***2021 Supporting Statement***

***Long Term Contracting***

***OMB No. 0578-0013***

*7 CFR 630, Long Term Contracting, (LTC)*

This document represents a request for an extension of a currently approved information collection, Long Term Contracting (LTC) approved under OMB No. 0578-0013. The Long Term Contracting regulations at 7 CFR Part 630, and the Conservation Program regulations identified in Table A below set forth the basic policies, program provisions, and eligibility requirements for owners and operators to enter into and carry out long-term conservation program contracts and conservation easements with technical and financial assistance under the various programs. These programs are administered by the Natural Resources Conservation Service (NRCS).

The programs in this information collection that continue to be subject to the requirements of the Paperwork Reduction Act of 1995 are listed in Table A. The forms included in this collection are to accommodate the conservation programs identified in Table A below.

**Status of the Rules:**

TABLE A: Identifies the Programs and the Associated Regulations in the Current Package

|  |  |  |  |
| --- | --- | --- | --- |
| Program | Regulation | Source | Date |
| Long Term Contracting (LTC) | 7 CFR 630 | 40 FR 53370 | November 18, 1975 |
| Emergency Conservation Program (ECP) | 7 CFR 701 | 45 FR 49522  69 FR 10302  69 FR 22377  71 FR 30265 | July 25, 1980  March 4, 2004  April 26, 2004  May 26, 2006 |
| Emergency Watershed Protection Program (EWP) | 7 CFR 624 | 46 FR 56577  70 FR 16926 | November 17, 1981  April 4, 2005 |
| Healthy Forest Reserve Program (HFRP) | 7 CFR 625 | 71 FR 28547  75 FR 6539 | May 17, 2006  February 10, 2010 |

The regulations listed above implemented the provisions for LTC authorized by the following Public Laws:

|  |  |  |
| --- | --- | --- |
| Program | Authority | U.S. Code Citation |
| Conservation Technical Assistance (CTA) | The Soil Conservation and Domestic Allotment Act (Pub. L. 74-46), as amended | 16 U.S.C. 590a-f |
| Emergency Conservation Program (ECP) | Agricultural Credit Act of 1978 (Pub. L. 95–334), as amended | 16 U.S.C. 2201–2205 |
| Emergency Watershed Protection Program (EWP) | Flood Control Act of 1938 (Pub. L. 81–516); Agricultural Credit Act of 1978 (Pub. L. 95–334), as amended | 33 U.S.C. 70lb–1; 16 U.S.C. 2203; 5 U.S.C. 301 |
| Healthy Forests Reserve Program (HFRP) | Title V of the Healthy Forests Restoration Act (Pub. L. 108-148), as amended | 16 U.S.C. 6571-6578 |
| Resource Conservation and Development Program (RC&D) | Section 1528 of the Agriculture and Food Act of 1981 (Pub. L. 97-98), as amended | 16 U.S.C. 3451 et seq. |
| Watershed Prevention & Flood Protection Program (WPFPP) | Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566) as amended; Flood Control Act of 1944 (Pub. L. 78-534) | 16 U.S.C. 1001, *et seq*.; 33 U.S.C. 701-1 |

**Information Reporting Requirements:**

the information reporting requirements and burden related to this clearance request package includes reporting requirements associated with the following Long-Term Contracting items:

TABLE B: Identifies the current forms and provides a brief description

|  |  |
| --- | --- |
| Form | Description |
| **AD-1153** | Application |
| **AD-1154** | Long-Term Contract/Agreement for NRCS Financial Assistance Programs |
| **AD-1155; AD-1155A** | Schedule of Operations (Practices/Cost and signature sheet) |
| **AD-1156** | Modification of Schedule of Operations |
| **AD-1157** | Option Agreement to Purchase |
| **AD-1157A** | Option Agreement to Purchase Amendment |
| **AD-1158** | Subordination Agreement and Limited Lien Waiver |
| **AD-1160** | Compatible Use Agreement |
| **AD-1161** | Practice Approval and Payment Application |
| **NRCS-CPA-68** | Conservation Plan |
| **NRCS-LTP-13** | Status/Contract Review |
| **NRCS-LTP-020; NRCS-CPA-260** | Warranty Easement Deed, Conservation Easement Deed |
| **NRCS-LTP-70** | Agreement for the Purchase of Conservation Easement (Healthy Forests Reserve Program) |
| **NRCS-LTP-80** | Agreement for the Purchase of Conservation Easement (Emergency Watershed Program Floodplain Easement) |
| **NRCS-LTP-151** | Notice of Agreement or Contract Violation |
| **NRCS-LTP-152** | Transfer Agreement |
| **NRCS-LTP-153** | Agreement Covering Non-Compliance with Provisions of the Contract |

