

2009 Supporting Statement for OMB 0596-0167
URGENT REMOVAL OF TIMBER

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.**

Regulations at 36 CFR 223.53 allow timber sale purchasers to ask for extensions of certain National Forest timber sale contracts when the manufacturing facilities or logging equipment capacity available to purchasers are insufficient to provide for both the rapid harvest of damaged non-National Forest System (NFS) timber in need of expeditious removal and the continued harvest of undamaged (green) timber under contract with the Forest Service. The information collected is required by the regulation for the discretionary extension of certain National Forest System timber sale contracts by the Contracting Officer to allow harvest of damaged timber, located on private or public lands, which is in need of urgent removal because of catastrophic events beyond the control of the landowner. Catastrophic events which may result in the need for urgent removal extensions include, but are not limited to, fire, flood, insect and disease infestations, drought, and wind.

The intended effects of this information collection is to assure that extensions of the time allowed to harvest National Forest System timber sale contracts are consistent with the requirements of the National Forest Management Act (16 U.S.C. § 472a), and the regulations at 36 CFR 223.53 while minimizing the loss of National Forest System timber adjacent to other timber infested with insects and disease or damaged by fire; reduce the threat to public safety and property resulting from such catastrophic events; and promote the wise use and conservation of the natural resources.

The following statute is applicable to extension of National Forest System timber sales:

16 U.S.C. § 472a. The National Forest Management Act requires that extensions of contract time shall not be granted unless “the purchaser has diligently performed in accordance with an approved plan of operation or that the substantial overriding public interest justifies the extension.”

The following regulations are applicable to extension of National Forest System timber sales:

36 CFR Part 223.115. This regulation mirrors the National Forest Management Act.

36 CFR Part 223.53. This regulation mirrors the National Forest Management Act.

- 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.)

- (1) Name of the timber sale purchaser;
- (2) Identity of catastrophic event creating need for urgent removal of timber;
- (3) Name of the NFS timber sale contract(s) for which an urgent removal extension is requested;
- (4) Quantity of urgent removal timber from qualifying catastrophic event purchaser has under contract and/or plans to harvest subject to approval by Forest Service of urgent removal extension of sale(s) identified in purchaser's request;
- (5) General information showing the manufacturing and/or logging equipment capacity available to purchaser.

Based on the timber sale purchaser's request for extension, the Regional Forester shall make a determination which verifies that: (a) a specific catastrophe occurred and identifies the particular geographic area which was affected for which urgent removal extensions may be granted; (b) there is a high risk that substantial timber quantities or values of the damaged non-National Forest System timber in the affected geographic area would deteriorate unless urgently removed; (c) the manufacturing facilities and/or logging equipment capacity available to purchasers are insufficient to provide for both the rapid harvest of damaged non-National Forest System timber in need of urgent removal and the continued harvest of undamaged National Forest System timber under contract with the Forest Service.

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 will be collected only from timber sale purchasers – individuals, large and small businesses, and corporations. Based on the information provided by a timber sale purchaser in its request for an urgent removal extension, the contracting officer will verify that: (a) it's likely that the undamaged (green) timber from National Forest System land would be delivered to the same manufacturing facilities or require the same logging equipment as are needed to process the damaged non-National Forest System timber; and (b) the purchaser has not been granted a previous urgent removal extension on the same National Forest System timber sale contract based on the current catastrophic event.

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

The information is used by Forest Service contracting officers, to verify the legitimate need for the request of an urgent removal extension(s) in accordance with regulations at 36 CFR 223.53. The information will become a part of the timber sale contract record subject to the retention standards for timber sale contracts following their completion.

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?

No form is designated for the collection of this information. The information is collected in hard copy or by facsimile. Each request for an urgent removal extension is based upon a unique set of circumstances, no two requests are alike. There is no duplication of information and the information is only available from the timber sale purchaser. The Forest Service collects only the minimum amount of information necessary for the contracting officer to make a determination.

e. How frequently will the information be collected?

Triggering the collection requires a specific series of events including: (1) A specific catastrophe occurred for which urgent removal extensions should be granted; and (2) Failure to harvest the damaged non-National Forest System timber promptly could result in the following: (i) Pose a threat to public safety, (ii) Create a threat of an insect or disease epidemic to National Forest System (NFS) or other lands or resources, or (iii) Significant private or other public resource loss. Following those individual purchasers must decide if they want to harvest the catastrophically affected timber and if so if they will need additional time on their green NFS sales. When all of those events occur, purchaser(s) may request an extension of one or more green NFS sales and that triggers the information collection. The nature of this information collection is such that it is impossible to predict when it will occur, how often it will occur, or the number of respondents when it does occur.

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

No

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

The collection requirements have not changed; they are specified in the rules at 36 CFR 223.53.

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.

Information will be collected in writing. Electronic technology is not appropriate for collecting site-specific, one-time information. Facsimile extension applications are acceptable.

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.

Each information collection is a one-time unique collection. There is no duplication of information and the information is only available from the timber sale purchaser.

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

Only the minimum amount of information required to make the Regional Forester's determination is collected. The information should be readily available to any small business or other small entity.

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.

Failure to harvest the damaged non-National Forest System timber promptly may result in significant public or private resource loss, pose a threat to public safety, or create a threat of an insect and/or disease epidemic to National Forest System, other public or private lands or resources.

