

# Supporting Statement A

## Desert Land Entry Application (43 CFR Part 2520)

**OMB Control Number 1004-0004**

**Terms of Clearance:** None.

### General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

### Specific Instructions

#### Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Bureau of Land Management (BLM) uses the information to determine if an individual is eligible to make a desert land entry for agricultural purposes. The Desert Land Act (43 U.S.C. 321 – 339) authorizes the Secretary of the Interior to allow individuals to apply for a desert land entry to reclaim, irrigate, and cultivate arid and semiarid public lands in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, Washington, and Wyoming. The regulations at 43 CFR Part 2520 specify criteria and procedures for making desert land entries under the Desert Land Act. The BLM collects no similar information from the same group of respondents.

- 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 BLM collects and uses the applicant's information once to determine if the applicant meets all requirements of the Act and regulations to make a desert land entry. The BLM uses the information on Form 2520-1 as follows:

Item #1: Name, address, township, range, meridian, section, subdivision, state, and total acres.

The BLM uses the name and address to identify and communicate with the applicant. The BLM needs the description of the lands to identify the location of the lands and determine if the lands meet the requirements of the Act and regulations

Item #2: Enclose filing fee of \$15.00 plus advance payment of 25 cents per acre. A non-refundable application service fee of \$15 must accompany all applications including a total or partial payment of 25 cents per acre for the lands described in the application.

Item #3a: Are you at least 21 years old? The BLM uses this information to determine if the applicant is eligible to apply for a desert land entry. The applicant must be 21 years old.

Item #3b: Of what state are you a bona fide resident? The BLM uses this information to determine if the applicant is eligible to apply for a desert land entry. The applicant must be a bona fide resident of the State in which the lands are located (no State residency is required in Nevada).

Item #3c: Are you a citizen of the United States? The BLM uses this information to determine if the applicant is eligible to apply for a desert land entry. The applicant must be a citizen or naturalized citizen of the United States.

Item #3d: If not a citizen, have you filed a Declaration of Intention to become a citizen of the United States? The BLM uses this information to determine if the applicant is eligible to apply for a desert land entry. Non-citizens must have declared their intention to become a citizen.

Item #3e: Are you an employee, the spouse, or an agent of an employee of the department of the Interior? The BLM uses this information to determine if the applicant is eligible to apply for a desert land entry. The applicant must not have a conflict of interest.

Item #4a: Have you made an application under the Desert Land Act? The BLM uses the information to determine if the lands the applicant applied for, received by assignment, or claim under any of the non-mineral public land laws since August 30, 1890, exceeds the acreage limitation. The Act limits the applicant to 320 acres, or 480 acres if the applicant has an enlarged homestead entry of 320 acres.

Item #4b: Have you ever received by assignment any lands under the Desert land Act? The BLM uses the information to determine if the lands the applicant applied for, received by assignment, or claim under any of the non-mineral public land laws since August 30, 1890, exceeds the acreage limitation. The Act limits the applicant to 320 acres, or 480 acres if the applicant has an enlarged homestead entry of 320 acres.

Item #4c: Have you entered, acquired title, or are now claiming an entry under any of the nonmineral public land laws since August 30, 1890? The BLM uses the information to determine if the lands the applicant applied for, received by assignment, or claim under any of the non-mineral public land laws since August 30, 1890, exceeds the acreage limitation. The Act limits the applicant to 320 acres, or 480 acres if the applicant has an enlarged homestead entry of 320 acres.

Item #5: Have you made a personal on-the-ground examination of every legal subdivision of the above-described land? The BLM uses this information to determine if the applicant is personally familiar with the location and character of the lands. The applicant's responses must be based on personal knowledge. The Act does not allow agents or representatives to respond to the collection on the behalf of the applicant.

Item #6a: Have you, or to your knowledge has any other person, ever worked any of the subdivision for minerals? The BLM uses this information to determine if the applicant examined the lands for the presence of minerals. The applicant is required to make a superficial examination of the lands or the presence of minerals.

Item #6b: Are these lands within any mining claim or other claim of record under the United States mining laws of the mining laws of the State? The BLM uses this information to determine if the applicant examined the lands for the presence of minerals. The applicant is required to make a superficial examination of the lands or the presence of minerals.

