

Supporting Statement A

Water Request

OMB Control Number 1076-0141

Terms of Clearance: None.

General Instructions

A completed Supporting Statement 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 Indian Affairs (BIA) owns, operates, and maintains 16 irrigation projects that provide a service to the end user, pursuant to 25 U.S.C. 381 and implementing regulations at 25 CFR 171. The Debt Collection Improvement Act of 1996 (DCIA), Public Law 104-134, requires that certain sensitive information be collected from individuals and businesses doing business with the government and includes the Taxpayer Identification Number and/or Employer Identification Number for possible future use to recover delinquent debt.

Equally important to the sensitive customer data gathering required by law in order to establish an account, additional information collections comprise this submittal package to provide recurring and one-time services requested by the customers. These include requests for irrigation service, granting annual assessment waivers, approving incentive agreements to bring idle lands back into production, and designating lands as assessable or non-assessable if located within an irrigation project. Each function is most efficiently-served and Personally Identifiable Information (PII) is minimized when additional information collections are broken out into separate, targeted forms, thus reducing the public burden. The previous all-purpose form contained sensitive PII, and that has been intentionally minimized to only exist in the Request for Customer Information form.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

There are several information collections associated with irrigation that are being presented as discrete forms. The Request for Irrigation Services form replaces the previously approved Water Request form. This form solicits requester name; date and time of request; service location; date and time of service to start and end; rate of flow, if available; number acres to irrigate; and additional information, per 25 CFR § 171.200. The information gathered in this form allows BIA to identify areas for irrigation service and to arrange work schedules. This form was in use without OMB approval, although the burden was accounted for in the last renewal. We are now seeking OMB approval of the form.

The information collection form entitled Request for Customer Information is a new information collection form designed for a customer's account setup and is primarily used one-time for the initial account establishment and when information changes. This form is being specifically created because it contains a request for sensitive PII with a statutory anchor. The request for customer information form requests the name, address, and social security number for individuals, and employee identification number for businesses, allowing BIA to bill the appropriate persons where BIA assesses fees and collects monies to administer, operate, maintain, and rehabilitate irrigation project facilities, per 25 CFR § 171.105. Previously the irrigation projects utilized a W-9 form with a cover sheet or a non-approved home-written form, and both are being deprecated.

Three additional forms have been added to address the following functions: Annual Assessment Waiver Application, Incentive Agreement Application, and Land Classification/Designation Application. These three forms were in use without OMB approval. With the creation and use of these three forms, critical data quality issues can now be effectively addressed. The information collected on the Land Classification/Designation Application was not accounted for in the burden estimates the last time this collection was renewed. We are accounting for the burden related to this form in this renewal.

The annual assessment waiver application solicits requester name, legal description of assessable acres, and detailed description of infrastructure deficiencies. The annual assessment waiver application allows BIA to waive operation and maintenance (O&M) fees for one year where BIA determines it cannot deliver adequate irrigation water due to irrigation infrastructure deficiencies see 25 CFR § 171.700.

The incentive agreement, if approved, allows the BIA to waive the O&M assessment for one to three years when a landowner or lessee agrees to improve idle lands and BIA determines that it is in the best interest of BIA's irrigation facility, see 25 CFR §§ 171.610-615.

The purpose of the land designation/classification application is for designation of lands within an irrigation project as presently assessable (PA), temporarily non-assessable (TNA), and permanently non-assessable (PNA), see 25 U.S.C. §§ 381-390. BIA uses this information for

billing and collecting O&M and construction related costs for PA designated lands.

Customers also provide the information required for the BIA irrigation staff to make an informed decision in certain instances. The following table lists these instances and information collected for each.

25 CFR § 171.	Information Collected		BIA Use of Information Collected
200/600	Request for irrigation service	The customer must supply several pieces of information when requesting water.	The <u>Request for Irrigation Service</u> form captures water transactions, whereas the Request for Customer Information captures one-time, account setup information that is categorized as Personally Identifiable Information (PII) per 25 CFR 171.200.
105/505	Land Classification / Designation Application	<p>Members of the public typically work with a Bureau Official or Water User Association Representative to complete the Land Classification / Designation Application form. When completed by a customer, there are several pieces of information required. Source documents such as soil surveys, rights-of-way documents, maps and field notes must be included.</p> <p>Consent of the landowner is required for proposed PNA re-designation, and the form may be utilized when the land parcel is non-fractionated. If a customer owns or leases land within an irrigation project where BIA assesses fees and</p>	The <u>Land Classification/Designation Application</u> form is utilized to change a land designation which affects eligibility for assessment of O&M fees and irrigation service. Lands may be designated Presently Assessable, Temporarily Non-Assessable, and Permanently Non-Assessable. This collection of information was not accounted for in the last renewal, and was therefore in existence without OMB approval. We are adding it to the

