

Supporting Statement A
43 CFR Part 429 Form 7-2540
Bureau of Reclamation Use Authorization Application
OMB Control Number 1006-0003

Terms of Clearance: None

General Instructions

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

Specific Instructions

Justification

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

The Bureau of Reclamation (Reclamation) is responsible for over 6.5 million acres of land in the 17 Western States. This land has been withdrawn or acquired for specific authorized water and related project purposes and may be used for incidental purposes, such as recreational and sporting activities, farming and livestock grazing, and resource exploration and extraction. Those wishing to obtain a use authorization (such as a lease, license, or permit) on Reclamation land, facilities, and waterbodies for such incidental purposes are required to submit a use authorization application (application). Reclamation reviews the application and determines whether granting the use authorization is compatible with established project purposes.

Although Reclamation does not have specific authority requiring the collection of this information, this agency does have authority to permit these types of incidental uses under 43 U.S.C. 373 (section 10 of the Reclamation Act of 1902) and 43 U.S.C. 387 (section 10 of the Reclamation Projects Act of 1939), and the requirement to collect the costs of providing such permits under 31 U.S.C. 9701 (Independent Offices Appropriation Act) and OMB Circular A-25. In addition, 43 CFR part 429 (Use of Bureau of Reclamation Land, Facilities,

and Waterbodies) implements the requirements of 31 U.S.C. § 9701 and OMB Circular A-25.

With the authority to enter into agreements with applicants to utilize Reclamation's land, facilities, and waterbodies, Reclamation must have a consistent methodology to collect and evaluate use requests. Therefore, the primary reasons for the collection of this information are:

- a. To ensure that the use authorizations applied for are consistent with Reclamation policy, mission, guidelines, and project purposes;
- b. To ensure that Reclamation recovers its administrative costs and required fees for the authorized use of its land, facilities, and waterbodies; and
- c. To maintain consistency and accuracy in Reclamation's land and financial accounting systems.

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.

Reclamation uses the information to evaluate requests to use Reclamation land, facilities, and waterbodies. If the requested use does not conflict with project purposes or other security concerns, Reclamation may issue a use authorization approving the requested use.

Item 1 requests "information about the applicant requesting the use" such as name, company name, address, telephone numbers, and email address. This information is necessary so that Reclamation can correspond with the applicant about the application. Item 1 also asks the applicant to provide the applicant's Tax ID or Social Security Number. This information is required under the Debt Collection Improvement Act of 1996.

Item 2 asks "is this request for a new use authorization or a renewal of an existing use authorization." This information is necessary because the review and authorization processes differ for renewal of existing use authorizations.

Item 3 requests the "location of the proposed use." This is necessary for Reclamation to evaluate the application to use Reclamation land.

Item 4 requests the "purpose of the proposed use." This information is necessary for Reclamation to determine if the application is compatible with project purposes for the land, facilities, or waterbodies, and if the use is allowable under 43 CFR part 429, "Use of Bureau of Reclamation Land, Facilities, and Waterbodies."

Item 5 requests a “description of the proposed use.” This information is necessary for Reclamation to determine what conditions may be needed in the authorization document to protect project interests, the environment, and other public values.

Item 6 asks for “dates of the proposed use.” Reclamation uses this information to evaluate if the activity may conflict with project purposes and to determine if seasonal or other conditions are needed in the authorization document to protect public and project interests. Also the dates are necessary to determine compensation to the government under 43 CFR 429 and to set the dates of the authorization document.

Item 7 requests "name of insurance carrier." This information is necessary to protect project values and public interests when the activity requested has the potential to cause adverse impacts to the land. In such cases, when there are potentially adverse impacts resulting from the proposed use, Reclamation may require the user to insure against damage.

Item 8 asks the following:

“Have you, or your organization, forfeited any portion of any previous permit, bond, or surety submitted for use of Federal lands, or is any investigation or legal action pending against you or your organization for use of Federal lands?”

This information is necessary in order for Reclamation to protect public values and project uses of Reclamation land. This question helps Reclamation determine if the applicant is likely to commit abuse of public lands.