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 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.

The Forest Service published a notice in the Federal Register on March 24, 2009 (74 FR 12303) providing the public 60 days to comment on the information collection. The Forest Service received one comment.

The comment was from the Wilderness Society, a group that does not buy National Forest System timber sales and consequently is not directly affected by the information collection under OMB 0596-0167. Respondent recommended a standard form be created for the collection of information. The Forest Service disagrees with the need for a standard form for the reasons stated above in 2d above. The respondent also provided comments focused on the 36 CFR 223.53 rule itself and Forest Service timber sale procedures rather than the collection of information under the rule. Those comments were deemed to be outside the stated purpose of whether the information collection was necessary for performance of the functions of the agency. The lack of any comments from timber sale purchasers is not a surprise. The conditions that trigger this information collection occur infrequently and only affect a very limited number of timber sale purchasers when they do. Most purchasers will never be affected by this information collection.

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.

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.

Urgent removal extensions are associated with catastrophic events affecting non-National Forest System timber. Due to the large number of wildfires in California in recent years the Forest Management staff in the FS Region 5 Office was asked to contact purchasers in their region who had requested urgent removal extensions for 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. While Region 5 currently has 175 contracts held by 75 different purchasers, only two purchasers had contracts that had received urgent removal extensions. Those contracts were held by Sierra Pacific Industries (37 sales) and Collins Pine (2 sales). Franklin Logging with 18 sales under contract was also contacted to determine what their knowledge was of the process for urgent removal extensions. These three purchasers account for 76% of the sales under contract in the region.

The following persons were contacted per the above:

Larry Duysen, Sierra Pacific Industries

Jared Tappero and Jay Francis, Collins Pine, Chester CA

Bruce Olsen, Franklin Logging Inc., Bella Vista, CA

Both Sierra Pacific Industries and Collins Pine commented on record keeping associated with tracking the amount of salvage volume coming from private lands. The Forest Service believes that is information that the companies would have to maintain as a normal business practice and is not caused by the requirements for an urgent removal extension. Other than that, their views appeared consistent with the estimates of the burden in item 12 of this report. Copies of the responses obtained by the contracting officers in R5 are attached.

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

Payments or gifts are not 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 that the information submitted would be kept confidential. It will be available to the public under the Freedom of Information Act.

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 questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private are asked of the persons submitting information pursuant to 36 CFR 223.53.

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)
Request for Urgent Removal Extension	None	23	1	23	2.5	57.5
Totals	---	23	---	23	---	57.5

Table 1 assumptions: On 3/30/2009 the FS had 2058 FS-2400-6/6T timber sale contracts held by 774 purchasers. The 774 purchasers represent the pool of potential respondents but most purchasers will not be eligible to request an urgent removal extension and of those eligible not all will request an extension. For burden estimate calculating purposes the Forest Service estimates that only about 1% of its timber sales may receive a request for an urgent removal extension in any given year. The number of responses annually per purchaser was then calculated to be: 1% of 2058 sales = 20.6 sales divided by 774 purchasers = 0.0266 (rounded to 0.03) for the estimated number of annual responses per purchaser. Total annual responses was then recalculated by multiplying 774 (purchasers) x 0.03 annual responses per purchaser = 23 total annual responses. The number of actual respondents was then estimated to be 23.

- **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
Request for Urgent Removal Extension	57.5	\$26.89	\$1546.18
Totals	57.5	---	\$1546.18

* <http://www.bls.gov/oes/2008/may/oes191032.htm#nat>

- 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/start-up or 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: None

Employee labor and materials for developing computer systems, screens, or reports to support the collection: None

Employee travel costs: None

Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information: None

Employee labor and materials for collecting the information: Contracting officers will notify purchasers when conditions occur such that requests for an urgent removal extension will be considered. Estimate approximately 23 letters total in any one year and approximately 15

minutes to prepare each letter.

Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information:

Contracting officers will determine a purchaser’s eligibility for an urgent removal extension based on the information provided by each purchaser making a request. Estimate 23 requests will be processed each year on average and estimate contracting officers will spend an average of 60 minutes per request evaluating the information provided.

Table 3

ACTION ITEM	PERSONNEL	GS LEVEL	HOURLY RATE*	HOURS	SALARY
Determine purchaser’s eligibility for an Urgent Removal extension	Contracting officer	12	39.55	28.75	\$1137.06

* Taken from: http://www.opm.gov/oca/08tables/pdf/g_s_h.pdf, Cost to Government calculated at hourly wage multiplied by 1.3

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

There is a decrease in burden of -42 hours. This is a result of a decrease in respondents from 25 to 23; a decrease in estimated responses per respondent from 2 to 1 and after reevaluation an increase from 2 to 2.5 hours of the per response time.

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

There are no plans to publish the information collected.

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.

This collection of information occurs on a very random and infrequent basis during the course of administering hundreds of timber sale contracts each year. There are no forms for the collection of this information. Contracting officers send a letter to purchasers that have sales that may be eligible for an urgent removal extension when there has been a qualifying catastrophic event. Contracting officers send thousands of letters to purchasers each year regarding their timber sale contracts. Requiring the display of the expiration date for OMB approval of information collection on the few letters addressing potential eligibility for an urgent removal extension is unnecessary.

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

There are no exceptions.

