

**Supporting Statement A for
Paperwork Reduction Act Submission**

Management of Non-Federal Oil and Gas Rights

**50 CFR 29, Subpart D
OMB Control Number 1018-0162**

Terms of Clearance. Not Applicable - New Collection.

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

In 2003, the Government Accountability Office (GAO) issued a report (GAO–03–517) to Congress highlighting the opportunities to improve management and oversight of oil and gas operations on National Wildlife Refuge System lands and waters. An update by GAO in 2007 (GAO–07–829R) followed the 2003 report reasserting the recommendation that the Service take the necessary steps to apply a consistent and reasonable set of regulatory and management controls over all oil and gas activities occurring on refuges to protect the public’s surface interests. The collection of information included in the final rule will help address the recommendations outlined in the 2003 and 2007 GAO reports.

Other land management agencies have regulations that address oil and gas development, including the Department of the Interior’s National Park Service (NPS) and Bureau of Land Management (BLM), and the U.S. Department of Agriculture’s Forest Service. These agencies all require the submission of information similar to the information requested by the Service.

The authority of the Service to regulate non-Federal oil and gas operations on NWRS lands is broadly derived from the Property Clause of the United States Constitution (Art. VI, Sec. 3), in carrying out the statutory mandates of the Secretary of the Interior, as delegated to the Service, to manage Federal lands and resources under the National Wildlife Refuge System Administration Act (“NWRSA”), as amended by the National Wildlife Refuge System Improvement Act (“NWRZIA”), 16 USC 668dd et seq., and to specifically manage species within the NWRS under the provisions of numerous statutes, the most notable of which are the Migratory Bird Treaty Act, 16 U.S.C. 715 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Fish and Wildlife Act of 1956, 15 U.S.C. 742f.

The collection of information is necessary for the Service to adequately regulate the exercise of non-Federal oil and gas rights within refuge boundaries for the purpose of protecting wildlife and habitat, water quality and quantity, wildlife dependent recreational opportunities, and the public health and safety of employees and visitors on NWRS lands.

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

The information required by 50 CFR, part 29, subpart D identifies the owner and operator (the owner and operator are often the same) and details how the operator may access and develop oil and gas rights. It also identifies the steps the operator intends to take to minimize any adverse impacts of operations on refuge resource and values. No information, except information demonstrating ownership of the right, is submitted unless the owner wishes to conduct oil and gas operations.

Responsible operators should be compiling information required under 50 CFR part 29, subpart D, as part of normal business activities to minimize liabilities, maintain business records for tax

and other purposes, obtain financial backing, and ensure a safe, efficient, and well-planned operation. Under the regulations, information may be submitted in the manner in which it is customarily maintained by the industry. We propose to use FWS Form 3-2469 (Oil and Gas Operations Special Use Permit Application) as an application for the Temporary Access Permit and Special Operations Permit.

Names and legal addresses are needed to identify the operator for oil and gas activities. The map(s), description of the mode of transport and major equipment, and proposed operations with development timeframes are needed to enable the Service and any interested public reviewers to evaluate the proposed operations. We need sufficiently specific information that will allow us to perform detailed engineering and environmental analyses necessary to meet the requirements of the laws mentioned above. We will use the information to ensure that the operator will be able to conduct safe and environmentally acceptable operations within the confines of the property right interest.

Because we cannot approve an operation that violates any law or regulation, documentation of compliance with applicable Federal, State, and local laws and regulations is also required (this can be satisfied by supplying copies of permits, licenses, etc.). The reclamation plan is needed to ensure the site is left in a safe and environmentally sound condition during and after operations. The environmental report and discussion of the refuge's planning documents and mitigation measures demonstrate that the operator has considered and has some understanding of the nationally significant resources and values in which he/she plans to conduct operations. The information is also necessary for preparation of Service documents in compliance with NEPA.

We use the information collected to: (1) evaluate proposed operations, (2) ensure that all necessary mitigation measures are employed to protect refuge resources and values, and (3) ensure compliance with all applicable laws and regulations, including the National Environmental Policy Act (NEPA)(42 U.S.C. §4321 et seq.) and 40 CFR parts 1500-1508, National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act, 16 USC 668dd et seq., and to specifically manage species within the NWRs under the provisions of numerous statutes, the most notable of which are the Migratory Bird Conservation Act, 16 U.S.C. 715 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., and the Fish and Wildlife Act of 1956, 15 U.S.C. 742f.

