

1Supporting Statement A

Forest Management Decision Protest Process and Log Export and Substitution (43 CFR Parts 5000 and 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 and revision of the information collection requirements pertaining to timber transactions. The BLM uses the information to:

- Enforce statutory restrictions on: (1) exports of unprocessed timber purchased from Federal lands west of the 100th meridian in the contiguous 48 states, (2) the use of such timber in substitution for exported timber originating from private lands, and (3) the purchase of such timber by a person who has exported such timber during the preceding 24-month period;
- Collect disposition data (i.e. how much timber is harvested or processed by small businesses) that help the Small Business Administration establish targets for the BLM to set aside a percentage of sales that must be offered exclusively to small businesses for certain geographical areas; and
- Provide an opportunity for protests of forest management decisions.

The following authorities necessitate this collection of information:

- Section 15 of the Small Business Act, 15 U.S.C. 644;
- The Timber Resources Conservation and Shortage Relief Act, 16 U.S.C. 620 – 620j;
- The Materials Act, 30 U.S.C. 601 – 604;
- The Oregon and California Lands Act, 43 U.S.C. 2601;
- 13 CFR 125.2(c); and
- 43 CFR parts 5000 and 5420.

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 BLM needs the required information to determine:

- (a) Whether applicants will qualify to purchase Federal timber resources under export criteria; and
- (b) If illegal substitution of Federal timber for exported private timber has occurred; and
- (c) If firms that purchase Federal timber are disposing of logs to firms that export private timber; and
- (d) The volume of timber purchased by small business and subsequently sold to large businesses to assess the market share of small business activities.

The BLM uses Form 5450-17, Export Determination, Form 5460-15, Log Scale and Disposition of Timber Removed Report, and Form 5460-17, Substitution Determination, to collect the information described at 43 CFR 5424.1.

Export Determination

In Form 5450-17 (Export Determination), the BLM requires applicants to disclose:

- 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.

Substitution Determination

In Form 5460-17 (Substitution Determination), the BLM requires the applicants to disclose:

- (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.

Log Scale and Disposition of Timber Removed Report

Logs are "scaled" in order to determine a sale price by measuring them, identifying their species, and accounting for defects. In the Log Scale and Disposition of Timber Removed Report (Form 5460-15), the BLM requires purchasers to disclose:

- a) The name of the processing facility where title to Federal timber was transferred;
- b) For each processing facility and each tree species: the species, volume units, gross volume, volume by disposition category, and cull-log volume;
- c) A calculation showing a total for each and all processors for the timber data provided in (b);
- d) Selection indicating by whom the timber was scaled;
- e) The scaling methods/rules used;
- f) An opportunity to provide clarifying comments;
- g) Signatures, titles, business addresses, and signature dates of the certifying officials acknowledging the certification statement; and
- h) The name, title, and corporate seal of the witnessing corporate officer acknowledging authority of the corporate certifying official, when appropriate.

Protests

A protest of a BLM forest management decision in accordance with 43 CFR 5003.3 may be submitted to, and received by, the BLM within 15 days of the publication of a notice of decision or notice of sale in a newspaper of general circulation. A protest must include a written statement of reasons for protesting the decision. Upon timely filing of a protest, the BLM will reconsider the pertinent decision in light of the statement of reasons and other available information. At the conclusion of this review, the BLM will serve the resulting decision in writing on the protesting party. If the protest is denied, the BLM may proceed with implementation of the original decision.

- 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 on BLM's Forms Web site at <http://www.blm.gov/noc/st/en/business/eForms.html>. A respondent may choose to submit either of these forms electronically by scanning and then emailing them to the appropriate BLM office.

Form 5460-15 is electronically available to the BLM in non-fillable, printable format on BLM's internal website. The BLM provides printed copies of the form for completion by all timber-sale purchasers.

There is no form for protests. The BLM will accept protests submitted either in hard copy or electronically, but not if they are received more than 15 days after publication of a notice of decision of a notice of sale.

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 disposition.