		collects funds to administer, operate, maintain, and rehabilitate project facilities; BIA calculates the operation and maintenance (O&M) fees by multiplying the total assessable acres of the customer's land within the service area of the irrigation facility by the annual O&M rate BIA establishes.	collection now.
225	Subdividing a farm unit	Recorded plat or map of the subdivision showing where the water will be delivered to the irrigable acres. Meet with irrigation project staff to see how the water delivery can be accomplished.	The <u>Request for Irrigation Service</u> form identifies where the water is to be delivered and how to accomplish delivery.
305	Requesting leaching service	Submit a written plan that documents how soil salinity limits the crop production and how leaching service will correct the problem.	The <u>Request for Irrigation Service</u> form can identify whether leaching is appropriate.
310	Requesting water for domestic or stock purposes	Document that this service will not interfere with the normal operations or maintenance of the irrigation facility, will not adversely affect the water supply, and will not cause additional costs to the BIA that the BIA has not approved.	The <u>Request for Irrigation Service</u> form assists the BIA in determining whether approving the request will allow continued operation and maintenance of the facility and water supply without additional cost.
405	Building non-government structures in BIA rights-of-ways	Depending on the structure and how it affects the BIA right-of-way, the requester may need to provide plans of the structure. The requester would probably need to meet with irrigation staff. An agreement would be drafted relieving the BIA from any liability or responsibility for the structure, future costs and other issues.	Determine whether BIA is protected from cost and potential liability and whether the irrigation project will be disrupted.
410	Installing a fence	Depending on the fence and	Determine whether

	on BIA property or rights-of-ways	how it affects the BIA right-of-way, the requester may need to provide plans of the alignment of the fence. An agreement would be drafted relieving the BIA from any liability or responsibility for the fence, future costs and other issues.	BIA is protected from cost and potential liability and whether the irrigation project will be disrupted.
530/540	Requesting Information for Billing Purposes	The customer must provide BIA certain information to properly bill, collect, deposit, and account for funds.	The <u>Request for Customer Information</u> form provides the customer name, address, tax identification number/ social security number as per the Debt Collection Improvement Act of 1996. This collection of information was not accounted for in the last renewal, and was therefore in existence without OMB approval. We are adding it to the collection now.
550	Requesting Payment Plans on bills	The water user would need to certify that they are unable to pay the bill on time and provide the necessary documentation proving that they cannot pay on time.	Determine whether a basis exists for entering into a payment plan.
605	Establishing a carriage agreement (carrying third party water through our facilities)	The respondent may need to provide information about the third party water source and expected use to allow us to determine whether our facilities have adequate capacity.	Determine whether BIA irrigation facility can support the third party carriage or whether it is in the best interest of the BIA facility to convey our water through third-party facilities.
610/615	Negotiating an irrigation incentive agreement with	Written request with detailed plan to improve idle lands including a description of specific improvements,	The <u>Incentive Agreement</u> application enables the BIA to determine whether to

	the BIA	estimated cost of the improvements, time schedule, proposed schedule for delivery, if necessary, and justification for use of irrigation water during the improvement period. This also includes reviewing the terms and conditions of the Incentive Agreement.	enter into an irrigation incentive agreement and is in the best interest of the facility.
710/ 715	Requesting annual O&M assessment waiver	Written request for O&M assessment waiver.	The <u>Annual Assessment Waiver</u> application enables the BIA to determine whether appropriate circumstances exist to allow an assessment waiver.

This information is the minimum required for the Bureau of Indian Affairs to make informed decisions.

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.**

This collection of information is just beginning to involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, specifically as electronic submission of Request for Irrigation Service. Emailed and telephoned in Request for Irrigation Services are allowed as long as the information gathered and retained as required by law is met. This enables our water users to submit requests for irrigation service using readily-available electronic mechanisms, which saves time, reduces errors, and improves documentation. All of the forms will be available online at <https://www.bia.gov/policy-forms/online-forms>.

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 gathered is tied specifically to providing the irrigation services that the public seeks from BIA-owned and operated irrigation projects. No other sources can provide this information, which is needed to provide irrigation services.

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

BIA has ensured that it requires only that information that is essential to providing the requested irrigation serviced. Customers may include farms, homes, or small businesses. The burden on such entities is minimal and is equivalent to what customers provide other irrigation service providers.

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

If the collection of information is not conducted the BIA will lack the information required by the DCIA for billing and debt collection. Further, when water delivery is requested, the individual or organization would not be eligible for service due to the lack of required minimum information to service the account in accordance with 25 CFR 171.540. This may ultimately result in damage to crops and income or may render potentially productive land idle, which undermines the very purpose of the program.

