

FERC-587  
(OMB Control No. 1902-0145)

Supporting Statement for  
**FERC-587, Land Description: Public Land States/Non-Public Land States (Rectangular or Non Rectangular Survey System Lands in Public Land States)**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve **FERC-587, Land Description: Public Land States/Non-Public Land States (Rectangular or Non Rectangular Survey System Lands in Public Land States)**, for a three year period. FERC-587 (OMB Control No. 1902-0145) is an existing Commission data collection (filing requirements), as stated by 18 Code of Federal Regulations, Part 4.81(b)(5).

The Commission estimates the annual reporting burden for FERC-587 will be 137 total hours (an average of 1 hour per respondent).

**1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY**

The Commission issues licenses for hydroelectric projects on the waters over which Congress has jurisdiction under authority of the Federal Power Act (FPA)<sup>1</sup>. The FPA (as amended by the Electric Consumers Protection Act [ECPA])<sup>2</sup> provides the Commission with the authority to issue licenses to nonfederal hydroelectric plants. The passage of the ECPA in 1986 revised the language within the FPA regarding environmental issues.

Section 24 of the FPA requires that applicants proposing hydropower projects on or changes to existing projects located on lands owned by the United States are required to provide a description of the United States lands affected and to notify the Commission and the Secretary of the Interior. FERC-587 consolidates the information required and identifies hydropower project boundary maps associated with the lands of the United States.

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

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<sup>1</sup> 16 USC § 791 a et seq (1996)

<sup>2</sup> Public Law 99-495, 100 Stat. 1243 (1996)

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The Commission uses the information collected within the FERC-587 to verify the accuracy of the information provided and to coordinate with the Bureau of Land Management (BLM) States Offices (Department of the Interior) to ensure that United States (US) lands may be reserved as hydropower sites and withdrawn from other prospective uses.

The Commission gives equal consideration to all licensing purposes related to the potential efficacy of a river or stream. These purposes might include hydroelectric development, energy conservation, fish/wildlife resources (to include spawning habitats), visual resources, cultural resources, recreational opportunities, irrigation, flood control, water supply, and geographic boundaries.

To obtain approval of the application, the Commission requires the project owner (licensee/exempted entity) to submit drawings illustrating all project features, project boundaries, and all plans relevant to development of the project (e.g., recreational plans). The licensee must then submit the plans to the Commission for approval. The Commission monitors the licensee/exempted entity's compliance with the conditions.

FERC's Office of Energy Projects (OEP) assigns and tracks exhibit drawings for proposed, licensed, and exempted hydropower projects. Along with the authorizing document (e.g., preliminary permit, license, exemption), exhibit drawings serve as the primary source of information about a hydropower project. OEP needs the drawings or exhibits to track the boundary of a project for land withdrawal from other prospective, public use. OEP coordinates with the US Department of the Interior BLM for any projects proposed on federal land.

The FPA requires the FERC-587 data to fulfill the requirements of Section 24 which withdraws federal lands upon receipt of a hydropower project application. BLM must be notified of the land's withdrawal and receive a copy of the application, boundary exhibits, and FERC's Form 587. The aforementioned information aids the Commission in ascertaining that the proposal is economically, technically, and environmentally sound. Additionally, the proposal must be found to improve and develop affected waterways.

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

The Commission allows the option of filing all documents in proceedings through the eFiling interface except for specified exceptions, and of utilizing online forms to allow "documentless" interventions in all filings.

With the advent of eFiling 7.0, the Commission has expanded its ability to receive electronic filings through its eFiling and eLibrary systems and now includes these filings. Submission guidelines can be found here: <http://www.ferc.gov/docs-filing/efiling/filing.pdf>. If an applicant opts to not file electronically, they would have to submit an original and two copies which

satisfy the requirements in section 1320.5(d)(2)(iii). While the Commission encourages applicants to submit their filings electronically, this is the applicant's option.

**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 NO. 2**

The Commission published a notice within the Federal Register<sup>3</sup> to help identify any duplication of the information in FERC-587. No comments were received. There are no other Federal agencies responsible for ensuring that United States (US) lands may be reserved as hydropower sites and withdrawn from other prospective uses within FERC's jurisdiction. No similar information can be used or modified.

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

The Commission permits the option of filing all documents in proceedings through the eFiling interface as a means of reducing burden for respondents including small entities. The burden will vary among applicants, since the information should be specific for each applicant and site.

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

If the Commission did not collect this information, it would not fulfill its responsibilities specified within the statutory provisions of FPA Section 24.

**7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION**

The requirements meet all of OMB's section 1320.5 requirements; however, if an applicant opts to not file electronically, they would have to submit an original and two copies which satisfy the requirements in section 1320.5(d)(2)(iii). While the Commission encourages applicants to submit their filings electronically, this is the applicant's option.

