

Supporting Statement for
FERC-577, Natural Gas Facilities: Environmental Review and Compliance

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve FERC-577 (Natural Gas Facilities: Environmental Review and Compliance; OMB Control No. 1902-0128), for a three-year period. FERC-577 is an existing data collection with reporting requirements in 18 Code of Federal Regulations (CFR) Parts 2, 157, and 380 of its regulations implementing the National Environmental Policy Act (NEPA) and includes the environmental compliance conditions of Parts 2, 157, and 380.

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

FERC-577 identifies the Commission's information collections relating to Parts 2, 157, and 380 of its regulations implementing NEPA and includes the environmental compliance conditions of Parts 2, 157, and 380. The purpose of NEPA is to ensure that an agency carefully considers the environmental impacts of a proposed action and reasonable alternatives. As companies file applications related to Parts 2, 157, and 380 FERC-577 is triggered. Part 380 implements our responsibilities under NEPA, including filing requirements. The information filed by the project sponsor is necessary to perform our required environmental analysis resulting in an Environmental Assessment or Environmental Impact Statement.

The [Commission](#) and its staff will independently evaluate environmental information supplied in an application and in comments by the public. Where circumstances indicate that an action may be a major Federal action significantly affecting the quality of the human environment, the Commission:

- (a) May require an environmental report or other additional environmental information, and
- (b) Will prepare an [environmental assessment](#) or an environmental impact statement.

Such circumstances may exist when the action may have an effect on one of the following:

- (a) Indian lands;
- (b) Wilderness areas;
- (c) Wild and scenic rivers;
- (d) Wetlands;

- (e) Units of the National Park System, National Refuges, or National Fish Hatcheries;
- (f) Anadromous fish or endangered species; or
- (g) Where the environmental effects are uncertain.

However, the existence of one or more of the above will not automatically require the submission of an environmental report or the preparation of an [environmental assessment](#) or an environmental impact statement.

For example, environmental concerns play a significant role in the review of certificate construction applications under section 7 of the Natural Gas Act (NGA).¹ FERC must balance the benefits of alternative supplies of natural gas with the environmental impact of a project. Critical to the Commission's efforts to balance benefits and environmental impacts are the general and project-specific environmental conditions the Commission applies to jurisdictional facilities.²

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

Applicants for construction under section 7 of the NGA must conduct appropriate studies which are necessary to evaluate the impact of the construction and/or operation of the proposed jurisdictional facilities on human and natural resources and the measures which may be necessary to protect the values of the affected area. These studies could include but are not limited to impacts on endangered and threatened species, cultural resources, air quality and noise, and impacts on water resources.

In 2013³, FERC added new sections in its regulations (18 CFR) under Sections 2.55(c) and 380.15(b)(1) whereby a natural gas company must notify affected landowners at least five days prior to coming onto their property. The notifications were to include: (1) a brief description of the activity to be conducted or facilities to be constructed/replaced and the effects that the activities are expected to have on the landowner's property; (2) the name and phone number of the company representative that is knowledgeable about the project; and (3) a description of the Commission's Dispute Resolution Service Helpline, as explained in Section 1b.21(g) of the Commission's regulations, and the

¹ 15 U.S.C. 717f. For certain pipeline projects/facilities, the pipeline company must obtain a certificate from the Commission in order to construct, operate or abandon pipeline facilities.

² The 18 CFR section 2.55(a) projects at issue in this proceeding are not certificated projects, but they do fall under the Commission's jurisdiction.

³ RM12-11-000 Final Rule (12/4/2013; 78 FR 72794)

Dispute Resolution Service Helpline number.⁴

FERC defined “affected landowners” as owners of property interests, as noted in their most recent tax notice, whose property is directly affected (i.e. crossed or used) by the proposed activity, including all rights-of-way, facility sites, access roads, pipe and contractor yards, and temporary workspace.

The Commission collects the bulk of the information under the FERC-577 in order to comply with applicable environmental statutes. FERC-577 cannot be discontinued or conducted less frequently if the Commission is to ensure that it complies with NEPA. FERC wants to ensure that construction and operation activities are done in a manner that does not violate FERC’s findings that there are no significant adverse impacts.

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

There is an ongoing effort to increase the use of improved information technology in order to reduce the compliance burden. The FERC-577 materials may be eFiled through FERC’s eFiling system. [See <http://www.ferc.gov/docs-filing/efiling/filing.pdf> for more information.]

For the existing FERC-577 requirements, the majority of the application filings made in accordance with NGA sections 7(a) and 7(c) are filed electronically. However, due to the complexity of the exhibits, maps, and projects, for some of the filings, up to three additional paper copies may be required for staff review, processing, and collaboration. As additional uses of information technology (including geospatial information systems) are implemented, FERC may be able to reduce or eliminate the need for the additional paper copies.

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

⁴ This provides landowners a phone number they can use if a problem arises related to the work the pipeline is doing.

redundancy. There is no other source of this information.

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

There are no special provisions or methods for reducing burden on any small entities.

