

# 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. Identify any legal or administrative requirements that necessitate the collection.**

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. Wind energy facilities have the potential to 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 (e.g., avoid, minimize), 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. When used in concert with relevant laws and regulations the Guidelines form the best practical approach for conserving species of concern. 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 for potential adverse effects on species of concern and their habitats; and,
- Improve the ability to predict and resolve effects locally, regionally, and nationally.

The Guidelines walk a project proponent through a wind energy project's design, construction, and operation in a series of Tiers. Each Tier informs consideration of wildlife impacts at potential wind energy project sites, including questions designed to help proponents assess risk. Not all proponents will proceed through all of the Tiers, nor will all proponents need to investigate all questions in each Tier. The methods and metrics used to gather information at each Tier may also vary based on what is most appropriate for a given site. The Service works with proponents as they implement the Guidelines to provide technical assistance and recommend methods, metrics, and conservation measures.

As the Service and the wind energy industry together learn more about the impacts of wind energy projects on wildlife and their habitats, we adapt the ways we use the Guidelines to assess risk and carry out monitoring and conservation measures. The Guidelines are designed to allow this flexibility. The Service encourages project proponents to assess risk and implement conservation measures in a way that is cost effective and maximizes benefits to

wildlife and their habitats. This adaptive approach is apparent in some of the changes in implementation of the Guidelines that have occurred since 2012. We anticipate that we will continue to adapt implementation of the Guidelines to the best available science moving forward.

Although the Guidelines are voluntary, they are designed to minimize impacts to wildlife, including species protected by the 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., non-listed migratory birds 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).

It is necessary to note recent changes in the Department of the Interior’s (Department) legal interpretation of the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703-712) that affect the regulatory framework in which the Guidelines operate. M-Opinion 37050 (Opinion) was issued by the Department of the Interior’s Solicitor’s Office on December 22, 2017. The Opinion concludes that the take of migratory birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.

When the Guidelines were issued in 2012, the Department operated under the legal interpretation that the MBTA did prohibit incidental take of migratory birds, and could choose to exercise the ability to refer violations to the Department of Justice. The Department does not include in its implementing regulations a permit for the incidental take of migratory birds. Wind energy project operators therefore had no regulatory pathway available to comply with the MBTA. One of the purposes of the Guidelines was to provide industry with guidance, that when implemented in good faith and in coordination with the Service, would assure them that the Service focuses its resources on investigating and prosecuting those who take migratory birds without identifying and implementing reasonable and effective measures to avoid the take. The Opinion negates the need to apply enforcement discretion because incidental take is not a violation of the MBTA. Migratory bird conservation continues to be an integral part of the Service’s mission, and we continue to work with the wind energy industry and others interested in voluntarily reducing impacts to migratory birds and their habitats.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

Following the Guidelines, wind project developers 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.

Developers may 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 are encouraged to 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 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 are encouraged to 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 use this information to assess the accuracy of predicted impacts and to recommend mitigation measures. We also provide the developer with best management practices for operation of the facility.

Tier 5 is rarely 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 is responsible for maintaining internal records sufficient to demonstrate adherence to the Guidelines and response to communications from the Service. Examples of these records 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.

The Service continues to collect information to the extent possible on use of the Guidelines to inform future potential review and updates to the Guidelines to reflect lessons learned, best available science, and policy changes, and to evaluate training needs for staff and other users of 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. We estimate that 75% of respondents will submit their reports electronically.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

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 any 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. The Guidelines are intended to be used by commercial-scale facilities rather than distributed or community-scale wind facilities, although anyone is free to use the Guidelines to whatever extent they feel is appropriate if they choose to do so. It is very unlikely that a small business would be impacted by this information collection, unless they choose to voluntarily adhere to the Guidelines.

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

If we did not collect the information, we would be unable to provide technical assistance to wind energy developers seeking to mitigate for the negative impacts of wind energy projects on wildlife and their habitats. If we collected the information 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 a copy and identify 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 and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**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.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

On October 10, 2017, we published in the *Federal Register* ([82 FR 47021](#)) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for sixty (60) days, ending on December 11, 2017. We received the following comment in response to that notice:

**Comment #1: Received from Michael Speerschneider, Senior Director, Permitting Policy and Environmental Affairs and Gene Grace, Senior Counsel, the American Wind Energy Association, on December 11, 2017, via e-mail.**

The American Wind Energy Association (“AWEA”)<sup>1</sup> respectfully submits the following

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<sup>1</sup> AWEA is the national trade association representing a broad range of entities with a common interest in encouraging the expansion and facilitation of wind energy resources in the United States, including wind turbine manufacturers, component suppliers, project developers, project owners and operators, financiers, researchers,

information in response to the request for comments on the Proposed Information Collection related to the U.S. Fish and Wildlife Service’s Land-Based Wind Energy Guidelines, as published in the *Federal Register* on October 10, 2017. Our comments are limited to the accuracy of the estimate of the burden for the collection of information detailed therein.