**Justification:**

**1. Explain the circumstances that make the collection of information necessary. Identify**

**any legal or administrative requirements that necessitate the collection. Attach a copy**

**of the appropriate section of each statute and regulation mandating or authorizing the**

**collection of information:**

The primary objective of NRCS is to work in partnership with the American people and the farming and ranching community to protect, conserve and sustain our nation’s natural resources on privately owned land. The purpose of the Long-Term Contracting information collection is to allow for programs to provide Federal technical and financial cost-sharing assistance through long term contracts to eligible producers, landowners, and entities. These long-term contracts provide for making land use changes and installing conservation measures and practices to protect, conserve, develop, and use the soil, water, and related natural resources on private lands. Under the terms of the agreement, the participant agrees to apply, or arrange to apply, the conservation treatment specified in the conservation plan. In return for this agreement, Federal financial assistance payments are made to the land user, or third party, upon successful application of the conservation treatment. Additionally, NRCS purchases easements for the long-term protection of the property and provides for the protection and management of the property for the life of the easement.

The authorizations listed above, direct the Secretary of Agriculture to formulate and carry out conservation program long term contracting activities. These forms are needed to administer NRCS long-term contracting programs as authorized. NRCS regulations listed above in Table A; require the collection of information on these forms to ensure proper utilization of program funds.

1. **Indicate how, by whom, how frequently, 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:**

The Conservation Programs that utilize the forms included in this collection are described in the following table. This also serves as a key to the program abbreviations used in other areas of this package.

TABLE C: Conservation Programs subject to the requirements of the Paperwork Reduction

Act

| Program | Description |
| --- | --- |
| Emergency Conservation Program (ECP) (7 CFR part 701) | USDA Farm Service Agency’s ECP provides emergency funding and technical assistance for farmers and ranchers to rehabilitate farmland damaged by natural disasters and for carrying out emergency water conservation measures in periods of severe drought. Funding for ECP is appropriated by Congress. |
| Emergency Watershed Program (EWP) (7 CFR part 624). | The EWP was initiated in 1950 and is administered by NRCS. It provides technical and financial assistance to local institutions for the removal of storm and flood debris from stream channels and for the restoration of stream channels and levees to reduce the threat to life and property. The program also provides for establishing permanent easements in floodplains with private landowners. |
| Healthy Forests Reserve Program (HFRP) (7 CFR part 625). | HFRP is a voluntary program established for the purpose of restoring and enhancing forest ecosystems to: 1) Promote the recovery of threatened and endangered species; 2) improve biodiversity; and 3) enhance carbon sequestration. The HFRP was signed into law as part of the Healthy Forests Restoration Act of 2003 and amended by the 2008 Act. The Agricultural Act of 2014 made minor changes to HFRP land eligibility and funding. |
| Resource Conservation and Development Program (RC&D) | The RC&D was initiated in 1962 and was administered by NRCS. Through this program, NRCS assisted multi-county areas in enhancing conservation, water quality, wildlife habitat, recreation, and rural development. The program provided technical and limited financial assistance for the planning and installation of approved projects. |
| Watershed Protection and Flood Prevention Program (WPFPP) (7 CFR Part 622) | The WPFPP, otherwise known as P.L. 566, was initiated in 1954, and is administered by the NRCS. It assists State and local units of government in flood prevention, watershed protection, and water management. Part of this effort involves the establishment of conservation practices on private lands to reduce erosion, sedimentation, and runoff. |

The information collected on LTC forms is obtained from conservation program participants manually and electronically for use by NRCS, other USDA agencies, and local conservation districts as follows: The Number Submitted Annually provides the number of forms completed by respondents and the approximate number of hours to complete each form. The response time is taken from the forms themselves as identified in the OMB Disclosure Statement where available.