We are proposing to collect the following information for non-Federal oil and gas operations:

Preexisting Operations (§ 29.61). Within 90 days after the effective date of these regulations or after a boundary change or establishment of a new refuge unit, preexisting operators without a Service-issued permit must submit:

- Documentation of the right to operate within the refuge.
- Contact information (names, phone numbers, and addresses) of the primary company representative; the representative responsible for field supervision; and the representative responsible for emergency response.
- Scaled map clearly delineating the existing area of operations.
- Documentation of the current operating methods, surface equipment, materials produced or used and monitoring methods.
- Copies of all plans and permits required by local, State, and Federal agencies.

Temporary Access Permit Application (§ 29.71). We propose to use Parts 1 and 2 of FWS Form 3-2469 as the application for a Temporary Access Permit. The operator must provide the

information requested in Parts 1 and 2 of the form, including:

- Contact information (name, legal address, and telephone number) for the person(s) responsible for the overall management of the proposed operations.
- Documentation demonstrating the right to operate within the refuge.
- Name, legal address, telephone number, and qualifications of all specialists responsible for conducting the reconnaissance surveys.
- Brief description of the intended operation so that we can determine reconnaissance survey needs.
- Description of the survey methods that will be used to identify the natural and cultural resources.
- Location map (to-scale and determined by us to be acceptable) delineating the proposed reconnaissance survey area in relation to the refuge boundary and the proposed area of operations.
- Description of proposed means of access and routes for conducting the reconnaissance surveys.

Accessing Oil And Gas Rights From a Non-Federal Surface Location (§ 29.80). We encourage operators to provide us, at least 60 calendar days prior to beginning operations, the names, telephone numbers, and addresses of the primary company representative, the representative responsible for field supervision, and the representative responsible for emergency response.

Pre-application Meeting for Operations Permit (§ 29.91). Before submitting an application for an Operations Permit, operators should participate in a pre-application meeting with the Service and provide:

- Documentation demonstrating the right to operate within the refuge.
- An overview of the proposed operation and timing.

Operations Permit Application (§§ 29.94, 29.95, 29.96, and 29.97). We propose to use FWS Form 3-2469 as the application for an Operations Permit. All applicants must provide the information requested in Parts 1, 3, 4, 8, 9, and 10, FWS Form 3-2469, including:

Part 1 (§ 29.94(a)-(b))

- Contact information (name, legal address, and telephone number) for the person(s) responsible for the overall management of the proposed operations.
- Documentation demonstrating the right to operate within the refuge.

Part 3 (§ 29.94(c)-(f))

- Description of the natural features of the proposed area of operations, such as: streams, lakes, ponds, wetlands (including estimated depths to the top and bottom of zones of usable water); topographic relief; and areas that the Service has indicated are sensitive.
- Locations of existing roads, trails, railroad tracks, pipeline rights-of-way, pads, and other disturbed areas.
- Locations of existing structures that the operations could affect, including buildings; pipelines; oil and gas wells, including both producing and plugged and abandoned wells; injection wells; freshwater wells; underground and overhead electrical lines; and other utility lines.
- Descriptions of the natural and cultural resource conditions from your reconnaissance survey reports or other sources collected for your proposed area of operations, including baseline testing of soils, surface and ground waters within your area of operations that reasonably may be impacted by your surface operations.

Part 4 (§ 29.94(g)-(n))

