

The Supporting Statement for OMB 0596-0016

Application for Permit, Non-Federal Commercial Use of Roads Restricted by Order

TERMS OF CLEARANCE (2003): The Forest Service must consult with persons outside of the Agency prior to the submission of the next package, and obtain their views on this information collection, including the burden. Forest Service must include names and contact information in the supporting statement, or an explanation of why this consultation was not feasible.

These terms have been addressed under question 8.

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.**

Section 6 of the National Forest Roads and Trails Act of October 13, 1964, authorizes the Secretary of Agriculture to “require the user or users of a road under the control of the Forest Service, including purchasers of Government timber and other products, to maintain such roads in a satisfactory condition commensurate with the particular use requirements of each.” (P.L. 88-657; 16 USC 537) The Act also allows the Secretary to accept cash deposits in lieu of performance of maintenance. Title 36 CFR 212.5d authorizes the Chief of the Forest Service to require commercial users to perform or pay for road maintenance. It is Forest Service policy to require commercial users to perform or pay for maintenance made necessary by their use (FSM 7732.03).

Persons who wish to haul commercially submit form FS-7700-40 (Application for Permit - Non-Federal Commercial Use of Roads Restricted by Order) to the appropriate Forest Supervisor or District Ranger. The information provided by the applicant is used to prepare the Road Use Permit and to assure that the statute’s requirement for maintenance (commensurate with the particular use requirements of each) is met.

The Commercial Road Use Permit (FS-7700-41)¹ assures that commercial haulers on National Forest System roads not already authorized to use roads by contract or permit, perform or pay for maintenance. The enabling mechanism is for a Forest Supervisor to issue an enforceable traffic rule under the authority of 36 CFR 261.54(c). The traffic rule prohibits commercial hauling without a permit or written authorization.

The National Forest System’s road system currently has a backlog of deferred

¹ A copy of form FS-7700-41 is included in this package for information purposes only. Form FS-7700-41 does not collect information from non-Federal entities. The form is completed using information found on FS-7700-40 (Application for Road Use Permit).

maintenance and capital improvements needs of approximately \$10 billion. Were it not for the ability to require commercial users to perform or pay for maintenance made necessary by their use, the backlog would be much greater than it already is.

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.)

The information collected includes the National Forest System roads the applicant wishes to use, the type and amount of commercial traffic intended for the road, and the period of time over which the haul is scheduled to occur. The form also requires submission of identifying information about the applicant (name, address, and telephone number).

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 from individuals, corporations, or organizations that apply for a permit to use National Forest System roads for non-Federal commercial use.

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

The information is used by the Forest Service to prepare the applicant's permit and assure that the statute's requirement (that required maintenance be "commensurate with the particular use requirements of each") is met.

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?

The information is collected using a form entitled *Application for Permit - Non-Federal Commercial Use of Roads Restricted by Order* (FS-7700-40). The form is completed by a Forest Service representative or hand-written by the applicant.

e. How frequently will the information be collected?

The information is collected each time an application is made for a commercial road use permit. Frequency is based on the needs of the applicant and averages once a year per applicant.

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

There are two situations where the Forest Service shares the information with organizations or entities outside the USDA or the government.

Situation 1: Submittal of a permit application for use of a road where hauling and/or road maintenance activities have the potential to affect individual

species or critical habitat of said species listed as threatened or endangered under the Endangered Species Act. In such cases, the Forest Service is required to consult with the applicable Federal agency (either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service) to determine whether to issue the road use permit and any requirements related to species protection that should be included on the permit.

Situation 2: This situation occurs when other commercial haulers are currently using the subject road. In order to demonstrate compliance with the requirements of Public Law 88-657 (i.e., that commercial users be responsible for maintenance “commensurate with the particular use requirements of each”), it is necessary to share information about the hauling activities of each user with the other users of the subject road.

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

The collection requirements have not changed substantially since first instituted with passage of Public Law 88-657 in 1964.

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.

There is no intent to automate the process involved in the application for a road use permit. Each application is unique. A written signature is required. The Forest Service prefers to meet with applicants face-to-face prior to issuing permits. The actual road use permits themselves are lengthy and involve specifications and bonding similar to contracts.

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 roads to be used and the amount of commercial activity on them are unique to each application for a road use permit. This uniqueness has to be respected in order to comply with the statutory requirement that road maintenance be “commensurate with the particular use requirements of each.”

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

The collection of this information has a slight impact on small businesses or other small entities. The process of obtaining a road use permit using FS-7700-40 does not take much time. The permit process ensures that those using Forest Service roads for commercial purposes perform road maintenance work made necessary by their use. Approval for the use of roads for commercial hauling is granted through the issuance of a permit.² The data gathered using form FS-7700-40 is necessary for the issuance of the permit. Without the permit, users doing commercial hauling may be cited for violating 36 CFR

² FS-7700-41

261.13.

