

Supporting Statement for Paperwork Reduction Act Submissions

CERTIFICATION SUMMARY FORM AND REPORTING SUMMARY FORM FOR ACREAGE LIMITATION 43 CFR PART 426 AND 43 CFR PART 428 CURRENT OMB APPROVAL NO. 1006-0006

Terms of Clearance

“Upon its next request for OMB approval, the agency must provide an option for electronic submission of the reporting summary form.

In accordance with 5 CFR Part 1320, in order for OMB to assess the utility of the information collected, upon its next request for OMB approval the agency shall provide: (1) a report detailing investigations over the period of OMB approval by BOR and the Districts based on discrepancies between the summary reports and the individual reports; and (2) an explanation of the need of some BOR regional offices to request summary reports more frequently than once per year.”

The Bureau of Reclamation (Reclamation) has addressed the issue of electronic submission of both the certification and reporting summary forms by issuing guidance dated December 30, 2008, which outlines the process districts must use in order to electronically submit district summary forms. Districts may request a personal identification number (PIN), unique to a particular water year, to be entered in lieu of a signature on the submitted summary form. Reclamation provides the requesting district with electronic files of the summary forms that Reclamation staff has secured with the district’s PIN. The requesting district, and Reclamation (once the forms are electronically submitted via e-mail) must use the district’s PIN to open the electronic files. See item 3 below for more clarification.

With regard to a report on the “discrepancies between the summary reports and the individual reports,” Reclamation’s cyclical water district review cycle has been addressing the issue of such discrepancies since the implementation of the Reclamation Reform Act of 1982 (RRA) in October of 1992. Reclamation’s water district review schedule ensures that every district is reviewed at least once every 5 years. Reclamation staff visit a water district and conduct an in-depth review of the RRA forms submitted by individuals in the district during the water years that have elapsed since Reclamation conducted its most recent review at the district. As part of the review activities, the visiting Reclamation staff will compare the data on the individual RRA forms collected by the district with the data reported by the district on the district summary forms. Products of every water district review include a formal written report from Reclamation’s water district review team that details the review findings and documents corrections required (if any) to the RRA forms reviewed (including a schedule for providing those corrections to Reclamation). Also generated from the findings at water district reviews are the bases for audits that may be required on certain landholdings. In all cases, the water district review report generated at the conclusion of every water district review provides detailed information on the proceedings, findings, and resolution of all water district review activities.

Reclamation rarely requests district summary forms more frequently than once per year. The reason Reclamation may issue such a request typically pertains to correction of errors (e.g., submittal of a corrected form if Reclamation finds errors during a water district review). There are reasons a district may choose to submit more than one district summary form per year, such as the addition of data for landholdings of a new landholder in the district if the addition takes place after RRA summary forms have been submitted for the year. In such a case, the district's submittal of a new summary form would be of the district's choosing and not at Reclamation's request.

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, 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 in Section a below. If an item is not applicable, provide a brief explanation. When item 17 of the OMB Form 83-I is checked "Yes," Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

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.

The **Reclamation Act of 1902** established a policy of Federal assistance through irrigation development. Among other requirements, the Reclamation Act of 1902 provided that federally developed water (irrigation water) could not be delivered to more than 160 acres per individual ownership. The delivery of irrigation water to leased land was not restricted.

These provisions were amended on October 12, 1982, when President Reagan signed into law the **Reclamation Reform Act of 1982 (RRA)**. The RRA permits individual landholders and irrigation districts (districts) the option of remaining subject to the ownership and pricing provisions of prior law (prior law) or becoming subject to the ownership and pricing provisions of the new law (discretionary provisions). The discretionary provisions, found in sections 203 through 208 [except for section 203(b)], of the RRA allow for the delivery of irrigation water to up to 960 acres owned by an individual or an entity benefiting 25 or fewer persons and up to 640 acres owned by an entity benefiting more than 25 persons. The new law also sets forth conditions for charging a full-cost rate for irrigation water deliveries.