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

Reclamation has made the application available on Reclamation’s website for manual completion and paper copy submission since fiscal year 2003.

Manual submission of the hard-copy application will continue to be required regardless of whether the application is completed manually or electronically. Reclamation is currently involved in working groups looking at the capability of electronic submission of applications for use authorizations on Reclamation land. Currently there is a need for non-electronic information which must accompany the application. Examples of required non-electronic accompaniments are the original signature(s) on the application, attachments and exhibits (such as surveys), and the remittance of an application fee. Typically this manual submission will require the applicant to mail or personally deliver the application to their local Reclamation office. For the reasons stated, it has been determined that it is not practicable to allow electronic submission of the application.

- 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.**

This information is collected for each specific proposed use authorization requested. No similar information exists that could be used or modified for this purpose.

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

This collection does not present a significant burden on small businesses. The information is collected only when the applicant requests the use of Reclamation project land, facilities, and waterbodies.

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

The application will need to be submitted only when a specific use is requested. Reclamation must protect its land, facilities, and waterbodies, and part of that protection effort is to be aware of what uses are occurring on Reclamation land, facilities, and waterbodies. If an application is not submitted and a subsequent use authorization is not issued, then an unauthorized use of Reclamation land, facilities, and waterbodies may occur. Such unauthorized use could potentially jeopardize project operations and would be considered a trespass on Federal lands.

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

- a. requiring respondents to report information to the agency more often than quarterly;**

Information is collected only when the use of Federal land, facilities, and waterbodies is first requested by the respondent (applicant).

- b. requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Information is collected only when the use of Federal land, facilities, and waterbodies is first requested by the respondent (applicant).

- c. requiring respondents to submit more than an original and two copies of any document;**

There is no requirement to submit the application in quantities that exceed the original and two copies. Certain requests may require the submission of supporting material. For

example, if the application is for a significant structure, Reclamation may require that all plans and specifications be signed and sealed by a licensed professional engineer.

- d. requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**

Reclamation does not require use authorization applicants to keep records for more than 3 years.

- e. in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

The forms in this information collection will not be used for statistical surveys.

- f. requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

Statistical data classification will not be used.

- g. that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use;**

A pledge of confidentiality is not used.

- h. requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Information contained in the application is protected by the Privacy Act of 1974 systems of records INTERIOR/WBR-17 and INTERIOR/WBR-32.

- 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.**

Notice was given in the Federal Register on August 14, 2018 (83 FR 40334), to solicit public comments on the application form. No comments were received.

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.

Reclamation consulted with outside parties who used the application to request a use authorization on Reclamation land. We expect variance in the amount of time required to complete the application due to the type of use being requested and the type and amount of attachments required to accompany the use authorization application. The completion times listed for the outside parties consulted are on the low end of the user spectrum. Because many applications require more time, we believe that a burden hour estimate of 2 hours per application is a good assessment of the time required to complete the application and compile supporting documents. The three persons contacted reported that the form was usable, however comments were received that indicated the form was not clear and there were questions on the written completion of the form.

| Respondent, title, address, and phone number | Time to complete application | Clarity of Instructions | Application format |
|---|-------------------------------------|--|--|
| Film Industry Rep, Los Angeles, CA | 10 mins | Instructions were good. | Reporting format was okay |
| Realty Specialist, Ag Use Application, Ephrata, WA | 30 mins | Not clear, confusion on quality of needed info and would prefer legal land location identifier | Question does every box and space need checked. |
| AM – Special event Billings, MT | 25 mins | Instructions are not clear, example is if Tax ID is needed or not? | Okay, format, but more space for information would be great. |

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.

Reclamation did not encounter circumstances that precluded consultation with representatives of those from whom information is to be obtained. See response immediately above.

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

remuneration of contractors or grantees.

No payments or gifts will be provided to applicants.

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

Personal and financial information collected on these forms is protected under the Privacy Act of 1974. The Privacy Act System of Records Notices associated with this information collection are INTERIOR/WBR-17 and INTERIOR/WBR-32 (73 FR 20949).

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.

