
**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

PAPERWORK REDUCTION ACT SUBMISSION

SUPPORTING STATEMENT A

**FREE USE APPLICATION AND PERMIT FOR VEGETATIVE OR MINERAL MATERIALS
(43 CFR PARTS 3600, 3620, AND 5510)**

OMB CONTROL NUMBER 1004-0001

Terms of Clearance: Not applicable. The Office of Management and Budget (OMB) provided no Terms of Clearance when it last approved the collections of information under this OMB Control Number (see OMB Notice of Action dated January 13, 2020).

Abstract: The Free use vegetative permits are available for Mining Claimants, Federal, State, Territorial agencies, municipalities and associations or corporations not organized for profit and that the materials are not used for commercial or industrial purposes. Free Use Permits for Mineral Materials are available to any Federal, State, or territorial agency, unit, or subdivision including municipalities or any non-profit organization. OMB Control Number 1004-0001 authorizes the BLM to collect information to continue the use of separate permit forms for the free use of vegetative materials and mineral materials. The BLM request that OMB renew this OMB Control Number of an additional three years.

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 at 43 CFR subpart 3604, and parts 3620 and 5510. These regulations govern free use of vegetative or mineral material obtained from public lands. In this request, the BLM seeks approval to continue to use different forms for vegetative and mineral material. The regulations that govern free use of vegetative and mineral materials are substantially different from each other and therefore warrant the use of separate permit forms for each material.

The BLM grants free use of vegetative and mineral materials on public lands in accordance with the following statutes:

- Cutting Timber on Certain Mineral Lands; Permits to Corporations; Railroad Corporations (16 U.S.C. 604);
- Unlawful Cutting on Mineral Lands; Notice to Secretary (16 U.S.C. 605);
- Offense for Unlawful Cutting on Mineral Lands; Punishment (16 U.S.C. 606);
- Cutting and Removal of Timber on Certain Public Lands for Certain Purposes (16 U.S.C. 607);
- Cutting and Use of Timber in Alaska by Settlers, Residents, Miners, Etc. (16 U.S.C. 607a);
- Rules and Regulations Governing Disposal of Materials; Payment; Removal without Charge; Lands Excluded (30 U.S.C. 601);
- Bidding; Advertising and Other Notice; Conditions for Negotiation of Contract (30 U.S.C. 602); and
- Section 302 of the Federal Land Policy and Management Act (43 U.S.C. 1732).

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 Bureau of Land Management (BLM) collects information from applicants for free use permits for vegetative or mineral materials in order to: (1) determine whether the applicant is eligible for free use, (2) determine whether the vegetative or mineral materials at issue qualify for free use; (3) determine whether free use is consistent with pertinent land use plans and authorities; and; (4) monitor the authorized removal and uses of vegetative and mineral materials to ensure sustainable resource management and verify that the actual use is consistent with the authorization.

In this request, the BLM seeks approval to continue to use three forms: one for vegetative materials (Form 5510-1), and two different forms for mineral materials (Form 3604-1a and Form 3604-1b).

Vegetative Materials

The BLM may issue permits for free use of timber to a Federal or State agency, unit, or subdivision, including a municipality; to a nonprofit organization; or to mining claimants. 43 CFR 5511.3-6, 5511.3-7, and 5511.3-8. In Form 5510-1, Free Use Application and Permit for Vegetative Material, the initial blocks are for Permit Number, Expiration Date, and the pertinent BLM District. The BLM completes these blocks.

The BLM requires the applicant to provide the following specific information:

- 1) Name and address of the applicant. The BLM needs this information so that it can communicate with the applicant.
- 2) Kind of material requested. The BLM needs this information because the kind of timber that may be cut is limited in order to protect timber and undergrowth, taking into account the nature of the topography, soil, and forest. 43 CFR 5511.1-1(b).
- 3) Estimated quantity of material requested. The BLM needs this information because the area of land to be cut over shall be limited to embrace only so much land as is necessary to produce the quantity of timber applied for. 43 CFR 5511.1-1(c).
- 4) Location of timber that is proposed for free use (i.e., legal land description, State, and County). The BLM needs this information because in part free use of timber from public lands is limited to the following:
 - A. Mineral lands, unoccupied and unreserved and not subject to entry under existing laws of the United States, except for mineral entry, in the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah and Wyoming (43 CFR 5511.1-1(a)(1)); and
 - B. Nonmineral, unoccupied, and unreserved public lands in the States mentioned in "A" (above) and also in the States of California, Oregon, and Washington (43 5511.1-1(a)(1)).In addition, free use may be authorized only on as much land as is necessary to produce the quantity of timber that the applicant requests. 43 CFR 5511.1-1(c). Finally, timber may not be exported from the State in which it is cut, except as provided at 43 CFR 5511.1-1(e)(1) through 5511.1-1(e)(6). The exceptions are narrow, allow exportation of timber only from specified areas of certain States to specific out-of-State locations, and some of the exceptions limit who may cut the timber (e.g., "citizens of Bear Lake County, Idaho").
- 5) Proposed use of the material. The BLM needs this information because timber may be cut under an approved free use permit only when such timber is actually needed for firewood, fencing, building, or other agricultural, mining, manufacturing, and domestic purposes. In addition, timber may not be exported from the State in which it is cut except as provided at 43 CFR 5511.1-1(e)(1) through 5511.1-1(e)(6).

The remainder of the form consists of a certification that entails no burden other than that necessary to identify the respondents, the date, and the nature of the instrument.

Mineral Materials

The BLM may issue a free use permit for mineral materials to a Federal, State, territorial, or municipal government, or to a non-profit organization after it receives the applicant's Mineral Material Free Use Permit Application (Form 3604-1a). In Form 3604-1a, Mineral Material Free Use Application, the initial block is for the BLM Case Serial Number. The BLM completes this block.

The BLM requires the applicant to provide the following specific information:

- 1) Name, address, telephone number, and email of applicant. The BLM needs this information so that it can communicate with the applicant.
- 2) Kind of material requested. As defined at 43 CFR 3601.5, the term “mineral materials” means, but is not limited to, petrified wood and common varieties of sand, stone, gravel, pumice, pumicite, cinders, and clay. The BLM needs this information in order to determine whether or not it is detrimental to the public interest to make the requested material available for free use (see 43 CFR 3601.6(a)).
- 3) Quantity of material requested. The BLM needs this information in order to determine whether or not it is detrimental to the public interest to make the requested material available for free use (see 43 CFR 3601.6(a)). In addition, the BLM needs this information because it may not issue free use permits for mineral material to a non-profit organization for more than 5,000 cubic yards (or weight equivalent) in any period of 12 consecutive months. 43 CFR 3604.12(b). The BLM may issue free use permits to a governmental entity without limitation as to the number of permits or as to the value of the mineral materials to be extracted or removed. 43 CFR 3604.12(a). Persons may collect limited quantities of petrified wood consistent with the preservation of significant deposits as a public recreational resource. No application or permit for free use of petrified wood is required for collection of limited quantities as defined by the regulations. Specimens over 250 pounds require a permit and must be used for museums. 43 CFR 3622.1 and 3622.2.
- 4) Requested permit term. The BLM needs this information in order to determine the appropriate length of a free use permit term but will not grant free use permits for mineral material to governmental entities for terms exceeding 10 years and will not grant such permits to non-profit organizations for terms exceeding one year. However, the BLM may extend any free use permit term to a single additional period not to exceed one year. 43 CFR 3604.21.
- 5) Proposed use of the material. The BLM needs this information in order to determine whether or not the applicant will use the material for commercial or industrial purposes. These purposes are prohibited under 43 CFR 3604.12(a) and (b) and 3622.1(a).
- 6) Legal land description for proposed source area. The BLM needs this information in order to determine whether or not it is detrimental to the public interest to make the requested mineral material available for free use (see 43 CFR 3601.6(a)). For petrified wood, the BLM needs this information because free use areas may be modified or cancelled by notices published in the Federal Register. 43 CFR 3622.3.

The remainder of the form consists of a certification that entails no burden other than that necessary to identify the respondents, the date, and the nature of the instrument.

