

The 2015 Supporting Statement for OMB 0596-0085

FOREST PRODUCTS REMOVAL PERMITS AND CONTRACTS

Terms of Clearance

The April 9, 2012 Notice of Action contains the following terms of clearance: In accordance with 5 CFR 1320, the information collection request is approved for 3 years. Upon resubmission, the Agency must provide to OMB an update on the status of the methodology for estimating the overall burden.

Please refer to question 12 below for the methodology used for estimation.

Please Note: With this submission, the title of this information collection will be changed from "*Forest Products Free Use Permit; Forest Products Removal Permit and Cash Receipt; and Forest Products Contract and Cash Receipt*" to "*Forest Products Removal Permits and Contracts.*"

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.**

Laws, Statutes, and Regulations

- 16 U.S.C. 477
- 16 U.S.C. 492
- 16 U.S.C. 551
- 16 U.S.C. 607 and 607a
- 36 CFR 223.1, 223.2, 223.5-223.11
- 36 CFR 261.6

Individuals and businesses wishing to remove forest products from National Forest System lands must request a permit or contract. 16 U.S.C. 551 requires the promulgation of regulations to regulate forest use and prevent destruction of the forests.

Regulations at 36 CFR 223.1 and 223.2 govern the sale of forest products such as Christmas trees, pinecones, moss, and mushrooms. Regulations at 36 CFR 223.5 - 223.11 set forth conditions under which free use of forest products may be obtained by individuals or organizations. 16 U.S.C. 607 provides that a defense against trespass is that the forest products be removed under the regulations. These statutes and the regulations apply to 16 U.S.C. 477, 492, and 607a. Regulations at 36 CFR 261.6 require persons to obtain permits or contracts to remove special forest products from National Forest System lands.

Information is required to determine if the requester meets the criteria under which free use or sale of forest products authorized by the appropriate regulations and to ensure compliance with the regulations and terms of the authorized instrument. This information allows Agency compliance personnel to identify authorized persons in the field.

Based on previous recommendations by the Office of Management and Budget (OMB), the USDA Forest Service (FS) and DOI Bureau of Land Management (BLM) both use the Forest Products Removal Permit and Cash Receipt. Both agencies have assigned this form a number, Forest Service form FS-2400-1 and Bureau of Land Management form BLM-5450-24 and burden hours are accounted for both agencies use of the form.

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.)

FS-2400-1 (BLM-5450-24) Forest Products Removal Permit and Cash Receipt and FS-2400-8 Free-Use Permit:

The Forest Service or Bureau of Land Management employee issuing the permit collects the forest product(s) requested, vehicle information, and the name and identification information of the requestor. The requester provides the information orally and the Federal employee enters the information manually on a paper copy of a permit or into an electronic form for processing/printing. The employee issuing the permit discusses terms and conditions with the permittee prior to any harvesting of forest products.

The Free Use Permit allows individuals to gather small amounts of forest products free of charge. Designated Forest Service employees grant individuals free use of forest products up to \$200 in value per fiscal year. The permittee has record keeping responsibility for about half of the permits issued. This record keeping requires the permittee to complete blocks on the form that list the quantity of the forest products harvested and date of harvest. Although the need to identify the quantity of forest products harvested and date of harvest is self-explanatory, the Federal employee discusses the information collection with the permittee at the time of issuance. This record keeping enables Forest Service compliance personnel to ensure that the forest products harvested are paid and/or accounted for. The small permits that are for only one or two loads of firewood, a few Christmas trees, a few bushels of pine cones, or other small quantities of forest products will not require record keeping; as a result, approximately half of the permits issued in a fiscal year require record keeping.

FS-2400-4/2400-04ANF:

The **Forest Products Contract and Cash Receipt** is used for premeasured sales of convertible timber products (products that can be measured in board feet or cubic feet units of solid wood, such as, but not limited to, sawlogs, posts and poles, house logs, and utility poles) or for sales of non-convertible forest products (products that do not have a standard conversion to board feet or cubic feet units of solid wood, such as, but not limited to, mushrooms, Christmas tree boughs, pinecones, mosses, and floral greens).