Attached please find an estimate of the paperwork and respondent burden required for the wind industry to collect the data associated with the voluntary Land-Based Wind Energy Guidelines (“Guidelines”) on a per project basis. Based on a survey of our member companies involved in the development of wind energy facilities, we believe these updated estimates are a more accurate reflection of the work necessary to adhere to the Guidelines, and we respectfully request that the Service utilize this estimate, combined with other assumed costs (e.g., government agency costs) in this and any other analysis of the Guidelines going forward. Rather than have individual companies submit their respective data with respect to the estimate burden hours related to the Guidelines, we are submitting aggregated data and, therefore, have chosen not to include identifying information for any of our members that supplied the data.

Please feel free to contact us should you have further questions.

**FWS Response to Comment #1:** The Service thanks the American Wind Energy Association for the useful comments that they have provided on this information collection, and specifically on the estimate of the burden hours and expenditures necessary to adhere to the voluntary Guidelines. We have used this information to update the burden table included in the response to item 12 below. There are significant differences between the Service’s burden estimate developed several years ago, and AWEA’s current estimate. We assume that these differences are a reflection of the wide range and variability in the size and degree of complexity of commercial-scale wind energy projects, and that changes in cost reflect that variability. We attempted to obtain further clarification and feedback from AWEA on that presumption but received no response.

In addition to the Federal Register Notice, we consulted with the five (5) individuals identified in Table 8.1 who familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

**Table 8.1**

<b>Organization</b>	<b>Title</b>
EDP Renewables	Senior Environmental Manager
Avangrid	Director, Permitting and Environmental Affairs
Pattern Energy	Director, Environmental Compliance and Policy
Duke Energy Corporation	Environmental Director
EDF Renewable Energy	Director, Environmental Strategy

***“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary”***

*Comments:* All five individuals who responded felt that the collection of information is necessary and that the information has practical utility. Some further commented that the information collected has an important role in efforts to develop, site, and operate wind farms in an environmentally responsible way while improving the science and understanding of wind-wildlife interactions, and ensures that project development avoids, minimizes, or

utilities, marketers, and customers.

mitigates potential impacts to wildlife that may be unique to a particular location. None of the individuals who responded felt that there were unnecessary questions. Two individuals added that the questions are well-designed to include the flexibility to develop site-specific studies and actions based on the unique characteristics (location, biota, and design) of each project. One individual suggested several specific updates to the Guidelines based on newly available information that would both improve the science and reduce the burden. One individual suggested that should the Guidelines be updated in the future, then this collection of information from wind developers is necessary to inform such changes.

*FWS Response/Action Taken:* If the Service updates the Guidelines in the future, we will consider and incorporate any relevant information collected from wind developers. We also anticipate seeking public comment on any proposed updates to the Guidelines.

***“The accuracy of our estimate of the burden for this collection of information”***

*Comments:* Four individuals who responded provided their own estimates of the burden hours for each Tier of the Guidelines, provided in the table below. Two of the individuals noted that the burden varies from project to project depending on the size and complexity of the site being evaluated, location, and whether the project is new or an expansion of an existing project. One respondent additionally noted that Tiers 1 and 2 will vary to a lesser extent than Tiers 3 – 5, and Tier 5 studies are less frequently conducted than other studies, affecting the estimate for that value. The fifth individual who responded did not provide Tier-by-Tier estimates of the burden hours, but instead addressed the nonhour burden. This individual noted that generally speaking, the costs are five to ten times that which the Service previously estimated.

	Respondent 1	Respondent 2	Respondent 3	Respondent 4
Tier 1	25	50	4	20
Tier 2	190	140	38	250
Tier 3	2,465	2,076	1,800	6,000
Tier 4	1,783	1,280	1,300	10,000
Tier 5	1,125	1,600	2,050	3,552

*FWS Response/Action Taken:* The Service will use the wide range of estimates received from the four individuals, along with public comment received, and the fifth individual’s estimates of nonhour burdens, to revise the burden estimates provided in the table in question 12.

