

## **Supporting Statement A for OMB 0596-0085**

### **Forest Products Removal Permits and Contracts**

#### **Terms of Clearance (5 CFR 1320)**

In accordance with 5 CFR 1320, the information collection is approved.

#### **A. Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Laws, Statutes, and Regulations

- 16 U.S.C. 477
- 16 U.S.C. 492
- 16 U.S.C. 551
- 16 U.S.C. 607 and 607a
- The Food, Conservation, and Energy Act of 2008, § 8105 (Public Law 110-246, 122 Stat. 1651)
- 25 U.S.C. Chapter 32A, § 3055 and § 3066
- 36 CFR 223.1, 223.2, 223.5-223.11
- 36 CFR 223.15
- 36 CFR 261.6

The Food, Conservation, and Energy Act of 2008 (Public Law 110-246, 122 Stat. 1651)[hereinafter the "2008 Farm Bill"], section 8105 authorizes that the Secretary of Agriculture may provide, free of charge, to federally recognized Indian Tribes (Indian Tribes) trees, portions of trees, or forest products from National Forest System (NFS) lands for noncommercial traditional and cultural purposes.

Section 8105 of the 2008 Farm Bill has also been codified in 25 U.S.C. Chapter 32A - Cultural and Heritage Cooperation Authority, section 3055 Forest Products for Traditional and Cultural Purposes. Additionally, Forest Service implementing regulations have been codified at 36 CFR 223.15 and FS issued corresponding permanent policy in its directive system at FSH 2409.18, 82.5. Per FSH 2409.18, 82.53, "Requests for trees, portions of trees, or forest products made under 36 CFR 223.15 must be submitted to the local Forest Service District Ranger's office(s) in

writing. Requests may be made: a. Directly by a tribal official(s) who has been authorized by the Indian tribe to make such requests; or b. By providing a copy of a formal resolution approved by the tribal council or other governing body of the Indian Tribe...Requests for trees, portions of trees, and forest products made under 36 CFR 223.15 must be directed to the appropriate Forest Service District Ranger(s) office from which the items are being requested. Tribal officials are encouraged to explain their requests to the Regional Forester or designated Forest Officer, and if necessary, how the request fits a traditional and cultural purpose. When an Indian Tribe requests forest products located on two or more National Forests, authorized tribal officials should notify each of the affected Forest Service District Ranger's offices of the requests made on other forests. (Reference 36 CFR 223.15(d).)"

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

Regulations at 36 CFR 223.1 and 223.2 govern the sale of forest products such as Christmas trees, pinecones, moss, and mushrooms. Regulations at 36 CFR 223.5 - 223.11 set forth conditions under which free use of forest products may be obtained by individuals or organizations. Regulations at 36 CFR 223.15 set forth conditions under which federally recognized Indian Tribes may request trees, portions of trees, or forest products (free of charge) for their traditional and cultural purposes. 16 U.S.C. 607 provides that a defense against trespass is that the forest products be removed under the regulations. These statutes and the regulations apply to 16 U.S.C. 477, 492, and 607a. Regulations at 36 CFR 261.6 require persons to obtain permits or contracts to remove special forest products from National Forest System lands.

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

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

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

**a. What information will be collected—reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)**

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

The Forest Service or Bureau of Land Management employee issuing the permit collects the forest product(s) requested, vehicle information, and the name and identification information of the requestor. The requestor provides the information orally and the Federal employee enters the information manually on a paper copy of a permit or into an electronic form for processing/printing. Under the 2008 Farm Bill Authority, the federally recognized Indian Tribe/Tribal Official makes their free-use request in writing and submits it to the appropriate local FS District Ranger's Office(s). Should the Indian Tribe/Tribal Official wish proof of possession, as may be required in some States, they could be issued a free-use permit (FS-2400-8). The employee issuing the permit discusses terms and conditions with the permittee prior to any harvesting of forest products.

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

Tribes under the 2008 Farm Bill authority/36 CFR 223.15). This is estimated to be approximately half of the permits issued in a fiscal year.

FS-2400-4/2400-04ANF:

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

This form collects the forest products(s) to be harvested, vehicle information, name, contact information and a tax identification or social security number, which is required to enable the Forest Service to refund cash payments to the purchaser. Refunds under the FS-2400-4/2400-04ANF contract occur in the event the purchaser does not harvest all forest products if inclement weather or other causes beyond the control of the purchaser prevents the harvesting of forest products.

**b. From whom will the information be collected? If there are different respondent categories (such as a loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.**

This information is collected from Individuals/Households, businesses wishing to remove forest products from National Forest System and/or Bureau of Land Management lands. Additionally, this information is collected from federally recognized Indian Tribes wishing to remove trees, portions of trees, or forest products from National Forest System lands for traditional and cultural purposes under the authority of section 8105 of the 2008 Farm Bill (and additionally reference 36 CFR 223.15).

