

## **The 2013 Supporting Statement for OMB 0596-0158**

### Objections to Land Management Plans, Plan Amendments, and Plan Revisions

**Terms of Clearance:** There are no terms of clearance for the current approval.

#### **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.**

OMB originally approved this information collection at 36 CFR 219.32 (65 FR 67579, November 9, 2000). The 2000 planning rule established an objection process at 36 CFR 219.32 that the public could use before issuance of a final decision on a proposed plan, plan amendment, or plan revision. The objection process was been carried forward for the 2005 planning rule at 36 CFR 219.13 (70 FR 1060, January 5, 2005) and for the 2008 planning rule (73 FR 21511, April 21, 2008). Because of various court proceedings, the Forest Service has not been able to fully implement the planning rules.

The 2012 planning rule (See 77 FR 21162, April 9, 2012) updated the objection process for land management planning. Instead of 30 days to file objections, under the 2012 planning rule (36 CFR part 219, subpart B), the process for objections to plans, plan amendments, or plan revisions provides the public 60 calendar days when an environmental impact statement (EIS) is prepared and 45 calendar days when an EIS is not prepared (36 CFR 219.56).

The Forest Service has the authority to promulgate regulations regarding the land management planning (16 U.S.C. 1604). Additional regulatory citations are: 5 USC 301 – Administrative Procedure Act; 16 USC 1604; and the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) as amended by the National Forest Management Act of 1976 (NFMA), 16 USC 1613 – RPA.

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-09/pdf/2012-7502.pdf>

- 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.**

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**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.)**

Under 36 CFR 219.54, the Forest Service requires the following information from individuals objecting to land management plans, plan amendments, and plan revisions:

- Name, mailing address, and telephone number or email address if available;
- Signature (or other verification of authorship upon request);
- Name of the plan, amendment or revision that is the subject of the objection; and the name and title of the responsible official;
- A statement of the issues and/or the parts of the plan, plan amendment, or plan revision to which the objection applies
- A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If applicable, the objector should identify how the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy; and
- A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment (§ 219.53(a)).

The file code for this collection is 1920-2-5. Retention is required for 25 years. (FSH 6209.11, §41)

**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 information is collected for the reviewing officer. The reviewing officer is the supervisor of the responsible Forest Service official for the plan, plan amendment, or plan revision.

This information (objection) is collected (submitted) from those people objecting to a proposed plan, plan amendment, or plan revision. The entities eligible to submit an objection are the individuals and non-federal organizations who have previously submitted specific written comments related to the proposed plan, plan amendment, or plan revision during the opportunity for public comment.

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

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The reviewing officer uses the name and address and other information to contact the person who objects to the plan, discuss the issues raised by the person who objects, and to learn how the objection may be resolved.

The information collected is analyzed and responded to by a Forest Service official and may be used to modify the final decision for a new plan, plan amendment, or plan revision. The reviewing officer uses the collected information during consideration of objections to national forest system land management plans. The reviewing officer is the line officer one administrative lever higher than the line officer responsible for the plan, plan amendment, or plan revision. Usually the forest supervisor is the responsible official and usually the regional forester is the reviewing officer.

**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 submit written statements outlining objections to decisions regarding land management plans, plan amendments, and plan revisions in any format of their choosing. The objection may be delivered in person or by courier, by mail or private delivery service, by facsimile, or by electronic mail.

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

There is no regular schedule for this type of information collection. On occasion the Forest Service may amend or revise a land management plan.

Information collection occurs during the 60-day period after the public notice that a land management plan, plan amendment, or plan revision objection period has begun for which the Forest Service prepared an environmental impact statement (EIS). When the Forest Service does not prepare an EIS, information collection occurs during the 45-day period after the public notice that an objection period has begun for a plan amendment.

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

This information is shared and is available to the public for inspection. Very seldom would the Forest Service directly distribute the collected information (objections) directly to other organizations or other government agencies.

So that interested persons may file a request to participate in the objection process, the Agency does publish a notice in the local newspaper about what objections have been received, and also posts the notice online at the Forest Service objections web page so interested persons may see them in accordance with 36 CFR 219.56(f). (See <http://www.fs.fed.us/objections/index.php> )

**g. If this is an ongoing collection, how have the collection requirements**

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#### **changed over time?**

This is a revision of a currently approved collection expiring on February 28, 2013. On April 9, 2012, we changed the information requirements as follows: added a request for the email address if it is available, added a request for a signature, and added a request for a statement that demonstrates the link between the prior substantive formal comments and the content of the objection.