Item #6c: Do you know of any vein or lode of quartz or other rocks in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal, placer deposits, other valuable mineral deposits, salt deposit, or salt springs? The BLM uses this information to determine if the applicant examined the lands for the presence of minerals. The applicant is required to make a superficial examination of the lands for the presence of minerals.

Item #7a: Is this application for lands that will produce cultivated crops without application of water for irrigation? The BLM uses this information to determine if the lands applied for meet the requirements of the Act. The lands must be incapable of producing an agricultural crop without irrigation, and must be more valuable for agricultural purposes than for raising native forage crops.

Item #7b: Do the lands in their natural state produce enough native grass for cutting hay? The BLM uses this information to determine if the lands applied for meet the requirements of the Act. The lands must be incapable of producing an agricultural crop without irrigation, and must be more valuable for agricultural purposes than for raising native forage crops.

Item #7c: Are the lands applied for occupied or improved by you or any other person, association, or corporation? The BLM uses this information to determine if the lands applied for meet the requirements of the Act. The lands must be incapable of producing an agricultural crop without irrigation, and must be more valuable for agricultural purposes than for raising native forage crops.

Item #8: Are the lands applied for irrigated or watered, or overflowed at any season of the year? The BLM uses this information to determine if the lands applied for meet the requirements of the Act. The lands must be unimproved, arid and semiarid in character.

Item#9: Show in the chart below the soil characteristics of each subdivision. The BLM uses this information to determine what percentage of the lands applied for is capable of producing an

agricultural crop. The applicant must properly irrigate and cultivate one-eighth of the lands in the desert land entry.

Item #10a: Total acres irrigable? The BLM uses this information to determine if the applicants proposed water delivery system to reclaim, irrigate, and cultivate one-eighth the lands is well-planned, adequate, economical, and practical.

Item #10b: Type of crop to be grown? The BLM uses this information to determine if the applicants proposed water delivery system to reclaim, irrigate, and cultivate one-eighth the lands is well-planned, adequate, economical, and practical.

Item #10c: Water requirements per acre? The BLM uses this information to determine if the applicants proposed water delivery system to reclaim, irrigate, and cultivate one-eighth the lands is well-planned, adequate, economical, and practical.

Item #10d: Source of water? The BLM uses this information to determine if the applicants proposed water delivery system to reclaim, irrigate, and cultivate one-eighth the lands is well-planned, adequate, economical, and practical.

Item #10e: Well data: (1) Depth of static water; (2) Diameter, (3) Complete costs; (4) Pump requirements; (5) Type of pump; and (6) Cost of pump? The BLM uses this information to determine if the applicants proposed water delivery system to reclaim, irrigate, and cultivate one-eighth the lands is well-planned, adequate, economical, and practical.

Item #10f: Cost of sprinkler system? The BLM uses this information to determine if the applicants proposed water delivery system to reclaim, irrigate, and cultivate one-eighth the lands is well-planned, adequate, economical, and practical.

Item #10g: Costs of leveling, ditches, and canals? The BLM uses this information to determine if the applicants proposed water delivery system to reclaim, irrigate, and cultivate one-eighth the lands is well-planned, adequate, economical, and practical.

Item #10h: Costs of other installations? The BLM uses this information to determine if the applicants proposed water delivery system to reclaim, irrigate, and cultivate one-eighth the lands is well-planned, adequate, economical, and practical.

Item #11: Attach a complete plan of irrigation that shows at least the following: (a) Map showing location of lands applied for by legal land description, and an accurate detailed diagram of the entire proposed irrigation system to be used in the permanent reclamation and production of agricultural crops in this proposed entry; (b) Topography, shown by contour interval of 10 feet or less, if a gravity irrigation system is planned; (c) Location and source of permanent water supply, including the type, size, dimensions, and location of all facilities for transporting the water from its source to the lands, such as, river pump stations, penstocks, pipelines, holding ponds, etc.;(d) Location, type, size, and gradient in percent, of any water distribution ditches and laterals necessary to irrigate all irrigable portions of each legal subdivision adequately; and (e) Location, type, size, and dimensions of all other installations necessary for the irrigation of the

lands, such as, sprinkler systems, mainlines, etc? The BLM uses this information to determine if the applicant's proposed project is well planned, adequate, effective, realistic, and practical. The Act requires the applicant to file a map showing the complete irrigation plan for the entire desert land entry.