The discretionary provisions apply only to districts that enter into new or amendatory water service or repayment contracts with the United States. Districts that had existing contracts with the United States as of the date of the RRA and that do not amend their contracts to conform to the discretionary provisions are subject to prior law. In districts that do not amend their

contracts to conform to the discretionary provisions, landowners or lessees (landholders) may individually elect to comply with the discretionary provisions. Certain provisions of the RRA apply to all districts, regardless of whether they amend their contracts to conform to the discretionary provisions or remain subject to prior law.

Section 206 of the RRA requires that as a condition to receiving irrigation water, each landholder in a district that is subject to the discretionary provisions “. . . shall furnish the district in a form prescribed by the Secretary, a certificate that they are in compliance . . .” with the provisions of the Act. They must also include a statement of the number of acres leased, the term of any lease, and a certification that the rent paid reflects the reasonable value of the irrigation water to the productivity of the land.

Section 228 of the RRA further requires that any district subject to the acreage limitation provisions of Federal reclamation law must compile and maintain such records and information as the Secretary deems reasonably necessary to implement the provisions of Federal reclamation law. Every district is to provide, in a form suitable to the Secretary, such reports on the above matters as the Secretary may require. These sections are further codified by **section 224(c)**, which requires the Secretary to “. . . collect all data necessary to carry out the provisions of this title and other provisions of Federal reclamation law.” **Sections 426.18 and 426.19 of the Acreage Limitation Rules and Regulations (43 CFR part 426) (regulations)** describe forms submittal requirements.

Section 5302 of the Omnibus Budget Reconciliation Act of 1987 contains amendments to the RRA which affect this information collection in two ways: (a) the Bureau of Reclamation (Reclamation) is required to audit all farm operations larger than 960 acres, and (b) land held by revocable trusts (as defined by the RRA) in certain cases must be attributed to the trusts’ grantors.

In 1988, the Natural Resources Defense Council (NRDC) filed a lawsuit challenging the validity of the 1987 version of the regulations and the 1988 revisions to those regulations. On July 26, 1991, the United States District Court for the Eastern District of California (Court) ruled that the current regulations were unlawful because Reclamation failed to prepare an environmental impact statement prior to the adoption of the regulations. The Court issued an order on March 10, 1993, declaring among other things that the current regulations would remain in effect on an interim basis pending completion of a new rulemaking. In 1993, a Settlement Contract was executed resolving the lawsuit which required Reclamation to propose new regulations implementing the RRA. The regulations were finalized and published in the Federal Register in December 1996 (61 FR 66754, Dec. 18, 1996). In the finalized regulations, **section 426.10 was revised** and became effective January 1, 1997. The rest of the revisions to 43 CFR part 426 became effective on January 1, 1998, at which time section 426.10 was **renumbered as section 426.18** (as referenced at the top of this page).

During the above rulemaking process, Reclamation received a number of comments regarding the compliance of certain large trusts with the acreage limitation provisions of Federal reclamation law. Comments expressed a variety of viewpoints, including the assertion that some trusts with landholdings (owned or leased land) in excess of 960 acres circumvent the

requirements of Federal reclamation law. Because of this, Reclamation published an advanced notice of proposed rulemaking (ANPR) in the Federal Register (61 FR 66827, Dec. 18, 1996) that asked the public to comment on various issues concerning trusts and the delivery of Reclamation irrigation water to trusts.

Based on the comments received during the ANPR and the previous rulemaking process, Reclamation published a final rule in the Federal Register (65 FR 4324, Jan. 26, 2000) entitled: Information Requirements for Certain Farm Operations in Excess of 960 Acres and the Eligibility of Certain Formerly Excess Land. This rule added a new part (**43 CFR part 428**) to Reclamation's regulations to supplement the Acreage Limitation Rules and Regulations in 43 CFR part 426. This rule was effective on January 1, 2001, except for those districts whose water year began prior to January 1st; in such cases the effective date was October 1, 2000.

Forms submittal requirements were established for certain farm operators in **43 CFR 428.4 through 428.8**. In considering the issues associated with certain farm operators being required to submit RRA forms (specifically, farm operators providing services to more than 960 acres westwide held in trusts or by legal entities), Reclamation also requested comments on whether current RRA forms should be modified to accommodate the additional information requirements applicable to farm operators, or if an entirely new form should be developed for farm operators. Based on the comments received, it was decided that a separate form should be completed by the applicable farm operators. Reclamation developed a new form for such farm operators to use, and a new form for districts to list the information received from such farm operators. The districts' form for farm operators received OMB approval in the year 2000 under the current OMB approval number (1006-0006) in anticipation of finalization of 43 CFR part 428; however, this form was not used until 43 CFR part 428 became effective for the 2001 water year.