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

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

Identification information is used to verify names and addresses, to record the individuals, and businesses obtaining forest products, and to record the Indian Tribes obtaining free use of trees, portions of trees, or forest products under the authority of section 8105 of the 2008 Farm Bill.

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

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

**d. How will the information be collected (for example forms, non-forms, electronically, face-to-face, over the phone, over the internet)? Does the respondent have multiple options for providing the information? If so, what are they?**

An Agency employee working at a unit office collects the information orally from the respondent (or collects the written request sent, by the Indian Tribe, to the District

Ranger), and the Agency employee either enters the information into a computer for processing and printing or enters the information manually on a paper copy of a permit.

As noted above, under the 2008 Farm Bill, “requests for trees, portions of trees, or forest products ... [would] be submitted to the local FS District Ranger’s Office(s) in writing. Requests may be made: 1) directly by a Tribal Official(s) who has been authorized by the Indian Tribe to make such requests; or 2) by providing a copy of a formal resolution approved by the Tribal Council or other governing body of the Indian Tribe”. Note: A formal resolution is simply an additional option federally recognized Indian Tribes may use to provide their request “in writing”. The federally recognized Indian Tribe may submit their request in any formal of their choosing.

In addition, beginning in calendar year 2020, the agency has made the option available to the public to use Recreation.gov to secure a permit online for Christmas trees at many forests and print their permit out at home instead of traveling to a Forest Service office to get the permit there. The agency will be exploring additional options for electronic permitting for a wider variety of special forest products to provide greater convenience to the public.

Electronic Capability:

Is this collection available electronically? Yes  No

If yes, can this collection be submitted electronically? Yes  No

Each avenue of information collected will need to choose one of the descriptions below:

- Fillable, Fileable
- Fillable, Printable
- Fillable, Fileable, Signable
- Paper only
- Printable only

Include the Uniform Resource Locator (URL):

<https://www.fs.usda.gov/forestmanagement/products/contracts.shtml>

**e. How frequently will the information be collected?**

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

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

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

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

A formal change request was made and subsequently granted, per the February 15, 2017 Notice of Action requesting "no material or non-substantive change to a currently approved collection" - for inclusion of the collection requirements of Rule Identification Number 0596-AD00 (OMB 0596-0023) for federally recognized Indian Tribes wishing to request free use under the authority of section 8105 of the 2008 Farm Bill authority to OMB control number 0596-0085.

**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, such as permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Respondents provide the information verbally to a Federal employee. As noted for federally recognized Indian tribes, the Tribe/Tribal Official makes their request, in writing, to a Federal employee. This request may be made by any means (in writing) at the choice of the respondent, including submission by email.

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

As noted above (part 2d), electronic permitting of Christmas tree permits via Rec.gov was made available to the public on many forests in 2020. Instead of walking into a local office, requestors may buy a Christmas tree permit online and print a copy to serve as proof of purchase while gathering their Christmas tree.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.**

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

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

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

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

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

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Without the collection of this information, the Agency would not be able to fulfill requests from federally recognized Indian Tribes, under section 8105 of the 2008 Farm Bill which has been codified at 25 U.S. C. Chapter 32A, section 3055 (and in FS regulations at 13 CFR 223.15); for those Tribes that wish to have proof of possession, as may be required in some States, through issuance of a FS-2400-8 free use permit.

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

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

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**
- a. Requiring respondents to report information to the agency more often than quarterly.**
  - b. Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt.**

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

Forms FS-2400-1 (BLM 5450-24) and FS-2400-8 require the "Permittee...complete the Product Quantity Removal Record in ink prior to transporting products..." for harvests other than those that are for only one or two loads of firewood, a few Christmas trees, a few bushels of pine cones, or other small quantities of forest products that may not require record keeping (and includes permits issued under the 2008 Farm Bill authority/36 CFR 223.15).

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

- c. Requiring respondents to submit more than an original and two copies of any document.**
- d. Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.**

The FS-2400-1 and FS-2400-8 permits require a record retention requirement of three years per FSH 6209.11, 41 Part 04. The small permits that are for only one or two loads of firewood, a few Christmas trees, a few bushels of pinecones, or other small quantities of forest products will not require recordkeeping (including for FS-2400-8 permits issued under the 2008 Farm Bill authority/36 CFR 223.15).

The FS-2400-04ANF contract form has a record retention requirement of six years per FSH 6209.11, 41 Part 04 (unless issued by the Washington Office in which case the record retention requirement is ten years).

- e. **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.**
- f. **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.**
- g. **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.**
- h. **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

On August 05, 2025, a 60-Day Federal Register notice was published at 90 FR 37460. A copy of this Federal Register notice is included in this package.

