



HOW TO APPEAL RRA FINAL DETERMINATIONS

Reclamation Reform Act of 1982 (RRA)

This Fact Sheet explains the RRA appeals process as set forth in Section 426.24 of the Acreage Limitation Rules and Regulations (43 CFR part 426). In general, this section allows parties directly affected by Bureau of Reclamation (Reclamation) regional directors' final determinations to appeal such determinations to the Commissioner of Reclamation (Commissioner).

WHAT DECISIONS MAY BE APPEALED?

Any RRA determination required or authorized by the Acreage Limitation Rules and Regulations that is "final" can be appealed pursuant to 43 CFR 426.24. Final determinations are usually made by Reclamation's regional directors. Sometimes, however, regional directors delegate this authority to other regional representatives such as deputy regional directors. All RRA final determinations include a specific notification so districts (i.e., contracting entities, water districts, irrigation districts, conservancy districts, associations, individual contractors, etc.), landholders (direct or indirect landowners or lessees), and farm operators are able to distinguish "final" determinations from those that are not.

WHO MAY APPEAL AN RRA FINAL DETERMINATION?

Those districts and/or landholders **directly** affected by an RRA final determination may submit an appeal to the Commissioner. In addition, representatives (i.e., attorneys) of such parties may submit appeals.

Final determinations will be transmitted, as appropriate, to districts and landholders whose rights and interests are **directly** affected. All directly affected parties have the right to appeal, even if they do not receive a notice of the final determination directly from Reclamation. Even though individual landholders have the right to appeal, they may find it advantageous to have districts appeal final determinations rather than to file separate appeals on their own behalf.

WHAT ARE THE DEADLINES FOR SUBMITTING APPEALS?

Appeals of final determinations must be submitted in writing to the Commissioner within **30 calendar days** of the date of the regional director's RRA final determination. The starting point for counting the 30 days is the date on the letter or other document transmitting the

determination. Any supporting documentation must be submitted within **60 calendar days** of the date of the RRA final determination. In other words, the timeframe for submitting supporting documentation is 30 days beyond the deadline for submitting an appeal. Appeals of RRA final determinations **cannot** be submitted prior to the issuance of the determination in question.

CAN THE APPEAL DEADLINES BE EXTENDED?

The 30-calendar-day period for submitting an appeal cannot be extended. However, the Commissioner may extend the 60-calendar-day period for submitting supporting documentation if the appellant makes such a request in a timely manner, the request includes the reason why additional time is needed, **AND** the Commissioner determines the appellant has shown **good cause** for an extension and the extension would not prejudice Reclamation. Requests for such extensions should be submitted with the original appeal.

WHERE SHOULD APPEALS AND SUPPORTING DOCUMENTATION BE SUBMITTED?

Appeals and supporting documentation should be submitted to:

Commissioner
Bureau of Reclamation
Office of Program and Policy Services
Attention: D-5300
P.O. Box 25007
Denver, CO 80225

Reclamation requests that copies of any appeals and supporting briefs also be sent to the applicable regional office.

ARE REGIONAL DIRECTORS' RRA FINAL DETERMINATIONS EFFECTIVE DURING THE TIME OF AN APPEAL?

A regional director's final determination will take effect the day after the expiration of the 30-calendar-day period during which an affected party may appeal, unless a petition for stay is filed together with a timely notice of appeal. The petition for stay must demonstrate that the harm the affected party would suffer if the decision is not stayed outweighs the interest of the United States in having the determination take effect during the appeal. The Commissioner will determine whether to stay a regional director's final determination within 30 days after receipt. Any determination or portion of a determination for which a stay is not granted will become effective immediately after the Commissioner denies or partially denies the petition for stay or fails to act within 30 days after receiving the request. In **no case** will the accrual of underpayment interest be held in abeyance. The only way to stop the accrual of underpayment interest is to pay the bill in question.

WHAT RECOURSE DO APPELLANTS HAVE IF THEY DISAGREE WITH THE COMMISSIONER'S DECISION?

The Commissioner's decision on an appeal may be appealed to the Department of the Interior's Office of Hearings and Appeals. The Office of Hearings and Appeals must receive the appeal within **30 calendar days** of the date of the Commissioner's decision. Appeals to the Office of Hearings and Appeals should be sent to:

Director
Office of Hearings and Appeals
Department of the Interior
801 North Quincy Street
Arlington, VA 22203

An appeal of a regional director's final determination is **not** to be submitted to the Office of Hearings and Appeals until **after** an appeal has been submitted to the Commissioner and a decision on that appeal has been rendered.

For additional information concerning RRA appeals, see 43 CFR 426.24 or contact the appropriate Reclamation office. Also visit www.usbr.gov/rra for more information.

Mission of the Bureau of Reclamation: To manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

The Department of the Interior has established a 24-hour toll-free telephone number (1-800-424-5081) for anyone wishing to report suspected violations of the Reclamation Reform Act of 1982 (RRA). Anyone reporting suspected violations will be protected under Federal privacy laws.

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