***“Ways to enhance the quality, utility, and clarity of the information to be collected”***

*Comments:* One individual suggested that the Service ensure that field offices consistently apply the Guidelines as they were intended to be, with flexibility to account for differences at each site and with use of existing data in areas with extensive record of survey data. Another suggestion was to have states pattern their wind energy guidance after the Federal guidelines to encourage more uniform implementation, leading to a more robust underlying data set.

Two individuals commented that they’d prefer that the Service not make any major changes to the Guidelines, but suggested that the Service update the Guidelines to reflect the current best available science to enhance the quality of information collected while also minimizing the burden.

One individual felt that Tiers 1 and 2 included some redundant questions and could be

combined to reduce the overall burden.

Lastly, one individual suggested that it is difficult to estimate the burden in terms of hours and suggested that other metrics, such as range of cost, would also be informative, and stated that the effort and cost need to be in line with the conservation benefits that result.

*FWS Response/Action Taken:* The Service agrees that the Guidelines should be consistently applied by staff per the original intent of the Guidelines; that the Guidelines should reflect the current best available science; and, that the conservation benefit should align with the effort and cost. The Service will update its training materials and direct staff to review those materials to address consistency in how the Guidelines are applied, including ensuring that there is a conservation value that results from the measures and studies that we recommend, as resources allow. The Service will update the Guidelines to reflect the current best available science and changes in policy given available resources to do so. *Upon request, we will provide OMB with an updated copy of the training materials associated with the Guidelines.*

The Service does not have purview over state guidelines. Tiers 1 and 2 contain redundant questions purposefully in response to the wind industry's practice of sometimes entering the process at Tier 2; it is not the intent that if those questions are answered in Tier 1, then they would need to be answered again in Tier 2. That intent is clearly stated in the Guidelines.

#### ***“Ways to minimize the burden of the collection of information on respondents”***

*Comments:* One individual responded that ensuring Service staff appropriately implement the Guidelines and a few noted that use of existing information to inform risk would be helpful rather than ask for site-specific surveys. Another noted the overlap in questions between Tiers, resulting in near-identical responses for many questions. One individual noted that updates to the Guidelines to account for advances in field survey effectiveness and wind energy impacts would be useful. Lastly, one individual suggested that the Guidelines consider flexibility in methods and risk evaluations when scientifically supported by credible experts.

*FWS Response/Action Taken:* The Service will update its training materials and direct staff to review those materials to address consistency in how the Guidelines are applied, as resources allow. The redundancy in questions is purposeful to accommodate developers who may be entering the process at different points in the process rather than at the beginning with Tier 1; it is not the intent that developers respond to questions that they've already answered in previous Tiers. That intent is clearly stated in the Guidelines. The Guidelines are also intended to be flexible in the use of methods and risk evaluation, and should be interpreted to support the use of scientifically credible methods. The Service will update the Guidelines to reflect the current best available science given available resources to do so.

#### ***Additional comments received during the outreach:***

*Comments:* All five individuals opted to provide additional comment stating their support for the Guidelines as a useful voluntary tool. One individual noted that the Guidelines:

- promote the use of common methods and metrics;
- provide certainty for the industry;
- provide for a unique and growing body of statistically meaningful data, ensuring that



- all stakeholders have a common base of understanding of wildlife issues; and
- are a powerful tool for internalizing the impacts of wind energy development and operations through informed siting decisions.

Another individual expressed that the Guidelines have been extremely helpful in providing a tiered framework in the wind development process and creating a standard understanding among the wind industry, the Service, and other stakeholders.

The third respondent considered the Guidelines to be an important component of the wind energy siting and development process that can be relied on to ensure impacts to species are minimized to the extent practicable. They additionally noted that improvements can be made on how the different field offices are compiling and using data developers share, whether formally or informally.

The fourth respondent again noted that the Guidelines could be revised to reflect new scientific understanding of impacts in specific areas within Tiers 3 and 4.

Lastly, one individual recommended that the Guidelines include a clear statement of the benefit of adhering to the Guidelines in prosecutorial discretion so that the high costs are considered worthwhile by the majority of wind developers.

*FWS Response/Action Taken:* The Service agrees that the voluntary Guidelines are a useful tool, and we will consider how best to compile and use data through tools such as the Service's Injury and Mortality Reporting System and other online databases as part of the process of reviewing and updating the Guidelines to reflect new scientific information, contingent upon available resources. This comment was received prior to the issuance of the Department of the Interior's Office of the Solicitor Opinion. Incidental take of migratory birds is no longer interpreted as a violation of the Migratory Bird Treaty Act, meaning prosecutorial discretion for the incidental take of migratory birds at wind energy facilities is no longer relevant.

