

**1SUPPORTING STATEMENT A  
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**FORMS TO DETERMINE COMPLIANCE BY CERTAIN LANDHOLDERS  
43 CFR PART 426**

**OMB Control Number 1006-0023**

**Terms of Clearance:** None

**Justification**

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

The Reclamation Act of 1902 (43 U.S.C. 371), Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa) (RRA), and Section 5302 of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203) mandate and/or authorize the collection of information in this information collection request (ICR). Respectively, they establish a policy of Federal assistance through irrigation development, establish ownership and pricing provisions for Reclamation irrigation water deliveries, require RRA form submittal (including water district responsibility for submittal and collection thereof) as a condition for the receipt of Reclamation irrigation water, and establish audit requirements.

Certain sections in the RRA and the Acreage Limitation Rules and Regulations (Regulations, 43 CFR part 426) further delineate requirements pertaining to when RRA forms are submitted. Specifically, section 426.18 of the Regulations specifies RRA forms submittal thresholds for a qualified recipient (a landholder who benefits 25 or fewer persons who must submit an RRA form only if he/she/it holds at least 80 acres, and more often, at least 240 acres), and a limited recipient (generally an entity landholder benefitting more than 25 persons that must submit an RRA form only if it holds more than 40 acres). In addition to establishing other full-cost requirements, section 205(a)(3) of the RRA directs any limited recipient that did not receive Reclamation irrigation water prior to October 1, 1981, to pay the full-cost rate for all Reclamation irrigation water deliveries. Section 214 of the RRA provides an exemption from application of the acreage limitation provisions (including RRA forms submittal requirements) to trustees acting in a fiduciary capacity, and section 426.7 of the regulations establishes the criteria all trusts must meet in order to benefit from this exemption. In order to ensure the criteria are met, 43 CFR 426.7(b) requires that Reclamation review all trusts.

Reclamation has encountered specific situations in which Reclamation is required to enforce certain statutory and/or regulatory requirements with regard to trust, entity, public entity, and religious or charitable organization landholders who are, or believe themselves to be, below the applicable RRA form submittal threshold and therefore do not submit an annual RRA form (as approved under OMB approval number 1006-0005). Without the information that would have been included on that RRA form, Reclamation has no basis with which to administer the statutory and regulatory requirements discussed in the previous paragraph. The forms in this ICR facilitate acreage limitation administration in these situations.

**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 described below are to be completed only upon Reclamation's request by certain entity, trust, public entity, and religious or charitable organization landholders subject to the acreage limitation provisions of Federal reclamation law. Reclamation will identify the specific entity, trust, public entity, and religious or charitable organization landholders that must complete and submit to Reclamation one of the forms described below. Once completed, a copy of the "Limited Recipient Identification Sheet," "Trust Information Sheet," "Public Entity Information Sheet," or "Religious or Charitable Organization Identification Sheet" will be retained by the entity, trust, public entity, or religious or charitable organization landholder (as applicable), a copy will be retained by the district office for retention in the district's landholder files, and the original will be retained by Reclamation.

No changes have been made to the currently approved forms and instructions in order to obtain the draft forms and instructions proposed for approval. A detailed discussion of the purpose of each question on the forms is provided in Attachment 1.

Limited Recipient Identification Sheet, Form 7-2536: Some entities that receive Reclamation irrigation water may believe themselves to be under the applicable RRA forms submittal threshold, and consequently may not submit the appropriate RRA form (as approved under OMB approval number 1006-0005). However, some of these entities may, in fact, have a different RRA forms submittal threshold than what they believe it to be due to the number of natural persons benefiting from each entity and the location of the land held by each entity. In addition, some entities that are exempt from the requirement to submit RRA forms due to the size of their landholdings may in fact be receiving Reclamation irrigation water for which the full-cost rate must be paid because the start of Reclamation irrigation water deliveries occurred after October 1, 1981 [as specified by 43 CFR 426.6(b)(2)]. The "Limited Recipient Identification Sheet" will enable Reclamation to determine whether an entity landholder that is not submitting RRA forms (1) is, in fact, a limited recipient required to submit RRA forms, and (2) is remitting the appropriate rate for Reclamation irrigation water deliveries.