Item #12a: Is there adequate water supply of suitable quality available to you for the irrigation of all the irrigable portions of the lands? The BLM uses this information to determine if the applicant has acquired or taken the appropriate steps to obtain the right to use a permanent and sufficient water delivery system to reclaim all irrigable portions of lands applied for.

Item #12b: Have you proceeded as far as possible toward acquiring by appropriation, purchase, or contract, a right to the permanent use of sufficient water to irrigate and reclaim permanently all of the irrigable portions of each of the legal subdivisions applied for? The BLM uses this information to determine if the applicant has acquired or taken the appropriate steps to obtain the right to use a permanent and sufficient water delivery system to reclaim all irrigable portions of lands applied for.

Item #13a: Is reclamation and permanent cultivation of the lands in this application economically sound? The BLM uses this information to determine if the high cost of delivering water to the lands prevents the applicant from establishing an economic farm unit. The Act requires that the applicant must be able to satisfactorily manage the lands as an economic farm unit.

Item #13b: Complete and make a part of this application an estimated farm budget showing annual costs and returns that would be involved in the permanent reclamation and cultivation of the lands in this application: (1) Include the estimated Annual Production Costs for Farm automobiles and trucks; Machinery and tractors; Irrigation system; Farm buildings, fences, and other improvements in operation of farm, not including irrigation system and residence; Seed, fertilizer, herbicides, insecticides; Water costs; Cash wages to hire labor; Interest on borrowed money; Taxes, Cost of marketing; and Other (itemize). (2) Include the estimated Annual Income for Crop; Acres of production; Units per acre; and Price per unit. (3) Include the estimated Annual Net Income? The BLM uses this information to determine if the high cost of delivering water to the lands prevents the applicant from establishing an economic farm unit. The Act requires that the applicant must be able to satisfactorily manage the lands as an economic farm unit.

Item #13c: Are the lands in this application accessible to a farm produce market? The BLM uses this information to determine if the high cost of delivering water to the lands prevents the applicant from establishing an economic farm unit. The Act requires that the applicant must be able to satisfactorily manage the lands as an economic farm unit.

Item #13d: Does it show the initial continuing annual operations and production costs? The BLM uses this information to determine if the high cost of delivering water to the lands prevents the applicant from establishing an economic farm unit. The Act requires that the applicant must be able to satisfactorily manage the lands as an economic farm unit.

Item #14: If any subdivisions of the lands of this application are noncontiguous, or do not lie in as compact a form as possible, attach and make a part of this application an explanation of the economic feasibility of farming all the lands applied for as an economic unit? If the tracts of land applied for are not sufficiently close to each other, the applicant must justify the economic feasibility of farming the lands as an economic unit. The Act provides that one or more tracts of land may be included in a desert land entry. The tracts must be sufficiently close to each other to be satisfactorily managed as an economic unit, and as compact as possible.

Item #15: If you had assistance in completing this application give the following information: Name and Address; Assistance Given; and Date. The BLM needs this information to determine who should be contacted when the economic analysis is prepared.

Item #16: If the lands described in this application have not been classified as suitable for desert entry pursuant to the provisions of Section 7, of the Taylor Grazing Act of June 28, 1934, as amended, (43 U.S.C. 315F), and the requirements of the regulations in 43 CFR part 2400, please consider the application as a petition for such classification? The BLM uses this statement to eliminate the petition for classification form from the collection.

Item #17: Attach a statement or declaration explaining in detail all arrangements that you have made or that you plan to make with regard to financing, irrigation, reclamation, or cultivation of the lands for which you are applying. To test the sincerity and good faith of applicants under the desert land laws and to prevent the segregation of the public lands by applicants who have no intention to reclaim the land, the Act requires the applicant to file a declaration of his or her intention to reclaim, irrigate and cultivate the lands.

Statement of Witness: The Act requires the applicant to submit the statements of two creditable witnesses who are acquainted with the character of the lands, have personally examined the lands, are able to testify to the character of the lands, and have no interest in the lands.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

Form 2520-1 is electronically available to the public in fillable .PDF format on BLM's Forms website: <http://www.blm.gov/noc/st/en/business/eForms.html>. Use of the electronic format reduces the user's time for completing the form. The BLM estimates that 100 percent of respondents scan their filled-in forms, and e-mail them to the BLM.

**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 information collection is unique to the Desert Land Act and associated regulations. The

BLM is the only agency collecting this information. The BLM is unable to use or modify existing information collections to process new applications because the applicant's responses are distinct, unrelated, and specific to their individual proposal to reclaim, irrigate, and cultivate the public lands.