In accordance with the requirements of the RRA, an information collection has taken place since 1984 to administer and enforce the acreage limitation provisions of Federal reclamation law. The forms included in this information clearance package are a revision of the current forms, and reflect the requirements of **43 CFR 426.19** that became effective January 1, 1998, and **43 CFR 428.4 through 428.8** that generally became effective January 1, 2001.

As required by the RRA, the forms included in this information clearance package are to be used by districts to summarize the data received from individual landholders and farm operators. The "District Summary of Certification Forms" (Form 7-21SUMM-C) summarizes landholdings and landholders that are subject to the discretionary provisions. The "District Summary of Reporting Forms" (Form 7-21SUMM-R) summarizes landholdings and landholders that remain subject to prior law.

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 RRA forms (as currently approved in another information collection under OMB clearance number 1006-0005) are to be completed by each landholder and certain farm operators subject to the acreage limitation provisions of Federal reclamation law. These forms will be submitted to the district where the land is located. Each district will use the data in the forms to **(a) determine the total number of acres each landholder is entitled to irrigate under Federal reclamation law, (b) determine the rate to be charged for such water deliveries, and (c) identify farm operators providing services to more than 960 acres westwide held in trusts or by legal entities within the district.** Districts are required to summarize this information about individual landholdings and certain farm operators using Forms 7-21SUMM-C and 7-21SUMM-R, and to annually submit these forms to Reclamation.

The summary forms meet the statutory requirements included in section 228 of the RRA. If Reclamation did not require summary forms from districts showing all landholders' data, Reclamation would not know if RRA section 228 requirements were being satisfied. Summary forms indicating large amounts of unreported acreage, or significant discrepancies between the reported acreage and the congressionally authorized acreage for any particular district, will alert Reclamation to potential compliance problems in that district. Thus, the **summary forms are a primary tool for prioritizing districts for Reclamation audits.** Also, Reclamation's experience to date has shown that compliance problems are frequently revealed through mathematical discrepancies in the summary forms. For example, a summary form showing 3,000 acres leased by two landholders, but showing no full-cost acreage, almost certainly indicates a compliance problem. (Generally speaking, the maximum nonfull-cost acreage that could be leased by two landholders would be 1,920 acres.)

The breakdown of landholder data into various farm size categories and the summarization of owned, leased, excess, and full-cost acreage, gives Reclamation valuable information on land tenure on Reclamation projects. Reclamation frequently receives inquiries from the Congress, the public, and various other parties on land tenure, excess acreage, etc., for specific districts. This information is often critical in making legislative and policy decisions. Reclamation's inability to quickly answer such questions has, in the past, subjected Reclamation to criticism. The summary forms give Reclamation the ability to expeditiously answer such inquiries. It should be noted that in general, Reclamation does not collect the forms submitted by landholders, and those that are collected are not retained permanently. Thus, the district summary forms are the only permanent record maintained by the Federal government on the acreage limitation program that provides this data.

The moderate level of detail and categorization specified in the summary forms forces districts to examine data contained in each landholder's RRA form (as currently approved under OMB clearance number 1006-0005). We believe this procedure is invaluable in helping districts discover false and/or erroneous reporting. It must be remembered that district officials are not Federal employees and generally consider themselves to be representatives of the farmers'

(not the Government's) interests. If we did not require districts to transfer landholder data to summary forms in reasonable detail, the majority of landholder forms would likely never be reviewed until a Reclamation review took place.

Also, this moderate level of detail and categorization gives Reclamation some definite parameters to determine districts' attention to forms requirements. If, for example, all landholdings below 960 acres were summarized in a single category, as has been suggested, it would be far more difficult for Reclamation to determine whether a district had, in fact, examined landholder forms at all. For these reasons, we believe the level of detail prescribed in the enclosed summary forms is necessary and appropriate.