- Location maps (to-scale and determined by us to be acceptable) that clearly identify:
 - (1) Proposed area of operations, existing conditions, and proposed new surface uses, including the boundaries of each of the oil and gas tracts in relation to the proposed operations and the relevant refuge boundary.
 - (2) Proposed access routes of new surface disturbances as determined by a location survey.
 - (3) Location of all support facilities, including those for transportation (e.g., vehicle parking areas, helicopter pads, etc.), sanitation, occupation, staging areas, fuel storage areas, refueling areas, loading docks, water supplies, and disposal facilities).
- Method and diagrams (including cross sections) of any proposed pad construction, road construction, cut-and-fill areas, and surface maintenance, including erosion control.
- Number and types of equipment and vehicles, including an estimate of vehicular round trips associated with the operation.
- Estimated timetable for the proposed operations, including any operational timing constraints.
- Type and extent of security measures proposed at the area of operation.
- Power sources and their transmission systems for the proposed operations.
- Types and quantities of all solid and liquid waste generated and the proposed methods of storage, handling, and disposal.
- Source, quantity, access route, and transportation/conveyance method for all water to be used in operations, including hydraulic fracturing, and estimates of any anticipated waste water volumes generated, including flowback fluids from hydraulic fracturing operations, and the proposed methods of storage, handling, and recycling or disposal.

Part 8 (§ 29.94(o))

- Description of proposed steps to mitigate anticipated adverse environmental impacts on refuge resources and uses, including: refuge's land features, land uses, fish and wildlife, vegetation, soils, surface and subsurface water resources, air quality, noise, lightscapes, viewsheds, cultural resources, and economic environment.
- Description of any anticipated impacts that cannot be mitigated.
- Description of all alternatives considered that meet the criteria of technologically feasible, least-damaging methods of operations, as well as the costs and environmental effects of such alternatives.

Part 9 (§ 29.94(p))

- For spill control and emergency preparedness plan, submit contact information (name, address, and telephone number) for persons that we can contact in the event of a spill, fire, or accident, including the order in which the persons should be contacted.
- Notification procedures and steps taken to minimize damage in the event of spill, fire, or accident, including the order in which individuals should be contacted.
- Identification of contaminating or toxic substances used within the area of operations or expected to be encountered during operations.
- Trajectory analysis for potential spills that are not contained on location.
- Identification of abnormal pressure, temperature, toxic gases or substances, or other hazardous conditions at the area of operations or expected to be encountered during operations.
- Measures (e.g., procedures, facility design, equipment) to minimize risks to human health and safety, and the environment.
- Steps to prevent accumulations of oil or other materials deemed to be fire hazards from occurring in the vicinity of well locations and lease tanks.

- Equipment and methods for containment and cleanup of contaminating substances, including a description of the equipment available at the area of operations and equipment available from local contractors.
- Storm water drainage plan and actions intended to mitigate storm water runoff.
- Material safety data sheets for each material that will be used or encountered during operations, including expected quantities maintained at the area of operations.
- Description of the emergency actions that will be taken in the event of injury or death to fish and wildlife or vegetation.
- Description of the emergency actions that will be taken in the event of accidents causing human injury.
- Contingency plans for conditions and emergencies other than spills, such as if the area of operations is located in areas prone to hurricanes, flooding, tornados, fires, or earthquakes.

Part 10 (§ 29.94(q)-(r))

- Description of the specific equipment, materials, methods, and schedule that will be used to meet the operating standards for reclamation at §29.117.
- Itemized list of the estimated costs that a third party would charge to complete reclamation.

Part 5 Geophysical Exploration (§29.95). Applicants proposing geophysical exploration must also provide the information requested in Part 5 of FWS Form 3-2469, including:

- Map showing the positions of each survey line including all source and receiver locations as determined by a locational survey, and shot point offset distances from wells, buildings, other infrastructure, cultural resources, and environmentally sensitive areas.
- Number of crews and numbers of workers in each crew.
- Description of the acquisition methods (including the procedures and specific equipment that will be used), and energy sources (e.g., explosives, vibroseis trucks, etc.).
- Description of methods of access along each survey line for personnel, materials, and equipment.
- List of all explosives, blasting equipment, chemicals, and fuels that will be used in the proposed operations, including a description of proposed disposal methods, transportation methods, safety measures, and storage facilities.

Part 6 Proposed Drilling Operations (§ 29.96). Applicants proposing drilling operations must also provide the information requested in Part 6 of FWS Form 3-2469, including:

- Description of well pad construction, including dimensions and cross sections of: cut-and-fill areas and excavations for ditches, sumps, and spill control equipment or structures, including lined areas.
- Description of the drill rig and equipment layout, including rig components, fuel tanks, testing equipment, support facilities, storage areas, and all other well-site equipment and facilities.
- Description of type and characteristics of the proposed drilling mud systems.
- Description of the equipment, materials, and methods of surface operations associated with drilling, well casing and cementing, well control, well evaluation and testing, well completion, hydraulic fracturing or other well stimulation, and well plugging.