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

All purchasers of BLM timber are required to complete the form including small businesses and business that qualify as such under Small Business Administration. We limit the required information to the minimum necessary to maintain a complete and accurate record of export restrictions and timber disposition on BLM timber sales, and whether there was a substitution of Federal timber for exported private timber. Each form is collected once per timber sale contract.

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.

If the BLM did not collect the information, it would be impossible to comply with statutory requirements to:

- Determine the eligibility of potential purchasers of Federal timber;
- Enforce export and substitution restrictions;
- Help the Small Business Administration establish targets for small-business set-asides for Federal timber; and
- Provide an opportunity to seek administrative remedies.

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.

The BLM published the 60-day notice on December 28, 2018 (83 FR 67338). There were no comments in response.

The BLM contacted the following purchasers of Federal timber regarding the previously approved information collection activities:

Timber Manager
Hampton Tree Farms LLC
PO Box 2315
Salem OR 97308

Timber Manager
Scott Timber Co.
PO Box 1088
Roseburg OR 97470

Timber Manager
Southport Investments LLC
PO Box 298
Coos Bay OR 97420

General Manager
3H Wood Products
PO Box 635
Myrtle Point, OR 97458

The respondents told us that they continue to find the instructions clear and reasonable, and are able to disclose and report the necessary information within the time frames stated below. They did not have any suggestions to change the requirements. They understand that the forms are needed to meet BLM's regulatory requirements pertaining to exporting of Federal timber per 43 CFR 5424.1.

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.**

This information collection involves an estimated 325 responses annually. The total estimated annual burdens for respondents are 550 hours and a dollar equivalent of \$35,506.

Tables 12-1 and 12-2, below, show our estimates 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. 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 for Forms 5450-17, 5460-15, and 5460-17**

A. Position and BLS Occupation Code	B. Mean Hourly Wage	C. Hourly Rate with Benefits (Column B x 1.4)
Purchasing Manager 11-3061	\$58.56	\$81.98

**Table 12-2
Hourly Cost Calculation for Protests**

A. Position and BLS Occupation Code	B. Mean Hourly Wage	C. Hourly Rate with Benefits (Column B x 1.4)
Conservation Scientist 19-1031	\$31.18	\$43.65

Hour and cost burdens to respondents include time spent for researching, preparing, and submitting information. Table 12-3, below, shows our estimates of the annual hour and hour-related cost burdens. The estimated hourly wage was calculated as shown in Tables 12-1 and 12-2.

The frequency of response for each of the forms is “on occasion,” and is based upon the cost for each individual timber contract a purchaser is awarded. The BLM provides the timber purchaser a copy of the forms at the beginning of the contract term and notifies the purchaser that the information is required at the end of the contract period. The forms use the Purchasing Manager hourly wage in the cost estimate.

For protests, the information collection is for each forest management decision and the opportunity provided in 43 CFR 5003.3 to request an administrative remedy through protest.

**Table 12-3
Estimates of Annual Hour and Cost Burdens**

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (Column B x Column C)	E. Dollar Equivalent (Column D x applicable hourly cost)
Form 5450-17 Export Determination 43 CFR 5424.1	100	1	100	\$8,198
Form 5460-17 Substitution Determination 43 CFR 5424.1	100	1	100	\$8,198
Form 5460-15 Log Scale and Disposition of Timber Removed Report 43 CFR 5424.1	100	1	100	\$8,198

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (Column B x Column C)	E. Dollar Equivalent (Column D x applicable hourly cost)
Protests 43 CFR 5003.3	25	10	250	\$10,912
Totals	325	—	550	\$35,506

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, no recurring annual costs to prepare or respond to the information collection, and no fees.

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 total estimated Federal burdens are 8,550 hours and \$439,002 annually.

The estimated hourly cost calculations, as shown in Tables 14-1 and 14-2, incorporate data at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/POR_h.pdf.

