

# Supporting Statement A

## Timber Export Reporting and Substitution Determination (43 CFR Part 5420)

**OMB Control Number 1004-0058**

**Terms of Clearance:** None.

### General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

### Specific Instructions

#### Justification

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

The Bureau of Land Management (BLM) seeks approval for an extension of the information collection requirements contained at 43 CFR part 5420. These regulations govern the compliance of Federal timber purchases with timber export restrictions. The BLM administers export restrictions on timber sales from public lands and determines whether there was an illegal substitution of Federal timber for exported private timber in accordance with the following authorities:

- The Oregon and California Lands Act (43 U.S.C. 1181a - 1181j);
- The Materials Act (30 U.S.C. 601 - 604);
- The Forest Resources Conservation and Shortage Relief Act (16 U.S.C. 620 – 620j); and
- 43 CFR 5424.1.

- 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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

The Forest Resources Conservation and Shortage Relief Act, at 16 U.S.C. 620a, restricts the export of unprocessed timber originating from Federal lands west of the 100<sup>th</sup> meridian in the contiguous 48 States. Such timber may be exported from the United States only if it has been determined to be surplus to the needs of timber manufacturing facilities in the United States.

That same statute, at 16 U.S.C. 620b, also prohibits any person from purchasing from any department or agency of the United States unprocessed timber originating from Federal lands west of the 100<sup>th</sup> meridian in the contiguous 48 States if:

- Such timber is to be used in substitution for exported unprocessed timber originating from private lands; or
- Such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands.

These requirements, as well as others in the Oregon and California Lands Act and the Materials Act, are incorporated into the BLM's regulation at 43 CFR 5424.1. This regulation lists information that the BLM needs from respondents in order to determine if they are qualified by statute to purchase Federal timber resources originating from public lands managed by the BLM.

The BLM uses Form 5450-17, Export Determination, and Form 5460-17, Substitution Determination, to collect the required information.

In Form 5450-17, the BLM requires applicants to supply:

- a) The location of the processing facility to determine the tributary area;
- b) An answer (yes or no) to the question, "Have you exported private timber from lands tributary to the above processing facility within the last 12 months?"
- c) If the answer is "yes" to the above question, the date of the last export sale;
- d) The names of affiliates (as defined at 43 CFR 5424.0-5) who have exported private timber from lands tributary to the above processing facility within the last 12 months and date of last export sale;
- e) The name of the firm for identification purposes;
- f) Signature of signing officer;
- g) Title of signing officer; and
- h) Date.

In Form 5460-17, the BLM requires the applicants to supply:

- (a) The name of the firm and contract number for identification purposes;
- (b) The location of the processing facility to determine the tributary area;
- (c) Historical base determination (the 12-month period before the firm's last export sale); and
- (d) Timber transactions since the historical base period.

A respondent who has not exported timber during the preceding 12 months is not required to submit Form 5460-17.

- 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 and specifically how this collection meets GPEA requirements.**

Forms 5450-17 and 5460-17 are electronically available to the public in fillable, printable format. A respondent may choose to submit either of these forms electronically by scanning and then emailing them to the appropriate BLM office.

- 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.**

There is no duplication of this information with other programs. This information comes from private company records and is unique to each company and cannot be obtained from another source. Each purchaser or affiliate is the only source of its own timber volume exported and the dates of such exports.

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

We do not determine (and are not legally required to determine) whether or not any of the respondents are small businesses or small entities. In all likelihood, all of the respondents are small businesses or small entities. We limit the required information to the minimum necessary to maintain a complete and accurate record in order to enforce statutory export restrictions on the BLM timber sales and to determine whether or not there has been an illegal substitution of Federal timber for exported private timber.

- 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 collect the information, or less frequent collection, would make it impossible for the BLM to enforce statutory timber-export restrictions.

- 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.

No special circumstances require the collection to be conducted in a manner inconsistent with the guidelines. We do not exceed 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.**

On October 13, 2015, the BLM published the required 60-day notice in the Federal Register (80 FR 61447), and the comment period ended December 14, 2015. The BLM received no comments.

