

SUPPLEMENTAL SUPPORTING STATEMENT FOR
FERC-Form 80, "Licensed Hydropower Development Recreation
Report"

The Federal Energy Regulatory Commission (FERC/Commission) requests OMB approval and reinstatement for FERC-Form 80, "Licensed Hydropower Development Recreation Report" which expired 08/31/2004.

A. Justification

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The information collected under FERC-Form 80 (Attachment A) is used by the Commission to implement statutory provisions of Sections 4(g), 10, 304 and 309, and 311 of the Federal Power Act (FPA), 16 U.S.C. Sections 797, 803, 825c & 825h & 825j. The Commission has been collecting FERC-Form 80 data since 1966 with a Commission Order 330 under Docket No. R-276 (Attachment B). Presently, the data is collected every six years as directed by Title 18 C.F.R. Part 8 and §141.14. It is for this reason that the Commission seeks reinstatement and three year approval of the FERC Form 80.

2. HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED AND THE CONSEQUENCES OF NOT COLLECTING THE INFORMATION

The FERC-Form 80 data collection is conducted every six years and collects information from hydropower project owners subject to Commission jurisdiction, on the use and development of recreational facilities. Forms are mailed to the licensees for the calendar year data is to be collected. The licensees collect recreation usage data throughout the year, and mail the completed forms to the Commission following the end of the year. Presently there are 400 licensees subject to this requirement.

Commission staff utilizes FERC Form 80 data when analyzing the adequacy of existing public recreational facilities. Applications for amendments to licenses and/or for changes in land rights frequently involve changes in resources available for recreation. Commission staff utilizes FERC Form 80 data in the amendment

review process to help determine the impact of such changes. The Commission's regional office staff conduct inspections of licensed projects to evaluate compliance with various license conditions, including those related to recreation. The Form 80 data assists the inspectors in identifying recreational facilities at hydropower projects. The authority for the Commission to collect this information comes from Section 10(a) of the FPA which requires the Commission to be responsible for ensuring that hydro projects subject to its jurisdiction are consistent with the comprehensive development of the nation's waterway for recreation and other beneficial public uses. In the interest of fulfilling these objectives, the Commission expects its licensees, over whom it may exercise direct regulatory control, to recognize the resources that are affected by their activities and to play a role in protecting such resources. The data required to be filed is specified by Title §8.11 and §141.14.

Without the FERC-Form 80 data, the Commission would not have the requisite information available to conduct reviews of recreation and public use facilities as mandated under the FPA. The public as well, have access to the Form 80 data and the Commission uses the results of the data collection to publish a map of recreational sites at hydropower projects.

3. DESCRIBE ANY CONSIDERATION OF THE USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN AND TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN

At present, FERC-Form 80 filings are mailed or hand-delivered in hard copy to the Secretary of the Commission. The Commission has an on-going program to explore the possibility of replacing the existing paper/diskette system with an electronic system. In 1996, the last data collection, the Commission conducted a pilot program to collect the Form 80 data via an electronic form. The program was successful but required significant effort on the Commission's part to convert the data to a useable format. We are presently exploring data collection through an Internet based application.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION AND SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN INSTRUCTION 2.

The Commission collects recreation data from its regulated hydropower licensees. There is no other known source for the FERC-Form 80 information.

5. METHODS USED TO MINIMIZE BURDEN IN COLLECTION OF INFORMATION INVOLVING SMALL ENTITIES

The Form 80 data collection does not collect information from small entities, only hydropower projects where there is a likelihood of recreation resource usage. Project owners may request an exemption from filing the data if the project has little or no existing or potential recreation use as indicated by fewer than 100 recreation days during the previous calendar year 18 C.F.R. §8.11(c).