TABLE D: Burden for required programs under the Paperwork Reduction Act

| Form | Purpose | Program(s) | Form Description | Who Completes | \*Number Submitted Annually & Burden Hours |
| --- | --- | --- | --- | --- | --- |
| AD-1153 | Application | EWP WPFPP  HFRP | The basic document used by program participants to request assistance through the local USDA Service Centers (7 CFR Parts 622.20, 624.9, and 625.5.) Used by NRCS to evaluate and prioritize application and to verify eligibility. | Program Applicants with assistance from agency personnel. | 750  Estimated time per participant is .30 per response. Burden Hours = 225.0 |
| AD-1154 | Contract or Agreement | EWP  HFRP | Document is used by NRCS to enter into a contract or agreement with the program participant (7 CFR Parts 622.3, 624.10, and 625.10. Includes Special Contract/Agreement Provisions. | Executed by the agency, with concurrence and acceptance (signature) of the participant. | 150  Estimated time per participant is .37 per response. Burden Hours = 55.5 |
| AD-1155; AD-1155A | Schedule of Practices/ Costs and signature sheet | EWP WPFPP HFRP | Practices to be installed are described, scheduled for year of installation, and cost outlays are presented. (7 CFR Parts 622.3(c); 624.3(b); 624.10; 632.21; 634.23; 625.10 701.16; 701.40; 633; and 1410.22.) Summary of schedule and cost outlays included in the schedule of practices and costs with signature blocks. (7 CFR Parts 622.3(c); 624.3(b); 632.21; 634.23; 636.7; 701.16; 701.40; 633; and 1410.22.) | Developed by the agency. Participant must read and agree to the terms. Agency, Conservation District Official, and participant must sign. | 300  Estimated time per participant is .373 per response. Burden Hours = 111.9 |
| AD-1156 | Schedule Modification | EWP WPFPP HFRP | Document is used by the agency to modify, as needed, a participant’s schedule of practices and costs. (7 CFR Parts 622.3(c); 624.3(b);624.10; 632.21; 634.23; 625.10; 701.16; 701.40; 633; and 1410.22.) | Developed by the agency. Participant must read and agree to the terms. Agency, Conservation District Official, and Participant must sign. | 25  Estimated time per participant is .375 per response. Burden Hours = 9.375 |
| AD-1157 | Option Agreement to Purchase | EWP  HFRP | Form is used by program participants as the equivalent of a real estate option to purchase. (7 CFR Part 624 and 625). | Developed by the agency. Participant must read and agree to the terms through signature. | 170  Estimated time per participant is .40 per response. Burden Hours = 68 |
| AD-1157A | Option Agreement to Purchase Amendment | EWP  HFRP | Form is used by program participants as the equivalent of a real estate option to purchase. (7 CFR Parts 624 and 625). | Developed by the agency. Participant must read and agree to the terms through signature. | 170  Estimated time per participant is .40 per response. Burden Hours = 68 |
| AD-1158 | Subordination Agreement and Limited Lien Waiver | EWP  HFRP | Form is used by program participants to subordinate mortgages and obtain limited lien waivers, when applicable, to the United States with respect to any and all interests of the subordinating party in, or related to the easement area. (7 CFR Parts 624 and 625). | Developed by the agency. Participant must read and agree to the terms through signature. | 100  Estimated time per participant is .495 per response. Burden Hours = 49.5 |
| AD-1160 | Compatible Use Application | EWP  HFRP | Used by the program participants to request authorization from NRCS to use the easement area for specified purposes. Informs the participant that the authorization does not vest any right of any kind with the landowner. This agreement includes a plan developed by NRCS describing the compatible use of the land, frequency, timing, intensity, and duration of the use. (7 CFR Parts 624 and 625). | Developed by the agency. Participant must read and agree to the terms through signature. | 200  Estimated time per participant is .40 per response. Burden Hours = 80 |
| AD-1161 | Application for Payment | EWP  HFRP | Used by program participants to transmit bills and certify completion of the contracted item. | Developed by the agency. Participant must read and agree to the terms through signature. | 200  Estimated time per participant is .30 per response. Burden Hours = 60 |
| NRCS-CPA-68 | Conservation Plan | CTA  EWP  HFRP | Practices planned are described and scheduled for the year of installation. The conservation plan is developed whether there is financial assistance provided or not. | Developed by the agency. Participant must read and agree and sign. | 2700  Estimated time per participant is .75 per response. Burden Hours = 2,025 |
| NRCS-LTP-13 | Status/  Contract Review | EWP WPFPP HFRP | Participant progress in contract or agreement implementation is recorded. (7 CFR Parts 622.3; 624.4; 632.24; 634.27(i); 625.10; 701.24; 701.43; 633; and 1410.55.) | NRCS employees conduct a review. Participant may or may not participate in the documentation process. Final review must be signed by the participant. | 250  Estimated time per participant is .375 per response. Burden Hours = 93.75 |
| NRCS-LTP-20  NRCS-CPA-260 | Warranty  Easement Deed Conservation Easement Deed | EWP  HFRP | Form used by the program participant to grant and convey NRCS and easement with appurtenant rights of access to the easement area(s). (7 CFR Parts 624 and 625). | Developed by the agency. Participant must read and agree to the terms through signature. | 170  Estimated time per participant is .295 per response. Burden Hours = 50.1 |
| NRCS-LTP-70 | Agreement for the Purchase of Conservation Easement | HFRP | Form is used by program participants as the equivalent of a real estate option to purchase. (7 CFR Part 625). | Developed by the agency. Participant must read and agree to the terms through signature. | 50 Estimated time per participant is .69 per response. Burden Hours = 34.5 |
| NRCS-LTP-80 | Agreement for the Purchase of Conservation Easement | EWP | Form is used by program participants as the equivalent of a real estate option to purchase. (7 CFR Part 624). | Developed by the agency. Participant must read and agree to the terms through signature. | 120  Estimated time per participant is .69 per response. Burden Hours = 82.8 |
| NRCS-LTP-151 | Contract Violation Notification | EWP HFRP | Used by the agency to notify a program participant of the indication of a contract or agreement violation. (7 CFR Parts; 632.42(b) (1, 2); 634.29; 625.16 and 633). | This form is completed by the NRCS. | 20  Estimated time per participant is .495 per response. Burden Hours = 9.9 |
| NRCS-LTP-152 | Transfer Agreement | EWP HFRP | Used by the agency and participant when the program participant loses control of all or part of the right and interest in the land. (7 CFR Parts; 624.10; 625.15; 632.22(f); and 633) | Completed jointly by NRCS and the participant. | 5  Estimated time per participant is .495 per response. Burden Hours = 2.475 |
| NRCS-LTP-153 | Agreement Covering Non-Compliance With Provisions of the Contract | EWP HFRP | This form is used to indicate non-compliance with the contract or agreement. (7 CFR Parts; 624.10; 625.16; 632.41; 634.29; and 633). | Completed by NRCS employee. | 10  Estimated time per participant is 1.5 hour per response. Burden Hours = 15 |

