

The Supporting Statement for OMB 0596-0086

Operating Plans
2010

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.**

APPLICABLE STATUTES AND REGULATIONS

- The National Forest Management Act (16 U.S.C. §472a)
- 36 CFR 223.32
- 36 CFR 223.47
- 36 CFR 223.115
- 40 CFR 112

The National Forest Management Act requires timber sale operating plans for timber sales that exceed 2 years in length. The regulations at 36 CFR 223.32 have a similar requirement. Collection of operating plans occurs within 60 days of the award of a timber sale contract, and annually thereafter when necessitated by weather, markets, or other unpredictable circumstances. Contracts of less than 2 years in length only require an annual operating plan. Title 36 CFR 223.47 covers the relationship between permanent road construction completion dates and the plan of operation.

The National Forest Management Act (NFMA) requires the Forest Service use the collected information to determine eligibility for additional contract time. Title 36 CFR 223.115 addresses this requirement. Contracts FS-2400-3P, FS-2400-3S, FS-2400-3T, FS-2400-6, FS-2400-6T, FS-2400-13, and FS-2400-13T contain provisions requiring the collection information pertaining to the contractor's plans for performing the contract. Operating plans may have different information components depending on the size, complexity, and length of the contract.

Environmental Protection Agency (EPA) regulations (40 CFR 112) require contractors to prepare a spill prevention control and countermeasures plan if oil product storage in the contract area meets criteria established in the regulation.

Timber sale operating plans are under Forest Service filing schedule 2450-3 (Timber Sale Contracts) and have a retention period of 6 years.

- 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.)**

Contractors have options regarding the format of operating plans. They may use optional Forest Service form FS-2400-67 & FS-2400-67a (Annual Operating Plan - Timber sale and Integrated Resource Contracts) or a format

of their choosing including letters, tables and forms they develop. Each contract specifies the type of information that must be provided including one or more of the following items:

- 1) A general plan showing planned periods for and methods of road construction, timber harvesting, stewardship work (Integrated Resource Contracts only), and completion of slash disposal, erosion control measures and other contractual requirements from start to finish of the contract.
- 2) An annual schedule of anticipated major activities and needs for logging, road maintenance, road construction including construction staking, material deliveries and erosion control measures.
- 3) A traffic control plan will be submitted for contracts operating adjacent to or on Forest Service controlled roads and trails open to the public. The plan must indicate locations of temporary control devices.
- 4) Measures used to prevent and control fires, including a detailed list of personnel and equipment at the contractor's disposal.
- 5) Methods to prevent and control spills of petroleum products stored in the area covered by the contract. Pursuant to EPA requirements (40 CFR 112) when a Spill Prevention Control and Countermeasures Plan is required it must be certified by a registered professional engineer. But, most contractors do not store oil products within the contract area in quantities requiring a Spill Prevention Control and Countermeasures Plan and this burden is further reduced in that a single plan can cover multiple contracts.

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.

Contracting Officers will collect this information from contractors that have entered into timber sale and/or integrated resource contracts with the Forest Service. The solicitation process cautions contractors to review the requirements in the contract before submitting a bid or offer (OMB 0596-0066).

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

The Forest Service uses this information to administer timber sale and integrated resource contracts. Specifically, Forest Service personnel use this information to:

- 1) Plan and schedule contract administration workloads.
- 2) Plan and schedule the delivery of government furnished materials needed by contractors.
- 3) Assure the public's safety near contract work.
- 4) Identify contractor resources available in emergency fire fighting situations.

5) Determine contractor's eligibility for additional contract time.

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?

Optional Form FS-2400-67 is available for use by contractors, if they so desire. Other than FS-2400-67 and the required information listed in item 2a, there is no prescribed format for the collection of this information.

When form FS-2400-67 is not used, contractors may submit the information in a letter or table, and many repeat contractors have developed their own templates or forms for submitting the information. To assist first time contractors and small businesses, many Forest Service contracting officers will provide examples or outlines as a guide for organizing the required information. Contractors may submit information by USPS mail, FAX, or electronic mail.

e. How frequently will the information be collected?

Collection frequency varies. Some information is required within 60 days of contract award and updated only if it substantially changes. For some information, annual submission is required. A single submission may cover multiple contracts. Each contract includes specifications regarding the type of information provided as well as the frequency of collection.

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

State firefighting organizations in some states may receive information regarding availability of a contractor's resources.

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

Contract clauses developed in the 1970s are the basis for most of the information collected. In 2002, the EPA added a requirement for a spill prevention control and countermeasures plan. The requirements for a technical proposal apply only to the integrated resource contracts implemented in 2004, although much of the information collection in a technical proposal mirrors that of a general plan of operation, which has been a part of timber sale contracts since the 1970s.

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.

The Forest Service does not specify a method for submitting information and does not collect statistics on the methods contractors are using. Contractors may submit information by USPS mail, FAX, or electronic mail.

