

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Supporting Statement
Emergency Conservation Program
OMB Number 0560-0082

7 CFR §701 - Emergency Conservation Program (ECP) (and Certain Related Programs Previously Administered Under This Part)

This is a request to obtain OMB clearance for the revision of a currently approved information collection.

Status of Rules:

The Final Rule was published on August 16, 2007 at 72 FR 45879. The funding is provided to the ECP and required that the Adjusted Gross Income Limitation (AGI) apply to the distribution of the funds. The 60-day Notice was published separately to solicit public comments on revision of information collection. The final rule is not changing the current information collection requirement but to include the collection of AGI information only for ECP.

Change(s) to the Information Collections Since Last Submission:

The following will affect the last submission of the information collection package:

P. L. 110-28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (the 2007 Act), enacted May 25, 2007, approved the appropriation of \$16 million to the ECP and included provisions for having the Adjusted Gross Income Limitation (AGI) at Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) apply with respect to assistance provided under the 2007 Act. The act mandates the use of new form CCC-526 (10-15-01) to capture AGI information. The form is exempt from PRA as indicated in the PRA statement but we must request for OMB approval for the ECP only in this information collection.

Also, there are no recordkeeping requirements generated by the regulations. The record keeping requirements associated with receiving cost-share payments would be maintained as normal business practices, have no burden impact, and have been previously approved under OMB No. 0560-0082.

Justification

1. Circumstances Making Collection of Information Necessary.

The Farm Service Agency (FSA), in cooperation with the Natural Resources Conservation Service (NRCS), the Forest Service (FS), and other agencies and

organizations, provides eligible producers and landowners cost-share incentives and technical assistance through several conservation and environmental programs to help farmers, ranchers, and other eligible landowners and operators conserve soil, improve water quality, develop forests, and rehabilitate farmland severely damaged by natural disasters.

The Conservation Reserve Program (CRP) authorizes by the Food Security Act of 1985, as amended. The CRP is a voluntary program that offers annual rental payments and cost-share assistance to establish long-term resource-conserving covers on eligible land. Under the CRP, FSA will pay up to 50 percent of the eligible cost of establishing a permanent cover on CRP land. Eligible land must be land that is under a CRP contract.

The Emergency Conservation Program (ECP), authorized by the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), provides emergency funds for sharing with agricultural producers the cost of rehabilitating farmland damaged by natural disaster, and for carrying out emergency water conservation measures during periods of severe drought. Financial assistance for ECP measures may be made available in any State or area which has experienced a natural disaster of such magnitude that emergency measures, as determined by the local FSA county committee are required.

2. How and by Whom, and for What Purposes is This Information Used.

Form AD-245 is used to request assistance and certify completion to receive cost-share payments for the CRP and ECP. The FSA county committee receives the information collected on the AD-245 to determine if the person, land, and practices are eligible for participation in the respective program and to receive cost-share assistance. The AD-245 is also used by the FSA county committee to document actions taken on eligible requests which fall within the established goals and priorities identified by the FSA county committee, for addressing the problems in the county within available funds. Eligible participants are required to report performance on the AD-245 and supply or have available certain receipts and/or sales documents to substantiate the actual cost incurred for performing the work. County FSA offices compute cost-share payments earned by participants based on the information reported by the applicant that is substantiated by the receipts and/or sales documents.

Instructions for completing AD-245 are self explanatory but assistance in filling out the form is available at the FSA County Office.

FSA-18 is an applicants' agreement to complete an uncompleted practice. The applicant completes the form, using data from the AD-245, page 2, to agree in writing to complete a practice. The form is used primarily when an applicant receives a partial payment for an uncompleted practice.

Form FSA-849 is required to ensure capture insurance payment data which shall be used to ensure that payments, as authorized by the Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006, are correctly

made. Instructions for completing FSA-849 will be provided upon visiting the local county FSA office.