6. CONSEQUENCE TO FEDERAL PROGRAM IF COLLECTION WERE CONDUCTED LESS FREQUENTLY

FERC-Form 80 information is collected every sixth year as required under Section 18 C.F.R. Part 8. These regulations were amended in 1992 by Commission Order 540 to change the data collection period to every six years (Attachment C). If the collection were conducted less frequently than the current schedule, the Commission would be unable to conduct adequate recreation reviews.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

There are no special circumstances requiring the collection to be conducted in a manner inconsistent with Title 18 C.F.R. Part 8 and §141.14

8. DESCRIBE EFFORTS TO CONSULT OUTSIDE THE AGENCY: SUMMARIZE PUBLIC COMMENTS AND THE AGENCY'S RESPONSE TO THESE COMMENTS

The Notice of proposed information collection and request for comments was published in the Federal Register on April 9, 2007 (Attachment D). It generated comments from Southern California Edison (Southern Cal) and Pacific Gas and Electric Company (PG&E) (Attachments E and F).

Southern Cal's Comments:

Southern Cal believes the data collection should exclude recreational facilities that are not owned by the licensee even though they may be within the project boundary.

Commission Response: The data collection is designed to include information on all recreational facilities located within the project boundary, including those provided by

other federal, state, and local agencies. The goal of the Commission's policy on recreation is to develop the project area in a comprehensive manner. Title 18 C.F.R. Part 2.7 encourages licensees to cooperate with other entities to provide recreation opportunities. This cooperation and comprehensive approach to providing recreational access at licensed projects not only provides a better recreation experience, but also addresses impacts to environmental resources in the area by not overdeveloping an area. The proposed revision to the Form 80 includes a column that identifies which facilities are part of an approved recreation plan for the project as opposed to those controlled by another entity.

Southern Cal believes the reporting cycle should be changed from every six years to seven to 12 years prior to license expiration. Southern Cal is not sure how often the Commission uses the data collected.

Commission Response: The Form 80s are collected every 6 years to ensure that recreation facilities are meeting the needs of the public. The Form 80's are used on a regular basis as a tool to evaluate recreation at the projects and we believe 6 years is an appropriate period of time to monitor use.

Southern Cal believes the Commission's estimate of three hours to complete a FERC-Form 80 underestimates the time to complete the report, which includes data gathering.

Commission Response: The Commission estimate of time to complete the Form 80s is an average of our licensees ranging from large complicate projects with extensive recreation to smaller less developed projects. In an effort to minimize the burden to licensees, we have eliminated some data fields where the information may be readily available from other sources. Data collection can take place in conjunction with other required monitoring or activities at the project such as water quality or dissolved oxygen sampling or general maintenance of the facilities.

Pacific Gas and Electric Company's comments:

PG&E believes the Commission's estimate of three hours to complete a FERC-Form 80 underestimates the time to complete the report, which includes data gathering.

Commission Response: The Commission estimate of time to complete the Form 80s is an average of our licensees ranging from large complex projects with extensive recreation to smaller less developed projects. In an effort to minimize the burden to licensees, we have eliminated some data fields where the information may be readily

available from other sources. Data collection can take place in conjunction with other required monitoring or activities at the project such as water quality or dissolved oxygen sampling or general maintenance of the facilities.

PG&E agrees that all data reported on the Form 80 should represent all recreational resources within a hydropower project boundary and suggests the information can help when assessing the need for additional facilities. PG&E further states that a relatively high occupancy rate should not automatically trigger a request for new facilities.

Commission Response: We agree with PG&E's comments. The Commission uses Form 80 as a tool for assisting licensees in managing recreation at its projects. A high facility capacity does not automatically trigger the Commission to require additional facilities. We issue a notice and opportunity for hearing before making such a requirement, and other factors would need to be considered before requiring additional facilities. In most cases we work with the licensee to obtain more information to assess the need for additional facilities. In addition, we would use information from resource agencies and other stakeholders in our determination of recreational needs.

PG&E suggests adding trail count as a means gauge recreation facility occupancy.

Commission Response: We agree with PG&E's comment and plan to revise the form.

PG&E suggests adding attendance records as a means to estimate use and facility occupancy

Commission Response: We agree with PG&E's comment and plan to revise the form.