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

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

- a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

The estimated number of total applicants is 225 annually. The estimated completion time per application is 2 hours. The total estimated annual burden hours for this information collection are 450 hours (225 total annual applications multiplied by 2 hours per applicant). The estimated number of uses has increased approximately 29 percent from 175 to 225. Reclamation's land, facilities and waterbodies are located in and near urban interfaces where demand for use has increased.

- b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

Not applicable.

- c. Provide estimates of annualized cost to respondents for the hour burdens for**

collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under “Annual Cost to Federal Government.”

Reclamation expects to receive approximately 225 applications from users, such as organizers of special recreation events, sporting events, and commercial filming.

Reclamation was able to estimate applicable hourly rates for the following economic sectors, which represents a sample of the types of use authorization applicants, using hourly rates published on the Department of Labor (DOL) website at

http://www.bls.gov/oes/current/oes_nat.htm

| Affected Public by Industry | Hourly rate + Benefits (Hourly rate X 1.4 rounded) | Number of Hours / Application | Number of Applications | Annualized Costs |
|--|---|--------------------------------------|-------------------------------|-------------------------|
| Personal Care and Service Occupations (Recreation Workers 39-9032) (base DOL rate = \$13.44/hour) | \$18.82 | 2 | 175 | \$6,587 |
| Arts, Design, Entertainment, Sports, and Media Occupations (Media and Communication Equipment Workers, All Other 27-4099) (base DOL rate = \$34.10/hour) | \$47.74 | 2 | 25 | \$2,387 |
| | Hourly rate + Benefits (Hourly rate X 1.56) | | | |
| State and Local Government (base DOL rate = \$24.34/hour) | \$37.97 | 2 | 25 | \$1,898.50 |
| Totals | | | 225 | \$ 10,872.50 |

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.)

- a. **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.**

The up-front cost to an applicant for requesting a use authorization is \$100 for the application fee. Some applications may incur a higher cost due to administrative costs and use fees for the use authorization. The administrative fees may include analysis such as the need to perform a valuation or to ensure compliance with the National Environmental Policy Act. We estimate an average cost of \$250 for additional analyses. The total average cost for preparing an application is thus estimated to be \$350. Based on 225 applicants a year, this equates to \$78,750 total capital and start-up cost for all applicants per year.

The estimated total operation and maintenance and purchase of services component is estimated to be \$0.00.

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

Cost estimates will vary. The cost for additional analyses ranges from \$0 to \$1,000. An application for commercial filming would not need the same analyses we use for applications for resource extraction, for example. Our best estimate of the average cost for additional analyses is \$250.

- c. **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with 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.**

Cost estimates do not include these purchases.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, 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.

Reclamation estimates the total annual cost to the Federal Government to be \$43,884 to process the estimated 225 Use Authorization Application Forms (form number 7-2540). Applications will be reviewed by experienced Reclamation staff, and no additional equipment will be required. The annual cost to the Federal Government is estimated as follows:

| Cost Activity | Costs |
|---|-----------------|
| Staff costs to collect, analyze, discuss request with project manager and applicant, and issue use authorization [225 applications X approximately 4 staff-hours to review each application] X \$48.76 per hour salary including estimated benefits (1.5 X \$32.51/hr) for a GS-12, Step 3 = \$43,884 | \$43,884 |
| Miscellaneous administrative costs for equipment and support staff costs are included in the overhead | -0- |
| TOTAL Federal Government Costs | \$43,884 |

* Wage rate figure is based on the following:

- The average grade level of staff included in this cost estimate is GS-12, Step 3
- The 2018 hourly base wage for a GS-12, step 3 Federal employee is \$32.51*
- The total hourly wage with benefits is \$48.76 (\$32.51 base wage x 1.5 benefits multiplier)

* Information was obtained from the 2018 Office of Personnel Management General Salary Table

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

Based on interviews conducted with Reclamation's five Regions, the estimated number of uses increased approximately 29 percent from 175 to 225 which adjusts the hour burden.

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 Reclamation business requirements to publish the results of this information collection.

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

The expiration date for OMB approval will be displayed on the application.

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

No exceptions to the certification statement are being requested.