4. Describe efforts to identify duplication. Show specifically why any sim-

ilar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information is specific to a single contract with two exceptions. Contractors may prepare a fire-prevention and control plan covering more than one contract, and a spill prevention control and countermeasures plan may cover multiple contracts.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

To assist first time contractors and small businesses most contracting officers will provide outlines or examples as guides for organizing and submitting the required information. The information should be a part of the contractor's business plan and be readily available to the contractor.

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.

The minimum requirement of the NFMA is for the contractor to submit one general plan within 60 days contract award. If the contractor strictly conforms to the original plan, there is no consequence to the government or contractor if that was the only plan submitted. But, most contracts are 2-5 years long and changes in weather, markets and other factors may result in a need to revise the original plan.

Contracts also require more detailed annual plans prior to the start of operations each year —Timber sale contracts are bilateral contracts in which both the contracting parties are bound to fulfill obligations reciprocally towards each other. Having accurate, updated information from the contractor is necessary for the Forest Service to schedule contract administration activities and ensure timely delivery of government furnished materials, needed to facilitate a contractor's performance. Accurate plans assure a contractor is progressing at a satisfactory rate to complete the contract or qualify for additional time if needed.

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;**

Contractors are required to update operating plans if weather, markets or other factors substantially change existing plans. These situations are most commonly addressed in annual revisions of existing plans but can occur more frequently in an extreme situation.

- **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.**

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.

A notice was published in the Federal Register (74 FR 62556) on November 30, 2009, seeking comments from the public on this information collection.

Two respondents provided comments. One of those respondents (Jean Public) did not comment on timber sale purchases. The other respondent (Ryan Hadley) is a forester for a timber company. In addition, the following timber sale purchasers were contacted by phone by Forest Service Contracting Officers in February 2009 to obtain their views on the availability of data, frequency of collection, record keeping and reporting format.

Greg Cook Logging, Carl Bleier, 218-566-5085
 Cass Forest Products, Don Eichstadt, 218-335-2694
 Rieger Logging, Mike Rieger, 218-244-8572
 Cersosimo Lumber, Inc., Pete Howland, 603-455-6389

In general these individuals felt that the plans were a waste of time and were only done to satisfy the Forest Service. But, Ambrosius Forest Products stated that the plans were useful for their sales operations planning. All of the individuals contacted by phone indicated that they spent less time per sale preparing their plans than the Forest Service estimates. As noted elsewhere the plans can cover a wide range of information requirements depending on the complexity of a sale and these individuals may have less complex sales. Three years ago the individuals contacted indicated that they were generally spending more time preparing their plans than the Forest Service estimate. Based on this the Forest Service believes that its estimate of 1.6 hours per plan closely approximates the average for all sales.

The Forest Service believes that the plans required by the timber sale contracts and the approval process for the plans facilitates communication between the two parties to the contract. With most contracts lasting 2 or more years in length the plans also serve as a useful tool to assure that contractors are progressing at a rate that will result in the sale being completed before the termination date. And, the plans serve as a basis for determining when contracts may receive additional time for delays beyond the control of the contractor. Additionally, in a January 12, 2007 letter the Federal Timber Purchasers Committee supported operating plans for timber sale contracts. For these reasons and others cited in other sections of this report, the Forest Service believes that the burden associated with the plans is not unreasonable and does not agree with the assertion that the plans are a waste of time.

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.

See above.

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

No payments or gifts are provided to respondents.

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

No assurance of confidentiality is provided to respondents other than that provided by the Freedom of Information Act for proprietary business information.

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.

This collection does not collect information of a sensitive nature.

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 and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

- 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 - Respondent's Time Burden

(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 responses	(g) Total Annual Burden Hours (e x f)
Contract Plans	FS-2400-67 FS-2400-67a	2500	3.8	9500	1.6	15,200
Totals	---	2500	---	9500	---	15,200

Table 2 - Respondent's Cost Burden

(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
Contract Plans	15,200	\$35.55*	\$540,360
Totals	15,200	---	\$540,360

* Estimated Average Income per hour is believed to remain constant due to falling timber sales and the poor economy.

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

- a) **Description of record keeping activity: None or table entry**
- b) **Number of record keepers: None or table entry**
- c) **Annual hours per record keeper: None or table entry**
- d) **Total annual record keeping hours (columns b x c): Zero or table entry**

There are no records keeping requirements.

- 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: \$0, the Agency does not have any standard forms for this information collection.

Employee labor and materials for developing computer systems, screens, or reports to support the collection: \$0, there are no programs or reports associated with this information collection.

Employee travel costs: \$0

Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information: \$0

Employee labor and materials for collecting the information: Minimal and included in cost identified below.

Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information: It is estimated that Forest Service contract administration personnel will spend approximately 1 hour per plan to request, review, and file plans in the appropriate case files. Assuming an average cost of \$32.9/hour (GS-12 OPM: http://www.opm.gov/oca/10tables/pdf/g_s_h.pdf) and 9,500 plans per year, the total annualized cost to the government is \$312,550.

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

There are no program changes or adjustment from previous submission.

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 results of this 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.

The Forest Service does not seek permission to exclude the expiration date for OMB approval of the information collection.

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

No exceptions to the certification statement are noted.