perform approved severity activities, and to respond to presidentially declared emergencies or disasters. In order to perform said work and activities in cooperation with Federal, state, local, and Native American Tribal governments, Congress passed multiple authorities authorizing such cooperation. The list of authorities can be found under Question 2, Letter D. These authorities encourage authorized agencies and willing Federal, state, local, and tribal government cooperators to enter into agreements for the purpose of cooperation before and during wildfires, emergencies, and/or disasters. This information collection request consolidates multiple Federal agency agreement templates into one template allowing for a single template that multiple parties can review, negotiate, draft and sign.

The Paperwork Reduction Act, 44 USC 3512(a)(1), as implemented at 5 CFR 1320.6(a)(1), states that agency-specific agreement forms must be approved by OMB and display the OMB control number to be binding on non-Federal entities. In order to negotiate, create, develop, and administer agreements that do not fall under the Federal Grants and Cooperative Agreements Act (FGCAA) and properly administer them, whether funded or non-funded, Federal agencies must request and receive permission from OMB to collect information from cooperating non-Federal entities during the pre-award negotiations, execution of the agreement, administration of the agreement, and to the close-out the agreement. There are no structural questions incorporated in this request. Parties to the agreement utilize the template and provide additional language, identify resources, and agree to roles and responsibilities that are unique to the geographical location that the agreement covers. Burden estimates include the time to review and draft the agreement and do not include informal and formal

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meetings or discussions that often take place between the parties to an agreement.

The scope of the information collection request includes, but is not limited to: the project type, project scope, financial plan, statement of work, and cooperator business information. Without the collected information, authorized Federal agencies would not be able to negotiate, create, develop, and administer cooperative agreements with cooperators related to effective cooperation before and during wildfires, emergencies, and/or disasters. Authorized agencies would be unable to develop or monitor projects, draft statements of work, agree to financial plans, make payments, or identify financial and accounting errors.

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.

In this request, the Forest Service is the sponsoring agency seeking renewal for new information collection related to entering into Cooperative Wildland Fire Management and Stafford Act Response Agreements with Federal, state, local, and Native American Tribal governments. This information is related to administrative procedures which are required for approval by OMB under the Paperwork Reduction Act of 1995 and OMB's implementing regulations in 5 CFR 1320 Controlling Paperwork Burdens on the Public. Department of Interior (DOI) agencies incorporated in this information request include:

- DOI Bureau of Land Management;
- DOI Fish and Wildlife Service;
- DOI National Park Service; and
- Bureau of Indian Affairs

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 Information collected from cooperators includes:

- Cooperator contact information;
- Employer ID Numbers (EINs), Taxpayer Identification Numbers (TIN), Data Universal Numbering System (DUNS) number, & System of Award Management (SAM) number;
- Operating Plan (OP) and Statement of Work (SOW), such as the total project to be accomplished, methodology, measurable objectives to be accomplished, time frame for completion, anticipated sub-agreement or subcontracting activity, desired results, role and responsibilities, maps, etc.
- Financial plans (such as contribution types and amounts, billing information, list of contractors/sub recipients); and
- Other related administrative and financial information.

b. From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an

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appraiser), each should be described along with the type of collection activity that applies.

The statutory authority authorizing the Cooperative Wildland Fire Management and Stafford Act Response Agreement template outlines which type of organization may participate in an agreement. Organizations include, and information may be collected from, Federal, state, local, and tribal governments. To negotiate, execute, and administer an agreement under this information collection, authorized agencies must collect both financial and project specific information from willing cooperators from the pre-agreement, administration, and closeout of the agreement. Parties to the agreement must collaborate in the drafting of the master agreement, its subcomponents, and the overall administration of the agreement. To allow for this flexibility, agreement template incorporates partnership elements allowing for defining of roles and responsibilities necessary to effectively cooperate in performing the objectives of the cooperative relationship.

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

The information will be used to negotiate, draft, develop, administer, and close-out Cooperative Wildland Fire Management and Stafford Act Response Agreements. The collection of information assists parties to the agreement to properly draft and execute documents from the pre-award to the close-out stage, but more importantly facilitates safe and efficient wildland fire response.

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?

Respondents have multiple options for responding, including forms, non-forms, templates, or optional formats. Parties to the agreement may provide the information electronically, face-to-face, over the phone, and over the internet. Typically, the information will be collected via phone calls, e-mails, postal mail, and person-to-person meetings. Electronic responses are encouraged. There are no structural questions incorporated in this request. Parties to the agreement collaborate, negotiate, and agree about language to incorporate into the agreement. Drafted language includes but is not limited to identifying resources and clarifying roles and responsibilities that are unique to the geographical location covered by the agreement. Burden estimates includes the time to review and draft the agreement, but does not include informal and formal meetings or discussion that often take place between the parties to an agreement.

e. How frequently will the information be collected?