The forms and the instructions to those forms were extensively revised for the 2000 water year to meet the requirements of President Clinton's June 1, 1998, memorandum which stated that all forms to be completed by the public must be written in "plain language" by the year 2001. Since then, further revisions have been made to promote this objective and enhance the clarity and consistency of the forms. The changes made to the currently approved forms in order to obtain the draft forms proposed for approval are predominantly editorial and typographical in nature, with the intent to facilitate the respondents' ease in form completion and increase the clarity of the forms for the respondents. Such changes were also designed to improve the specificity of the information provided by the respondents so that Reclamation can ensure proper administration of the acreage limitation provisions.

List of forms

Following is a list of district summary forms, their corresponding tabulation sheets, and a brief discussion of the purpose of each form. A detailed discussion of the purpose of each question on the forms is provided in Attachment 1.

Form 7-21SUMM-C is to be used by districts to summarize landholdings and landholders subject to discretionary provisions. Districts that are subject to discretionary provisions also summarize the landholdings of all trusts and all public entities in their districts. The summarization is derived from tabulation sheets that are explained below. Reclamation requires that districts use and submit the following tabulation sheets, except where noted, to facilitate completion of the summary forms and to aid in fulfilling specific requests for information. This has eliminated numerous requests to districts for detailed information.

Tabulation A tabulates information from certification forms submitted by individuals and entities.

Tabulation B tabulates information from forms submitted by trusts and estates.

Tabulation C tabulates information from forms submitted by public entities.

Tabulation D tabulates information from certification forms submitted by religious or charitable organizations.

Tabulation E tabulates errors or infractions detected in the review and compilation of landholder forms (e.g., forms nonsubmittal by landholders whose westwide landholdings exceed the forms submittal threshold, erroneous or incomplete landholder information where failure to complete RRA forms properly will jeopardize the landholders' eligibility to receive Reclamation irrigation water, etc.). District reporting of errors will help Reclamation verify that districts took appropriate action in the case of infractions, and facilitate Reclamation's efforts to administer and enforce the acreage limitation provisions of Federal reclamation law.

Tabulation F is an optional form, provided only for district convenience, to detail and tabulate information concerning part owners who indirectly hold land. While indirect landholding information is not addressed on any other tabulation sheet and is consequently not transferred to Form 7-21SUMM-C or Form 7-21SUMM-R, summarized part owner information can be used by both districts and Reclamation.

Tabulation G tabulates information from forms submitted by farm operators who provide services to more than 960 acres westwide held in trusts or by legal entities.

Form 7-21SUMM-R is to be used by districts to summarize landholdings and landholders that are subject to prior law. Districts that are subject to prior law also summarize the landholdings of all trusts and all public entities in their districts. The summarization is derived from tabulation sheets that are explained below. Reclamation requires that districts use and submit the following tabulation sheets, except where noted, to facilitate completion of the summary forms and to aid in fulfilling specific requests for information. This has eliminated numerous requests to districts for detailed information.

Tabulation A tabulates information from reporting forms submitted by individuals and entities.

Tabulation B tabulates information from forms submitted by trusts and estates.

Tabulation C tabulates information from forms submitted by public entities.

Tabulation D tabulates information from reporting forms submitted by religious or charitable organizations.

Tabulation E tabulates errors or infractions detected in the review and compilation of landholder forms (e.g., forms nonsubmittal by landholders whose westwide landholdings exceed the forms submittal threshold, erroneous or incomplete landholder information where failure to complete RRA forms properly will jeopardize the landholders' eligibility to receive Reclamation irrigation water, etc.). District reporting of errors will help Reclamation verify that districts took appropriate action in the case of infractions, and facilitate Reclamation's efforts to administer and enforce the acreage limitation provisions of Federal reclamation law.

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Tabulation G tabulates information from forms submitted by farm operators who provide services to more than 960 acres westwide held in trusts or by legal entities.

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].