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

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<sup>3</sup> 80 FR 19308 (4/10/2015)

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In accordance with OMB requirements<sup>4</sup>, the Commission published a 60-day notice<sup>5</sup> and a 30-day notice<sup>6</sup> to the public regarding this information collection on 4/10/2015 and 6/22/2015 respectively. Within the public notice, the Commission noted that it would be requesting a three-year extension of the public reporting burden with no change to the existing requirements concerning the collection of data. No comments were received.

## 9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to FERC-587 respondents.

## 10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected in FERC-587 filings to be confidential. However, the Commission will consider specific requests for confidential treatment to the extent permitted by law pursuant to the requirements of 18 CFR 388.112(a)(1). The Commission will review each request for confidential treatment on a case-by-case basis.

## 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.

There are no questions of a sensitive nature that are considered private in the FERC-587.

## 12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The following table represents this current burden request in ICR No. 201506-1902-001 and this supporting statement:

FERC-587: Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States])						
	Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden & Cost Per Response <sup>3</sup> (4)	Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
Hydropower Project Applicants	137	1	137	1 hr.; \$72	137 hrs.; \$9,864	\$72

<sup>4</sup> 5 CFR 1320.8(d)

<sup>5</sup> 80 FR 19308

<sup>6</sup> 80 FR 35642

**13. ESTIMATE OF TOTAL ANNUAL COST OF BURDEN TO RESPONDENTS**

There are no non-labor start-up costs. All costs are related to burden hours and are addressed in #12 and #15.

**14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT**

The estimated annualized cost to the Federal Government related to the data collections are shown below:

	<b>Number of Hours or FTE's</b>	<b>Estimated Annual Federal Cost (\$)<sup>7</sup></b>
PRA <sup>8</sup> Administration Cost <sup>9</sup>	-	\$ 5,193
Data Processing and Analysis	0.04	\$5,980
<b>FERC Total</b>	-	<b>\$11,173</b>

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

The currently approved information collection burden is displayed in the following table:

<b>FERC-587: Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States])</b>					
	<b>Number of Respondents (A)</b>	<b>Number of Responses Per Respondent (B)</b>	<b>Total Number of Responses (A)x(B)=(C)</b>	<b>Average Burden Hours per Response (D)</b>	<b>Estimated Total Annual Burden (C)x(D)</b>
	250	1	250	1	250

The requirements within the FERC-587 did not change. However, during the previous three years, Commission staff noted a decrease in the number of preliminary permit applications (due to normal fluctuations in the number of industry applications), thus decreasing the estimate of number of FERC-587 respondents.

The requested information collection burden is displayed in the following table:

<sup>7</sup> Based on FERC's FY2015 cost (salary plus benefits) per FTE of \$149,489 for 1 year (or 2,080 hours), rounded to \$72.00 per hour.

<sup>8</sup> Paperwork Reduction Act of 1995 (PRA).

<sup>9</sup> The PRA Administration Cost is \$5,193, and includes preparing supporting statements, notices, and other activities associated with Paperwork Reduction Act compliance.

<b>FERC-587: Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States])</b>						
	<b>Number of Respondents (1)</b>	<b>Annual Number of Responses per Respondent (2)</b>	<b>Total Number of Responses (1)*(2)=(3)</b>	<b>Average Burden &amp; Cost Per Response<sup>3</sup> (4)</b>	<b>Total Annual Burden Hours &amp; Total Annual Cost (3)*(4)=(5)</b>	<b>Cost per Respondent (\$) (5)÷(1)</b>
Hydropower Project Applicants	137	1	137	1 hr.; \$72	137 hrs.; \$9,864	\$72

The following table shows the total burden of the new collection of information. The format, labels, and definitions of the table follow the ROCIS submission system’s “Information Collection Request Summary of Burden” for the metadata.

	<b>Total Request</b>	<b>Previously Approved</b>	<b>Change due to Adjustment in Estimate</b>	<b>Change Due to Agency Discretion</b>
Annual Number of Responses	137	250	-113	0
Annual Time Burden (Hr.)	137	250	-113	0
Annual Cost Burden (\$)	\$0	\$0	\$0	\$0

**16. TIME SCHEDULE FOR PUBLICATION OF DATA**

There are no statistical, tabulating analysis, or publication plans for the collection of information.. The data are used for regulatory purposes only.

**17.DISPLAY OF EXPIRATION DATE**

The expiration dates are displayed on ferc.gov with links to the updated table from <http://www.ferc.gov/docs-filing/info-collections.asp>.

The expiration date is also displayed on the FERC-587 form on the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> pages in the upper right-hand corners.

**18.EXCEPTIONS TO THE CERTIFICATION STATEMENT**

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There are no exceptions.