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

Applications for Desert Land Entry are limited to individuals, i.e., “any citizen of the United States, or any persons of requisite age who may be entitled to become a citizen, and who has filed his declaration to become such . . . .” 43 U.S.C. 321. Consequently, the collection does not impact small businesses or other small entities.

**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.**

The BLM is the only agency responsible for carrying out the provisions of the Desert Land Act. The Act authorizes the BLM to allow individuals to make desert land entries for agricultural purposes. Less frequent collection would mean no collection at all. Reducing the burden will preclude the collection of sufficient information to determine if the applicant meets the statutory requirements of the Act and regulations.

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

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

There are no special circumstances that require the collection to be conducted in a manner

inconsistent with 5 CFR 1320.5.

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

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

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

On February 22, 2012, the BLM published the required 60-day notice in the Federal Register (77 FR 10554), and the comment period ended April 23, 2012. The BLM received no comments.

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

1. Rod St Clair, 8319 Clark Road, Marsing, ID 83639; 208-250-0449
2. Virginia St Clair, 8319 Clark Road, Marsing, ID 83639; 208-250-0449

The burden estimates were not adjusted as a result of these consultations.

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

The applicant receives no payments or gifts.

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

The applicant's confidentiality is protected to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly**



considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The applicant is not required to answer questions of a sensitive nature.

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

- \* **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- \* **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- \* **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

The hourly mean wage in Table 12-1, below, is based on data for “all occupations,” according to national Bureau of Labor Statistics data at: [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). The benefits multiplier of 1.4 is supported by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

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

<b>A. Occupational Category</b>	<b>B. Mean Hourly Wage</b>	<b>C. Total Mean Hourly Wage (B x 1.4)</b>
All Occupations 00-0000	\$21.74	\$30.44

The estimated annual reporting burdens for this collection were not adjusted as a result of the consultations described under Item No. 8, above, and are shown below in Table 12-2:

**Table 12-2 - Estimates of Hour and Cost Burdens**

<b>A. Type of Response</b>	<b>B. Number of Responses</b>	<b>C. Hours Per Response</b>	<b>D. Total Hours (Column B</b>	<b>E. Annual Cost</b>
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			x Column C)	(Column D X \$30.44)
Desert Land Entry Application				
43 CFR Part 2520	3	2	6	\$183
Form 2520-1				

**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Applicants incur no annual capital or start-up costs, and no recurring annual costs to prepare or respond to the information collection. Applicants are not required to purchase any computer software or hardware to comply with this information collection.

Pursuant to 43 CFR 2521.2(b) all applications for a desert land entry must be accompanied by a one-time non-refundable service fee of \$15. Since there are three estimated applications per year, the estimated service fees total \$45 annually. The estimated annual reporting burdens for this collection were not adjusted as a result of the consultations described under Item No. 8,

above.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The hourly cost to the Federal Government shown at Table 14-1, below, is based on the U.S. Office of Personnel Management Salary Table 2012-RUS located at: [http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp). The benefits multiplier of 1.5 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

**Table 14 -1 — Hourly Cost Calculations**

<b>A. Position</b>	<b>B. Grade</b>	<b>C. Hourly pay rate</b>	<b>D. Hourly rate including benefits (1.5 x Column C)</b>	<b>E. Percent of the Information Collection Completed by Each Occupation</b>	<b>F. Weighted average (\$/hr) (Column D x Column E)</b>
Clerical	GS-7, Step 1	\$18.59	\$27.89	10%	\$2.79
Technical	GS-11, Step 1	\$27.51	\$41.27	80%	\$33.02
Manager	GS-13, Step 1	\$39.21	\$58.82	10%	\$5.88
Totals				100%	\$41.69

Table 14-2, below, shows the estimated Federal hours and costs for each component of this information collection.

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

<b>A. Type of Response</b>	<b>B. Number of Responses</b>	<b>C. Hours Per Response</b>	<b>D. Total Hours (Column B x Column C)</b>	<b>E. Total Wage Cost (Column D x \$41.69)</b>
Desert Land Entry Application  43 CFR Part 2520	3	10	30	\$1,251

Form 2520-1				
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**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

There are no program changes or adjustments.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

We have no plans to publish this information collection.

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

We are not requesting approval to not display the expiration date.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.