The BLM completes Form 3604-1b, Mineral Material Free Use Permit, so the burden on the public is limited to providing any supporting documents that may be required for the permit (e.g., mining and reclamation plan, financial guarantee). In many instances, these items may already be required by State law or regulations, and the applicant provides a copy of the documents to the BLM.

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.

Form 5510-1, Free Use Application and Permit, as currently approved, is 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>.

Forms 3604-1a, Mineral Material Free Use Permit Application and 3604b, Mineral Material Free Use Permit, as currently approved, 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>.

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 is unique to each applicant and cannot be obtained from another source.

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

We limit the required information to the minimum necessary to maintain a complete and accurate record of who removes mineral and vegetative materials available for free use from the public lands.

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 fail to meet statutory responsibilities to:

- (a) Determine who removes mineral and vegetative materials from the public lands;
- (b) Know how these mineral and vegetative materials are used;
- (c) Know if these mineral and vegetative materials were used properly; and
- (d) Manage, monitor, and assess the impacts of the disposal of mineral and vegetative materials.

For these reasons, the BLM cannot collect the information less frequently.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines. 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 April 21, 2022, the BLM published a Federal Register notice soliciting comments for a period of 60 days on this collection of information (87 FR 23883). The comment period closed on June 21, 2022. No comments were received in response to this notice.

Additionally, as required by 5 CFR 1320.5(a)(1)(iv), BLM published a notice in the Federal Register announcing the submission of this request to OMB and allowing the public 30 days to send comments on the proposed extension of this OMB number to OMB.

We consulted with respondents to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of the instructions. The following entities provided feedback on the collection of information:

- A county in Nevada
- A public utility in California
- An irrigation district in California

All of these respondents provided overall positive feedback regarding obtaining free use permits. All respondents indicated that the BLM's estimated timeframes for the application and for providing supporting information for the permit was reasonable. No issues were reported. Overall, these comments verified the BLM's burden estimates and other aspects of the collection of information.

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.

Under the privacy provisions of the E-Government Act of 2002, individuals/respondents were informed as to whether or not providing the information is mandatory to obtain a benefit. The BLM provides no promises to applicants that the application is protected under the Privacy Act. Each form displays a Privacy Act notice outlining a respondent's expectations regarding privacy. The information collected on the forms is managed in accordance with the System of Records Notice (SORN) INTERIOR/LLM-32, Land & Minerals Authorization Tracking System (86 FR 50156, September 7, 2021).

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.**

We estimate a total of 146 respondents (140 mineral materials applications; and 6 vegetative material applications) to the information collection requirements contained in the underlying regulations that result in an estimated 146 responses annually, 73 burden hours, and a dollar equivalent of \$4,581. These estimated burdens are itemized in the tables shown below.

Hourly Cost Calculations:

Table 12-1, below, shows our estimate of the hourly cost burdens. These were determined using Bureau of Labor Statistics data at: http://www.bls.gov/oes/current/naics3_999000.htm. The benefits multiplier of 1.6 for public sector workers is implied by data at: <http://www.bls.gov/news.release/pdf/ecec.pdf> and a benefits multiplier of 1.3 for private sector workers is supported by data at: <http://www.bls.gov/news.release/pdf/ecec.pdf>.

Table 12-1: Hourly Calculation

Position and BLS Occupational Code	Requirement	Respondent Type	Hourly Pay Rate (\$/hour)	Benefits Multiplier	Hourly Rate with Benefits
Farming, Fishing, and Forestry Occupations - 45-0000	Vegetative Material	Federal, State, and Local Governments	\$20.91	1.6	\$33.46
Extraction Workers - 47-5000	Vegetative Material	Mining Claimants and Nonprofit Organizations	\$23.22	1.3	\$30.19
Construction Managers - 11-9021	Mineral Material	Federal, State, and Local Governments	\$46.95	1.6	\$75.12
Farming, Fishing, and Forestry Occupations - 45-0000	Mineral Material	Nonprofit Organizations	\$20.91	1.3	\$27.18

Estimates of Hour Burdens:

The itemized hour and cost burdens for respondents, shown in Table 12-2 (below), include time spent researching, preparing, and submitting information. The derivation of the weighted average hourly wage associated with these information collections is shown at Tables 12-1, above. The frequency of response for each of the information collections is “on occasion.”

