

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT
SUBMISSION
OMB CONTROL NUMBER 1004-0168**

USE FOR TRAMROADS AND LOGGING ROADS (43 CFR 2810)

Terms of Clearance: None.

SECTION A

JUSTIFICATION

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

The regulations at 43 CFR part 2810, subpart 2812, provide for the issuance of rights-of-way for tramroads and logging roads over public lands administered by the Bureau of Land Management (BLM) in western Oregon, including the Revested Oregon and California (O. and C.) Railroad Grant Lands and Reconveyed Coos Bay Wagon Road (CBWR) lands. (Subpart 2812 is the only subpart in part 2810.) The BLM both issues unilateral permits and enters into reciprocal right-of-way agreements to govern the use and construction of tramroads and logging roads over these lands. These permits and agreements provide for fees to be charged by the United States for road use and road maintenance.

The BLM is responsible for maintaining roads under its control under standards set forth in BLM 9100 Series Manuals and the Best Management Practices as listed in each District's approved Resource Management Plan. The right-of-way provisions in Section 502 of the Federal Land Policy and Management Act of 1976 as amended (FLPMA) authorizes the Secretary of the Interior to provide for the maintenance of roads within and near the public lands and to perform that work, in part, by cooperative financing with other public agencies and with private agencies and persons in proportion to their use.

The 43 CFR 2812 regulations include the following provisions related to road maintenance and fee collections:

43 CFR 2812.6-2 Terms and conditions of permit.

(b) As to permits for the use of an existing road: In addition, every permittee to whom a permit is issued for the use of an existing road is required to agree:

(1) To maintain such a road in an adequate and satisfactory condition or to arrange therefore with the other users of the road. In the absence of satisfactory performance, the authorized officer may have such maintenance work performed as may be necessary in his judgment, determine the proportionate share allocable to each user, and collect the cost thereof from the parties or the sureties on the bonds

furnished by said parties.

(2) Upon the expiration or other termination of his right to its use, to leave said road and right-of-way in at least as good a condition as existed prior to the commencement of his use.

43 CFR 2812.5-2 Payment to the United States for road use.

(b) . . . *Provide further*, That where the United States is entitled to charge a fee for the use of a road, the authorized officer may waive such fee if the permittee grants to the United States and its licensees the right to use, without charge, permittee's roads of approximately equal value as determined under the methods provided in this subdivision

The BLM Oregon State Office has the following authority for collecting the information from those who are required to report road use for the transportation of private timber over lands and roads under its jurisdiction in western Oregon:

- (1) Section 502 of FLPMA (43 U.S.C. 1762);
- (2) Act of August 28, 1937 (43 U.S.C. 1181a & b); and
- (3) The regulations at 43 CFR Subpart 2812.

2. Explain 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. If this collection is a form or a questionnaire, every question needs to be justified.

The respondent (permittee) must file with the BLM *Form 2812-6*, Report of Road Use, annually, biannually, quarterly, or monthly, depending on the terms of the permit or agreement for a right-of-way over BLM lands. The BLM needs the required information in order to monitor right-of-way compliance and determine road use and road maintenance fees to be charged a permit holder by the United States.

Specific information we request on *Form 2812-6*:

(A) BLM Road and Segment Number. The BLM uses this information to monitor compliance with permits or agreements on the road(s) authorized for use. The BLM authorizes the use of specific roads in the permit or agreement, and the use of unauthorized roads would constitute a trespass. This information is also used to determine the road use fee when the road has been amortized through the cost-share provisions of the permit or agreement.

(B) Length Used. The BLM uses this information to calculate the road maintenance fee charged, which is based on the volume of timber hauled over each road segment length.

(C) Material hauled from: Township (T.), Range (R.), and Section (Sec.). The BLM authorizes the hauling of timber or mineral materials from lands the permit holder owns or controls. If the respondent removes timber or other forest products from other lands, it is considered a trespass. The BLM uses this information to make sure that the road use permit

holder complies with the terms and conditions of the permit.

(D) Quantity Hauled. The BLM uses this information to calculate the road maintenance fee charged, which is based on the volume of timber hauled over each road segment length.

The BLM will insert the other information on the report, such as the amount of road use fee; amount of the maintenance fee; amount of the surface replacement fee; and the total fee due.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological 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.

In accordance with the Government Paperwork Elimination Act (GPEA), the public can fill out and download forms; however, they cannot submit them electronically at this time.

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 duplication of information occurs in the information we collect. The requested information is unique and is not available from any other data source. No similar information is available or able to be modified. The information is required to receive a benefit.

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

We do not collect information on whether the respondents are small businesses or small entities. We estimated that 68 respondents may qualify as a small business or small entity in ROCIS. The information we require from all respondents is limited to the minimum necessary to authorize road uses.

6. Describe the consequence to the 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 the information, it would not be possible to determine payment amounts, ledger account status, or monitor the respondents' compliance with the terms and conditions of the road use permit. The cost for road maintenance services provided by the BLM would not be recovered in a timely manner if we did not collect this information. The BLM would not be able to collect road use fees for the amortization of expenses incurred in the construction or improvement of roads by the United States. It would also have a direct effect on the ability of the BLM to maintain its road system properly and protect the road investment.

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.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.

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.

