

Supporting Statement for
**FERC-587¹, 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 (CFR), Part 4.81(b)(5) and Part 4.41h.

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).² The FPA (as amended by the Electric Consumers Protection Act [ECPA])³ provides the Commission with the authority to issue licenses to nonfederal hydroelectric plants. The passage of the ECPA in 1996 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

¹ FERC Form No. 587, Land Description: Public Land States/Non-Public Land States (Rectangular or Non Rectangular Survey System Lands in Public Land States) is abbreviated to read FERC-587 in this supporting statement.

² 16 USC § 791 a et seq (1996).

³ Public Law 99-495, 100 Stat. 1243 (1996).

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Offices (Department of the Interior) to ensure that United States (U.S.) lands may be reserved as hydropower sites and withdrawn from other prospective uses.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

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 uses the drawings or exhibits to track the boundary of a project for land withdrawal from other prospective, public use. OEP coordinates with the U.S. 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 continually reevaluates the potential and value of improved information technology to reduce burden. In 2014, the Commission changed all references to “microfilm” and “aperture cards” within 18 CFR Part 4.39. We are currently revising “Microfilm copies of the project boundary maps must be submitted with the land description forms as directed by FERC. Each map must be reproduced on silver or gelatin 35 mm microfilm mounted on type D (3-1/4" X 7-3/8") aperture cards. The project number followed by a hyphen and sheet number or letter must be typed on the front of each card in the upper right corner”, to help reduce burden this sentence is revised to read “Electronic file format copies of the project boundary map(s), also referred to as Exhibit G drawing(s), must be submitted with the land description form(s) as directed by FERC”. 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.

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

Filing requirements are periodically reviewed as information collection expiration dates arise or as the Commission may deem necessary in carrying out its regulatory responsibilities under the NGA in an effort to alleviate duplication. All Commission information collections are subject to analysis by Commission staff and are examined for redundancy. There is no similar information already available that can be used or modified.

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

The Commission uses eFiling for this collection as a means of reducing burden for respondents, including small entities. Small entities have the option of filing electronically through the eFiling interface as a means of reducing their incurred burden. However, eFiling is a means of submission available to all respondents with no regard to size.

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

The consequence of not collecting or collecting this information less frequently would be the Commission’s inability to fulfill its 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

In accordance with OMB requirements,⁴ the Commission published a 60-day notice⁵ to the public regarding this information collection on 7/11/2018.. No comments were received during 60-day comment period. The 30-day notice is being published in the Federal Register.

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, and de minimus changes to the instructions. The changes to the instruction were done to decrease burden by bringing the application process from the microfilm era into the current technology era.

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.

⁴ 5 CFR 1320.8(d)

⁵ 83 FR 32111

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

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the burden⁶ and cost for this information collection as follows:

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 Hrs. & Cost (\$) Per Response (4)	Total Annual Burden Hours & Total Annual Cost (\$) (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
Hydropower Project Applicants	137	1	137	1 hr.; \$79	137 hrs.; \$10,823	\$79

13. ESTIMATE OF TOTAL ANNUAL COST OF BURDEN TO RESPONDENTS

There are no non-labor costs currently associated with the FERC-587.

All costs are associated with burden hours (labor) and are addressed in Question #12 and Question #15.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The estimate of the cost for ‘analysis and processing of filings’⁷ is based on salaries and benefits for professional and clerical support. This estimated cost represents staff analysis, decision-making, and review of any actual filings submitted in response to the information collection.

The Paperwork Reduction Act (PRA) Administrative Cost⁸ is the average annual FERC cost associated with preparing, issuing, and submitting materials necessary to comply with the PRA for rulemakings, orders, or any other vehicle used to create, modify,

⁶ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. Refer to 5 CFR 1320.3 for additional information.

⁷ The estimate uses the FERC’s FY 2018 average annual salary plus benefits of one FERC FTE (full-time equivalent [\$164,820 per year or \$79.00 per hour]). (These estimates were updated in May 2018.)

⁸ This estimate was updated May 2018.

extend, or discontinue an information collection. It also includes the cost of publishing the necessary notices in the Federal Register.

	Number of Employees FTE's	Estimated Annual Federal Cost (\$)⁹
PRA ¹⁰ Administration Cost	0	\$4,931
Data Processing and Analysis	0.05	\$8,240
FERC Total	0	\$13,171

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

There are no changes to the reporting requirements. The instructions are being updated (e.g., to reflect current media and addresses), however we do not think that will affect burden or cost.

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

16. TIME SCHEDULE FOR PUBLICATION OF DATA

FERC does not publish any data associated with this collection.

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 1st, 3rd, and 5th pages in the upper right-hand corners.

⁹ Based on 2018 cost (salary plus benefits) per FTE of \$164,820 or \$79.00 per hour.

¹⁰ Paperwork Reduction Act of 1995 (PRA).

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.