Additionally, the period within which to file an appeal has been increased from 30 days to either 45 or 60 days, depending on whether an environment impact statement is issued or not. The previous information requirements were assigned OMB Control Number 0596-0158. (See 36 CFR 219.61, 77 FR 21162 at page 21275, April 9, 2012).

- 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.**

Objections to land and resource management planning decisions must be in writing and filed with the reviewing officer. The collected information (objection) may be submitted in person or by courier, by mail or private delivery service, by facsimile, or by electronic mail. By offering multiple options for submitting an objection, including electronic, the agency's intent is to reduce the burden on the public.

The Forest Service makes planning documents available to the public in a variety of formats including paper, compact disc, and via Internet Web sites.

- 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.**

There is no similar information already available. If a person desires to object to a plan, plan amendment, or plan revision, the person must respond to the unique plan, plan amendment, or plan revision.

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

Small businesses or other small entities that are interested or may become interested in land management plans, plan amendments, or plan revisions have the opportunity to object. The Agency's intent to minimize burden on these entities is the same as for other entities that are interested in objecting, which is to offer multiple methods to submit an objection, including via electronic means. The burden is designed to be as minimal as possible, and the submission of an objection is by persons who voluntarily take on the task.

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**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.**

Without the collection of this information, the USDA Forest Service would not be able to provide an opportunity to seek reasonable solutions to conflicting views of plan components before a responsible official approves a plan, plan amendment, or plan revision. Agency decision-making would suffer from reduced public input. If the information is not collected, the Agency cannot accept objections, and the Agency would be violating 36 CFR part 219.

**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;**

Information collected is specific to plan development, plan amendment, or plan revision. There is no requirement or limit to the number of objections a person may file.

- **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. Forest Service conducts the collection of this information consistent with the guidelines in 5 CFR 1320.6.

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

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**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.**

A request for comment was published in the Federal Register on June 27, 2012 at 77 FR 38267. The Agency received one comment, from Jean Public. The comment was of a general nature. It did not address any of the topics for which comment was requested on, and a response was not applicable.

**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.**

The Department of Agriculture published a proposed rule on February 14, 2011 and requested comment on the proposed rule including comment on the information collection requirements of 36 CFR 219.54. In response to public comment, the Department made minor changes to 36 CFR 219.54. The final rule published 77 FR 21162, April 9, 2012.

The Forest Service continues to consult with an interagency steering committee comprised of members from the Council of environmental quality, Department of Justice, Department of Interior and others. Appointed by the Secretary a panel of scientists also, review and evaluate land management planning, including the appeal process.

**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 Agency received objections from the following five representatives.

Doug Heiken of Oregon Wild withdrew his objection to the Ruby Pipeline Forest Plan Amendment on May 13, 2010.

Mike Dubrasich of Western Institute for Study of the Environment, John Marker of National Association of Forest Service Retirees, David Rhodes of Concerned Citizens for Responsible Fire Management, and Charles Phenix, an individual, filed objections of the Rogue River-Siskiyou National Forest's Fire Use Amendment Environmental Assessment in May 2010.

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

No payments or gifts 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.**

There is no assurance of confidentiality. All information and data submitted by a person or entity objecting to an amendment or revision of a proposed plan, plan amendment, or plan revision is available for examination by the public at the office of the responsible official. In addition, the objection document will be posted online and published in the local newspaper for public review.

**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.**

No sensitive information is collected.

**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.**

- **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.**

It is difficult to estimate the number of respondents because plan revisions and plan amendment are not performed on a regular basis and members of the public may or may not chose to object (it is totally voluntary on their part).

To estimate the number or future respondents, we looked at the likely number of plan revisions using the objective process in the next five years and the number of plan amendment appeals we had in the last 4 years.

For plan revisions, based on personal knowledge of plan revisions already underway, we expect five national forests to give notice of objection periods this summer (Giant Sequoia National Monument, Idaho Panhandle, Kootenai, Lake Tahoe Basin Management Unit, and San Juan). Three plan revisions in fall of 2013. Two plan revisions in winter of 2014. Eight plan revisions in 2016. That is 18 plan revisions divided by 5 years equals an average of approximately 4 plan revisions per year.

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For plan amendments, based on a review of the appeals database <http://www.fs.fed.us/appeals/index.php> for the time between January 2008 to the present, we have had 18 appeals of plan amendments (or 18/4 years is approximately 5 amendments per year). This database contains the best available information. Since January 2008, the 18 appeals had 66 appellants or 4 appellants on average per appeal. As of yet, no one has filed an objection to any plan amendment; but in the future, we expect all new plan amendments to use the objection process.

