

# 1 Supporting Statement A for Paperwork Reduction Act Submission

## Land-Based Wind Energy Guidelines OMB Control Number 1018-0148

**Terms of Clearance.** None.

### 1. Explain the circumstances that make the collection of information necessary.

The development of renewable energy is important for the future of the Nation and the health of the environment. The Department of the Interior is committed to facilitating the development of wind energy and other renewable resources while protecting our Nation's treasured landscapes and wildlife. Advances in wind energy technologies and increased interest in renewable energy sources have resulted in rapid expansion of the wind energy industry in the United States. If wind energy facilities are designed and constructed in the wrong locations, they can have significant negative impacts to wildlife and their habitats.

The U.S. Fish and Wildlife Service (we, Service), working with the Wind Turbine Guidelines Advisory Committee, developed the Land-Based Wind Energy Guidelines (Guidelines). These voluntary Guidelines provide a structured, scientific process for addressing wildlife conservation concerns at all stages of land-based wind energy development. They describe a process for wind project developers to use to gather information to identify sites with low risk to wildlife, and to assess, mitigate, and monitor the potential adverse effects of wind energy projects on wildlife and their habitats. They also promote effective communication among wind energy developers and Federal, State, and local conservation agencies and tribes. These Guidelines are intended to:

- Promote compliance with relevant wildlife laws and regulations;
- Encourage scientifically rigorous survey, monitoring, assessment, and research designs proportionate to the risk to species of concern;
- Produce potentially comparable data across the Nation;
- Mitigate, including avoid, minimize, and compensate for potential adverse effects on species of concern and their habitats; and,
- Improve the ability to predict and resolve effects locally, regionally, and nationally.

Although the Guidelines are voluntary, they are designed to minimize impacts to wildlife, including species protected by the Migratory Bird Treaty Act (16 U.S.C 703-712), Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d), and Endangered Species Act (16 U.S.C. 1531–1544), as well as species not afforded protection under these Acts, but which can be significantly adversely affected by wind energy development (e.g., sage grouse and bats). The Guidelines are also consistent with the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds (January 10, 2001). When used in concert with appropriate regulatory tools, the Guidelines form the best practical approach for conserving species of concern.

## **2. Indicate how, by whom, and for what purpose the information is to be used.**

Following the Guidelines, wind project developers will voluntarily provide information about their projects and nearby wildlife to the Service. The type of information varies depending on the characteristics of each project, but generally includes the results of habitat studies, wildlife surveys, fatality monitoring, and development plans. The Guidelines recommend ways that project developers should collect this information. Because of the voluntary nature of the Guidelines, a developer determines the methods used to conduct all studies and monitoring.

Adherence to the Guidelines is voluntary and does not relieve any individual, company, or agency of the responsibility to comply with laws and regulations. However, if a violation occurs we will consider a developer's documented efforts to communicate with the Service and adhere to the Guidelines.

Developers will provide information at multiple stages of project planning and development. The Guidelines identify these stages as "Tiers" and indicate the types of information that a developer should provide at each Tier.

Tiers 1 and 2 include a respondent's initial investigation and characterization of potential sites for development of wind energy facilities. At these Tiers, the respondent may be asked to provide information regarding the location of the proposed project so that we can provide general information regarding the species and habitat potentially present at that location. At Tier 2, it is possible that the respondent has access to a site. If any initial surveys or habitat assessments are conducted, the respondent may provide the results of those surveys and assessments. We use this information to assist the developer in identifying lists of species that may be present, potential risks to wildlife and their habitats, and to recommend what further studies should be conducted if the developer chooses to proceed with the project. At this stage, our technical assistance could be used by a respondent to decide whether or not to further pursue a potential site for development and to inform study design and project planning.

At Tier 3, a developer may conduct more rigorous surveys to determine which species are present, how they use the site, and whether and to what extent development of the site might pose risks to those species. Respondents will provide the results of any surveys and studies conducted. We will use this information to assist the developer in identifying and quantifying the level of risk to wildlife and their habitats and to develop a mitigation plan to compensate for anticipated impacts if the developer proceeds with the project. Our technical assistance could be used by a respondent to decide whether or not to proceed to the development stage, to finalize the design and layout (micrositing) of a proposed project, develop mitigation and monitoring plans, and to put best management practices for construction into use.

Tier 4 includes the monitoring of wildlife and habitat impacts that might take place following construction of a wind energy project. Respondents will provide the results of monitoring that takes place as well as the results of any studies conducted to assess the success of mitigation measures. We will use this information to assess the accuracy of predicted impacts and to recommend mitigation to reduce or compensate for significant unanticipated impacts. We will also provide the developer with best management practices for operation of the facility.

Tier 5 will rarely be implemented. This Tier includes any research, above and beyond normal wind energy project studies, that a developer may choose to conduct. An example of such research might be a study of the effects of weather events on the fatality levels of migratory birds. We would request the results of such research, as the body of such research is currently

limited and new information will better inform the types of recommendations we make to the developers of wind energy projects in the future.

