

**2018 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. 701b-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, <i>et seq.</i> ; 33 U.S.C. 701-1

Changes to the Information Collections since last submission:

There are no changes to the information collection since the last submission. This submission is strictly to extend the currently approved information collection. The existing authority to collect information under the Long Term Contracting regulations is valid until April 30, 2018.

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-1159	Notification of Intent to Continue
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.

No changes or adjustments are proposed at this time, this notice is limited to the request for an extension of the currently approved information collection package used by NRCS for Long-Term Contracting for the programs listed in Table A. This request includes the use of the forms associated exclusively with the programs and identifies the burden by including the forms to the current information collection package.

2. 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

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Form	Purpose	Program(s)	Form Description	Who Completes	*Number Submitted Annually & Burden Hours
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-1159	Notice of Intent to Continue	Not used by any non-exempt programs	Used by program participants who have been notified of tentative acceptance into the program to indicated NRCS their intent to continue in the program. (7 CFR Part 624).	Developed by the agency. Participant must read and agree to the terms through signature.	170 Estimated time per participant is .26 per response. Burden Hours = 44.2
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

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Form	Purpose	Program(s)	Form Description	Who Completes	*Number Submitted Annually & Burden Hours
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

Form	Purpose	Program(s)	Form Description	Who Completes	*Number Submitted Annually & Burden Hours
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

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:

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 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.

In summary, NRCS has been working diligently to develop and utilize the capabilities of electronic communications and digital formats in collecting information needed to implement its conservation programs.

4. 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.

5. 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.

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:

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 February 6, 2018, (83 FR 5240) to solicit comments on the extension of the existing forms, no comments were received. The last time these forms were approved, a 60-day Federal Register Notice was published in the May 20, 2014, Federal Register (79 FR 28884) to solicit comments. The Agency received one comment which expressed general concern over federal expenditures to agricultural landowners, but did not respond to the proposed information collection or recommend any changes to the forms themselves.

- 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 5,560. NRCS estimates that the total burden hours will be 3,085 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.

Total annual cost to the respondents is 54,944.00. This figure is computed based on 3,085 burden hours times a wage of \$17.81 per hour rate derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2016 National Occupational Employment and Wage Estimates in the United States. See https://www.bls.gov/oes/2016/may/oes_nat.htm.

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 \$182,201.20. This amount is estimated as follows:

Cost Item	Total Responses No.	Cost Factor/Form (\$)	Total Cost (\$)
Cost of the Forms, Development and Storage	5,560	7.34	\$40,810.40
Work Hour Costs	5,560	25.43	\$141,390.80
Total Costs			182201.2182,201.20

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 \$25.43 derived from the OPM.Gov Salary Table 2018-GS Effective 2018.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1:

The only changes or adjustments reported in Item 13 or 14 are to adjust the unit costs for NRCS employee work costs based on current 2018 labor rates. The burden hours for the individual forms have not been changed as this submission is an extension to an already approved information collection package, with no changes to the forms themselves.

The number of contracts entered into for the programs that are part of the inventory should remain roughly unchanged from year to year and therefore, the information collection needs should remain somewhat static over the next several years.

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 \$7.34 per 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.