Reclamation has made all of the RRA forms in this information collection and the associated instructions available on the Internet for printing and manual completion, electronic completion and manual submission, or electronic completion and submission. This effort was fully accomplished in October 2004 for electronic completion, and December 2008 for electronic submittal. These forms can be found at www.usbr.gov/rra. Since 1997, Reclamation has offered districts the opportunity to develop their own electronic RRA forms. In 1997 Reclamation developed standards for computerized RRA forms which several districts and companies have used to develop substitute forms in word processing, database, and spreadsheet files. Reclamation's standards require Reclamation's inspection and approval of such electronic RRA forms prior to their use. While the districts use the substitute forms they have developed to complete forms for their landholders and the district's summary forms, at least one private company has developed a software package of substitute RRA forms that they have marketed to the public.

The next phase of Reclamation's effort to make the RRA forms compliant with Government Paperwork Elimination Act implementation, and to address a term of clearance for this information collection, was to implement the process of electronic district summary forms completion and submittal. In guidance dated December 30, 2008, Reclamation provided to water districts the process districts must use in order to electronically submit district summary forms to Reclamation. In summary, a district may request a PIN which is unique to a particular water year. That PIN will be entered in lieu of a signature on the submitted summary form. Reclamation provides the requesting district with electronic files of the summary forms that Reclamation staff has secured with the district's PIN for that water year. The requesting district and Reclamation (once the forms are electronically submitted via e-mail) must use the district's PIN to open the electronic files, thereby ensuring file security and privacy. Reclamation prints a hard copy of the submitted summary form(s) and tabulation sheet(s) for permanent retention in the acreage limitation program files. Since Reclamation has no authority to mandate electronic submittal, at this time and for the foreseeable future electronic submittal is voluntary for the districts that submit the RRA forms in this IC. Districts subject to the acreage limitation provisions vary widely in their staffing levels and technological capabilities. Therefore, while

some districts may have the staff and equipment to utilize the electronic submittal option, other districts are not capable of electronic submittal at this time. Although Reclamation has, to the best of its ability, made the electronic submittal option available for use, it will be difficult to estimate year to year the number of districts that will choose to submit electronically. At this time, only 6 of the 210 respondents for this IC have indicated intent to make use of the electronic submittal option.

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.

The acreage limitation provisions of Federal reclamation law apply only to certain Reclamation projects that provide irrigation water for agricultural purposes; consequently, similar data are neither collected nor available through any other Federal agency, State or local government, or private organization. An attachment to a letter from Mr. Scott J. Cameron, Deputy Assistant Secretary for Performance and Management (Department of the Interior), to U.S. Representative Doug Ose regarding an April 11, 2002, hearing on Paperwork Reduction Act issues (specifically, pages two and three of the attachment to Mr. Cameron's letter) detail the following general findings:

- a. Not all of Reclamation's customers participate in USDA programs, and most of USDA's customers do not receive Reclamation irrigation water.
- b. Reclamation and USDA do not use the same categories of program respondents due to statutory and regulatory program requirements.
- c. The level and nature of detail in USDA and Reclamation information collections differs in such ways that it is clear USDA data would not be sufficient to allow Reclamation to properly administer and enforce the acreage limitation provisions of Federal reclamation law.
- d. RRA forms are filed at the local (district) level; USDA forms are filed at county offices with little centralization of that data.

For the foregoing reasons, it has been determined that there is no duplication with regard to this particular data collection.

5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Water user organizations are the respondents to this information collection. Reclamation has carefully analyzed this requirement to ensure that the information requested of these organizations is the minimum necessary to implement and enforce the acreage limitation provisions of Federal reclamation law.

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.

Section 228 of the RRA and section 426.19 of the regulations specify that districts must report to Reclamation on an annual basis. The collection of this information on a less frequent basis, or not at all, would violate these provisions of law. Also, if information were collected and verified on a less frequent basis, enforcement of the law would be weakened, and landholders and districts would become less aware of the continuing requirement for compliance with the acreage limitation provisions of Federal reclamation law.

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.

Some Reclamation regional offices require districts to update summary forms as they receive more forms from their landholders. Also reference the discussion on this issue in the “Terms of Clearance” section above.

b. Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

This would never be required.

c. Requiring respondents to submit more than an original and two copies of any document.

This would never be required.

d. Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years.

Retention of records provisions are not applicable to district summary forms. Forms 7-21SUMM-C and 7-21SUMM-R are submitted by the districts to Reclamation, and Reclamation’s Records Retention Schedule (approved by the National Archives and Records Administration) identifies these forms as permanent records.