This form collects the forest products(s) to be harvested, vehicle information, name, contact information and a tax identification or social security number,

which is required to enable the Forest Service to refund cash payments to the purchaser. Refunds under the FS-2400-4/2400-04ANF contract occur in the event the purchaser does not harvest all forest products, if inclement weather or other causes beyond the control of the purchaser prevents the harvesting of forest products.

- 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.**

This information is collected from Individuals/Households, businesses wishing to remove forest products from National Forest System and/or Bureau of Land Management lands.

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

The collected information is required to determine if the requester meets the criteria for free-use or sale of forest products as authorized by regulations, and to ensure that the permittee/contractor complies with regulations and terms of the permit or contract. This information allows Agency compliance personnel to identify permittees in the field.

Identification information is used to verify names and addresses, and to record the individuals, and businesses obtaining forest products.

This information is necessary to ensure that individuals and businesses have not received product values in excess of the amount allowed by regulation in any one fiscal year.

Law enforcement and other personnel conducting field compliance checks use the information to identify permittees, ensure that the person harvesting a forest product has a permit during the forest product collection, and to ensure that the forest product collection is being performed in the area described on the permit.

Form **FS-2400-1/BLM-5450-24** *Forest Products Removal Permit*, sells special forest products such as firewood, Christmas trees, mushrooms, or pinecones at rates established by the Forest Service. The permits are limited to \$1,000 in value.

Form **FS-2400-8** *Forest Products Free Use Permit*, allows free use of forest products in accordance with regulations in 36 CFR 223.5 - 223.11. Free use permits are generally limited to \$200 in value.

Form **FS-2400-4/2400-04ANF** *Forest Products Contract* records sales of timber or forest products at rates established by the Forest Service (or at competitive bid rates). These contracts are limited to \$10,000 in appraised or advertised value.

- 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?**

An Agency employee working at a unit office collects the information orally from the respondent, and the Agency employee either enters the information into a computer for processing and printing, or enters the information manually on a paper copy of a permit.

To make the process more efficient, the Forest Service is in the preliminary stage of developing a method to collect the required information and issue permits electronically (via the Internet).

e. How frequently will the information be collected?

The information is collected once for each permit requested. On average, respondents file 1.5 responses per year.

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

The information may be shared with Forest Service and Bureau of Land Management Law Enforcement Officials, as needed and for official use only, for compliance and enforcement purposes.

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

The information collection requirements associated with the Tonto NF Christmas Tree Application have been discontinued. Permits will no longer be granted by lottery style drawing; instead, Free Use Permits will be issued on a first come, first served basis.

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.

Respondents provide the information verbally to a Federal employee.

Forest Service personnel enter the information from the Forest Service forms into the computerized Timber Information Manager (TIM) system. The information is stored electronically in the TIM system and can be retrieved and entered automatically by the Forest Service into subsequent permits or contracts obtained by the applicant.

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.

As the information is for a specific permit for a specific purpose during a specific time period, the information is not available elsewhere.

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

Only the minimum information necessary to comply with Federal laws and regulations is collected from all respondents.

The Forest Service's use of the Timber Information Manager (TIM) system minimizes the burden on respondents by pre-populating the forms with the applicant's name, address, and identification number.

Most of the bidders from FS-2400-4/04ANF are small businesses. The Forest Service estimates that 80% of respondents for this form are small businesses.

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.

Without the collection of this information the Agency would not be able to manage the forest products removal program which accomplishes multiple use management programs such as reducing fire hazards and improving forest health on National Forest System and Bureau of Land Management lands.

Many individuals and small businesses depend on forest products for their livelihood and for heating and/or cooking. Without this information, the Agency would not be able to issue permits for the legal harvesting of forest products, which would likely result in an increase in thefts of firewood, Christmas trees, and other forest products.

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;**

Under certain circumstances respondents are required to record the details of their harvest on the permit each day at the time and location of harvest, which may be in fewer than 30 days after receipt of the permit.

Forms FS-2400-1 (BLM 5450-24) and FS-2400-8 require the "Permittee...complete the Product Quantity Removal Record in ink prior to transporting products..." for harvests other than those that are for only one or two loads of firewood, a few Christmas trees, a few bushels of pine cones, or other small quantities of forest products that may not require record keeping.

Regarding form FS-2400-4/2400-04ANF *Forest Products Contract*, should Other Condition WO-2 be included as part of the contract, then the purchaser would be required to comply with "Product Quantity Removal Record must be completed each day in ink by the Purchaser before leaving the sale area. Date entry must be completed before harvesting begins and amount must be completed before leaving the sale area."