PG&E questions whether the total miles/acres of recreation area are necessary.

Commission Response: We use total miles/acres to determine the need for additional facilities.

PG&E questions what category informal/dispersed camp sites should be included.

Commission Response: Informal/dispersed camping can be included in access areas.

PG&E suggests clarifying wildlife and hunting areas so it is clear whether acres or areas are requested.

Commission Response: These are areas within the FERC boundary that can be used for wildlife viewing and hunting.

PG&E questions whether organizational camping areas within the project boundary should be included in the data collection

Commission Response: All recreation areas should be reported, not just public recreation.

PG&E believe s that picnic sites and commercial boat mooring areas should be reported as a separate recreational resource.

Commission Response: We do not believe these types of resources need to be reported separately. If necessary during a project specific review, we will request these types of details from the licensee.

PG&E suggests eliminating recreational resources that occur infrequently, such as golf courses and playground facilities.

Commission Response: We have eliminated or combined some facilities over previous Form 80s. We believe the facilities currently reported on the Form 80 are representative of all recreational opportunities currently available at hydropower projects. For example, golf courses are an important recreational feature at projects throughout the southeast.

PG&E questions whether FERC Approved Facilities include third party resources within the project boundary that must be approved under the standard land use article.

Commission Response: FERC Approved Resources mean those facilities that are required in an approved recreation plan or subsequent amendments or those identified in an Exhibit E filed with the license and approved. It does not include facilities approved as non-project uses of project lands and water.

PG&E suggests the terms “commercial” and “private” use facilities be defined.

Commission Response: The Commission does not distinguish between private and commercial recreation facilities.

PG&E suggests the instructions clarify the types of recreation visits include both public and private facilities.

Commission Response: The recreation visits should include all recreation days at projects at approved facilities, facilities provided by other entities, and general access areas. It does not include visits to private or residential docks or to facilities outside the project boundary.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

No gifts or payments have been made to the respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The FERC-Form 80 is a public collection. No assurance of confidentiality has been made to any respondent.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE THAT ARE CONSIDERED PRIVATE.

There are no questions of a sensitive nature that are considered private.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

There is no change in burden from the previous review.

Estimated number of respondents	400
	respondents
Average number of hours per response	3 hours
Total estimated annual burden	1,200 hours
Current Burden hours	1,200 hours

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

Total					Number of
				per	Cost
					Total
□	Hours per	x	Staff	Annualized	
	<u>Burden Hours</u>				<u>Staff year</u>
					<u>Employee¹</u>
					=
					<u>Cost</u>
	1,200				□ 2,080
					x
					\$122,137
					= \$
				70,464	

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

(a) Forms Clearance, Processing, Review (0.5 FTE)	\$ 61,068
Year of Operation	\$
	61,068

The estimate of the cost to the Federal Government is based on salaries for professional and clerical support, as well as direct overhead costs.

1 The "Cost per Staff Employee" estimate is based on the estimated annual allocated cost per Commission employee for Fiscal year 2006. The estimated \$122,137 "cost" consists of salaries and benefits.

15. REASONS FOR CHANGES IN BURDEN INCLUDING THE NEED FOR ANY INCREASE

There is a change in burden due to the reinstatement of FERC Form 80.

16. TIME SCHEDULE FOR THE PUBLICATION OF DATA

The information collected in this FERC-Form 80 data collection is not published as a separate document. Filings are made available to the public however, through the Commission's eLibrary accessible over the Commission's web site: <http://www.ferc.gov>.

17. DISPLAY OF EXPIRATION DATE

An expiration date is shown on FERC-Form 80.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There is an exception to the Paperwork Reduction Act Submission Certification. Because the data collected for this reporting requirement is not used for statistical purposes, the Commission does not use as stated in item 19(i) "effective and efficient statistical survey methodology." The information collected is case specific to each respondent.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.

This is not a collection of information employing statistical methods.