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.

The summary forms will not be used this way.

f. Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

Statistical data classification will not be used.

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.

A pledge of confidentiality is not used.

h. 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.

This will not be required as part of the summary forms.

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 the 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.

Notice was given in the Federal Register on October 24, 2008 (73 FR 63508, Oct. 24, 2008). No comments were received on this information collection.

a. 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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Public hearings were held in 1982 after the RRA was enacted. Comments were received from individual farmers, corporations, and organizations representing various farming and nonfarming interests. Among the comments received were those that specifically addressed the certification requirement of the RRA. Comments expressing that forms not be required from every landholder resulted in the then proposed regulations exempting landholders of 5 acres or less from forms requirements. After publication of the proposed regulations in the Federal Register in 1983, more public hearings were held, where draft forms were displayed to the public. Based on comments received, the draft forms were extensively revised and the exemption threshold was increased to 40 acres. In 1983, Reclamation officials met with representatives of water user organizations and irrigation districts to review the forms, resulting in further revisions. A pretest of the draft forms was conducted during December 1983 and January 1984. Based on the results of the pretest, some modifications were made to the forms before they were implemented for the 1984 water year.

Public hearings on revised regulations were held in 1986. The forms were further revised as a result of comments received during those hearings and as a result of experiences with the first and second generation of forms.

In 1994, public scoping meetings were held to receive public input regarding a revised rulemaking. Proposed revised regulations were published in the Federal Register on April 3, 1995. Public hearings were held in May 1995. The public comment period ran from April 3, through June 26, 1995. These comments were considered in developing the final regulations, including those affecting the RRA forms requirements.

To consider revisions to the RRA forms, a team was established in September 1995. This team included two members who were representatives of districts. The other members included two persons from Reclamation's Program Analysis Office, two from Reclamation's area offices, and two from Reclamation's regional offices. This team met in 1995 and 1996 to revise the forms. Initially the revisions were to incorporate the changes in the draft final rulemaking that would revise the then current regulations. However, when it became apparent the final rulemaking would not be completed in time for printing of the forms for the 1997 water year, the forms were revised to reflect the then current regulations.

A notice of request for comments was published in the Federal Register on March 8, 1996, for the information collection revisions. Reclamation sent a package of the proposed revised forms to each district that is subject to acreage limitation provisions of Federal reclamation law seeking comments on the forms. In addition, Reclamation also sent the proposed revised forms to any party who previously expressed an interest in the revised forms.

Final regulations were published December 18, 1996, with effective dates of January 1, 1997 (amendment to section 426.10 of the then current regulations), and January 1, 1998 (complete revision and renumbering of the then current regulations). The new regulations changed the requirements and the instructions on the forms. A notice of a 60-day public comment period was published January 29, 1997, regarding revisions to the RRA forms. In addition, a copy of the comments and responses resulting from the 1996 forms approval process was sent to all districts subject to acreage limitation and all other persons who submitted comments as part of that process.

A proposed new rulemaking requiring the submittal of forms by certain farm operators was published on November 18, 1998 (63 FR 64154). The Federal Register notice provided a 60-day comment period for the public to comment on the proposed rulemaking and the proposed information collection this rule would require. The comment period was to end January 19, 1999, but because several people requested an extension of that deadline, we accepted comments until February 18, 1999. After the close of the extended comment period, we again received requests for an extension. The comment period was reopened until April 12, 1999 (64 FR 12141, March 11, 1999).

As with previous revisions to the forms, copies of the revised year 2000 RRA forms and instructions to those forms were sent to all districts subject to acreage limitation and to all other

persons who requested copies. Since then, the RRA forms and instructions have not been distributed to all districts subject to the acreage limitation provisions of Federal reclamation law because Reclamation considered the revisions to be minor, especially when compared to the RRA forms changes made in years 1997 and 2000. However, every year that Reclamation renews OMB approval for its information collections, all districts subject to acreage limitation receive a letter from Reclamation that announces the start of the public comment period. In that letter is a copy of the corresponding Federal Register notice, a list of the proposed changes to the RRA forms, a draft copy of any proposed new form (if any), and an announcement regarding the availability of copies of the draft forms upon request. Regarding the current request for information collection approval, all districts subject to acreage limitation received such a letter from Reclamation dated December 4, 2008.

b. 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.