- **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;**

The FS-2400-1 and FS-2400-8 permits require a record retention requirement of three years per FSH 6209.11, 41 Part 04. The small permits that are for only one or two loads of firewood, a few Christmas trees, a few bushels of pine cones, or other small quantities of forest products will not require recordkeeping.

The FS-2400-04ANF contract form has a record retention requirement of six years per FSH 6209.11, 41 Part 04 (unless issued by the Washington Office in which case the record retention requirement is ten 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 other special circumstances. The Agency is able to certify compliance with 5 CFR 1320.

- 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 60 day notice requesting public comment was published in 80 Federal Register 9691-9693, on February 24, 2015. No comments were received.

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.

The following individuals were contacted to provide their views.

Mr. Carl Hunt, Bemidji, MN

Mr. Hunt stated:

- The amount of time he spent providing the required information and

- obtaining a forest products permit was acceptable;
- The information requested to obtain a forest products permit was reasonable,
- The amount of time required in completing the product removal record portion of the permit was reasonable (4 minutes).

Mr. Hunt had a question about what trees he could cut and he was referred to the local Forest Service office where he purchased the permit.

Mr. David Evenhouse, Marcell, MN

Mr. Evenhouse stated:

- The estimated 5 minutes to provide the required information and obtain a Forest Products Permit was acceptable.
- The information requested when obtaining a forest products permit is reasonable.
- The amount of time (4 minutes) needed to complete the product removal record appears to be reasonable, although as he hasn't completed this task yet.

He felt the permitting process was just fine and went well.

Mrs. Donald Dewitt, Blackduck, MN

Mrs. Dewitt stated:

- She and her husband spent an acceptable amount of time providing the required information and obtaining a Forest Products Permit; the five minutes was acceptable.
- She felt the information requested to obtain a permit was reasonable.
- The amount of time needed to complete the product removal record portion of the permit was acceptable.
- She said the Forest Service personnel involved in issuing her a permit were very friendly and helpful.

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

There are no payments or gifts to respondents.

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

Forms FS-2400-1/BLM-5450-24, FS-2400-8, and FS-2400-4/2400-04ANF do not contain any assurance that the information submitted is kept confidential. The collected information is retained and stored according to applicable Agency regulations; for the Forest Service such regulations can be found in Forest Service Handbook 6209.11, 42-2000 Series.

The USDA Privacy Act System of Records USDA/OCFO-3 (Administrative Billings and Collections) covers the collection, maintenance, and use of information collected from private citizens on forms FS-2400-1 and FS-2400-4/2400-04ANF.

The DOI Privacy Act System of Records DOI/LLM-16 (Mineral and Vegetable

Material Sales), covers the collection, maintenance, and use of information collected from private citizens on form BLM-5450-24.

- 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.**

There are no questions 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.**

Please refer to supplemental document *0596-0085 Burden-costs Spreadsheet* for burden and cost estimates. In summary, the total annual responses of all forms issued are 434,196 for total hours of 33,808. The total number of record keepers is 142,184 for total record keeping hours of 9,484 and total cost of \$753,356.

All permits and contracts issued by Forest Service are stored and managed in the Timber Information Manager (TIM) system. The TIM system was queried to produce the information found in Table 1 below.

Table 1: Total number of forms issued to all parties during Fiscal Years 2009-2013.

(a) Description of the Collection Activity	(b) Form Number	(c) Number of forms issued				
		FY2009	FY2010	FY2011	FY2012	FY2013
Forest Service & BLM - Forest Products Removal Permit and Cash Receipt	FS-2400-1 BLM-5450-24	258,940	264,982	262,736	252,420	260,645
		7,877	8,804	8,623	9,920	10,427
		266,817	273,786	271,359	262,340	271,072
Forest Service Free Use Permit	FS-2400-8	23,319	25,466	20,091	21,251	22,652
Forest Service Forest Products Contract and Cash Receipt	FS-2400-4	474	432	404	305	295
Forest Service Forest Products Contract and Cash Receipt	FS-2400-04ANF	N/A	N/A	N/A	N/A	26
Total responses received	-	290,610	299,684	291,854	283,896	294,045

The number of respondents is estimated as follows:

Private Sector, and Individuals and Households - Number of respondents is based on data as shown in Table 1 above. For each form, an average was taken of the total number of forms issued during fiscal years 2009 - 2013; then divided by the estimated number of responses per respondent (1.5) to get the estimated

number of respondents for each form. Based on experience and professional judgment, some respondents will only request a single permit while others may have two or more requests a year. For calculation, we used an average of 1.5 responses filed each year by a respondent.