Part 7 Production Operations (§ 29.97). Applicants proposing production operations must also provide the information requested in Part 7 of FWS Form 3-2469, including:

- Dimensions and a to-scale layout of: the well pad, clearly identifying well locations and noting partial reclamation areas; gathering, separation, metering, and storage equipment; electrical lines; fences; spill control equipment or structures including lined

areas, artificial lift equipment, tank batteries, treating and separating vessels, secondary or enhanced recovery facilities, water disposal facilities, gas compression and/or injection facilities; metering points; sales point (if on lease); tanker pickup points; gas compressor, including size and type (if applicable); and any other well site equipment.

- General description of anticipated stimulations, servicing, and workovers.
- Description of the procedures and equipment used to maintain well control.
- Description of method and means used to transport produced oil and gas, including vehicular transport; flowline and gathering line construction and operation, pipe size, and operating pressure; cathodic protection methods; surface equipment use; surface equipment location; maintenance procedures; maintenance schedules; pressure detection methods; and shutdown procedures.
- Road and well pad maintenance plan, including equipment and materials to maintain the road surface and control erosion.
- Vegetation management plan on well sites, roads, pipeline corridors, and other disturbed surface areas, including control of noxious and invasive species.
- Stormwater management plan on the well site.
- Produced water storage and disposal plan.
- Description of the equipment, materials, and procedures proposed for well plugging.

Financial Assurance (§§ 29.103(b) and 29.150-29.154). Before operations begin, operators must submit:

- Financial assurance in the amount specified by the Service and in accordance with the requirements of §§ 29.150 through 29.154.
- Proof of liability insurance with limits sufficient to cover injuries to persons or property caused by the operations.

Identification of Wells and Related Facilities (§29.119(b)(3)). Operators must identify wells and related facilities with a sign that must remain in place until the well is plugged and abandoned and related facilities are removed. Signs must be of durable construction, and the lettering must be legible and large enough to be read under normal conditions at a distance of at least 50 feet. Each sign must show the name of the well, name of the operator, and the emergency contact phone number.

Reporting (§29.121)

- Third-party monitors will report directly to the Service regarding compliance with the operations permit and efforts to protect federally owned or administered lands, waters, or the resources of refuges, visitor uses and experiences, and visitor or employee health and safety.
- Operators must notify the Service within 24 hours of any injuries to or mortality of fish, wildlife, or endangered or threatened plants.
- Operators must notify the Service of any accidents involving serious personal injury or death and of any fires or spills on the site immediately after the accident occurs. A full written report on the accident must be submitted to the Service within 90 days after the accident occurs.
- Operators must submit reports or other information necessary to verify compliance with the permit or with any provision of subpart D of the regulations.
- If operations include hydraulic fracturing, the operator must provide a report including the true vertical depth of the well, total water volume used, and a description of the base fluid and each additive in the hydraulic fracturing fluid, including the trade name, supplier, purpose, ingredients, Chemical Abstract Service Number (CAS), maximum ingredient concentration in additive (percent by mass), and maximum ingredient concentration in hydraulic fracturing fluid (percent by mass).

Permit Modifications (§29.160(a)). To request a modification to operations under an approved permit, permittees must provide, in writing, to the Service, the operator's assigned permit number, a description of the proposed modification, and an explanation of why the modification is needed.

Change of Operator (§§29.170, 29.171)

Transferring Operator's Notifications (§29.170)

Operators conducting operations under § 29.44, you must notify the Service in writing within 30 calendar days from the date the new operator acquires the rights to conduct operations. Written notification must include:

- Names and addresses of the person or entity conveying the right and of the person or entity acquiring the right.
- Effective date of transfer.
- Description of the rights, assets, and liabilities being transferred and which ones, if any, are being reserved.
- A written acknowledgement from the new operator that the contents of the notification are true and correct.

Acquiring Operator's Requirements for Wells Not Under a Service Permit (§ 29.171(a)).

The transferee must provide to the Service within 30 calendar days from the date of the transfer:

- Documentation demonstrating that it holds the right to operate within the refuge.
- Names, phone numbers, and addresses of the primary company representative, the representative responsible for field supervision, and the representative responsible for emergency response.

