2020 Supporting Statement A
Cave Management: Significant Cave Nominations (36 CFR Part 290)
OMB #: 0596-0244

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 U.S. Forest Service, within the U.S. Department of Agriculture (USDA), proposes for approval the ability to collect the information in this request in accordance with the Federal Cave Resources Protection Act (FCRPA) [Pub. L. 100-691, 107 Stat. 4546], which requires the Secretaries of Agriculture and Interior to identify and protect significant caves on Federal lands within their respective jurisdictions. This request covers Federal lands managed by agencies within USDA, but not Federal lands managed by agencies within the Department of Interior (e.g., the National Park Service, the Bureau of Land Management).

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 FCRPA also requires each Secretary to:

- Identify significant caves on Federal lands within each Secretary’s respective jurisdiction;
- Regulate or restrict use of significant caves, as appropriate;
- Enter into volunteer management agreements with persons of the scientific and recreational caving community;
- Appoint appropriate advisory committees;
- Ensure consideration of significant caves in the preparation or implementation of land management plans; and
- Foster communication, cooperation, and exchange of information between land managers, those who utilize caves, and the public.

16 U.S.C. 4301(b) and (c).

The implementing regulations for the Department of the Agriculture are at 36 CFR Part 290 — Cave Management. Regulations at 36 CFR 290.3 authorize cave nominations and include the Department’s criteria for determining whether or not a nominated cave is significant, in accordance with Section 4 of the FCRPA (16 U.S.C. 4303).

The information collected under control number 0596-NEW is necessary in order to comply fully with these statutory requirements. The information provided for the cave nominations will be used to determine which caves will be listed as "significant" and the information in the requests to obtain confidential cave information will be used to decide whether to grant access to this information. Response to the call for cave nominations is voluntary. No action may be taken against a person for refusing to supply the information requested. Response to the information requirements for obtaining confidential cave information is required to obtain a benefit in accordance with section 5 of the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4304).

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**
   a. **What information will be collected - reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)**

Significant Cave Nomination Worksheet – FS-2800-0023

The U.S. Forest Service uses the information in a cave nomination to determine if the nominated cave will be listed as significant in accordance with the FCRPA and USDA regulations at 36 CFR 290.3. The information is thus necessary for full compliance with agencies' responsibilities to identify and protect significant caves and their resources.

Nominations are required to obtain or retain benefits. 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.

b. From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.
The Forest Service collects the information from applicants.

c. What will this information be used for - provide ALL uses?
The information collected is used to for the cave nominations.

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?
Typically, the information is collected via delivery of the form via hard copy mail, FAX or in electronic format via e-mail. Since most of these forms are legally binding Agreements, they require a signature for the attestation or acceptance, with an original signature.

e. How frequently will the information be collected?
It varies. Based on the length of the authorization, forms have a duration ranging from a short-term of a day or year, to a long-term up to 40 years.

f. Will the information be shared with any other organizations inside or outside USDA or the government?
The information is not shared in any routine or established manner.

g. **If this is an ongoing collection, how have the collection requirements changed over time?**
This is an ongoing information collection, which renews every 3-years.

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.**

A similar form was identified from the Department of Interior, Bureau of Land Management. That form cannot be used by the Department of Agriculture, Forest Service, due to differences in significance criteria between the two Departments. No other duplicative information request is already approved.

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 information about the cave. 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.

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.

8. If applicable, provide a copy and identify the date and page number of publications 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.

Table 1.

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Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 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.

A federal register notice was published in the Federal Register on August 19, 2020 (85 FR 161) and was open for comment for 60 calendar days. A copy of this federal register notice is attached to this document/ included in this package.

No public comments were received.

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 of the FCRPA exempts cave information from availability to the public under the Freedom of Information Act (5 U.S.C. 552). The regulations in 36 CFR 290.4 make it clear that the Secretary determines, before disclosing, whether disclosure of such cave information would further the purposes of the FCRPA and would not create a substantial risk of harm to, theft, or destruction of such cave or its resources.