1. **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:**

The LTC conservation program forms are all available electronically, however they are not all currently being processed using automated methods. Certain information will still need to be collected manually such as the participant’s personally identifiable information and signature. NRCS is still actively participating in the Departmental e-Forms Initiative. Program participants currently have electronic access to the forms, instructions, and the program special provisions and can fill out the forms electronically; NRCS goal is that participants will eventually also be able to sign and submit to the agency for consideration electronically.

1. **Describe efforts to identify duplication. Show specifically why any similar information**

**already available cannot be used or modified for use for the purpose described in item 2 above:**

The forms included in this request for extension reflect the currently approved forms. NRCS has made every effort to combine forms and eliminate duplication where possible.

1. **If the collection of information impacts small businesses or other small entities, describe**

**any methods used to minimize burden:**

The collection of information does not involve small businesses and small entities.

1. **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:**

Generally, contracting forms are filed one time unless the participant takes action, either voluntarily, or involuntarily, or when a revision of the information included in the application or contract is required. NRCS reviews contract forms with the participant annually for the duration of the contract to ensure contract compliance and to determine if changes are needed through the annual status review procedure (NRCS-LTP-013; NRCS-CPA-013.) Participants do not report based on these forms. If the information is not reviewed, NRCS would not be able to perform its responsibilities in administering the conservation program Long Term Contracting Activities.

**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 secret, or other confidential information unless the agency can demon­strate that it has instituted procedures to protect the information's confidentiality to the extent permit­ted by law.**

Information collection on all forms utilized for Long Term Contracting is not conducted in a manner consistent with any special circumstances identified in this section.

**8. If applicable, provide a copy and identify the date and page number of publication in**

**the Federal Register of the agency's notice, soliciting comments on the information**

**collection prior to submission to OMB. Summarize public comments received in**

**response to that notice and describe actions taken by the agency in response to these**

**comments:**

* **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 form, and on the data elements to be**

**recorded, disclosed, or reported.**

The agency published a 60-day Notice in the Federal Register on March 25, 2021, (85 FR 15884) to solicit comments on the extension of the existing forms, no comments were received.

*KATHLEEN HENNESSY*

*Sr. Underwriting Counsel*

*NY Metro*

*Stewart Title Insurance Company*

*100 Motor Parkway, 5th Floor*

*Hauppauge, NY 11788*

*O (800) 433-4698 | D (631) 964-8335*

[*kathleen.hennessy@stewart.com*](mailto:kathleen.hennessy@stewart.com)

The summary of her reply is that: *The forms are straight-forward, reasonable, and the complexity is commensurate for the purposes they serve.  The form headings are helpful, and the wording is clear and to the point, the forms take no more than 10 minutes to read.*

We reached out to numerous people asking them to provide feedback and only the one listed above was willing to provide comments.