As required in 5 CFR 1320.8(d), the BLM published the 60-day notice in the Federal Register on June 16, 2010 (75 FR 34150), soliciting comments from the public and other interested parties. The comment period closed on August 16, 2010. The BLM did not receive any comments from

the public in response to this notice.

During the approval period, we consulted with the following respondents to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. Based on these consultations, the burden estimates in Question 12 reflect their input.

Tom Lowell
7340 Adams Road
Talent, OR 97540
Telephone Number: (541) 821-3032

Ivan Gagner
1040 Bear Creek Road
Cottage Grove, OR 97424
Telephone Number: (541) 942-2501

Steve Kadas
440 NW 13th Street
Corvallis Oregon, 97330
Telephone Number: (541) 740-6894

Monica Jelden
Seneca Jones Timber Company
90201 Hwy 99
Eugene, OR 97440

Dave Freidlein
Roseburg Resources
P.O. Box 1088
Roseburg, OR 97470

We sought comments on the form and non-form information included in this information collection. All the respondents surveyed responded that the form is straightforward and clear as to instructions and reasonable as to information requirements. Based on the consultation with the above respondents, we will continue to use the 8 hour estimate of burden. **The hour burden was estimated at 8 hours for reviewing instructions, gathering and maintaining data, travel time, and completing and reviewing the form.**

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors and grantees.

We do not provide payments or gifts to the respondents.

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

We protect the respondent's confidentiality to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

Under the privacy provisions of the E-Government Act of 2002, individuals/respondents were informed as to whether or not providing the information is required to obtain a benefit. The BLM provides no promises to applicants that the application is protected under the Privacy Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private. The 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 when 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. Instead, this cost should be included under "Annual Cost to Federal Government".

Hourly Cost Calculations: As shown at Table 12-1, below, the estimated average respondent hourly cost is \$21.43 for this information collection

The basic hourly pay rate was determined using national Bureau of Labor Statistics data at: http://www.bls.gov/oes/current/oes_nat.htm. The benefits multiplier of 1.4 is supported by information in Table A of Bureau of Labor Statistics News Release USDL 10-1241, September 8, 2010, at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 12-1 — Hourly Cost Calculation

Position	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.4)
Logging Equipment Operators	\$15.31	\$21.43
Total	\$15.31	\$21.43

Estimates of Hour and Cost Burdens: Hour and cost burdens to respondents include time spent for researching, preparing, and submitting information. The derivation of the weighted average hourly wage associated with these information collections is shown at Table 12-1, above. The frequency of response for each of the information collections is “on occasion.” As shown below, the total number of responses is 272, the total hour burden is 8 hours, and the total wage cost burden is \$21.43.

Table 12-2 — Hourly Burden of Complying with Timber Export Restrictions

(a) Type of Response and 43 CFR Citation	(b) Number of Responses	(c) Hours Per Response	(d) Total Hours(b x c)	(e) Total Wage Cost (d x \$21.43)
Form OR-2812-6, Report of Road Use 43 CFR 2812.3 and 43 CFR 2812.5	272	8	2,176	\$21.43
Total	272	8	2,176	\$46,631.68

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

There is no non-hour burden estimate associated with this information collection. Applicants incur no annual capital or start-up costs, and no recurring annual costs to prepare or respond to the information collection.

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 annual cost to the Federal Government to process the responses to this information collection is, based on the calculations shown in table 14-1, below. The cost estimate is the result of the average cost for processing the information.

As shown below, the estimated average annualized cost to the Federal Government for this information collection is \$100,465.92.

Table 14-1 — Federal Wage Cost

The hourly cost to the Federal Government is based on the U.S. Office of Personnel Management Salary Table 2010-RUS located at http://www.opm.gov/oca/10tables/html/RUS_h.asp. The benefits multiplier of 1.5 is implied by information in Table A of Bureau of Labor Statistics News Release USDL 101241, September 8, 2010, at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Position	\$Pay Grade	Hourly Pay Rate (\$/hour)	Hourly Rate w/ Benefits (x 1.5)	Percent of time spent on this collection	Weighted Average
	GS-11/	\$32.90	\$49.35	30%	\$14.80

	Step 1				
	GS-9	\$29.88	\$44.82	70%	\$31.37
Totals					\$46.17

The table below shows the annualized Federal costs for this collection of information. The estimated time spent to process the information collections is 8 hours per response. The derivation of the weighted average hourly wage is shown at Table 14-1, above.

Table 14-2 — Estimated Annual Cost to the Government

(a) Type of Response and 43 CFR Citation	(b) Number of Responses	(c) Hours Per Response	(d) Total Hours (b x c)	(e) Total Wage Cost (d x e)
Form OR-2812- 6, Report of Road Use 43 CFR 2812.3 and 43 CFR 2812.5	272	8	2,176	\$46.17
Totals	272	8	2,176	\$100,465.92

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

Burden	Previous Collection	This Collection	Change
Responses	272	272	0
Burden Hours	2,176	2,176	0

The form was updated in May of 2009, with the release of 2-165 2812 O&C ROW handbook. The information collected is the same; however, the format was updated to an Excel format that automatically calculates road use and maintenance fees. The new format and automatic calculation make the form easier to use. The calculation is straight forward; making it automatic

is helpful but does not change the hourly burden because the form still requires the same information collection and process.

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 will not 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.

We will display the expiration date of the OMB approval on the form included in this information collection.

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.