No public comments were received

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

As noted in 2d. above, beginning in calendar year 2020, the agency has made the option available to the public to use Recreation.gov to secure a permit online for Christmas trees at many forests and print their permit out at home instead of traveling to a Forest Service office to get the permit (FS-2400-1) there. As part of

this effort, program coordinators on participating forests sought feedback from the public and shared the feedback they received on the effort with the Washington Office after the season was over.

Customers stated a number of key points on the paper 2400-1 permit vs the electronic

The time spent on providing the information needed for either the paper permit (FS-2400-1) or the e-version on Rec.gov was about the same (~5 minutes) to be able to secure their permits and go out and cut their Christmas tree.

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

There are no payments or gifts to respondents.

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

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

Additionally, reference 25 U.S.C. Chapter 32a, Section 3056 *Prohibition on disclosure* which directs the Secretary to not disclose “under section 552 of title 5 (commonly known as the “Freedom of Information Act”), information relating to ... human remains or cultural items reburied on NFS land under section 3053 of this title; or ... resources, cultural items, uses, or activities that ... have a traditional and cultural purpose; and ... are provided to the Secretary by an Indian or Indian Tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the FS ...”

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

The DOI Privacy Act System of Records DOI/LLM-16 (Mineral and Vegetable Material Sales), covers the collection, maintenance, and use of information collected from private citizens on form BLM-5450-24.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form.**

**Table 1**

DESCRIPTION (B)	REPORTING					RECORD KEEPING			RESPONDENT COST	
	NO. OF RESPONDENTS (D)	NO. OF RESPONSES PER RESPONDENT (E)	TOTAL ANNUAL RESPONSES (Col. D x E) (F)	HOURS PER RESPONSE (G)	TOTAL HOURS (Col. F x G) (H)	NO. OF RECORD KEEPERS (I)	ANNUAL HOURS PER RECORD KEEPER (J)	TOTAL HOURS RECORD KEEPING (Col. I x J) (K)	COST PER HOUR (L)	TOTAL COST (Col. H x L) (M)
SUBTOTAL - Private Sector	26315	6	52630	0.24	4210.4	19736.25	0.24	1578.9	97.98	\$137,511.66
SUBTOTAL - Households and Individuals	98683	6	197366	0.24	15789.28	49341.5	0.24	3947.32	97.98	\$515,677.88
SUBTOTAL - State, Tribal, Local Government	6578	6	13156	0.24	1052.48	3289	0.24	263.12	97.98	\$34,374.00
SUBTOTAL - Federal Government	0	6	0	0.24	0	0	0	0	0	\$0.00
<b>TOTAL ALL SHEETS</b>	131576	24	263152	0.96	21052.16	72366.75	0.72	5789.34	293.94	\$687,563.55

**Record keeping burden should be addressed separately and should include columns for:**

**a) Description of record keeping activity:**

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

As previously stated, the small permits that are for only one or two loads of firewood, a few Christmas trees, a few bushels of pinecones, or other small quantities of forest products will not require record keeping (including permits issued to federally recognized Indian Tribes under the 2008 Farm Bill authority/36 CFR 223.15). This is estimated to be approximately half of the permits issued in a fiscal year.

**b) Number of record keepers:**

It is estimated that 1/2 of all referenced forms will require record keeping.

**c) Annual hours per record keeper:**

Time spent performing basic record keeping function is estimated at ~ 5 minutes.

**d) Total annual record keeping hours**

Please see Table 1.

**Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Please refer to Table 1.

**13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There are no capital/start-up or operation and maintenance costs.

**14. Provide estimates of annualized cost to the Federal government.**

**Table 2. Estimates of annualized cost to the Federal government**

Action Item	Personnel	GS Level	Hourly Rate*	Hours	Salary
FS-2400-8	Forest Officer	7/5	35.27	1820	\$ 64,191.40
FS-2400-1/BLM-5450-24	Forest Officer	7/5	35.27	16120	\$568,552.40
FS-2400-4/2400-04ANF	Contracting Officer	11/5	52.20	20	\$1,044.00
Print Forms					\$40,000.00
Computer O&M					\$300,000.00
Total Annual Cost to Federal Government					\$973,787.80

\*Taken from: [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/RUS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/RUS_h.aspx) Cost to Government calculated at hourly wage multiplied by 1.3.

**15. Explain the reasons for any program changes or adjustments reported on the burden worksheet (IC staff paste answer into ROCIS Burden Short Statement Block).**

This renewal submission continues to use a 10-year average of respondents (Table 1) to better reflect the average over a longer period of time.

**16. For collections of information whose results are planned to 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.**

The collected information is not published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate..**

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

**18. Explain each exception to the certification statement, "Certification Requirement for Paperwork Reduction Act."**

- On behalf of this USDA Forest Service, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).