**9. Explain any decision to provide any payment or gift to respondents, other than**

**remuneration of contractors or grantees:**

Long Term Contracting payments are only disbursed to participants or third parties who earned the payments by complying with the terms and conditions of the conservation program Long Term Contract.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the**

**assurance in statute, regulation, or agency policy:**

These forms are handled according to established NRCS procedures implementing the Privacy and Freedom of Information Act of 1974 and OMB Circular A-130, “Responsibilities for the Maintenance of Records About Individuals by Federal Agencies.”

**11. Provide additional justification for any questions of a sensitive nature, such as sexual**

**behavior or 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:**

No sensitive questions regarding sexual behavior and attitudes, religious beliefs, and other matters which are commonly considered private are asked on the forms.

**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. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
* **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

NRCS anticipates the total number of respondents will be 5,390. NRCS estimates that the total burden hours will be 3,058.7 hours. The estimated burden per response depends upon the specific form. This burden amount is identified by form in Table E and ranges from .30 of an hour to 1.5 hour per respondent.

NRCS employees generally complete the remainder of the forms in the collection and review the documents with the program participant for concurrence and acceptance.

The burden was estimated based on a projected average of documents to be filed annually based on the funding level for the authorized conservation programs. There was a decrease of 170 respondents and 26.30 in burden hours due to phasing out form AD-1159.

Total annual cost to the respondents is $62,336.00. This figure is computed based on 3,058.70 burden hours times a wage of $20.38 per hour rate derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2020 National Occupational Employment and Wage Estimates in the United States. See https://www.bls.gov/oes/2016/may/oes\_nat.html.

**13. Provide estimates of the total annual cost burden to respondents or record keepers**

**resulting from the collection of information, (do not include the cost of any hour burden**

**shown in items 12 and 14). The cost estimates 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:**

There will not be any capital, start-up, or operation and maintenance costs.

**14. Provide estimates of annualized cost to the Federal government**. **Also, provide a**

**description of the method used to estimate cost and any other expense that would not**

**have been incurred without this collection of information:**

The estimated cost to the Federal Government is $183,583.40. This amount is estimated as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| Cost Item | Total Responses No. | Cost Factor/Form ($) | Total Cost ($) |
| Cost of the Forms, Development and Storage | 5,390 | 7.34 | $39,562.60 |
| Work Hour Costs | 5,390 | 26.72 | $144,020.80 |
| Total Costs |  |  | $183,583.40 |

Work hour costs associated with NRCS employees is an estimate that employees may spend an average of 60 minutes per response, collecting, filing, and processing data on the form. The average hourly wage of an NRCS employee (GS11) is $26.72 derived from the OPM.Gov Salary Table 2021-GS Effective 2021.

**15.**  **Explain the reasons for any program changes or adjustments reported in Items 13 or 14**

**of the OMB Form 83-1:**

There is a decrease in the number of respondents and responses by 170 and the burden hours by 26. The reason for the decrease is the phasing out of form AD-1159.

**16. For collections of information whose results are planned to be published, outline plans**

**for tabulation and publication:**

The information collected through conservation program long term contracting allows the Agency to evaluate performance of the Agency’s functions in administering the programs, and will not be tabulated or published in any way.

**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:**

While the cost of developing, printing, distributing, and storing the forms is estimated at $7.34per form, any funds expended on this should remain available for use in any future long term contracting opportunities. Therefore, the Agency is requesting approval to not be required to display the expiration date for OMB approval.

**18. Explain each exception to the certification statement identified in Item 19 "Certification**

**for Paperwork Reduction Act."**

There are no exceptions to the 83-1 certification statement.

**19. How is this Information collection related to the Customer Service Center?**

Information will be collected at the local USDA Service Center from each USDA program

participant. While some of the information collected for one program may not be applicable

to another program, the majority of the forms included in the information collection are non-

program specific. Some forms, however, remain program-specific, especially those dealing

with conservation easements.

The Agency has been carefully considering how to reduce the administrative burden on USDA participants, as well as reductions within the agency and the Department. Consideration has been given to shared data resources, common computing platforms, and simplification of processes mandated by the various programs authorized by Congress through the Department. The Agency plans to utilize shared databases to obtain common data elements and eliminate requests for duplicative information.