Form CCC-526, Payment Eligibility Average Adjusted Gross Income Certification, is a form in which an individual or an entity certifies their average gross income. This form is used to determine whether an individual producer or an entity would be eligible for program benefits. Instructions on completing this form are self explanatory. Form CCC-526 is currently used in county offices for other FSA programs and only producers who have not participated in any other programs would be required to complete a new form. The 90,000 respondents reflects both the current producers on file with FSA and new producers who are not yet captured in the FSA system, who would be required to complete the form.

3. Use of Improved Information Technology

This information collection is already in compliance with Government Paperwork Elimination Act which directs agencies to allow the option of electronic submission where practicable for the public.

The FSA-18 is available at <http://forms.sc.egov.usda.gov/eforms/mainservlet> for the public to do electronic submission to FSA by following the instructions provided.

To help the FSA County Office assist the producer in completing form AD-245, the FSA System 36 has automated the AD-245, which simplifies the preparation of the form with computer supplied data and automated calculations. FSA has also automated aspects of its conservation programs to aid in the monitoring of funds and to produce monthly administrative status reports.

Form FSA-849 may be electronically accessed and will be completed and submitted while visiting the local county FSA office.

The CCC-526 is available at <http://forms.sc.egov.usda.gov/eforms/mainservlet> for the public to do electronic submissions to FSA. Instructions are self-explanatory.

4. Efforts to Identify Duplication.

The information collected on the forms used in the CRP and ECP are not duplicated by any other collection methods. The information relates specifically to practices and practice components that are designed specifically to the intentions on the individual programs.

5. Methods to Minimize Burden on Small Business or Other Small Entities.

The information collected does not adversely impact small businesses or other small entities.

6. Consequences if Information Collection Were Less Frequent.

If this information is collected less frequently, FSA will not be able to make eligibility determinations and compute payments in a timely manner.

7. Special Circumstances

1. Requiring respondents to report information to the agency more often than quarterly; **the respondents are not required to report more often than quarterly.**
2. Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; **The respondents are not required to write response to this information collection.**
3. Requiring respondents to submit more than an original and two copies of any document; **The respondents are not required to submit more than an original and two copies of documents. .**
4. Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; **The respondents are not required to retain records more than three years.**
5. 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; **This information collection does not contain any statistical survey.**
6. Requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **This information collection does not contain any statistical survey.**
7. 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 **This information collection does not contain any statistical survey to meet the pledge of confidentiality.**
8. 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. **The respondents are not submitting any proprietary trade secret or other confidential information.**

8. Federal Register Notice, Summarization of Comments, and Consultation with Persons Outside the Agency.

A Federal Register Notice and request for comment was published on July 26, 2007 at 72 FR 41051. No comments were received.

The agency previously contacted the following persons for consultation on the use of the AD-245 and FSA-18. The names and addresses of those producers are:

Phil Brockman
P. O. Box 457
Aroda, VA 22709

Kenneth Stehr & Sons
RR1, Box 111
Pitman, PA 17964-9235

Andy Mack Penny
8197 NC 50 Hwy.
Angier, NC 27501

No one was contacted concerning the use of the CCC-526 in administering the ECP. The CCC-526 is currently in use in county offices and is a self-certifying, self-explanatory form. The CCC-526 is handled by the Production, Emergencies, & Compliance Division.

9. Explain Any Decision to Provide Any Payment or Gift to Respondents.

There are no plans to provide any payment or gift to respondents.

10. Confidentiality Provided to Respondents.

ECP requests are handled according to established FSA procedures implementing the Privacy and Freedom of Information Act of 1974, and OMB Circular A-130, Responsibilities for the Maintenance of Records about Individuals by Federal Agencies.

11. Questions of a Sensitive Nature.

No data is collected on these forms that may be considered sensitive or personal in nature.

12. Estimates of Burden.

Based on the additional funding provided for the ECP and CRP by the Act, we anticipate that there will be 90,000 respondents for conservation program participation and AD-245 requests for cost-share. Each respondent will complete one AD-245 annually. Each response will average 15 minutes for a total public burden of 22,500 hours.