Partners and cooperators voluntarily enter into agreements under this information request. Any party may initiate conversations to enter into cooperative agreements at any time. The performance period for these agreements can range from 1 day to 5 years. Once an agreement is established, both parties will communicate frequently in the performance of

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the agreement. At any time, modifications to the agreement may be initiated by either party which will increase the amount of information collected based on the number of modifications entered into and the degree of change to the scope of the existing agreement. Master agreements are anticipated to be executed once every 5 years. Operating Plans are anticipated to be executed, revised, or reviewed annually. Supplemental Project Agreements (SPAs) may be executed at any time and may vary in the period of performance.

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

The information will not be shared with other organizations outside USDA or other Agencies except as required under Freedom of Information Act and the Federal Accountability and Transparency Act or as agreed to jointly by the Cooperator and the Forest Service, in writing.

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

Information collection only is required when the parties voluntarily agree to enter into a cooperative fire agreement utilizing the Cooperative Wildland Fire Management and Stafford Act Response Agreement template.

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.

Cooperator respondents to a Federal agency's request for information collection may respond to information collection requests by either: handwritten or manually typed documentation submitted via any mail delivery service; electronic documentation submitted via internet, including emails; by electronic submission via fax; by voice over telephonic device, such as a telephone or voice over internet provider, or in person discussions with the Federal agency; or any other commonly used means of communication available to both parties. Forms may be located on a National office or region Forest Service/Department of Interior websites.

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.

The USDA Forest Service and DOI agencies part of this information request have carefully reviewed the collection for duplication. The Cooperative Wildland Fire Management and Stafford Act Response Agreement template is unique to its authorizing statutes which require the development of new agreements. Current Federal Financial Assistance award letters and Partnership Agreement templates cannot accommodate the requirements of the statutes as well as the flexibility necessary to accomplish collective work as authorized activities while at the same

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time ensure the Federal agency maintains proper fiscal stewardship over tax payer dollars.

This information collection request consolidates multiple Federal agency agreement templates into one template allowing for a National template to be used with state, tribal, and local governments who desire to enter into cooperative agreements with Federal agencies for wildfires, emergencies, and/or disasters activities. One standard template that can be used by multiple Federal agencies reduces duplication of agreements for non-Federal respondents and allows multiple parties to sign one agreement instead of signing individual agreements with each Federal agency.

The collection includes a master agreement template with subcomponents which permits the overarching agreement to be established between a cooperator and the Federal agency(ies). Under this overarching agreement, units from several parties may execute Operating Plans (state-wide), Operating Plans (local), and Supplemental Project Agreements (SPAs) which decreases duplication of information and increases consistency of project implementation. As the information collected is unique due to a number of factors including but not limited to geographical location, the information collected is not available from any other source.

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

The USDA Forest Service and DOI agencies part of this information request minimizes the burden to cooperators by materially assisting in the drafting of the agreements, after both informal and formal discussions. Additionally, Federal agencies will not request the same information twice, unless a problem arises related to any previous request. Furthermore, the federal agencies that are part of this request only seek information required to carry out basic administrative functions and to establish the scope of the project(s) and financial plan(s) related to the agreements.

The USDA Forest Service and DOI agencies that are part of this information request provide a number of customer service products available to assist cooperators, such as a comprehensive website, which provides regulatory and policy information, forms, procedural information, etc.; points of contact with the agency, including the name, address, email, and phone number for the agreements specialist, the program manager, and other relevant project contacts; and, a toll free telephone number to the agency's budget and finance centers finance related issues. The majority of small business partners who work with the USDA Forest Service and DOI agencies will work under contracts and procurement instruments and not directly under a Cooperative Wildland Fire Management and Stafford Act Response Agreement.

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.

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Without the ability to collect the information from cooperators, the USDA Forest Service and DOI agencies would not be able to conduct any of the activities authorized under the authorities and instruments listed in Question 2, letter D. Agencies to this request would not be able to develop projects, make payment, monitor projects, identify financial and accounting errors, agree to roles and responsibilities, etc. There are no technical or legal obstacles to reducing burden.

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;**

Respondents are asked to report when substantive changes occur to their information, and to timely provide agreed upon information as specified by the terms of the agreement.