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.

Table 12-1, below, shows the U.S. Forest Service's estimate of the hourly cost burdens for respondents. The mean hourly wages for Table 12-1 were 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 2 – List of Forms and Burden Hours-DOI
Not applicable.

Table 3 – List of Forms and Burden Hours-Forest Service

(a)	(b)	(c)			(d)	(e)	(f)	(g)
Description of the Collection Activity	**Form Number**	**Number of Respondents Previous 3 years**			**Number of responses annually per Respondent**	**Average annual responses**	**Estimate of Burden Hours per response**	**Estimated Total Annual Burden Hours**
						(c x d)/3		**(e x f)**
CATEGORY 1: APPLICATION PROCESS								
		2017	**2018**	**2019**				
Cave Nomination Form	FS-2800-023	100	100	100	1	100	0.5	50
Supplies	No Form	125	125	125	1	125	1	125
Travel	No Form	500	500	500	1	500	2	1,000
Providing and compiling information for compliance	No Form	120	120	120	1	120	2	240
						Estimated Annual Responses		Estimated Annual Burden Hours
Grand Total						845		2,260

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

Table 4 Estimated Annualized Cost to Respondents-Forest Service and DOI combined

Not applicable.

The Mean average hourly rate of $25.72 for all occupations from the most recent (2019) Bureau of Labor Statistics was used rounded to $26 (https://www.bls.gov/oes/current/oes_nat.htm#00-0000). The salaries of employees supporting these authorizations range from high values in the Utility industry to lower values of the retail and recreation industries. These authorizations reflect uses in diverse geographic areas from Alaska to Florida, New England to California. The national mean average is the best value to use with table 4.

The hourly rate for private industry (sector) includes the fringe benefits.

Table 12-1 – Hourly Cost Calculation

A. Occupational Category	B. Mean Hourly Wage	C. Total Mean Hourly Wage (Column B x 1.4)
All Occupations	$23.86	$33.40

Table 12-2, below, details the individual components and respective burden estimates of this information collection request. The frequency of responses is "on occasion." Cave-nominations are required for specific caves to obtain or retain benefits.

Table 12-2 - Estimates of Annual Burdens and Related Costs

A. Type of Response	B. Number of Respondents	C. Number of Responses per Respondent	D. Hours Per Response	E. Total Hours (Column B x Column D)	F. Annual Cost (Column E x $33.40)
Cave Nomination: Form FS-2800-0023	30	1	15	450	$15,030

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.

**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 salary for a GS-11, step 1 was from the www.opm.gov and the fringe benefits are included with the $26.45/per hour wages specified below.

Table 5 – Estimated Annual Cost to the Government

ACTION ITEM	PERSONNEL	GS LEVEL	HOURLY RATE*	HOURS	SALARY
1. The Application Process	Resource Specialists	11/1	$26.45	2,260	$59,77 7
3. Annual Financial Information	Resource Specialists	11/1	$26.45	300	$ 7,935
4. Preparing and Updating Operating Plans	Resource Specialists	11/1	$26.45	100	$ 2,650
5. Preparing and Updating Maintenance Plans	Resource Specialists	11/1	$26.45	100	$ 2,650
6. Compliance Reports and Information Updates	Resource Specialists	11/1	$26.45	100	$ 2,650
Special Use Database System (Annual Program cost)					$ 10,000
TOTALS				2,860	$85,662

* *Taken from:* https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/GS_h.pdf, 2020 General Schedule (Base),*Cost to Government calculated at hourly wage The rate for a GS* 11 / Step 1 is $26.45.

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

There's an increase in the number of respondents, responses and burden hours. The reason of the increase is due to the Agency having more accurate information.

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 results of this collection of information will not be published, as the information is confidential as per the Federal Cave Resources Protection Act of 1988 and the Code of Federal Regulations 36 Part 290.

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.