The transferee must submit an operations permit application in compliance with §§ 29.90-97 within 90 calendar days from the date of the transfer. Since production operations are in place, the scope of information requirements would be limited and focused on relevant information requirements listed above for Parts 7, 8, 9, and 10.

Acquiring Operator's Acceptance of an Existing Permit (§ 29.171(b)). The transferee must provide the following within 30 days of commencing operations:

- Documentation demonstrating that it holds the right to operate within the refuge.
- Names, phone numbers, and addresses of the primary company representative, the representative responsible for field supervision, and the representative responsible for emergency response.
- Written agreement to conduct operations in accordance with all terms and conditions of the previous operator's permit.
- Financial assurance that is acceptable to the Service and made payable to the Service.

Extension to Well Plugging Requirement (§29.181). To maintain a well in a shut-in status for up to 5 years, operators may apply for either an operations permit or a modification to operations under an approved permit. The application or modification must include the information requested in FWS Form 3-2469, including:

- Explanation of why the well is shut-in or temporarily abandoned and future plans for utilization.
- Demonstration of the mechanical integrity of the well.
- Description of the manner in which the operator's well, equipment, and area of operations will be maintained in accordance with the standards in subpart D of the regulations.

Public Information (§ 29.210)

(1) An operator, or the operator and the owner of the information required under this subpart, may support a claim to be exempt from public disclosure of information otherwise required. If required information is withheld, the operator must submit an affidavit § 29.210(d) that:

- Identifies the owner of the withheld information and provides the name, address, and contact information for an authorized representative of the owner of the information.
- Identifies the Federal statute or regulation that would prohibit the Service from publicly disclosing the information if it were in the Service's possession.
- Affirms that the operator has been provided the withheld information from the owner of the information and is maintaining records of the withheld information, or that the operator has access and will maintain access to the information held by the owner of the information.
- Affirms that the information is not publicly available.
- Affirms that the information is not required to be publicly disclosed under any applicable local, State, or Federal law.
- Affirms that the owner of the information is in actual competition and identifies competitors or others that could use the withheld information to cause the owner substantial competitive harm.
- Affirms that the release of the information would likely cause substantial competitive harm to the owner and provides the factual basis for that affirmation.
- Affirms that the information is not readily apparent through reverse engineering with publicly available information.

(2) If the operator relies upon information from third parties, such as the owner of the withheld information, to make the previous affirmations, the operator must provide a written affidavit from the third party that sets forth the relied-upon information. (§29.210(e))

(3) We may require any operator to submit any withheld information and any information relevant to a claim that withheld information is exempt from public disclosure. (§ 29.210(f))

(4) The operator must maintain records of any withheld information until the latter of the Service's release of the operator's financial assurance or 7 years after completion of operations on refuge lands. (§ 29.210(h))

(5) If any of the chemical identity information required in this subpart is withheld, the operator must provide the generic chemical name in the submission required. The generic chemical name must be only as nonspecific as is necessary to protect the confidential chemical identity, and should be the same as or no less descriptive than the generic chemical name provided to the Environmental Protection Agency. (§ 29.210(i))

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].

FWS Form 3-2469 will be available online in a fillable format. We will accept the submission of other documents via regular mail or email.

4. Describe efforts to identify duplication.

No other offices of the Service or other Federal agencies collect this information on refuges. Because the information collected is specific to the operator and operations for oil and gas activities on refuges, duplication of effort and information does not occur.

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

The information burden of a respondent depends upon the nature of the proposed operation. The information required is the minimum necessary to allow us to make decisions on approving or disapproving proposed plans of operations while meeting Service responsibilities under the laws and regulations listed above to ensure protection of refuge resources and values. We encourage operators to contact appropriate Service staff for assistance in designing environmentally sound development strategies.

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 we did not require operators to submit a permit application for review and approval prior to commencing development, we would fail to carry out our statutory mandates and non-Federal oil and gas operations could degrade refuge resources and jeopardize visitor safety. Over the course of an operation, we only require a one-time submittal of a complete operations permit application; therefore, collection frequency cannot be reduced.

