

Forest Service Response to Comments
Information Collection
Operating Plans
01/31/2007

Background:

Pursuant to the Paperwork Reduction Act of 1995, and the regulations at 5 CFR 1320, the Forest Service published a notice in the Federal Register (71 FR 61706) seeking comments on continuing information collection authorized under OMB 0596-0086, on timber sale operating plans. Comments were received from two respondents. Both respondents were forest industry associations.

Commenter 1 – Missouri Forest Products Association (MFPA):

MFPA Comment 1: “On the Mark Twain National Forest, the Forest Service requires all operational plans to be submitted on a document furnished by the Forest Service.”

Response: The Mark Twain National Forest no longer uses the form mentioned by the commenter. Once form FS-2400-67 (Annual Operating Plan – Timber Sale and Resource Contracts) receives OMB approval, the Forest will use it or seek OMB approval for a modified version of the form.

MFPA Comment 2: “Our operators view the operation plan as a burdensome document apparently used by the Forest Service for this purpose but it is of little value to timber operators.”

Response: The Forest Service disagrees. Many contracts contain complex requirements that may restrict when, where or how operations may occur. An annual operating plan is a valuable tool that helps purchasers avert potentially costly mistakes such as scheduling operations at a time of the year when the contract prohibits operations. In addition, one of the conditions for a contract term extension is that a purchaser’s operations to-date must be in reasonable compliance with the approved plan of operations. If an approved plan is not on file with the Forest Service, a purchaser could not meet the conditions for a contract term extension.

MFPA Comment 3: “Plans showing when and how a contractor intends to operate are often meaningless, since the Forest Service often dictates the rate at which the contractor can move forward in completing the contract.”

Response: The Forest Service disagrees. As noted in response #2 above, many contracts contain complex requirements that may restrict when, where or how operations may occur. Preparing a deliberate plan that considers those restrictions is not a meaningless exercise. Ultimately, the purchaser is responsible for control of operations and the contract requires the purchaser operate in an orderly and professional manner. Having a developed plan helps ensure that happens.

MFPA Comment 4: “Contractor’s estimates of when and how operations are to be carried out often become meaningless due to delays caused by uncontrollable factors such as weather, staffing problems within the Forest Service, etc.”

Response: The Forest Service disagrees. While a variety of factors that are beyond the control of the purchaser may cause delays and a subsequent need to modify plans, having

a current plan benefits the purchaser. For example, the purchaser may be entitled to a contract term adjustment there are delays in starting scheduled operations for reasons specified in the contract. The failure to have a current plan showing periods of scheduled operations would deny the purchaser the opportunity to recover this lost time.

MFPA Comment 5: “Our operators believe the collection of information is a burden on operators and is not necessary, in that operation plans have to be constantly amended due to a variety of factors and there is no reasonable way to enhance the collection of information. Surely the Forest Service can design a better process that will provide the information they need, yet minimize the burden of contractors.”

Response: The Forest Service disagrees. Operating plans have been required under Forest Service timber sale contracts for over 30 years. Preparation of operating plans does require some effort but for reasons stated in responses above, it is apparent that the plans can provide substantial benefits to the purchaser. The intent of form FS-2400-67 is to reduce the burden on purchasers by providing a form for submitting the information required by the contract and approved for collection under OMB 0596-0086.

Commenter 2 – Federal Timber Purchasers Committee (FTPC):

FTPC Comment 1: “The Federal Timber Purchasers Committee (FTPC) supports the use and requirement of operating plans for timber sales exceeding two years in length.”

Response: The timber sale contract only requires a plan of operations for sales of two or more years in length.

FTPC Comment 2: “The FTPC has generally found that the collection of information in the operating plan is appropriate and should provide the agency with the information necessary to oversee and monitor the operation of a timber sale.”

Response: The Forest Service agrees.

FTPC Comment 3: “Information collected includes, but is not limited to, detailing use of best management practices and measures used to protect public and environmental safety.”

Response: The Forest Service agrees.

FTPC Comment 4: “The FTPC believes the agency’s estimate of burden of 1.6 hours per response, to be accurate and sufficient, recognizing that more time would be needed for larger sales and special circumstances.”

Response: The Forest Service agrees.

FTPC Comment 5: “The FTPC does not suggest any enhancement to the information collection process, nor do we suggest ways to minimize the collection burden, as we feel this is not a considerable or sufficient burden to the timber purchasers and those affected.”

Response: The Forest Service agrees.