Supporting Statement A for
Paperwork Reduction Act Submission

Reporting and Recordkeeping for Snowcoaches and Snowmobiles, Yellowstone National Park 36 CFR 7.13(l)

OMB Control Number 1024-XXXX

Terms of Clearance: None.

Justification

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

   The Yellowstone National Park Organic Act (16 U.S.C. 21and 22), signed March 1, 1872, established Yellowstone National Park to "dedicate and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people" and "for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition" The Organic Act of 1916 (16 U.S.C. §1 et seq.) authorizes the Secretary of the Interior to develop regulations for national park units under the Department's jurisdiction.

   We (National Park Service, NPS) provide opportunities for people to experience Yellowstone in the winter via oversnow vehicles (snowmobiles and snowcoaches, collectively OSVs). Access to most of the park in the winter is limited by distance and the harsh winter environment, which presents challenges to safety and park operations. The park does not provide wintertime OSV tours directly, but through concessions contracts and commercial use authorizations with area businesses to provide transportation to visitors (Title IV, Section 403 of the National Parks Omnibus Management Act of 1998, P.L. 105-391).

   OSV use is a form of off-road vehicle use governed by Executive Order 11644 (Use of Off-road Vehicles on Public Lands, as amended by Executive Order 11989). Implementing regulations are published at 36 CFR 2.18, 36 CFR Part 13, and 43 CFR Part 36. Routes and areas may be designated for OSV use only by special regulation after it has first been determined through park planning to be an appropriate use that will meet the requirements of 36 CFR 2.18 and not otherwise result in unacceptable impacts.

   We are proposing regulations (36 CFR 7.13(l)) to establish a management framework that allows the public to experience the unique winter resources and values at Yellowstone National Park. This rule includes provisions that allow greater flexibility for commercial tour operators, provide mechanisms to make the park cleaner and quieter than what has been

allowed during the previous four winter seasons, reward oversnow vehicle innovations and technologies, and allow increases in visitation. It also requires snowmobiles and snowcoaches operating in the park to meet air and sound emission requirements and be accompanied by a guide. This rule also requires that commercial OSV operators provide a monthly use report and maintain certain records.

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

Emission and Sound Standards (§7.13(l)(4)(vi) and (5))**.** Only OSVs that meet NPS emission and sound standards may operate in the park. We are proposing that, before the start of each winter season:

(a) Snowcoach manufacturers or commercial tour operators must demonstrate, by means acceptable to the Superintendent, that their snowcoaches meet the standards.

(b) Snowmobile manufacturers must demonstrate, by means acceptable to the Superintendent, that their snowmobiles meet the standards.

Transportation Events (§7.13(l)(11)(i) - (iii))**.** So that we can monitor compliance with the required average and maximum size of transportation events, we propose that as of December 15, 2014, each commercial tour operator must:

(a) Maintain accurate and complete records on the number of snowmobiles and snowcoaches he or she brings into the park on a daily basis. These records must be made available for inspection by the park upon request.

(b) Provide a monthly use report on their activities. We plan to use a form, which will be available on the park website, to collect the following information for transportation events:

- Report Month/Year
- Contract Number
- Departure Date
- Duration of Trip (in days)
- Transportation event type (snowmobile or snowcoach)
- Number of snowmobiles or snowcoaches
- Number of visitors and guides
- Route and primary destination
- If the transportation event allocation was from another commercial tour operator
- Transportation event group size (previous month and season to-date)

Enhanced Emission Standards (§7.13(l)(11)(iv))**.** To qualify for the increased average size of snowmobile transportation events or increased maximum size of snowcoach transportation events, each commercial tour operator must:

(a) Before the start of each winter season, demonstrate, by means acceptable to the Superintendent, that his or her snowmobiles or snowcoaches meet the enhanced emission standards ; and

(b) Maintain separate records for snowmobiles and snowcoaches that meet enhanced emission standards and those that do not.

We will use the information collected to: (1) ensure that OSVs meet NPS emission standards to operate in the park; (2) evaluate commercial tour operators' compliance with allocated transportation events and daily and season OSV group size limits; (2) ensure that established daily transportation event limits for the park are not exceeded, (3) confirm that commercial tour operators do not run out of authorizations before the end of the season and create a gap when prospective visitors cannot be accommodated, and (4) guarantee compliance with applicable laws and regulations

Responsible operators should be compiling much of this information to minimize liabilities, maintain business records for tax and other purposes, obtain financial backing, and ensure a safe, efficient, and well-planned operation.