The number of responses per respondent is estimated as follows:

The information is collected once for each permit requested. Based on experience and professional judgment, some respondents will only request a single permit while others may have two or more requests a year. For calculation, we used an average of 1.5 responses filed each year by a respondent.

The estimated time per response is estimated as follows:

For all forms, use of the TIM database allows respondent contact information to pre-populate the form, decreasing the response time for repeat respondents. The estimated response time is an average of new and repeat user response times, based on consultations of permittees.

Record Keeping:

Based on experience and professional judgment, we estimate that approximately half of all permits and contracts issued have record keeping requirements. The estimated record keeping time is based on consultations of permittees.

The Cost to respondents is estimates as follows:

Applicants for FS-2400-8 and FS-2400-1 permits are usually individuals in rural areas seeking small quantities of forest products for personal use. Estimated Average Income per Hour based on May 2012 National Occupational Employment and Wage Estimates United States, All Occupations \$22.01 mean hourly wage http://www.bls.gov/oes/current/oes_nat.htm.

Most of the bidders from FS-2400-4/04ANF contracts are small businesses seeking larger quantities of forest products or timber for use in the forest products industry. Estimated Average Income per Hour based on NAICS 43-1011 First-Line Supervisors and Managers \$25.40 mean hourly wage <http://www.bls.gov/oes/current/oes431011.htm>.

- 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.

Table 2: Annualized Cost to the Government

FORM	ESTIMATED NUMBER OF HOURS	ESTIMATED COST/HOUR	TOTAL COST
FS-2400-8	1,804	\$31.00	\$ 55,924
FS-2400-1/BLM-5450-24	21,595	\$31.00	\$669,445
FS-2400-4/2400-04ANF	31	\$46.00	\$ 1,426
Print Forms	---	---	\$ 16,500
Computer O&M	---	---	\$ 186,000
Total		---	\$929,295

The estimated number of hours is based on the average time it takes for a Federal employee to complete a permit form and explain conditions to the permittee, and for a Contracting Officer to complete a contract form and explain conditions to the purchaser; 4 minutes per response.

Permit Cost/Hour: The Forest Officer issuing a permit is estimated to be a GS-7/5 who earns approximately \$22.92 per hour x 36.25% benefits = \$31.23 rounded to \$31.

Contract Cost/Hour: The Contracting Officer issuing a contract is estimated to be a GS-11/5 who earns approximately \$33.92 per hour x 36.25% benefits = \$46.22 rounded to \$46.

Hourly wage taken from Office of Personnel Management Pay Tables, found at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2013/general-schedule/>. Cost of total benefits as a percentage of total hourly compensation for Federal Government employees has been calculated by multiplying 36.25% by the hourly OPM wage in accordance with OMB Memorandum M-08 13.

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

Changes in the estimated number of responses and burden hours are based on improved tracking, via the Timber Information Manager (TIM) application. The Agencies are not requesting any changes to the forms itself.

- This renewal submission reflects a decrease from 229,600 to 194,675 respondents, an adjustment decrease in estimated annual responses from 333,133 to 292,013, with an adjustment increase in burden from 27,373 to 32,957 hours due to:
 - Changes in the estimation of the number of record keepers from one half of all respondents to one half of all responses received increasing the number of record keepers from 22,533 to 142,184 with a corresponding increase in recordkeeping burden from 1,510 to 9,526 hours.
 - The use of the Tonto NF Christmas Tree Application has been discontinued, decreasing estimated number of responses by 888, with a corresponding decrease in the burden of 71 hours.

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

The collected information 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 Agency is requesting to continue to not display the expiration date for OMB approval. This date has in the past created confusion for those issued a permit or purchasing under a contract. The expiration date for OMB approval has been confused with the date the permit or contract terminates, resulting in law enforcement issues.

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 this collection of information complies with 5 CFR 1320.