This information collection contains forms that are completed by districts (using information taken from the RRA forms submitted by landholders [OMB clearance number 1006-0005]) and submitted annually to Reclamation as documentation of acreage limitation administration (generally, whether the landholders in a particular district received Reclamation irrigation water). The burden hour estimate associated with the forms in this information collection is an average figure because no single district is representative of all districts. The number of landholders in the districts subject to the acreage limitation provisions varies from fewer than 10 respondents in some districts to more than 4,000 respondents in others. Furthermore, the information a particular district submits on the forms in this information collection can (and frequently does) change from year to year. For example, landholders that lease land in a district may no longer have such leases during the next water year for a variety of reasons, or an entity that holds land in a particular district during one water year may sell all of its land before the start of the next water year. In either case, the affected landholders would no longer be required to submit RRA forms (OMB clearance number 1006-0005), and consequently there would be a decrease in the amount of information the district would submit to Reclamation on the forms in this information collection (1006-0006). In any given water year, a district can also see an increase in the landholders identified on the forms in this information collection (e.g., new landholders, parties to an annual lease, etc.). Throughout each year, Reclamation conducts regularly scheduled water district reviews at district offices that are subject to the acreage limitation provisions. Discussions between Reclamation RRA staff and district staff are held at those reviews during which burden hour feedback is addressed. In other words, Reclamation continually assesses burden hour estimates for the RRA forms through discussions with district staff (i.e., the respondents of the forms in this information collection), and has done so since these forms were first drafted in 1982.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to respondents.

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

Personal and financial information collected on these forms is protected under the Privacy Act of 1974. The Privacy Act system of records notice associated with this information collection is INTERIOR/WBR-31, Acreage Limitation.

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 question 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.

No questions of a private or sensitive nature will be asked.

12. Provide estimates of the hour burden of collection of information. The statement should:

a. 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.

See response to item 12(b) [next paragraph].

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in item 13 of OMB Form 83-I.

Based on the number of current contracts, approximately 210 districts are required to submit summary forms. This represents a net decrease of 15 respondents from previous years. The reduction is due to the fact that districts either (a) were legislatively exempted or (b) completed requirements in order to be exempt from the acreage limitation provisions of Federal reclamation law.

The summary forms are to be submitted annually. If changes to the full-cost acreage or excess land acreage are made during the irrigation season, then districts submit this new information to Reclamation. In some regions, updated summary forms are submitted throughout the year. We estimate the number of responses per respondent to be 1.25 annually, or 263 total

annual responses (210 districts multiplied by 1.25 responses per district). This represents a net decrease of 18 responses from previous years.

The total estimated annual burden hours for this information are 10,520 hours. The estimated annual burden hours per form are listed below:

Form No.	Estimated No. of Respondents	Frequency of Response	Total Annual Responses	Burden Hours Per Response	Total Burden Hours
7-21SUMM-C and tabulation sheets	174	1.25	218	40	8,720
7-21SUMM-R and tabulation sheets	36	1.25	45	40	1,800
TOTAL	210	1.25	263		10,520

We estimate that each district will on average require 40 person-hours of labor per response annually to collect, file, and summarize the landholders' forms. These 40 hours consist of about 5 hours for reporting or disclosure burden and about 35 hours of recordkeeping burden. The size of districts varies widely. The range is from over 4,000 respondents in a few districts to fewer than 10 in others. Therefore, the total burden hour for 263 responses is 10,520 hours (40 hours per response multiplied by 263 responses). This represents a net decrease of 720 burden hours from previous years resulting from existing legislation which gradually reduces the number of respondents over time.

c. 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. Instead, this cost should be included in item 14.

The average annual cost per response is estimated to be \$840. This is based on a wage rate (including benefits multiplier of 1.4*) of \$21.31 per hour (rounded) for clerical staff multiplied by 40 hours per response. This wage rate figure was obtained from the Bureau of Labor Statistics (BLS) news release USDL: 09-0247, Table 5 (Sales and Office), dated March 12, 2009, (<http://www.bls.gov/news.release/pdf/ecec.pdf>). It should be noted that this figure represents costs to the average district; because districts vary widely in size, their costs related to this information collection will also vary widely. The total annual cost to all districts is estimated to be \$220,920 (\$840 per response multiplied by 263 responses). This represents a net increase of \$86,040 from previous years, solely due to updating of the wage rate figure used for calculations. *BLS news release USDL: 08-1802, December 10, 2008.