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.**

Yes, there are several instances in which we require that information be collected in a manner that differs from the guidelines stated in the question. Specifically, we ask for the following:

- Notification within 24 hours of injuries or mortality of fish, wildlife, or endangered or threatened plants – we need this information quickly to prevent additional injuries or death.

- Immediate notification of accidents involving personal injury or death and of any fires or spills – we need this information for safety reasons.
- Notification within 30 calendar days from the date a new operator acquires the rights to conduct operations – we need this information to maintain adequate oversight of operations on a refuge.
- Notification within 30 calendar days of a transfer of operations to another operator – this information is needed to maintain adequate oversight of operations on a refuge.
- That operator's maintain records that were not made available for public disclosure until the later of the Service's release of the operator's financial assurance or 7 years after completion of operations on refuge lands. This requirement is in place to assure accountability and transparency.

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.

On December 11, 2015, the Service published the proposed rule in the Federal Register (80 FR 77200) and included a 60-day comment period that ended February 9, 2016. We received public comment that the initial information required of those operators conducting operations without a Service permit (pre-existing operators) was not sufficient for the Service to fully manage those operations in accordance with all the provisions of the rule. We agreed, and in response expanded the information required. In addition to information requirements of the draft rule (right to operate documentation, company contact information, plat of existing area of operations, and copies of plans and permits required by local, State, and Federal agencies), in the final rule, operators will also submit to the Service: a brief description of the current operations and any anticipated changes to the current operations; as well as documentation of the current operating methods, surface equipment, and materials produced or used. This additional operational information will help further define an operator's reclamation responsibilities and set a baseline for establishing whether a future action constitutes a modification as defined under the rule. We have prepared final regulations to include the information collection requirements for claimants and operators governing the exercise of non-Federal oil and gas rights. A copy of the final rule is attached.

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

We do not provide any payments or gifts to respondents.

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

Any records provided to us will be available under the Freedom of Information Act, unless the respondent has identified the information as proprietary or confidential. Such proprietary or confidential information will be protected according to applicable laws, guidelines, portions of § 29.210, and standards.

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 934 responses totaling 18,122 annual burden hours for this collection. The dollar value of the annual burden hours is approximately \$1,073,574 (rounded).

Information collection requirements vary substantially based upon the types and status of operations being conducted, and whether the information collection is related to reporting requirements or operations permit applications. Reporting requirements can range from simple notifications of operator’s ownership rights and contact information to well site inspection reports. Depending on the level of complexity of the proposed operation, a complete permit application could consist of as little as 10 pages of text plus 2-10 pages of illustrations (inclusive of location maps, site plans and cross-sections) to as much as 100 pages of text plus several volumes of supporting material. The time to prepare an application could range from 24 hours to 140 hours depending on the complexity of the operation, including the differences in types and numbers of operations that may be included in a single plan, the wide variations in the environmental settings in which non-Federal oil and gas development occurs in refuges, and the availability of pre-existing environmental data from refuges.

Reporting and operations permit applications consist of materials that are both clerical in nature (e.g., photocopies of lease documents, other permits) and professional in nature (e.g., surveyed location plats, engineering design). Thus, labor costs can range depending on the level of expertise. We estimated that 80 percent of the burden hours would be met by an environmental engineering technician working in the oil and gas extraction industry, and 20 percent would be met by a petroleum engineer. Bureau of Labor Statistics occupational employment statistics for May 2013 indicate an hourly mean wage of \$33.32 for occupational code 17-3025, Environmental Engineering Technician in NAICS 211100 - Oil and Gas Extraction. For occupational code 17-2171, Petroleum Engineers, the mean hourly wage is \$78.30. We multiplied the rates by 1.4 to account for benefits, in accordance with BLS news release USDL 15-1756, September 9, 2015, resulting in an hourly cost factor of \$46.65 and \$109.62 for the environmental engineering technician and petroleum engineer positions, respectively. Using the above percentage weighting, we calculated an overall hourly cost factor of \$59.24.

OCCUPATIONAL CODE	HOURLY RATE	HOURLY RATE INCLUDING BENEFITS	PERCENT OF TIME SPENT ON COLLECTION	WEIGHTED AVERAGE (\$/HR)
17-3025 (Env. Tech)	\$33.32	\$46.65	80%	\$37.32
17-2171 (Pet. Eng.)	\$78.30	\$109.62	20%	\$21.92
Total				\$59.24

Total Annual Nonhour Cost Burden: None.