Based on this data, we expect on average 4 plan revision per year and 5 plan amendment per year. Assuming an average of 4 entities filing per action, that is 36 objections per year in the future.

Table 1-Estimated Annual Burden

<b>(a) Description of the Collection Activity</b>	<b>(b) Form Number</b>	<b>(c) Number of Respondents</b>	<b>(d) Number of responses annually per Respondent</b>	<b>(e) Total annual responses (c x d)</b>	<b>(f) Estimate of Burden Hours per response<sup>1</sup></b>	<b>(g) Total Annual Burden Hours (e x f)</b>
Objections to proposed plan, plan amendment, or plan revision	None	36	1	36	10	360
Totals	---	36	---	36	---	360

<sup>1</sup> This estimate is based on best professional judgment and personal knowledge of typical documentation submitted by respondents. Some respondents, who are professional lobbyists, may file many page documents that may take them a week or more to compile. The typical person filing an objection may write a letter in a few hours.

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

**a) Description of record keeping activity:**

**b) Number of record keepers:**

**c) Annual hours per record keeper:**

**d) Total annual record keeping hours (columns b x c):**

There are no recordkeeping requirements placed upon the respondents

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

Table 2 – Estimated Total Annual Cost to Respondents

<b>COLLECTION ACTIVITY</b>	<b>TOTAL ANNUAL RESPONSES</b>	<b>TOTAL ANNUAL BURDEN HOURS</b>	<b>ESTIMATED AVERAGE INCOME PER HOUR<sup>1</sup></b>	<b>ESTIMATED COST TO RESPONDENTS</b>
Preparation and Submittal of Appeal	36	360	\$21.74	\$7,826.40

<sup>1</sup>Hourly wage is from Bureau of Labor statistics for occupation code 00-0000 (all occupations). This wage code was selected because an appellant could be from any background and occupation.

<http://www.bls.gov/oes/current/oes231011.htm>

- 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 operation and maintenance costs.

- 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.**

Table 3 – Estimated Annual Cost to Federal government

<b>DESCRIPTION OF COLLECTION ACTIVITY</b>	<b>TOTAL AVERAGE RESPONSES</b>	<b>PERSONNEL</b>	<b>GS-LEVEL</b>	<b>HOURLY RATE</b>	<b>HOURS PER APPEAL<sup>2</sup></b>	<b>COST TO GOV'T PER APPEAL</b>
Receiving		Forest	GS-11	\$33.92	40	\$1,356.8

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objection and analyzing issues, attending meetings with Forest Supervisor		Planning Specialist	Step-5			
Summarizing, reviewing, and preparing Objection response		Regional Planning Specialist	GS-12 Step-5	\$40.66	40	\$1,626.4
Discussing issues with the Objector		Forest Supervisor	GS-15 Step-5	\$67.21	24	\$1,613.04
Issuing Final Response		Reviewing Official	GS-15 Step-5	\$67.21	4	\$268.84
Estimated cost per appeal						\$4,865.08
Estimated Annual TOTAL	36					\$175,142.88

<sup>1</sup> Hourly rates were obtained from the OPM salary table for 2012, and multiplied by 1.3 to account for estimate fringe benefits. [http://www.opm.gov/oca/12tables/html/dcb\\_h.asp](http://www.opm.gov/oca/12tables/html/dcb_h.asp).

<sup>2</sup> The estimated time to perform each activity is based on best professional judgment and personal knowledge

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

Based on the analysis provided above, the estimated number of respondents has decreased by 1174 respondents, from the currently approved 1210 to 36. The burden hour estimate has correspondingly been reduced 11,740 hours, from 12,100 to 360 hours, due to the reduction in the estimated number of respondents.

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

The responsible official will publish a notice in the local newspaper that the objection was received by the Forest Service so that interested persons may file a request to participate in the objection process. So that interested persons will have access to the objection, the objections will also be posted online at <http://www.fs.fed.us/appeals>. There are no other plans for publication.

**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.**

There are no information collection instruments associated with the objection

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process. Respondents submit written statements outlining objections to decisions regarding land management plans, plan amendments, and plan revisions in a form and format of their own choosing.

Therefore, Forest Service is requesting an exemption from the requirement to display the expiration date for the OMB approval of the information collection.

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

Except for the exception outlined in item 17 above, the Forest Service is seeking no exceptions to the *Certification Requirement for the Paperwork Reduction Act*.