

## Supporting Statement for OMB 0596-0244

### Significant Cave Nomination Application

#### 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 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 (for example, the National Park Service and 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 0596-0244 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 voluntary.

**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 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 list caves as significant. 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 (for example, loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.**

Caves can be nominated by the public, Forest Service partners, other Government agencies, and Forest Service staff by using the approved OMB Caves Nomination Form.

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

The information collected is used to for the cave nominations per Federal Cave and Resources Protection Act of 1988 (16 U.S.C. 4301-4309) and the 36 CFR 290. Forest Supervisors would utilize the data to determine the cave's eligibility for being listed as significant.

**d. How will the information be collected (for example, 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 or in electronic format via e-mail.

**e. How frequently will the information be collected?**

Information will be collected each time a nomination is submitted. The calls for submittal of nomination forms typically occur every 1 to 3 years with no further information being collected for caves that have already been designated as significant.

**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 because information concerning significant cave locations is considered confidential and per statute is exempt from release under FOIA.

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

This is an ongoing information collection, with calls for submittal of nomination forms every 1 to 3 years. Collection requirements have not changed.

**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, for example, 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.**

Because each cave is unique and require unique descriptive information, the collection of information cannot be automated. 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.**

The information requested comprises justifications for whether or not criteria established by regulation have been met in order to designate a cave as significant. This information does not generally exist outside of a request to nominate a particular cave as significant. Once a cave has been designated as significant, a response to future calls for nominations is not required.

**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. Nominations are entirely voluntary, and do not impact small businesses.

**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 every 1 to 3 years, 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 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.**

On October 28, 2024, a 60-day *Federal Register* notice was published at 89 FR 85492. A copy of this *Federal Register* notice is included in this package.

**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.**

- Virginia Department of Conservation and Recreation, Natural Heritage  
Katarina Kosic Ficco - Field Cave and Karst Scientist  
600 East Main Street, 24<sup>th</sup> Floor  
Richmond, VA 23219
- National Cave and Karst Research Institute  
Ben Tobin - Director  
400-1 Cascade Ave.  
Carlsbad NM 88220

**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.**

- The availability of data, - This form is fairly easy to complete if the person completing the form has been involved in mapping and/or inventorying the cave being nominated or if they have access to data from that work. The actual work to collect the original data is VERY time intensive - at a bare minimum, 1 day per site is usually needed, more if the cave is long or requires technical skills to access. This data collection piece is what can severely slow down the nomination process.
- Frequency of collection, - Submitting this form once per cave is a reasonable expectation.
- The clarity of instructions, - The form is very straightforward and easy to follow as constructed
- The data elements to be recorded, disclosed, or reported. - The criteria all seem easy to understand and provide information on

**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 disclosure 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 a decision to disclose, 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 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.**

We do not require respondents to answer questions of a sensitive nature.

**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.**

Table 12-1, below, shows the 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](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>.

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
  - a) Description of the collection activity**
  - b) Corresponding form number (if applicable)**
  - c) Number of respondents**
  - d) Number of responses annually per respondent,**
  - e) Total annual responses (columns c multiplied by d)**
  - f) Estimated hours per response**
  - g) Total annual burden hours (columns e multiplied by f)**

Please see Table 12-2 below.

**Record keeping burden should be addressed separately and should include columns for:**

- a) Description of record keeping activity: None**
- b) Number of record keepers: None**
- c) Annual hours per record keeper: None**
- d) Total annual record keeping hours (columns b multiplied by c):  
Zero**

There is no associated recordkeeping burden on the public for this information collection.

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

Please see Table 12-2 below.

The mean average hourly rate of \$31.48 for all occupations from the most recent (2023) Bureau of Labor Statistics ([https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)) was used to calculate annualized cost to respondents because any member of the public may nominate a significant cave.

**Table 12-1. Hourly cost calculation**

A. Occupational Category	B. Mean Hourly Wage	C. Total Mean Hourly Wage (B x 1.4)
All Occupations	\$31.48	\$44.07

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 (B x D)	F. Annual Cost (E x \$44.07)
Cave Nomination: Form FS-2800-0023	10	1	11	110	\$4,847.70

**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.**

Respondents incur no annual capital or startup 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. 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**

The salary for a GS-11, step 1 was from [www.opm.gov](http://www.opm.gov) and the fringe benefits are included with the \$34.76/per hour wages specified below.

**Table 12-3. Estimated annual cost to the government**

Action Item	Personnel	GS Level	Hourly Rate	Hours	Salary
The Application Processes	Resource Specialists	11/1	\$45.18	300	\$13,554
Annual Financial Information	Resource Specialist	11/1	\$45.18	300	\$13,554
Preparing and Updating Operating Plans	Resource Specialists	11/1	\$45.18	100	\$4,518
Preparing and Updating Maintenance Plans	Resource Specialists	11/1	\$45.18	100	\$4,518
Compliance Reports and Information Updates	Resource Specialists	11/1	\$45.18	100	\$4,518
Special Use Database System (Annual Program cost)	—	—	—	—	\$10,000
<b>Totals</b>	—	—	—	900	\$50,662

\* Taken from: [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/RUS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/RUS_h.aspx), 2024 General Schedule Rest of United States. Cost to Government calculated at hourly wage for a GS 11 / Step 1 multiplied by 1.3 to equal \$45.18.

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

This collection of information had not had any changes that affect the burden to the public.

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

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 certification statement identified in item 19, "Certification Requirement for Paperwork Reduction Act."**

There are no exceptions to the certification statement.