ACTIVITY/REQUIREMENT	ESTIMATED NUMBER OF ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (HOURS)	ESTIMATED TOTAL ANNUAL BURDEN HOURS
Preexisting Operations - provide documentation (§ 29.61)	40	50	2,000
Temporary Access Permit Application (§ 29.71)	35	17	595
Accessing Oil and Gas Rights from Non-Federal Surface Location—provide contact information (§ 29.80)	5	1	5
Pre-application Meeting for Operations Permit—provide documentation (§ 29.91)	45	2	90
Operations Permit Application (§§ 29.94–29.97)	45	140	6,300
Financial Assurance (§§ 29.103(b), 29.150-29.154)	45	1	45
Identification of Wells and Related Facilities—signage requirements (§ 29.119(b))	45	2	90
Reporting (§ 29.121)			
Third-Party Monitor Report (§ 29.121(b))	300	17	5,100
Notification—Injuries/Mortality to Fish and Wildlife and Threatened /Endangered Plants (§ 29.121(c))	20	1	20
Notification—Accidents Involving Serious Injuries/Death and Fires/Spills (§ 29.121(d))	20	1	20
Written Report—Accidents Involving Serious Injuries/Deaths and Fires/Spills (§ 29.121(d))	20	16	320
Report—Verify Compliance with Permits (§ 29.121(e))	240	4	960
Notification—Chemical Disclosure of Hydraulic Fracturing Fluids uploaded to FracFocus (§ 29.121(f))	5	1	5
Permit Modifications (§ 29.160(a))	10	16	160
Change of Operator			
Transferring Operator Notification (§ 29.170)	20	8	160
Acquiring Operator’s Requirements for Wells Not Under a Service Permit (§ 29.171(a))	19	40	760
Acquiring Operator’s Acceptance of an Existing Permit (§ 29.171(b))	1	8	8
Extension to Well Plugging (§ 29.181)			
Application for Permit	10	140	1,400
Modification	5	16	80
Public Information (§ 29.210)			
Affidavit in Support of Claim of Confidentiality (§ 29.210(c) and (d))	1	1	1
Confidential Information (§ 29.210(e) and (f))	1	1	1
Maintenance of Confidential Information (§ 29.210(h))	1	1	1
Generic Chemical Name Disclosure (§ 29.210(i))	1	1	1
Total	934		18,122

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

We have not identified any nonhour cost burdens for this rulemaking.

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

We estimate that the total annual cost to the Federal Government to administer this information collection is \$401,136. To calculate salary costs, we used the Office of Personnel Management Salary Table 2015-RUS to determine the hourly rate. We multiplied the rate by 1.5 to account for benefits, in accordance with BLS news release USDL 15-1756.

GRADE/STEP	HOURLY RATE	HOURLY RATE INCLUDING BENEFITS	PERCENT OF TIME SPENT ON COLLECTION	WEIGHTED AVERAGE (\$/HR)
GS - 12/5	\$38.12	\$57.18	90%	\$51.46
GS - 13/5	\$45.33	\$68.00	10%	\$6.80
Total				\$58.26

Salary Costs - \$333,305 (rounded)

Nationwide, we estimate receiving 934 responses annually that require Federal staff time to evaluate the response, perform the necessary environmental compliance, and prepare the administrative record and letters. The staff time required for each response varies widely from 0.25 hours up to 80 hours depending on the type of response. We estimate 5,721 hours of Federal staff time to address the 934 responses. (5,721 hours x \$58.26/hr = \$333,305).

Other Costs - \$67,831

We estimate approximately \$67,831 for travel expenses, equipment, and other incidental costs. We used a 10 percent factor of the \$333,305 (\$33,331) and assumed one-half of the 45 operations permit applications (23) would require \$1,500 in travel expenses (\$34,500) in estimating other costs.

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

This is a new information collection.

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

We will not publish the results of this information 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.

The information collection is associated with regulatory requirements. We will display the OMB control number and expiration date on FWS Form 3-2469, in § 29.220, and other appropriate materials.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.