

## Supporting Statement A

### Tramroads and Logging Roads (43 CFR Part 2810)

OMB Control Number 1004-0168

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) manages approximately 14,300 miles of roads within 18 counties of western Oregon. The BLM manages early 75 percent of these roads under reciprocal right-of-way (ROW) agreements. The remaining roads are subject to BLM-administered ROW permits.

This collection of information pertains to rights-of-way for tramroads and logging roads over certain public lands administered by the Bureau of Land Management (BLM) in western Oregon, in accordance with the following authorities:

- Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act (43 U.S.C. 1181a and 1181b);
- Section 502 of the Federal Land Management and Policy Act (43 U.S.C. 1762); and
- 43 CFR 2812.5-2.

As originally enacted in the 1860s, the “Oregon and California” (O&C) and “Coos Bay” Acts provided for specific grants of lands in western Oregon. In subsequent legislation that combined the original statutes, Congress reconveyed most of the lands to the United States government, and the Department of the Interior established timber production as the dominant use for the lands.

Section 502 of the Federal Land Policy and Management Act authorizes the Secretary of the Interior to provide for the acquisition, construction, and maintenance of roads within and near public lands to facilitate the harvest of timber from such lands. Financing of such roads may be accomplished:

- By the Secretary using appropriated funds;
- By requirements on purchasers of timber and other products from the public lands, including provisions for amortization of road costs in contracts;
- By cooperative financing with other public agencies and with private agencies or persons; or
- A combination of these methods.

The BLM implements these provisions of Section 502 under the regulation at 43 CFR 2812.5-2, which requires payment to the United States for the use of roads covered by that regulation:

- A. A holder of a right-of-way must pay a basic fee of \$5.00 per mile or fraction thereof for the use of any existing road or of any road construction by the permittee upon the right-of-way.
- B. Where a holder of a right-of-way receives a right to use a road constructed or acquired by the United States, the BLM may fix the rate of payment for the use of the road.

This collection of information enables the BLM to exercise the authorities to collect payments for the use of roads over certain public lands within western Oregon.

**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 respondent (permittee) must file with the BLM Form OR-2812-6, Report of Road Use, annually, biannually, quarterly, or monthly, depending on the terms of the relevant permit or agreement for a right-of-way over BLM lands. Almost all permits and agreements provide for quarterly reports.

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 OR-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.

In response to respondents' suggestions submitted before the initiation of this renewal request, the BLM is adding a comment section on a separate page and is adding a column for "operator maintenance" per the request of the "Permittees". BLM is requesting authorization to revise Form OR-2812-6 as follows in order to improve the form's clarity:

1. The BLM proposes to add a comment section so that respondents would not have to put comments on a separate page.
  2. The BLM also proposes to add a column for "operator" maintenance, so that respondents would not have to include this information on a separate page.
- 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.**

The form in this collection is not available on a Web site. The only members of the public that use the form are those that have entered into reciprocal right-of-way agreements with the BLM for the construction, use, and maintenance of tramroads and logging roads on public lands in western Oregon. The form is readily available to the permittees at each of the following BLM District Offices:

- Northwest Oregon District;
- Lakeview District;
- Coos Bay District;
- Roseburg District; and
- Medford District.

All of these offices are in western Oregon. In these circumstances, it seems unnecessary to make the form available on a Web site.

**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 estimate that all 68 respondents are small businesses or small entities. The information we require from all respondents is limited to the minimum necessary to authorize and manage road uses on public lands for which the BLM is responsible.

**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 we did not collect the information, it would not be possible to determine payment amounts, ledger account status, or 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.**

The respondent (permittee) must file with the BLM Form OR-2812-6, Report of Road Use, annually, biannually, quarterly, or monthly, depending on the terms of the relevant permit or agreement for a right-of-way over BLM lands. Almost all permits and agreements provide for quarterly reports.

- 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 September 16, 2019, the BLM published the required 60-day notice in the Federal Register (84 FR 48638), and the comment period ended November 15, 2019. The BLM received no public comments in response to this notice, and accordingly the BLM did not revise this collection of information as a result of the solicitation of public comments in the 60-day notice.

In addition to the Federal Register Notice, we consulted with the three (3) individuals identified below who are familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

The BLM consulted with the following respondents to obtain their views on the availability of data; frequency of collection; the clarity of instructions; the recordkeeping, disclosure, and reporting formats; and on the data elements to be recorded, disclosed, or reported.

- Forester, Lone Rock Timber; Roseburg, Oregon

This respondent indicated that the form works well and that they did not see any reason to change the form from its current format.

- Resource Land Use Specialist, Seneca Jones Timber LLC; Eugene, Oregon

This respondent stated that the form meets the intended purpose.

- Forester, Silver Butte Timber Co.; Riddle, Oregon

This respondent explained that the form is easy to use and meets the company's expectations.

The BLM did not revise this collection of information in response to the targeted outreach described above.

**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.**

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, 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 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.

The estimated annual burdens are 1,088 responses, 8,704 hours, and a dollar equivalent of \$369,920.

Table 12-1, below, shows the BLM's estimate of the hourly cost burdens for respondents. The mean hourly wages for Table 12-1 were 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/ecec.nr0.htm>.

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

<b>A. Position</b>	<b>B. Mean Hourly Wage</b>	<b>C. Total Mean Hourly Wage (Column B x 1.4)</b>
Foresters 19-1032	\$30.36	\$42.50

Hour and cost burdens to respondents are shown at Table 12-2, below. These burdens include time spent for researching, preparing, and submitting information. The average hourly wage associated with this information collection is shown at Table 12-1, above. The frequency of response for this information collection is “on occasion.”

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

<b>A. Type of Response and 43 CFR 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 \$42.50)</b>
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Form OR-2812-6, Report of Road Use 43 CFR 2812.3 and 43 CFR 2812.5	1,088	8	8,704	\$369,920
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**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.**

No non-hour burdens are associated with this information collection. Applicants incur no annual capital or start-up costs, no recurring annual costs, and no fees 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 annual government cost is \$388,372.

The hourly cost to the Federal Government, as shown in Table 14-1, is based on the U.S. Office of Personnel Management Hourly Salary Table for the Locality Pay Area of Portland-Vancouver-Salem, OR-WA at: [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/POR\\_h.pdf](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 — Federal Hourly Wage Cost**

<b>A. Position</b>	<b>B. Pay Grade</b>	<b>C. Hourly Pay Rate (\$/hour)</b>	<b>D. Hourly Rate w/ Benefits (Column C x 1.6)</b>	<b>E. Percent of time spent on this collection</b>	<b>F. Weighted Average (Column D x Column E)</b>
Realty Specialist	GS-11 / Step 1	\$31.74	\$50.78	30%	\$15.23
Clerical	GS-9 / Step 1	\$26.24	\$41.98	70%	\$29.39
Totals	N/A	N/A	N/A	100%	\$44.62

Table 14-2, 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 estimated weighted average hourly wage is shown at Table 14-1, above.

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

<b>A. Type of Response and 43 CFR 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 \$44.62)</b>
Form OR-2812-6, Report of Road Use 43 CFR 2812.3 and 43 CFR 2812.5	1,088	8	8,704	\$382,372

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

The following adjustments are due to the BLM's recent experience with this collection of information:

- An increase of 816 in estimated annual responses, from 272 to 1,088, as a result of an increased number of users of the forms; and
- An increase of 6,528 in estimated annual hour burdens, from 2,176 to 8,704, as a result of the increased number of annual responses.

No program changes would affect the estimated hour or cost burden. The requested revisions of Form OR-2812-6 would not affect the estimated hour or cost burden.

**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.