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.

There is a backlog of deferred maintenance and capital improvement needs (over \$10 billion) on the National Forest Service road system. Were the Forest Service unable to require commercial users to perform or pay for the maintenance made necessary by their use, the backlog would be even greater.

Using a single form is the most expedient way to obtain all the information necessary to issue a road use permit.³ The use of a single agency-wide form (FS-7700-40) to gather information assures applicants that all agency representatives will use the same process.

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 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

³ Ibid

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.

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.

On August 7, 2006, the USDA Forest Service published a 60-day notice in the Federal Register to solicit comments on this information collection (Volume 71, page 44608). No comments were received. A copy of the notice is enclosed.

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.

Respondent 1 - Terry Salvestro, Fruit Growers Supply Company, Hilt, California

Form

- Front page of form FS-7700-40 (Application for Permit - Non-Federal Commercial Use of Roads Restricted by Order) easily understood.
- Page 2, Question 1: map request states use FS map with ½" Forest Transportation map. Terry suggests Forest Service should attach our map to our form, and state in our application what are our Forest Service map data needs on the application. Question #1 states: "*General Description and Adaptability of Roads with our map request.*"
- Page 2, Question 2: Forest Service should know this better than applicant should.
- Page 2, Question 3: What is betterment work?
- Page 2, Question 4: Give applicant a sensing of time involved in processing form. In addition, if any changes or editing is needed on a recently submitted application there should be a block to check on application denoting this is a change; that allows permittee to correct form without resending a new/revised form.

Other Comments

- Process not easily understood without calling a Forest Service representative to talk over form and application questions. Need to give a Forest Service representative's name to contact when filling out form. Give a brief state on process attached to form.
- No big impacts; good paper trail when using application. Prefer to have fewer application questions to respond to.

Respondent 2 - Dan Cobb, 3147 Hwy 238, Jacksonville, OR, 97530

Form

- Dan was okay with application, especially front page; thought back page had confusing questions. Map data needed by Forest Service needs cleaning up. Time frames for processing permit not understood.

Other Comments

- Process mostly understood as long as someone from the Forest Service was available to answer any questions.
- Timeframes for process not understood. Options for mailing payment for haul versus performing commensurate road maintenance versus payment to Forest Service not transparent.

Respondent 3 - Bob Jones, Medford Water Commission, 200 South Ivy Street, Room 117, Medford, OR, 97501

Form

- Front page of application understood, back page confusing all the way down, all four questions. Map data needed by Forest Service not clear. Forest Service should also know better than applicant should what is needed on Forest Service roads for betterments or improvements than applicant.

Other Comments

- Process not understood; need more information here understand Forest Service process with applicant submittal. Timeframes for processing, options for making payment versus performing road maintenance work not understood.
- Uncertain about how long Forest Service needs to process and approve permit. Bob did not clearly understand options available to them for making payment for hauling operations versus performing commensurate share of road maintenance when submitting a new application. In addition, the Forest Service needs to include mechanism for making changes to a new application that is in the approval process without resubmitting a new form when changes or edits occur.

Note: The Forest Service will take these remarks into consideration in future revisions of FS-7700-40 (Application for Permit - Non-Federal Commercial Use of Roads Restricted by Order).

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

The Federal government does not provide any gifts or payments to respondents.

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

In general, the information provided in response to this information collection is not considered confidential.

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.

Information of a sensitive nature is not requested.

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.**

- 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 x d)**
- f) Estimated hours per response**
- g) Total annual burden hours (columns e x f)**

Table 1

(a) Description of the Collection Activity	(b) Form Number	(c) Number of Respondents	(d) Number of responses annually per Respondent	(e) Total annual responses (c x d)	(f) Estimate of Burden Hours per response	(g) Total Annual Burden Hours (e x f)
Application for Permit - Non-Federal Commercial Use of Roads Restricted by Order	FS-7700- 40	2000	1	2000	15 minutes (.25)	500
Totals	---	2000	---	2000	---	500

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

Table 2

(a) Description of the Collection Activity	(b) Estimated Total Annual Burden on Respondents (Hours)	(c) Estimated Average Income per Hour	(d) Estimated Cost to Respondents
Application for Permit - Non-Federal Commercial Use of Roads Restricted by Order (FS-7700-40)	500	\$40	\$20,000
Totals	500	---	\$20,000

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. 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 3

Annual Responses	Hours spent processing responses	Total hours	Hourly cost to the agency	Total annual cost to the agency
2,000	½ (.25)	1,000	\$20	\$20,000

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

No change in program

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

The 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.

The Forest Service will not request that the expiration date for the OMB approval be omitted from any forms associated with this information collection.

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

The agency is able to certify that the collection of information encompassed by this request complies with 5 CFR 1320.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.