Trust Information Sheet, Form 7-2537: In accordance with the requirements of 43 CFR 426.7(b), Reclamation must review all trusts to ensure they meet the regulatory criteria specified in 43 CFR 426.7 that determine the amount of subsidized Reclamation irrigation water these trust landholders can receive. Specifically, land held in trust generally will be attributed to the beneficiaries of the trust rather than the trustee if the criteria are met. When Reclamation becomes aware of trusts with a landholding below the applicable RRA forms submittal threshold (40 acres or less in districts subject to the prior law provisions of Federal reclamation law, and 240 acres or less in districts subject to the discretionary provisions of Federal reclamation law), we may extend to those trusts the option to complete and submit for Reclamation's review the "Trust Information Sheet." If Reclamation finds nothing on the completed "Trust Information Sheet" that warrants further investigation of a particular trust, that trustee will not be burdened with submitting trust documents to us for in-depth review.

Public Entity Information Sheet, Form 7-2565: In accordance with the requirements of Public Law 91-310 (enacted July 7, 1970) and 43 CFR 426.10, Reclamation is required to ascertain whether or not public entities that receive Reclamation irrigation water can be considered exempt from the application of the acreage limitation provisions. This determination is made based on whether a public entity meets certain criteria pertaining to the revenue generated through the entity's farming activities. Per statute and regulation, Reclamation must make this determination regardless of how much land a public entity directly or indirectly owns or leases. For those public entities that are below the applicable 40-acre RRA forms submittal threshold, making this determination becomes difficult without the appropriate RRA form for public entities (as approved under OMB approval number 1006-0005). The "Public Entity Information Sheet" will enable Reclamation to determine whether or not a public entity that holds 40 acres or less and receives Reclamation irrigation water is exempt from application of the acreage limitation provisions. In addition, for those public entities that Reclamation determines are not exempt from the application of the acreage limitation provisions, the "Public Entity Information Sheet" will allow Reclamation to determine the proper rate to charge for Reclamation irrigation water deliveries.

Religious or Charitable Organization Identification Sheet Form 7-2578: Some religious or charitable organizations that receive Reclamation irrigation water may believe themselves to be under the RRA forms submittal threshold and, consequently, may not submit the appropriate RRA form(s). However, some of these organizations may in fact have a different RRA forms submittal threshold than what they believe it to be depending on whether these organizations meet all of the required criteria to be treated as a religious or charitable organization under the acreage limitations provisions. Meeting these criteria directly affects the amount of subsidized Reclamation irrigation water an organization can receive [43 CFR 426.9(b)]. In addition, some organizations that (1) do not meet the criteria to be treated as a religious or charitable organization under the acreage limitation provisions, and (2) are exempt from the requirement to submit RRA forms due to the size of their landholdings, may in fact be receiving Reclamation irrigation water for which the full-cost rate must be paid because the start of Reclamation irrigation water deliveries occurred after October 1, 1981 [43 CFR 426.6(b)(2)]. The "Religious or Charitable Organization Identification Sheet" will allow Reclamation to establish compliance with Federal reclamation law by certain religious or charitable organizations.

All four forms in this ICR include a section for Reclamation completion. In this section, Reclamation identifies the entity that is to complete the form, the district in which the entity holds land, and the date by when Reclamation requests the entity complete the form. All of this information is required for Reclamation's record keeping purposes.

**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.**

The “Limited Recipient Identification Sheet,” the “Trust Information Sheet,” the “Public Entity Information Sheet,” and the “Religious or Charitable Organization Identification Sheet” will not be included in Reclamation’s electronic RRA forms efforts because they are used only under very limited circumstances (the annual burden hours for each form in this ICR is very small), each form is generally completed **only once** by a particular landholder, and only upon Reclamation’s specific request. Of the nearly 14,000 thousand landholders in the 177 water user organizations that complete the RRA forms currently approved under OMB approval numbers 1006-0005 and 1006-0006, Reclamation expects only about 500 landholders will complete one of the four forms within this ICR. When Reclamation has reason to request that a landholder complete one of these four forms, Reclamation must contact that landholder in writing (rather than through electronic means) because Reclamation has no reason to request or maintain landholder contact information for landholders that are not required to submit an RRA form (as currently approved under OMB approval number 1006-0005). Because Reclamation’s initial contact with the landholder in question is, by necessity, in written format, attaching a paper copy of the applicable form for landholder completion proves to be more efficient than trying to coordinate the form’s electronic completion and submittal. This also assumes the respondent in question has the desire or capability to electronically complete and/or submit electronic forms.