The benefits multiplier of 1.6 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 14-1 – Hourly Federal Cost Calculation for Export and Substitution Determinations and for Log Scale and Disposition of Timber Removed Report

A. Pay Grade	B. Hourly Pay Rate	C. Hourly Rate with Benefits (Column B x 1.6)
GS-11, Step 1	\$31.15	\$49.84

Table 14-2 Hourly Federal Wage Cost Calculation for Protests

A. Pay Grade	B. Hourly Pay Rate	C. Hourly Rate with Benefits (Column C x 1.6)	D. Percent of the Information Collection Completed by Each Pay Grade	E. Weighted Average Cost Per Hour (Column C x Column D)
GS-9, Step 1	\$25.75	\$41.20	13%	\$5.36
GS-11, Step 1	\$31.15	\$49.84	60%	\$29.09
GS-12, Step 1	\$37.34	\$59.74	22%	\$13.14
GS-13, Step 1	\$44.40	\$71.04	3%	\$2.13
GS-14, Step 1	\$52.47	\$83.95	2%	\$1.68
Average Wage	—	—	100%	\$51.40

Table 14-3, below, shows the annualized Federal costs for each aspect of the collection. The estimated hourly wage with benefits is shown at Tables 14-1 and 14-2, above. The estimated processing time for forms is based on the BLM's experience. As the content and breadth of protests can vary widely depending on the project type and scope of issues (up to 250 pages with multiple issues), the estimates below for protests are averages.

Table 14-3 — Estimated Annual Cost to the Government

A. Type of Response	B. Number of Responses	C. Hours Per Response	D. Total Hours (Column B x Column C)	E. Dollar Equivalent (Column D x applicable hourly cost))
Form 5450-17 Export Determination 43 CFR 5424.1	100	1	100	\$4,984
Form 5460-17 Substitution Determination 43 CFR 5424.1	100	1	100	\$4,984
Form 5460-15 Log Scale and Disposition of Timber Removed Report 43 CFR 5424.1	100	1	100	\$4,984
Protests 43 CFR 5003.3	25	330	8,250	\$424,050
Totals	325	—	8,550	\$439,002

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

The BLM requests two program changes, i.e., the addition of the “Log Scale” form and the addition of protests. Both of these activities have been in use without a control number. As shown in Table 15-1, these program changes would add 125 responses and 350 burden hours annually to this control number.

**Table 15-1
Program Changes: New Information Collection Activities**

New Activities	Number of Added Responses	Number of Added Burden Hours
Form 5460-15 Log Scale and Disposition of Timber Removed Report	100	100
Protests 43 CFR 5003.3	25	250
Totals	125	350

Adjustments

Previously the BLM estimated respondents' burdens for the Export Determination (Form 5450-17) and the Substitution Determination (Form 5460-17) by estimating the cost to a single timber-sale purchaser for a single timber sale. The BLM has determined that it is more accurate to estimate respondents' burdens based on the BLM's estimated number of sales annually. This change in methodology, which is reflected in Tables 15-2 and 15-3, more accurately depicts the total annual cost to all BLM timber-sale purchasers for BLM's timber sale program. As shown in Tables 15-2 and 15-3, these adjustments result in 90 more responses and hours, and 94 more responses and hours, for the Export Determination and the Substitution Determination, respectively. The net effect is 184 more responses and 184 more hours annually.

**Table 15-2
Adjustments in Numbers of Previously Approved and Continuing Responses**

A. Types of Previously- Approved and Continuing Responses	B. Number of Requested Responses	C. Number of Previously Approved Responses	D. Difference Between Requested and Approved Responses (Column B minus Column C)
Form 5450-17 Export Determination 43 CFR 5424.1	100	10	+90
Form 5460-17 Substitution Determination 43 CFR 5424.1	100	6	+94
Totals	200	16	+184

**Table 15-3
Adjustments in Numbers of Previously Approved and Continuing Hour Burdens**

A. Types of Previously- Approved and Continuing Responses	B. Number of Requested Hour Burdens	C. Number of Previously Approved Hour Burdens	D. Difference Between Requested and Approved Hour Burdens (Column B minus Column C)
Form 5450-17 Export Determination 43 CFR 5424.1	100	10	+90
Form 5460-17 Substitution Determination	100	6	+94
Totals	200	16	+184

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.