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.**

   We anticipate approximately 95 to 100 percent of respondents will submit required information via email. We are currently exploring options for a web-based reporting system to lessen, to the extent possible, the paperwork burden. In the meantime, we intend to make a downloadable and fillable form available on the park website.

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.**

   No other offices of the NPS or other Federal agencies collect this type of information. Because the information requested will be specific to each respondent, duplication of effort and information does not occur.

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

The information required is the minimum necessary to meet the NPS responsibilities under the laws and regulations listed above to ensure protection of park resources and values and ensure consistency and compliance with the Winter Use Plan/Supplemental Environmental Impact Statement. We encourage all respondents to submit all requested data electronically, and we are exploring opportunities for web-based reporting by operators to lessen burden to the extent possible. At minimum, we will provide a fillable form with predetermined fields to simplify data entry.

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 we did not collect this information or collected it less frequently, we would: (1) be unable to ensure that OSV commercial operators are in compliance with regulatory requirements; and (2) fail to carry out our statutory mandates to preserve and protect the park and manage concessions. As a result, OSV use could degrade park resources and jeopardize visitor safety. By closely monitoring this information, we can also ensure that commercial tour operators do not run out of authorizations before the end of the season and create a gap when prospective visitors cannot be accommodated.

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.**

   Because the public winter use season only lasts 3 months (December 15 to March 15) and

there are daily limits for total number of OSVs per transportation event as well as seasonal averages, the proposed rule requires OSV commercial operators to submit a monthly use report. We are considering requiring this report on a biweekly basis and are specifically seeking comment on this change in the proposed rule.

There are no other circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

   Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

   Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

   We have prepared proposed regulations at 36 CFR 7.13(l) to manage snowmobile and snowcoach use in Yellowstone National Park. A copy of the proposed rule is attached as a supplementary document. The proposed rule solicits public comment for a period of 30 days on the information collection and recordkeeping requirements described in this supporting statement.

   Staff of Yellowstone National Park has worked extensively with current OSV contract/commercial use authorization holders to streamline data collection procedures and lessen burden on these business operators. The proposed process was arrived at through these consultations and is believed by the NPS and those consulted to be a common sense solution and not overly burdensome.

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

We do not provide any assurance of confidentiality. Information is collected and protected in accordance with the Freedom of Information Act (5 U.S.C. 552) (FOIA).

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 ask 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.**

We estimate that 17 respondents (15 commercial tour operators and 2 manufacturers) will submit 64 responses totaling 100 annual burden hours. We estimate the total dollar value of the annual burden hours will be $2,850 (100 hours X $28.50). We used the Bureau of Labor Statistics news release USDL-12-2404, December 11, 2012, Employer Costs for Employee Compensation—September 2012 (http://www.bls.gov/news.release/ecec.t01.htm), to estimate average hourly wages and calculate benefits. We used the wage and salary costs for all workers from Table 5, which states an hourly rate of $20.36. To calculate benefits, we multiplied that rate by 1.4, resulting in an hourly rate of $28.50.

ACTIVITY	ESTIMATED NO. OF ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	ESTIMATED TOTAL ANNUAL

		(hours)	BURDEN HOURS*
Meet Emission/Sound Standards—Snowcoaches (7.13(l)(4)(vi)	12	.5	6
Meet Emission/Sound Standards—Snowmobiles (7.13(l)(5)	2	.5	1
Report and Recordkeeping (7.13(l)(11)(i)-(iii))	45	2	90
Meet Enhanced Emission Standards (7.13(l)(11)(iv))	5	.5	3
Total	64		100

*Includes 1.5 hours for completion of monthly use report and .5 hours for recordkeeping

13. Provide an estimate of the total annual non-hour cost burden to respondents or record-keepers 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.**

We have not identified any nonhour cost burden.

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.

We estimate that the total annual cost to the Federal Government to administer this information collection will be $2,244 (rounded). This cost estimate figure is based on staff time (GS-11/step 5) to review and process monthly reports and review emission documentation. We used Office of Personnel Management Salary Table 2012-RUS to determine the hourly rate. We multiplied the rate by 1.5 to account for benefits in accordance with Bureau of Labor Statistics News Release USDL 12-2404, December 11, 2012.

Action	**Grade/ Step**	**Hourly Rate**	**Hourly Rate w/ Benefits**	**Total Responses**	**Time per Response**	**Total Annual Hours**	**Annual Cost**
Review/process reports and emission documentation	GS 11/5	$31.17	$46.76	64	45 minutes	48	$2,244.48
Total							**$2,244.48**

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

This is a new collection.

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

We do not publish the results of this information collection.

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 will display the OMB control number and expiration date on the monthly use report form and other appropriate materials.

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.