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

FERC-577 data collections are required for statutory purposes and cannot be discontinued or collected less frequently. Generally, the information submitted to the Commission for FERC-577 is event driven. The information to be submitted in accordance with Commission regulations includes draft environmental material in accordance with the provisions of Part 380 of FERC's regulations in order to implement the Commission's procedures under NEPA.

Without such information, the Commission would be unable to fulfill its statutory responsibilities under the NGA, Natural Gas Policy Act (NGPA)⁵, NEPA, and the Energy Policy Act of 2005.⁶ Specifically, these responsibilities include ensuring company activities remain consistent with the public interest, which is specified in the NGA and inherent in the other statutes.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION

In general, FERC-577 meets all of the requirements in OMB's regulations. Because the landowner notification requirement is event driven, some respondents may have to notify landowners more often than quarterly. The Commission considers this necessary in order to provide landowners with notification when work is being done on their property.

Three paper copies may be required for the other requirements related to the FERC-577 information collection (depending on the item filed) for staff review, processing, and collaboration.

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

⁵ 15 U.S.C. 3301-3432.

⁶ 42 U.S.C. 13201-13574.

In accordance with OMB requirements, the Commission published a 60-day notice⁷ to the public regarding this information collection on November 4, 2019. 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. The Commission received no comments.

The Commission will publish a 30-day notice to the public.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to respondents of this collection.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The information submitted to the Commission is public information and therefore is not considered confidential. However, a company may request confidential treatment of some or all parts of the FERC-577 requirements under the Commission regulations at 18 C.F.R. 388.112. Each request for confidential treatment will be reviewed by the Commission on a case-by-case basis.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE

There are no questions of a sensitive nature associated with the reporting requirements.

12. ESTIMATED BURDEN COLLECTION OF INFORMATION

The Commission estimates the annual public reporting burden⁸ and cost⁹ for the information collection as:

7 84 FR 59374

⁸ “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. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

⁹ The Commission staff estimates that industry is similarly situated in terms of hourly cost (for wages plus benefits). Based on the Commission’s 2019 average cost (for wages plus benefits), \$80.00/hour is used.

FERC-577 (Natural Gas Facilities: Environmental Review and Compliance)						
	Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden & Cost (\$) Per Response (4)	Total Annual Burden Hours & Total Annual Cost (\$) (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
Gas Pipeline Certificates ¹⁰	101	16	1,616	193.518 hours; \$15,481	312,725 hours; \$25,018,007	\$247,703
Landowner Notification ¹¹	164	144	23,616	2 hours; \$160	47,232 hours; \$3,778,560	\$23,040
TOTAL			25,232		359,957 hours; \$28,796,567	

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

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

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The estimate of the cost for ‘analysis and processing of filings’ 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 collections.

The Paperwork Reduction Act (PRA) Administrative Cost 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, extend, or discontinue an information collection. It also includes the cost of publishing the necessary notices in the Federal Register.

¹⁰ Requirements are found in 18 CFR Parts: 2, 157, and 380.

¹¹ Requirements are found in 18 CFR Parts: 2, 380.15

	Number of Employees (FTE)	Estimated Annual Federal Cost
Analysis and Processing of Filings ¹²	34	\$5,681,094
PRA ¹³ Administrative Cost		\$4,832
FERC Total		\$5,685,926

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

The Commission is not changing reporting requirements for the FERC-577 information collection. In ICR Reference No: 201610-1902-009, the last renewal and three-year approval from OMB for FERC-577,

- the IC for Gas Pipeline Certificates: Environmental Impact Statement included 92 respondents with 16 responses per respondent and the annual number of responses was 1,472
- the IC for Landowner Notification was 165 respondents and 144 responses per respondent at 2 hours per response for a total of 23,760 annual number of responses.

In ICR Reference No: 201905-1902-018, which is the current renewal request for FERC-577, the Commission has updated the total annual burden hours based on the number of applications filed in FY 2019; the updated figures reflect recently proposed Projects. The reasons for changes in the total burden are:

- the increase in the number of respondents for the IC for Gas Pipeline Certificates: Environmental Impact Statement from 92 respondents in 2016 to 101 respondents in 2020, triggering +144 responses and +27,867 hours
- the decrease in the number of respondents in the IC for Landowner Notification from 165 in 2016 to 164 in 2020, triggering -144 responses and -288 hours.

For FERC-577, the net change in no. of responses is 0; the net change in burden hours is +27,579.

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

FERC-577	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion

¹² Based upon 2019 FTE average annual salary plus benefits (\$167,091).

¹³ Paperwork Reduction Act of 1995 (PRA).

Annual Number of Responses	25,232	25,232	0	0
Annual Time Burden (Hours)	359,957	332,378	+27,579	0
Annual Cost Burden (\$)	\$0	\$0	\$0	\$0

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There are no publication plans for the collection of information. The data are used for regulatory purposes only.

17. DISPLAY OF EXPIRATION DATE

The expiration date is displayed in a table posted on ferc.gov at <http://www.ferc.gov/docs-filing/info-collections.asp>.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.