The information collected on these forms is used internally within Reclamation’s RRA program and is not disseminated to the public on the internet or in hard copy. The availability of electronic submittal does not affect Reclamation RRA staff’s ability to use the information collected by these 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 acreage limitation provisions of Federal reclamation law apply only to certain Reclamation projects that provide Reclamation 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, then Deputy Assistant Secretary for Performance and Management (Department of the Interior), to then 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 ICRs differ 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, describe any methods used to minimize burden.**

Small organizations, such as family trusts, are among the respondents to this requirement. These forms will be given to only a small portion of such respondents, and only at Reclamation's discretion. Reclamation has carefully analyzed this requirement to ensure the information requested of all potential respondents is the minimum necessary to implement and enforce the acreage limitation provisions of Federal reclamation law. For example, the "Trust Information Sheet" reduces the burden placed upon trustees by eliminating the need to submit to Reclamation copies of actual trust documents for review.

**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.**

By failing to gather the information described above, Reclamation would risk violating the provisions of laws previously cited. Enforcement and collection of appropriate water charges would be hampered if this information were not collected.

Generally, these forms will be submitted **only once** per identified entity, trust, public entity, or religious or charitable organization. In other words, although Reclamation annually encounters new entities, new trusts, new public entities, and new religious or charitable organizations, field data have shown that the burden hours for this ICR do not increase significantly because each form is completed only once per identified entity, trust, public entity, or religious or charitable organization. It would therefore not be possible to conduct the collection on a less frequent basis than once per identified landholder and continue to accurately enforce 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:**

- \* **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.**

Requiring respondents to report more than quarterly is not applicable to the forms in this ICR. Generally, these forms will be submitted only once per identified entity, trust, public entity, or religious or charitable organization. Any additional requirements will generally only be determined on, at most, an annual basis. A written response in fewer than 30 days would never be required. Submitting more than an original and two copies of a document would never be required. Each entity, trust, public entity, or religious or charitable organization that is identified to complete the applicable form will only be required to complete the original. Reclamation will make and distribute any needed copies.

In general, any of these forms that are submitted to the district will be retained in the landholder's file as long as the entity, trust, public entity, or religious or charitable organization holds land in the district, because these forms help establish their applicable acreage limitation status. This retention is maintained by the water districts that deliver Reclamation irrigation water, not by the individual landholders. Landholders can choose to retain, or not retain, copies of the forms in this ICR.

The forms in this ICR are not used in connection with a statistical survey or statistical classification, nor do they involve a pledge of confidentiality. Confidential information on these forms is addressed by protection under the Privacy Act of 1974, system of records notice INTERIOR/WBR-31, Acreage Limitation.

**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.**

Notice was given in the Federal Register on September 15, 2020 (85 FR 57246). No public comments were received in response to this notice or in response to the PRA statement associated with the collection over the past three years.

The landholders that submit the forms in this ICR are among a small subset of landholders who are not required to submit standard RRA forms (i.e., the forms currently approved under OMB approval number 1006-0005) because their total landholdings do not exceed the applicable RRA forms submittal threshold specified in the regulations. This small subset of landholders is further limited to those whose landholdings are specifically identified (by Reclamation) as possibly being subject to aspects of the acreage limitation provisions other than RRA forms submittal (such as land attribution and water pricing).

The burden hour estimate associated with each form in this ICR is an average figure because not all sections of each form in this ICR are applicable to every landholder. While some landholders may utilize the full burden hour estimate to complete multiple, applicable sections of a form in this ICR, other landholders may utilize only a fraction of the burden hour estimate to complete the one section that is applicable to them. Furthermore, because the respondents change from year to year (keeping in mind that the applicable form in this ICR is completed only once per respondent), consultation with persons outside the agency would likely yield results that would prove to be inaccurate when applied to a multi-year period (such as the length of an OMB approval). In most cases, such consultation would be more burdensome from a time perspective than completing the form itself, given that the maximum burden estimate per form is 15 minutes.

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 from both districts and landholders is addressed. In other words, Reclamation continually assesses burden hour estimates for the forms used in the RRA program through regular discussions with district staff that are in direct contact with the respondents of the forms in this ICR, and has done so since these forms were first drafted. In the context of these water district reviews, Reclamation has access to a compilation of landholder feedback that comes from far more than a random sampling of 10 or fewer landholders, and we adjust the accuracy of our burden estimates according to any feedback received.