Respondents may choose to share the information with other organizations such as State wildlife agencies or nongovernmental organizations. We will not share voluntarily submitted site specific confidential business information with others outside of the Service, but, due to Federal statutes, may be required to release information about wind projects unless such information is exempt from such requirements.

Each developer or operator will be responsible for maintaining internal records sufficient to demonstrate adherence to the Guidelines and response to communications from the Service. Examples of these records could include: studies performed in the implementation of the tiered approach; an internal or external review or audit process; a bird and bat conservation strategy; or a wildlife management plan. If a developer and operator are not the same entity, we expect the operator to maintain sufficient records to demonstrate adherence to the Guidelines.

**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].**

Wind energy developers determine their own methodology for collecting information. Respondents may submit the information electronically via email. Allowing respondents to submit their reports electronically reduces administrative burden to respondents and the Federal Government. Information may also be submitted in person during face-to-face meetings, over the Internet, or in hard copy in whatever format they may prefer.

**4. Describe efforts to identify duplication.**

No other division of the Service or other agency of the Federal Government collects this information.

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

We collect the minimum amount of information necessary to evaluate the impacts of proposed wind energy projects to wildlife and their habitats and to provide technical assistance to the developer.

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

If the collection were not conducted, we would be unable to provide technical assistance to wind energy developers seeking to avoid, minimize, and compensate for the negative impacts of wind energy projects on wildlife and their habitats. If it were conducted less frequently, we would have limited and incomplete information and would likewise be unable to provide technical assistance to wind energy developers.

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 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.

A developer choosing to follow the Guidelines will most likely maintain records longer than 3 years. Developers will not routinely provide post-construction monitoring information to the Service. For example, developers will most likely maintain records regarding survey and monitoring results for the life of a project for their own purposes, including so that they may demonstrate that they have taken actions to reduce impacts to wildlife at the project. No other special circumstances exist that would cause us to collect the information in a manner inconsistent with OMB guidelines.

8. If applicable, provide 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 (or in response to a PRA statement) 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 format (if any), and on the data elements to be recorded, disclosed, or reported.**

The Guidelines have undergone significant public review and comment. We published a Notice of Availability in the Federal Register on February 18, 2011, seeking comments on the draft Guidelines until May 19, 2011. As we revised the Guidelines, we made them available to the public for comment through meetings of the Wind Turbine Guidelines Advisory Committee in July and September 2011.

In January 2012, we requested that OMB approve, on an emergency basis, our request to collect information associated with the Land-Based Wind Energy Guidelines (Guidelines). We asked for emergency approval because of the potential negative effects that proposed wind energy facilities may have on wildlife and their habitat. OMB approved our request and assigned OMB Control No. 1018-0148, which expires September 30, 2012.

On April 2, 2012, we published in the *Federal Register* (77 FR 19683) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on June 1, 2012. We received one comment. The comment was in regards to permitting for the take of birds, and did not address the information collection requirements. We did not make any changes to our requirements.

In addition to the *Federal Register* notice, we contacted the following individuals involved in the development and operation of wind energy projects to obtain their views on the clarity of instructions, length of time to make application, burden hours, etc.:

NAME	ORGANIZATION	E-MAIL ADDRESS	PHONE NUMBER
Sam Enfield	MAP Royalty, Inc.	senfield@maproyalty.com	650-543-5887
Mike Azeka	AES Wind Generation	Mike.azeka@aes.com	858-573-2018
Winifred Perkins	NextEra Energy Generation	Winifred.perkins@nexteraenergy.com	561-691-7046
René Braud	Pattern Energy	Rene.braud@patternenergy.com	713-265-0350
Rich Rayhill	Ridgeline Energy	richrayhill@gmail.com	208-841-5037

The individuals provided examples of the costs of wildlife studies for select wind energy projects. The projects included a range from those anticipated to have fewer impacts to wildlife, and therefore conducted fewer and less complex wildlife studies, to those that were anticipated to have significant wildlife impacts, and therefore conducted more intensive wildlife studies. The figures included estimated and actual costs, depending on what information was available.

We took these figures into account when developing our estimate of the costs of voluntarily adhering to the Guidelines. We assumed that project proponents choosing to adhere to the Guidelines would, through application of the tiered process, avoid sites that are anticipated to have significant impacts to wildlife and would require more intensive wildlife studies. We did not include costs that would otherwise be incurred to comply with federal wildlife laws; e.g., the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

We do not provide any gift or payment to respondents.

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

We do not provide any assurance of confidentiality to respondents.

**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.**

We do not ask questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information.**

We estimate a total of 400 annual responses totaling 435,600 annual burden hours for this collection. The dollar value of the annual burden hours is approximately \$24,437,160.