The BLM contacted via email the following respondents regarding the use of Forms 5450-17 and 5460-17:

Robert Freres  
503-859-2121  
Freres Lumber Co Inc  
141 14<sup>th</sup> St.  
Lyons, OR 97358

Dave Streeter  
541-433-3322  
Interfor Gilchrist Div.  
1 Sawmill Rd  
Gilchrist, OR 97737-0638

Chris Chase  
530-842-2310  
Timber Products Company  
PO Box 766  
Yreka, CA 69097

John Fullerton  
 541-962-2000  
 Boise Cascade Wood Products  
 1917 Jackson Ave.,  
 La Grande, OR 97850

The respondents understand that the forms are needed to meet BLM's regulatory requirements pertaining to exporting of federal timber per 43 CFR 5424.1. They indicated they do not export private logs, and hence rarely if ever use the forms. This is not unusual as most Federal timber purchasers of BLM timber sales do not export private timber from their own lands.

One respondent recommended that Form 5460-17 be modified to remove the word "State" at the beginning of each sentence in Sections 1 & 2. The word "State" is confusing because it implies two different meanings: "State" as in State of Oregon, or "State" as in the disclosure of a fact. The BLM agrees with this recommendation and has modified Form 5460-17.

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

The respondent's confidentiality is protected 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, 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.**

We do not require respondents to answer 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.

Table 12-1, below, shows our estimate of the hourly cost burdens for respondents. This cost was determined using national Bureau of Labor Statistics data at: [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). The benefits multiplier of 1.4 is supported by information at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

**Table 12-1 – Hourly Cost Calculation**

<b>A. Position and BLS Occupation Code</b>	<b>B. Mean Hourly Wage</b>	<b>C. Hourly Rate with Benefits (Column B x 1.4)</b>
Purchasing Manager 11-3061	\$53.76	\$75.26

Hour and cost burdens to respondents include time spent for researching, preparing, and submitting information. Table 12-2, below, shows our estimates of the annual hour and hour-related cost burdens. The estimated hourly wage was calculated as shown in Table 12-1. The frequency of response for each of the information collections is “on occasion,” and is based upon the average number of timber sales annually.

**Table 12-2 - Estimates of Annual Hour and Cost Burdens**

<b>A. Type of Response</b>	<b>B. Number of Responses</b>	<b>C. Hours Per Response</b>	<b>D. Total Hours (Column B x Column C)</b>	<b>E. Total Wage Cost (Column D x \$75.26)</b>
Form 5450-17 Export Determination 43 CFR 5424.1	10	1	10	\$752.60
Form 5460-17 Substitution Determination	6	1	6	\$451.56
Totals	16		16	\$1,204.16

**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.**

The estimated hourly cost to the Federal Government, which is shown in Table 14-1, is based on the U.S. Office of Personnel Management Salary Table 2016-RUS at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/16Tables/html/RUS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/16Tables/html/RUS_h.aspx). The benefits multiplier of 1.5 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

**Table 14-1 – Hourly Cost Calculation**

<b>A. Pay Grade</b>	<b>B. Hourly Pay Rate</b>	<b>C. Hourly Rate with Benefits (Column B x 1.5)</b>
GS-11, Step 1	\$28.39	\$42.59

Table 14-2, below, shows the annualized Federal costs for each aspect of the collection and monitoring of BLM's timber sale export and substitution program. The estimated processing time is based on the BLM's experience and includes coordinating and consolidating export and substitution information at the field office level from respondents.

**Table 14-2 — Estimated Annual Cost to the Government**

<b>A. Type of Response and 43 CFR 3500 Citation</b>	<b>B. Number of Responses</b>	<b>C. Hours Per Response</b>	<b>D. Total Hours (Column B x Column C)</b>	<b>E. Total Wage Cost (Column D x \$42.59)</b>
Form 5450-17, Export Determination 43 CFR 5424.1	10	1	10	\$425.90
Form 5460-17, Substitution Determination	6	1	6	\$255.54
Totals	16		16	\$681.44

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

There are no program changes. The estimated number of responses has been adjusted from 1 to 10 for Form 5450-17, and from 1 to 6 for Form 5460-17. The net adjustment is an increase from 2 responses to 16 responses annually. These adjustments reflect the BLM's recent experience with this information collection.

**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 have no plans to publish the information in 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.

**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.