Based on revised estimates for conservation program participation and FSA-18 agreement to complete a practice, there will be approximately 300 respondents. Each respondent will complete one FSA-18 annually for a total of 300 responses. Each response will average 10 minutes for a total public burden of 50 hours.

We estimate that there will be 120 applicants for the special poultry house practice. Each certification statement will take the applicant approximately 15 minutes to complete which will mean a public burden of 30 hours.

We estimate that there will be 360 applicants who require new AGI certification. Form CCC-526 is currently used in county offices for other FSA programs and only producers who have not participated in any other programs would be required to complete a new form. Each CCC-526 self certification form would take about 5 minutes to complete which will mean a public burden of 30 hours.

There is a burden of travel time for respondents who come into the FSA county office to request cost-share assistance under the CRP or ECP. It is estimated that because of additional activity due to the Act, approximately 45,000 (roughly 50 percent) of the respondents will have travel time to and from the county office. Each trip is estimated to take 60 minutes for a total public burden hours of 45,000.

Total burden hours are 67,610.

The average hourly rate for the respondents is \$12.00. The respondent's annual cost burden associated with this information collection is \$811,320 (67,610 x \$12.00).

13. Total Annual Cost Burden to Respondents or Record Keepers.

There are no start-up or capital investment costs associated with this information collection.

14. Provide Estimates of Annualized Cost to the Federal Government.

The estimated annualized cost to the Federal Government is

Paper, storage, and dissemination of data:\$12,621
(180,300 forms times \$.07 per form: AD-245 page 1
and page 2 [90,000 times 2] and FSA-18 [300])

Program administration:

Average PA salary at GS-5 step 5 (\$30,261) and
GS-7 Step 5 (\$37,481) = \$33,871 or 16.28/hour.
Average CED salary at GS9 Step 5 (\$45,848) and GS 11 Step 5
(\$50,489) = \$20.16/hour.
Average for County Office = \$18.22

To process an AD-245 through all its steps will take 30 minutes.
90,000 AD-245's x 30 minutes times \$18.22 = \$819,900

To process an FSA-18 takes 5 minutes. 300 times 5 minutes

times \$18.22 = \$455

To process CCC-526 will take about 15 minutes. 360 times 15 minutes times \$18.22 = \$1,640

To process the FSA-849 will take about 5 minutes. 120 times 5 minutes times \$18.22=\$182

ECP Program Manager: GS-14 step 5 salary at \$106,331 per year=\$106,331.

Total estimated annualized cost to the Federal Government=\$928,508.

15. Reasons for Change in Burden

The total burden hours will increase by 30 burden hours (67,610 hours minus 67, 580 hours). The program change is due to the use of new form CCC-526, mandated by the 2007 Act.

16. Tabulation, Analysis, and Publication Plans.

The number of applications filed and the number of approvals are not tabulated and published as such. However, at the end of each fiscal year, data are compiled which includes the number of farms and participants, practice accomplishments by units completed, and cost-shares earned. The data is published annually and used by managers responsible for the programs. The publication is also furnished to other agencies and others interested in the programs.

17. Reasons Display of Expiration Data of OMB Approval is Inappropriate.

Because forms AD-245, FSA-18, and FSA-849 are automated, display of expiration date of OMB approval would require FSA to update the software and the form every 3 years.

18. Exceptions to 83-1 Certification Statement.

The FSA is able to certify compliance with all provisions under Item 19 of OMB Form 83- I.

19. How is This Information Collection Related to the Customer Service Center. Will This Information be Part of Their One-Stop Shopping.

The CRP and ECP services are available to farmers through FSA County Offices and USDA Service Centers. Also, the electronic form of FSA-18, FSA-849, and CCC-526 are available at <http://forms.sc.egov.usda.gov/eforms/mainervlet> to the public. Any agencies under the U.S. Department of Agriculture that have a similar conservation programs and the farmers use the AD-245.