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 will apply to this collection. The only confidential information respondents must submit is a Taxpayer ID number, as required by the Debt Collection Improvement Act. BIA maintains the records containing this information in accordance with its Privacy Act system of record notice BIA-34, National Irrigation Information Management System (73 FR 40601).

- 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.**

A notice providing a 60-day comment period on this information collection was published in the Federal Register on April 4, 2019 (84 FR 13311). No public comments were received in response to this notice.

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.

BIA queried the following individuals, as they work closely with numerous water users, to obtain their views on the availability of forms, frequency of collection, clarity of instructions, and relevance of data elements to be recorded as follows:

- Accounting Technician, Blackfeet Irrigation Project, 531 SE Boundary Street, Browning, MT 59417
- Financial Technician, Flathead Irrigation Project, 220 Project Drive, Saint Ignatius, MT 59865
- Administrative Support Assistant, Fort Hall Agency, Bldg #2 Bannock Ave, Fort Hall, ID 83203

All three respondents work closely with water users, and they reached out to their respective water users to obtain their views on this information collection. Overall, the water users felt that the forms are readily available, straightforward, and instructions are clearly spelled out. The time estimates seem to be appropriate in estimating burden.

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

Respondents will not receive any payment, gift, or other remuneration for providing the information collection requirements.

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

BIA maintains files containing customer's personally identifiable information (PII) in accordance with the Privacy Act System of Record Notice BIA-34, National Irrigation Information Management System. Each form contains a tailored Privacy Act Statement (PAS) which describe the authorities for requesting the specified information from the public. Each tailored PAS provides notification to individuals of how the PII is used to determine eligibility for services. Only the Request for Customer Information form requests the taxpayer identification number (TIN). This intentional business process mitigates risk for breach, misuse, fraud, and abuse of customer PII. None of the remaining forms require or request the customer's TIN.

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

We do not request any information of a private, sensitive nature per the question.

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. Instead, this cost should be included under "Annual Cost to Federal Government."**

We estimate that we service 13,075 users comprised of 12,120 individuals and 95 businesses. This number is based upon the number of bills BIA sends out each year to individuals and businesses. Approximately 7,501 water users request irrigation service approximately 4 times each year, so the total number of responses for requesting irrigation service is 30,004. In

addition, these same respondents may request additional services, resulting in a total of 35,941 responses each year. We estimate that the total annual hourly burden is 17,981 or cost equivalent to \$976,066.

We estimate the salary for individual respondents at \$54.48* per hour, including a multiplier of 1.5 for benefits. We estimate the salary for business respondents at \$52.20** per hour, including a multiplier of 1.5 for benefits. This results in a total annual cost of \$976,066.

The users mainly request water to be turned on or turned off. Users are not required to maintain records but may do so for business purposes. The information they submit is for the purpose of obtaining or retaining a benefit, namely irrigation water.

Public Burden					
Service	Number of Respondents	Annual No. of Responses	Hour Burden per Response	Total Annual Hour Burden	Annual Cost Burden
Requesting irrigation service (Individual)	6,953	27,812	0.5	13,906	\$ 757,599
Land Classification / Designation (Individual)	74	74	1	74	\$ 4,032
Subdividing a farm unit (Individual)	25	25	4	100	\$ 5,448
Requesting leaching service (Individual)	510	510	1	510	\$ 27,785
Requesting water for domestic or stock purposes (Individual)	3,221	3,221	0.3	966	\$ 52,628
Building non-government structures in BIA rights-of-ways (Individual)	57	57	3	171	\$ 9,316
Installing a fence on BIA property or rights-of-ways (Individual)	44	44	1.5	66	\$ 3,596
Requesting Customer Information(Individual)	927	927	0.2	185	\$ 10,079

Requesting Payment Plans on bills (Individual)	107	107	2	214	\$ 11,659
Establishing a carriage agreement (carrying third party water through our facilities) (Individual)	5	5	1	5	\$ 272
Negotiating an irrigation incentive lease with the BIA (Individual)	18	18	6	108	\$ 5,884
Requesting annual assessment waiver (Individual)	123	123	1	123	\$ 6,701
Requesting irrigation service (Business)	548	2,192	0.5	1,096	\$ 57,211
Land Classification / Designation	18	18	1	18	\$ 940
Subdividing a farm unit (Business)	10	10	4	40	\$ 2,088
Requesting leaching service (Business)	90	90	1	90	\$ 4,698
Requesting water for domestic or stock purposes (Business)	570	570	0.3	171	\$ 8,926
Building non-government structures in BIA rights-of-ways (Business)	10	10	3	30	\$ 1,566
Installing a fence on BIA property or rights-of-ways (Business)	8	8	1.5	12	\$ 626
Requesting Customer Information (Business)	73	73	0.2	15	\$ 783