Table 12-2: Estimates of Annual Hour Burdens

Collection of Information	Respondent Type	Number of Responses	Time Per Response (hours)	Total Hours	Hourly Rate	Dollar Equivalent
Form 5510-1 Free Use Application and Permit for Vegetative Material	Federal, State, or Local Governments	2	.5	1	\$33.46	\$33
Form 5510-1 Free Use Application and Permit for Vegetative Material	Mining Claimants and Nonprofit Organizations	34	.5	17	\$30.19	\$513
Forms 3604-1a and 3604-1b Free Use Application and Permit for Mineral Material ¹	Federal, State, and Local Governments	106	.5	53	\$75.12	\$3,981
Forms 3604-1a and 3604-1b Free Use Application and Permit for Mineral Material ¹	Nonprofit Organizations	4	.5	2	\$27.18	\$54
Totals:		146	---	73	----	\$4,581

¹ By regulation (43 CFR 3602.11), no particular form is required to request free use of mineral materials. For convenience, Form 3604-1a is available for applicants to simplify providing basic application information about what is being requested and the eligibility of the applicant. Filling out the application form typically takes 15 minutes or less. The BLM uses the information from the application to fill out the permit Form 3604-1b. BLM may require additional supporting information for the permit for larger or new operations, such as a mining and reclamation plan and a financial guarantee if those are not already available as part of customary and usual business practices. All of these burdens are included in our estimate of 30 minutes for the respondent for successful completion of an application and permit for free use of mineral material.

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 associated with this information collection. Applicants incur no annual capital or start-up costs, no recurring annual costs, and no fees in responding to this 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 cost to the Federal Government consists of the time spent with the applicants assisting them in filling out the type and location of the materials and in giving instructions and answering questions. There is an additional cost of entering the material data into the appropriate data base.

The estimated hourly cost to the Federal Government is shown below in Table 14-1. The hourly wage shown in Table 14-1 is based on data at: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/22Tables/html/RUS_h.aspx. 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 Calculation

Pay Grade	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.6)	Percent of the Information Collection Completed by Each Occupation	Weighted Average Hourly Cost
GS-7, Step 5	\$24.30	\$38.88	50%	\$19.44
GS-12, Step 5	\$43.10	\$68.96	50%	\$34.48
Weighted Average Hourly Pay Rate (\$/hour)				\$53.92

Table 14-2, below, shows the estimated, annualized Federal costs for each component of this information collection. The estimated time spent to process the information collections is based on the BLM's experience. The weighted average hourly wage associated with these information collections is shown at Table 14-1, above.

Table 14-2: Estimated Annual Federal Burdens

Collection of Information	Number of Responses	Processing Time (hours)	Staff Time (hours)	Weighted Average Hourly Pay Rate (\$/hour)	Federal Cost
Form 5510-1 Free Use Application and Permit for Vegetative Material (Federal, State, or Local Governments)	2	.5	1	\$53.92	\$54
Form 5510-1 Free Use Application and Permit for Vegetative Material (Nonprofit Organizations)	0	.5	0	\$53.92	\$0
Form 5510-1 Free Use Application and Permit for Vegetative Material (Mining Claimants)	34	.5	17	\$53.92	\$917
Form 3604-1a and 1b Free Use Application and Permit for Mineral Material (Federal, State, or Local Governments)	106	.5	53	\$53.92	\$2,858
Form 3604-1a and 1b Free Use Application and Permit for Mineral Material (Nonprofit Organizations)	4	.5	2	\$53.92	\$108
Totals:	146	----	73	----	\$3,937

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

There are no changes proposed for the forms. We are, however, adjusting the total estimated annual burden hours from 124 hours to 73 hours, a reduction of 51 annual burden hours. The reduction of annual burden hours results from adjusting the number of estimated annual response from 247 to 146. The number of annual responses is being adjusted to reflect the average number of applications received by the BLM over the past three years.

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.

The BLM will display the OMB control number and expiration date of the OMB approval on the forms included in this information collection. Additionally, the OMB control number and expiration date are available at www.reginfo.gov

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 requirements outlined in 5 CFR 1320.9.