- **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;**

Financial records, supporting documents, and all other records pertinent to a Cooperative Wildland Fire Management and Stafford Act Response Agreement must be retained for a period of three years from the date of submission of the final expenditure report or, for agreements that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by the Federal awarding agency. The only exceptions are the following.

1. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.
2. Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.
3. When records are transferred to or maintained by the Federal awarding agency, the 3-year retention requirement is not applicable to the recipient.
4. Indirect cost rate proposals, cost allocations plans, etc. as specified.

- **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 au-**

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thority 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. The collection of information is 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 Federal Register 60-day Notice for this new information collection was published on November 6, 2019, Vol. 84, No. 215 page 59767 -59768. No comments were provided that made reference to on the cost or the hour burden or time involved for of any collection of information for cooperative wildland fire agreements.

Four comments were received; three from current Forest Service employees and another from a former Forest Service employee. Three of the comments received from Forest Service employees regarding phrasing of individual terms in the document, and the formatting of the document. One additional comment addressed the methods of developing Exchange (Offset) Fire Protection arrangements through the agreement. While these submissions are being discussed and reviewed for possible updates to the Master Cooperative Wildland Fire Management and Stafford Act Response Agreement template, they do not have a bearing on the cost and hour burden associated with the information collection.

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.

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.

Consultation regarding the Master Cooperative Wildland Fire Management and Stafford Act Response Agreement template is conducted periodically with the

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National Wildfire Coordinating Group (NWCG), and the Executive Board of the National Wildfire Coordinating Group (NWCG EB). NWCG provides national leadership to enable interoperable wildland fire operations among federal, state, local, tribal, and territorial partners, and the NWCG EB provides leadership, strategic direction, and managerial oversight of all aspects of NWCG management and operations. NWCG and NWCG EB membership include appointed representatives from the member entities of NWCG. NWCG Membership includes representatives from Bureau of Indian Affairs (U.S. Department of the Interior), Bureau of Land Management (U.S. Department of the Interior), Fish and Wildlife Service (U.S. Department of the Interior), Forest Service (U.S. Department of Agriculture), International Association of Fire Chiefs, Intertribal Timber Council, National Association of State Foresters, National Park Service (U.S. Department of the Interior), United States Fire Administration (Federal Emergency Management Agency). Working through NWCG and the NWCG EB ensures that the Master Cooperative Wildland Fire Management and Stafford Act Response Agreement template is afforded many opportunities to review and consultation with a wide range of subject matter experts outside of the Forest Service.

- Chief Will G. May, Jr. (ret.), NWCG Executive Board, Will.May@iafc.org
- Aitor Bidaburu, Fire Program Specialist, U.S. Fire Administration/FEMA, aitor.bidaburu@usda.gov
- Dan Smith, Fire Director, National Association of State Foresters, desmith@blm.gov
- Ron Graham, Deputy Chief-Fire Protection, Oregon Department of Forestry, ron.graham@oregon.gov

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

No financial incentive, payment or gift, will be provided to respondents.

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

All other assurances of confidentiality, found in agency related agreement provisions, are standardized and based on the Freedom of Information Act (5 U.S.C. § 552, as amended by Public Law No. 104-231, 110 Stat. 3048) and FSM 1580, et. al.

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.

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There are no questions of a sensitive nature, such as those pertaining to sexual behavior, attitudes, religious beliefs, or other matters commonly considered private.

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.

The Annual Burden hours to develop a Cooperative Wildland Fire Management and Stafford Act Response Agreement using the template can vary. It is estimated to require between 4 and 24 hours annually per respondent, which will include State local and Tribal government employees. It is estimated that there will be between 320 respondents involved. Each respondent will need between 1 to 4 total responses. There will also be approximately 320 hours of recordkeeping involved (see Table 2), so the total annual Burden Hours for all respondents is estimated to be 47,360 hours.

Table 1: Estimated Reporting

BURDEN ESTIMATE	NUMBER OF RESPONDENTS	RESPONSES PER RESPONDENT	TOTAL NUMBER OF RESPONSES	AVERAGE HOURS PER RESPONSE *	TOTAL ANNUAL BURDEN HOURS
State, local, and Native American Tribal Governments: Creating/developing, maintaining/processing, reviewing, and closing-out physical/electronic file(s), including all related administrative actions associated with the project(s)	320	3	960	49	47,040
Totals:	320	---	960	--	47,040

*Includes development of operating plans, reviewing and providing language to the agreement and applicable exhibits, signing the agreement and exhibits, providing detailed invoices for reimbursement, and project specific information such as statement of works and financial plans. Figures may not calculate precisely due to rounding.