**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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

We do not ask questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- \* Indicate the number of respondents, frequency of response, annual hour burden,

and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

We estimate **160 annual responses** totaling **282,995 annual burden hours** for this collection. The dollar value of the annual burden hours is approximately **\$17,585,309.30 (rounded)**.

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 160 projects in various stages of development and operation that are voluntarily using the Guidelines. This estimate was developed using wind energy projects logged as work activities by U.S. Fish and Wildlife Service Ecological Field Office staff, and staff assessments of the percentage of project developers using the guidelines. The estimate of completion time per response was adjusted based upon public comment from the wind energy industry. 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 Tier 3, the estimate is very high because it includes every type of pre-construction monitoring study that could potentially be conducted. It is more likely that a selection of these studies will be performed at any given site, depending on the species of concern identified, and other site-specific conditions.

For purposes of this collection, we have determined the hourly rate, including benefits, to be \$62.47. We used U.S. Bureau of Labor Statistics (BLS), Occupational Employment and Wages, May 2016, [Table 17-2081 Environmental Engineers](#), to obtain the national mean hourly wage for an environmental engineer of \$42.56. In accordance with BLS News Release [USDL-17-1646](#), December 15, 2017, Employer Costs for Employee Compensation—September 2017, we multiplied the hourly wage by 1.46 to account for benefits for civilian workers.

Requirement	Annual Number of Respondents	Number of Responses Each	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden Hours	Total Dollar Value of Annual Burden Hours (x \$62.14/hr)
<b>Tier 1 (Desktop Analysis)</b>						
Reporting	40	1	40	25	1,000	\$ 62,140.00
Recordkeeping				1	40	2,485.60
<b>Tier 2 (Site Characterization)</b>						
Reporting	35	1	35	155	5,425	337,109.50
Recordkeeping				3	105	6,524.70
<b>Tier 3 (Pre-construction studies)</b>						
Reporting	30	1	30	3,100	93,000	5,779,020.00
Recordkeeping				5	150	9,321.00
<b>Tier 4 (Post-construction fatality monitoring and habitat studies)</b>						
Reporting	45	1	45	3,600	162,000	10,066,680.00
Recordkeeping				5	225	13,981.50

Requirement	Annual Number of Respondents	Number of Responses Each	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden Hours	Total Dollar Value of Annual Burden Hours (x \$62.14/hr)
<b>Tier 5 (Other post-construction studies)</b>						
Reporting	10	1	10	2,100	21,000	1,304,940.00
Recordkeeping				5	50	3,107.00
<b>Totals</b>	<b>160</b>		<b>160</b>		<b>282,995</b>	<b>\$ 17,585,309.30</b>

**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

We estimate the total annual nonhour burden cost to be **\$36,870,000**. By Tier, these costs are estimated to be as follows:

Activity	Number of Responses	Cost per Response	Total Estimated Annual Non-hour Cost Burden
Tier 1 (Desktop Analysis)	40	\$ 5,000	\$ 200,000
Tier 2 (Site Characterization)	35	25,000	875,000
Tier 3 (Pre-construction studies)	30	670,250	20,107,500
Tier 4 (Post-construction fatality monitoring and habitat studies)	45	272,500	12,262,500
Tier 5 (Other post-construction studies)	10	342,500	3,425,000
<b>TOTALS:</b>	<b>160</b>		<b>\$ 36,870,000</b>

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. As noted

above, the estimate for Tier 3 should be considered very high because it includes every type of pre-construction monitoring study that could potentially be conducted. It is more likely that a selection of these studies will be performed at any given site, depending on the species of concern identified, and other site-specific conditions. The estimated costs were revised based upon the public comment received from the wind energy industry.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

We estimate the total annual cost to the Federal Government to administer this information collection will be **\$311,602 (rounded)** (see table 14.2 below).

We used Office of Personnel Management Salary Table [2017-RUS](#) to obtain the most up-to-date hourly rates for staff. We used BLS News Release [USDL-17-1646](#), December 15, 2017, Employer Costs for Employee Compensation—September 2017, and multiplied the hourly wage by 1.59 to account for benefits. Table 14.1 shows the fully burdened hourly rate calculations for the positions identified used to calculate to total government cost in Table 14.2:

**Table 14.1**

Grade/Step	Hourly Rate (2017-RUS)	Fully Burdened Hourly Rate (x 1.59)
GS 11 / Step 5	\$33.24	\$52.85
GS 12 / Step 5	39.85	63.36
GS 13 / Step 5	47.38	75.33

Table 14.2 below shows the tasks and staff hours associated with providing technical assistance to developers at each Tier of the Guidelines.