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

We will not provide payments or gifts to respondents.

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

We do not provide any assurance of confidentiality. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. 552). The Privacy Act system of records notice associated with this ICR 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**

**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 ask 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 total estimated annual burden hours for this ICR are 72 hours (rounded). This total represents no change from the most recent request for ICR approval.

- As a result of routine oversight activities, we determined that approximately 500 landholders are currently required to submit the forms in this ICR.
- The estimated number of responses per respondent is 1.0 annually, or 500 total annual responses.
- The average annual burden per response for all forms listed in the table below is 10 minutes (0.17 hours).

The average annual cost per response is estimated to be \$3.64.

- Based on the median wage rate of \$18.07\* per hour for office and administrative support employees, multiplied by a benefits multiplier of 1.4\*\*, multiplied by 0.144 hours per response.

\* [Occupational Employment and Wages, May 2019](#) (Office and administrative support occupations)

\*\*Bureau of Labor Statistics new release [USDLE-20-1736, September 17, 2020](#); specifically, private industry workers, natural resources, construction, and maintenance by occupational group (office and administrative support), June 2020, Table 4.



The total annual cost is estimated to be \$1,820 (500 total responses multiplied by \$3.64 per response). This represents a net increase of \$169 from the most recent 2017 OMB approval of this ICR.

<b>Form Name</b>	<b>Estimated No. of Respondents</b>	<b>Frequency of Response</b>	<b>Total Annual Responses</b>	<b>Burden Estimate Per Form (in minutes)</b>	<b>Total Burden Hours</b>
Limited Recipient Identification Sheet	175	1.00	175	5	15
Trust Information Sheet	150	1.00	150	5	13
Public Entity Information Sheet	100	1.00	100	15	25
Religious or Charitable Identification Sheet	75	1.00	75	15	19
<b>TOTAL</b>	<b>500</b>	<b>1.00</b>	<b>500</b>		<b>72*</b>

\* Due to rounding when figuring the total burden hours for certain forms (i.e., converting minutes to hours), the total burden hour figure is higher by 1.2 (the actual figure is 70.8). However, the 72 figure is used for ease of depiction and uniformity with the previous years' justification.

The respondents for this ICR are primarily private sector clerical employees. It is assumed that some, but not all, of the 100 estimated public entity respondents could possibly be state or local government workers with the applicable state/local government wage rate (which is higher than that of private sector clerical workers). However, it is impossible for Reclamation to ascertain which public entity respondents are government versus private sector employees. Given that the 100 estimated public entity respondents constitute only 20 percent of the total responses for this ICR, the wage rate increase associated with the subset of public entity respondents that may be government employees is assumed to have a negligible effect on annualized cost.

**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, 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.

We have not identified any non-hour cost burden associated with this 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.**

We estimate the total annual cost to the Federal Government to administer this information collection is \$2,729, as itemized in the table below.

To determine average annual salary costs, we used the [Office of Personnel Management Salary Table \(2020\)](#) to determine the annual base salary costs for staff involved in reviewing and processing the information collected as shown below. The benefits rate was calculated from Bureau of Labor Statistics News Release [USDL-20-1736](#), September 17, 2020, Employer Costs for Employee Compensation—June 2020. We multiplied the annual salaries by 1.57 to account for benefits, in accordance with USDL-20-1736.

Item	Costs
Printing of hard copy forms	\$ 300
Personnel (salary and benefits)*	\$ 2,354 (50 person-hours x \$47.07 per hour)
Miscellaneous administrative costs (e.g., mailing of hard copy forms)	\$ 75
<b>TOTAL</b>	<b>\$ 2,729</b>

\* 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 2020 hourly base wage for a GS-11 step 5 Federal employee is \$29.98
- The total hourly wage with benefits is \$47.07 (\$29.98 base wage x 1.57 benefits multiplier)
- This represents an increase of \$222 since this ICR was approved in 2017, due to wage rate increase for Federal employees.

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

We are not reporting through this document any program changes or adjustments in burden hours. Minor changes in cost burden are the result of average occupational wage changes since the most recent approval of this ICR.

**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.**

There are no plans for publication of the results of these information collections.

**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.**

Reclamation is not requesting approval to not display the OMB 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.