Requesting Payment Plans on bills (Business)	19	19	2	38	\$ 1,984
Establishing a carriage agreement (carrying third party water through our facilities) (Business)	3	3	1	3	\$ 157
Negotiating an irrigation incentive lease with the BIA (Business)	3	3	6	18	\$ 940
Requesting annual assessment waiver (Business)	22	22	1	22	\$ 1,148
Annual Totals	13,438	35,941		17,981	\$ 976,066

* BLS news release USDL: 12-2404, Employer Costs for Employee Compensation – December 2018 (Table 2, All Workers – Total Compensation),
<http://www.bls.gov/news.release/ecec.toc.htm>.

** BLS news release USDL: 12-2404, Employer Costs for Employee Compensation – December 2018 (Employer costs per hour worked for employee compensation and costs as a percent of total compensation: state and local government workers, by major occupational and industry group, December 2018 – Occupational Group: Sales and Office),
<http://www.bls.gov/news.release/ecec.toc.htm>.

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

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost

burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There is no non-hour cost burden associated with this information collection.

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

The cost to the Federal government assumes the collecting, recording and filing of information is performed by a GS-4 assistant. It is estimated that the assistant will be a GS 4, Step 5, with a salary of \$16.48* per hour, including a multiplier of 1.6 for benefits results in a total salary cost of \$26.37. By law, the cost of providing this service by the federal government is recovered in the rates charged the consumers. The annual cost to the federal government is \$236,962.

Government Burden				
Service	Annual No. of Responses	Hour Burden per Response	Total Annual Hour Burden	Annual Cost Burden
Requesting irrigation service	30,004	.25	7,501	\$197,801
Land Classification / Designation	92	.25	23	\$607
Subdividing a farm unit	35	.25	9	\$237
Requesting leaching service	600	.25	150	\$3,956
Requesting water for domestic or stock purposes	3,791	.25	948	\$24,999
Building non-government structures in BIA rights-of-ways	67	.25	17	\$448
Installing a fence on BIA property or rights-of-ways	52	.25	13	\$343
Requesting Information for Billing Purposes	1,000	.25	250	\$6,593
Requesting Payment Plans on bills	126	.25	32	\$844
Establishing a carriage agreement (carrying third party water through our facilities)	8	.25	2	\$53

Negotiating an irrigation incentive agreement with the BIA	21	.25	5	\$132
Requesting annual assessment waiver	145	.25	36	\$949
Annual Totals	35,941		8,986	\$236,962

Note: Time to turn water deliveries on and off is part of the daily operation and maintenance activities of the projects; therefore, costs are already included in the seasonal assessments for irrigation water service.

*Salary Table 2019 – GS, Effective January 2019, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/html/RUS_h.aspx.

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

The addition of five new forms, and discontinued use of one form, affected the burden estimates in the following ways:

The Request for Irrigation Services, Annual Assessment Waiver Application, Incentive Agreement Application, and Land Classification/Designation Application forms are in use without OMB approval. With the creation and use of these four forms, critical data quality issues can be now be effectively addressed.

The burden estimates related to the Request for Irrigation Services form were accounted for under the Water Request form in the last renewal, and the inclusion of this form does not affect the burden estimates. The Incentive Agreement Application is a part of “Negotiating an irrigation incentive agreement,” the burden for which was accounted for in the last renewal. The addition of this form does not affect the burden estimate because the information collected is not different from the last renewal. We have just now created a form to collect some of the information in the corresponding regulations. The Annual Assessment Waiver is a part of “Requesting annual assessment waiver” the burden for which was accounted for in the last renewal. The addition of this form does not affect the burden estimate because the information collected is not different from the last renewal.

Segregation of sensitive PII is now confined to a single information collection with an appropriate Privacy Act Statement and other required language. The new Request for Customer Information form is anticipated to increase the hour and cost burden, however it is being utilized to bring the program into compliance and improve data quality.

The Land Classification/Designation Application form increased the hour and cost burden because this information was previously collected without OMB approval and was not accounted for in the last renewal. We are accounting for it in the burden estimates in this renewal.

The reason for the shift in the federal government burden is because under the last renewal, the amount of time was not calculated accurately. We have added a burden table and calculated the actual time it takes the federal government to process the information received.

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.

No results will be published.

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

We will display the OMB Control Number and expiration date on all forms.

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

No exceptions are necessary to the certification statement.