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 shown in item 12 and 14.)

a. The cost estimate should be split into two components: (1) a total capital and start-up cost component (annualized over its expected useful life), and (2) 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]. 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.

The estimated total capital and start-up cost is \$0.00. The only equipment necessary for this information collection is file cabinets. Because this information collection has been ongoing for over two decades, file cabinets will have already had been purchased by districts long before now. All other purchases, such as computers, will be to achieve regulatory compliance with requirements not associated with this information collection, or as part of customary and usual business.

The estimated total operation and maintenance and purchase of services component is estimated to be \$877 per district. The only equipment necessary for this information collection is file cabinets, which are not expected to have O&M costs associated with them. Administrative costs are estimated at \$750; postage and envelopes for mailing forms that are to be summarized to the landholders is estimated at \$1.00 per landholder multiplied by 127 landholders (the average number of landholders per district) which is about \$127. It should be noted that this figure represents cost to the average district; because districts vary widely in size, their costs related to this information collection will also vary widely. This cost applies to all 210 districts; therefore, the total annual cost to the districts is estimated at about \$184,170 (\$877 per district multiplied by 210 districts). This represents a net decrease of \$13,155 from previous years (the current OMB inventory is \$197,325).

b. 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.

Cost estimates will not vary.

c. 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 this 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.

Cost estimates do not include these purchases.

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, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from items 12, 13, and 14 in a single table.

Annual cost to the Federal Government is estimated as follows:

Item	Costs
Printing	\$11,000
Personnel	\$20,175 (500 person-hours x \$40.35 per hour)*
Miscellaneous administrative costs	\$ 625
TOTAL	\$31,800

* Wage rate figure is based on the following:

- The average grade level of staff included in this cost estimate is GS-11 step 5.
- The 2009 hourly base wage for a GS-11 step 5 Federal employee is \$26.90.
- The total hourly wage with benefits is \$40.35 (\$26.90 base wage X 1.5* benefits multiplier). *BLS news release USDL: 08-01802, December 10, 2008.
- Information was obtained from the Office of Personal Management (http://www.opm.gov/oca/09tables/html/g_s_h.asp)

15. Explain the reasons for program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.

We are reporting through this document a decrease in the hour burden of the information collection budget due to the exemption (from the acreage limitation provisions of Federal reclamation law) of districts through exemption actions taken by such districts and legislative activities. In general, the acreage limitation provisions of Federal reclamation law do not apply once construction repayment obligations for irrigation facilities are completed. At that time, the RRA forms requirements are no longer applicable.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical technique 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 date, and other actions.

The results of this information collection are not intended for publication.

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.

Because these forms are to be submitted annually, Reclamation would like to print the year the forms apply to on the forms and instructions. If Reclamation also displays the OMB expiration date on the forms, we feel it may confuse the respondents as to which date reflects the water year and signifies a current form. This is a particular problem because before 1996, Reclamation did not print the year for which the form was applicable, and the districts relied solely on the OMB expiration date to determine if it was using a current form. Therefore, Reclamation is requesting an exemption to not display the expiration date of OMB approval of the form. This exemption request has been continuously granted since it was first approved as part of the approval process completed in 1996 and 1997.

In addition, we are requesting the expiration date of the OMB approval to coincide with the closure date of Reclamation's water year, (December 31, 2011) instead of the usual 3 years from the date of approval. This OMB approval, if granted, will apply to the RRA forms for the 2010 and 2011 water years, thereby shortening the usual 3-year OMB approval timeframe to 2 years, in the interest of preserving the correlation of the forms in this IC to the water years to which they will apply. Another request for OMB approval will be initiated for this IC in advance of the 2012 and 2013 water years.

18. Explain each exception to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

No exceptions to the certification statement are being requested.

ATTACHMENT 1

List of information collection questions and justifications