- **Record keeping burden should be addressed separately and should include columns for:**
 - a) **Description of record keeping activity:** See table entry
 - b) **Number of record keepers:** See table entry
 - c) **Annual hours per record keeper:** See table entry
 - d) **Total annual record keeping hours (columns b x c):** See table entry

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A breakdown of the estimated the associated Recordkeeping, and the Annual Cost to respondents is reflected in Tables 2 and 3, respectively.

Table 2: Estimated Recording Keeping Activity (Based on 70 Master Cooperative Wildland Fire Management and Stafford Act Response Agreements signed).

DESCRIPTION OF RECORD KEEPING ACTIVITY	NUMBER OF RECORD KEEPERS	NUMBER OF RESPONSES PER RECORD KEEPER	TOTAL NUMBER OF RESPONSES	ANNUAL HOURS PER RECORD KEEPER	TOTAL ANNUAL RECORD KEEPING HOURS
State, local, and Native American Tribal Governments: Creating/developing, maintaining/processing, reviewing, and closing-out physical/electronic file(s), including all related administrative actions associated with the project(s)	320	1	320	1.00	320
Totals:	320	---	320	--	320

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Table 3: Estimated Annualized Cost to Respondents.

DESCRIPTION OF ACTIVITY	ESTIMATED TOTAL RESPONSES	ESTIMATED TOTAL ANNUAL BURDEN ON RESPONDENTS (HRS)	ESTIMATED AVERAGE COST PER HOUR*	ESTIMATED COST TO RESPONDENTS**
State, local, and Native American Tribal Governments: Creating/developing, maintaining/processing, reviewing, and closing-out physical/electronic file(s), including all related administrative actions associated with the project(s)	320	1,280	\$45.00	\$57,600
Totals:	320	1,280	\$45	\$57,600

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* Department of Labor, Occupational Employment and Wages, May 2018 (Business Operations Specialist, mean hourly wage \$32.87). Reference Link: <http://www.bls.gov/oes/current/oes131199.htm>.

** Mean \$32.87 / hr wage is multiplied by 36.25% per OMB Memorandum M-08-13 for a total hourly wage of \$44.78 rounded to \$45. A total of 800 hours multiplied by \$45/hr. = \$43,200.

*** Note that the estimated costs to the recipient are typically allowable cost to the agreement authorized by the applicable cost principle and charged either as an indirect or a direct cost.

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 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 - 4: Estimates of Annualized Cost to the Federal Government

Cost Category	Estimated Costs	Methodology
Employee labor and materials for developing, printing, storing forms	\$4,650.00	50 people x \$31.00/hr ¹ x 3 hrs work/person = \$4,650

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Employee labor and materials for collecting the information	\$9,300.00	150 program managers/grants & agreements specialists (avg. of one person/instrument) x \$31.00/hr ¹ x 2 hrs/instrument = \$9,300.00 Total
Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information	\$13,950.00	150 program managers/grants & agreements specialists (avg. of one person/instrument) x \$31.00/hr ¹ x 3 hours/instrument = \$13,950.00 Total
Totals²:	\$27,900.00	<i>Figures may not calculate due to rounding.</i>

¹ GS-11, Step 1, average position, based on OPM 2020 GS Pay Scale for hr. wage, available at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/RUS_h.aspx, = \$30.67/hr rounded to \$31.

² The computer system already existed for Federal Financial Assistance and Non-Assistant Cooperative Agreements.

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

This is a renewal of a previously approved information collection. Change in amount calculations are based upon current hourly state wages per hour and current federal hourly wages per hour, according to Office of Personnel Management (OPM) and Bureau of Labor Statistics (BLS).

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

Results of this information collection will not be published.

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.

Paperwork Reduction Act, 44 USC 3512(a)(1), as implemented at 5 CFR 1320.6(a)(1) states that agency-specific forms must be approved by OMB and display the OMB control number to be binding on our partners. Since Forest Service specific agreements may last up to 10 years, and the Cooperative Wildland Fire Management and Stafford Act Response Agreements generally run for 5 years, the Forest Service requests that the expiration date not be included on OMB approved forms incorporated under this information collection. The Agency's concern is that its State, Local, and Tribal cooperators may believe that the agreements are no longer binding on parties beyond the OMB expiration date. Alternatively, if the OMB expiration date must be included on all of the agency-specific agreements, we suggest that modifying all Agency-specific agreements with our partners upon renewal of this information collection would be excessively burdensome on state agencies.

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

There are no exceptions to the certification statement.