ACTIVITY (Reporting and recordkeeping)	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES	COMPLETION TIME PER RESPONSE	TOTAL ANNUAL BURDEN HOURS	TOTAL DOLLAR VALUE OF BURDEN HOURS (@\$56.10/hr) (rounded)
Tier 1 (Desktop Analysis)	150	150	83	12,450	\$698,445
Tier 2 (Site Characterization)	110	110	375	41,250	\$2,314,125
Tier 3 (Pre-construction studies)	80	80	2,880	230,400	\$12,925,440
Tier 4 (Post-construction fatality monitoring and habitat studies)	50	50	2,550	127,500	\$7,152,750
Tier 5 (Other post-construction studies)	10	10	2,400	24,000	\$1,346,400
<b>TOTALS</b>	400	400		435,600	\$24,437,160

The frequency of responses will depend on how quickly the developer moves through the development process. We estimate that within any given year, there may be 400 projects in various stages of development and operation. This estimate represents an upper limit. The estimates assume that multiple biologists will perform field work to complete surveys and monitoring during appropriate seasons throughout the year. The duration and intensity of surveys conducted for each project will vary widely based on the species present and level of risk of impacts. The estimates assume that developers will conduct comprehensive surveys and monitoring at Tiers 3 and 4.

For purposes of this collection, we have determined the hourly rate, including benefits, to be \$56.10. We base this labor cost on the national mean hourly wage of an environmental engineer of \$40.07 (May 2011, U.S. Bureau of Labor Statistics, <http://www.bls.gov/oes/current/oes172081.htm>). We multiplied the hourly rate by 1.4 to account for benefits in accordance with BLS news release USDL 12-1124, June 7, 2012, Employer Costs for Employee Compensation - March 2012 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

**13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.**

We estimate the total annual nonhour burden cost to be \$9,240,000. By Tier, these costs are estimated to be as follows:

ACTIVITY	NUMBER OF RESPONSES	COST PER RESPONSE	TOTAL ESTIMATED ANNUAL NONHOUR COST BURDEN
Tier 1 (Desktop Analysis)	150	\$2,000	\$300,000
Tier 2 (Site Characterization)	110	\$4,000	\$440,000
Tier 3 (Pre-construction studies)	80	\$23,000	\$1,840,000
Tier 4 (Post-construction fatality monitoring and	50	\$95,000	\$4,750,000

habitat studies)			
Tier 5 (Other post-construction studies	10	\$191,000	\$1,910,000
<b>TOTALS</b>	400		\$9,240,000

Costs will depend on the complexity of issues associated with each project. These expenses may include, but are not limited to, the following: travel expenses for site visits, studies conducted, and meetings with the Service and other Federal and State agencies; training in survey methodologies; data management; special transportation such as ATV or helicopter; and equipment needed for acoustic, telemetry, or radar monitoring, and carcass storage.

#### 14. Provide estimates of annualized costs to the Federal Government.

We estimate the total annual cost to the Federal Government to administer this information collection will be \$572,365. The table below shows the tasks and staff hours associated with providing technical assistance to developers at each Tier of the Guidelines. Hourly wages were obtained from the Office of Personnel Management's Salary Table 2012-RUS ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)). To calculate benefits, we multiplied the hourly rate by 1.5 in accordance with BLS news release USDL 12-1124, June 7, 2012, Employer Costs for Employee Compensation - March 2012 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

Tasks	Number of Responses	Grade Level and Hours					
		GS 11/step 5		GS 12/step 5		GS 13/step 5	
		Hours Per Response	Total Annual Hours	Hours Per Response	Total Annual Hours	Hours Per Response	Total Annual Hours
Tier 1: Provide lists of data sources and references requested by developer.	150	1	150	1	150		
Tier 2: Provide requested information such as species lists.	110	2	220	2	220	1	110
Tier 2: Review any survey results provided by developer and identify initial concerns based on available information.	110	10	1,100	2	220	2	220
Tier 2: Coordinate with other applicable Federal and State agencies and tribes.	110	8	880	2	220	1	110
Tier 3: Advise developers on appropriate study methods; based on study results, advise developers on mitigation.	80	40	3,200	4	320	2	160
Tier 3: Coordinate with other applicable Federal and State agencies and tribes.	80	8	640	8	640	2	160
Tier 4: Advise project operator on monitoring design and on any appropriate mitigation.	50	40	2,000	4	200	1	50
Tier 5: Advise project operator on need for Tier 5 research and research design; advise developer on appropriate mitigation	10	40	400	10	100	1	10
Total hours			<b>8,590</b>		<b>2,070</b>		<b>820</b>
Cost per hour, including benefits			<b>\$46.76</b>		<b>\$56.06</b>		<b>\$66.65</b>
Total cost per grade level (rounded)			<b>\$401,668</b>		<b>\$116,044</b>		<b>\$54,653</b>

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

There are no program changes or adjustments.



**16. For collections of information whose results will be published, outline plans for tabulation and publication.**

We will not publish the results of this 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.**

We will display the OMB Control Number and expiration date on appropriate materials.

**18. Explain each exception to the certification statement.**

There are no exceptions to the certification statement.