**Table 14.2**

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
<b>Tier 1: Provide lists of data sources and references requested by developer.</b>							
	40	1	40	1	40		
<b>Tier 2: Provide requested information such as species lists.</b>							
	35	2	70	2	70	1	35
<b>Tier 2: Review any survey results provided by developer and identify initial concerns based on available information.</b>							
	35	10	350	2	70	2	70
<b>Tier 2: Coordinate with other applicable Federal and State agencies and tribes.</b>							
	35	8	280	2	70	1	35
<b>Tier 3: Advise developers on appropriate study methods; based on study results, advise developers on mitigation.</b>							
	30	40	1,200	4	120	2	60
<b>Tier 3: Coordinate with other applicable Federal and State agencies and tribes.</b>							
	30	8	240	8	240	2	60
<b>Tier 4: Advise project operator on monitoring design and on any appropriate mitigation.</b>							
	45	40	1,800	4	180	1	45
<b>Tier 5: Advise project operator on need for Tier 5 research and research design; advise developer on appropriate mitigation</b>							
	10	40	400	10	100	1	10
		<b>Total Hours:</b>	<b>4,380</b>		<b>890</b>		<b>315</b>

<b>Cost per Hour (including benefits):</b>	<b>\$52.85</b>		<b>\$63.36</b>		<b>\$75.33</b>
<b>Total Cost per Grade Level</b>	<b>\$231,483.00</b>		<b>\$56,390.40</b>		<b>\$23,728.95</b>
<b>TOTAL:</b>					<b>\$311,602.35</b>

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

Based on feedback during the outreach process, the Service updated the hour burden estimates (question 12), resulting in a decrease of (424,435) annual burden hours.

We also updated the non-hour burden estimates based on the outreach process. The result was an increase of \$29,682,735 in non-hour cost burden. We itemized the changes to the non-hour burden estimates below in tables 15.1 and 15.2:

**Table 15.1 – Total Non-Hour Burden Increase Itemized**

Requirement	2015 Non-Hour Burden Estimates	2018 Non-Hour Burden Estimates	Difference
<b>Tier 1</b> (Desktop Analysis)	\$ 33,000	\$ 200,000	\$ 167,000
<b>Tier 2</b> (Site Characterization)	131,250	875,000	743,750
<b>Tier 3</b> (Pre-construction Studies)	4,478,640	20,107,500	15,628,860
<b>Tier 4</b> (Post-construction fatality monitoring and habitat studies)	1,839,375	12,262,500	10,423,125
<b>Tier 5</b> (Other post-construction studies)	705,000	3,425,000	2,720,000
<b>Totals</b>	<b>\$ 7,187,265</b>	<b>\$ 36,870,000</b>	<b>\$29,682,735</b>

**Table 15.2 – Detailed Non-Hour Burden Increase (by IC)**

Requirement	2015 Non-Hour Burden Estimates	2018 Non-Hour Burden Estimates	Difference (Increase)
<b>Tier 1</b> (Desktop Analysis)	\$ 825	\$ 5,000	\$ 4,175
<b>Tier 2</b> (Site Characterization)	3,570	25,000	21,430
<b>Tier 3</b> (Pre-construction Studies)	149,288	670,250	520,962
<b>Tier 4</b> (Post-construction fatality monitoring and habitat studies)	40,875	272,500	231,625
<b>Tier 5</b> (Other post-construction studies)	70,500	342,500	272,000

Tiers 1 and 2 of the Guidelines are used to screen potential sites for issues or risks to wildlife and habitats, so the Guidelines are used by project proponents before migratory bird issues are even identified. In addition, the Guidelines are currently used and will continue to be used by project proponents to identify potential negative effects to species other than migratory birds, especially non-listed bats and prairie grouse. Given these reasons, it's not certain that we'd see a reduction in use of the Guidelines. Not enough time has passed since the M-Opinion was released to assess any change. It's our preference to assess the number of responses during the next information collection renewal process and make adjustments then rather than try to forecast a decrease. Additionally, the Service will not claim a cost credit under EO 13771.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

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 topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.