

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, 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, including avoid, minimize, and compensate 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 statutes such as the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d) and the Endangered Species Act (16 U.S.C. 1531–1544), as well as species not afforded protection under these Acts, but which are potentially significantly impacted by wind energy development (e.g., sage grouse). 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). When used in concert with appropriate regulatory tools, the Guidelines form the best practical approach for conserving species of concern.

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 95% 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 December 22, 2020, we published in the *Federal Register* ([85 FR 83607](#)) 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 February 22, 2021. We received two comments in response to that notice:

Comment 1: Comment received via email on December 29, 2020, from V. Weeks, which stated any data collection should be mandatory in order to have viable information.

Agency Response to Comment 1: The Service does not have regulatory authority to require this information collection. Therefore, we decline to make the requested change. The viability of data received under this collection is related to the methods and metrics used and relevance to inform decision-making.

Comment 2: Comment received via email on March 22, 2021, from Tom Vinson, Vice President, Policy & Regulatory Affairs, American Clean Power Association (ACP). The ACP provided several comments and suggestions, numbered below and responded to below with corresponding numbering.

1. The Land-Based Wind Energy Guidelines (WEGs) continue to form a practical approach to assess and minimize wind energy impacts to wildlife. The tiered development framework in the WEGs is fully integrated into the land-based wind energy development process.
2. Depending on the available information at each Tier, the Service has noted that the tiered approach does not require that every Tier, or every element within each Tier, be implemented for every project. The American Clean Power Association (ACP) agrees with this statement. For example, if a project is an additional phase to an existing project that has already gone through relevant Tiers, and the geography and habitat are similar, repeating Tiers on this new phase likely will not be necessary.

3. ACP agrees with statements made by Service that the WEGs “promote effective communication among wind energy developers and Federal, State, Tribal, and local conservation agencies. When used in concert with appropriate regulatory tools, the Guidelines are the best practical approach for conserving species of concern.”
4. ACP believes the estimate of the “annual number of respondents” in the Information Collection notice and the correlated total annual burden hours are low based on the number of wind facilities placed into service, under construction, or in an advanced phase of development as of the end of 2020. For every project constructed, there are 5-10 projects that are cancelled for one reason or another (wildlife or otherwise). Those projects have likely utilized Tier 1, potentially Tier 2, and in some cases, Tier 3. Also, projects may be built in phases with each phase being a separate entity, and the extent to which individual entities use the WEGs for individual project phases, or for a portfolio of phases within a geographic area, may differ. Thus, even though one set of WEG Tiers was applied, it may have covered up to five or six separate projects.
5. The number of wind projects going into service or starting development in any given year will continue to grow. Based on discussions with members, ACP believes a majority of wind facilities will continue to adhere to the WEGs. Therefore, ACP suggests that the assumption on the number of projects each year going through WEG Tiers 1-4 is too low. Tiers 1-2 should be increased to include at least all projects put into service each year (90 in 2020) and then increase that number by a factor of 5 or 10. Tiers 3-4 should also be increased to include all the projects placed into service in a given year.
6. ACP provided an attachment that provides an estimate of the paperwork and respondent burden required for the wind industry to collect the data associated with the WEGs on a per project basis, based on discussions with project developers and consultants. Actual costs vary based on project details, company, consultant, regulatory requirements etc., however, ACP believes these updated estimates are a more accurate reflection of the costs necessary to adhere to the WEGs. ACP respectfully requested that the Service utilize these estimates, combined with other assumed costs (e.g., government agency costs) in this and any other analysis of the WEGs going forward.

Agency Response to Comment 2: The Service provides the following responses corresponding to the comment number above:

1. The Service appreciates this feedback on the utility of the WEGs and integration of these voluntary guidelines into wind industry development practices. No action necessary.
2. The Service appreciates this feedback on the flexibility of the WEGs. We also note that use of the WEGs is voluntary, and when a developer decides to follow the tiered process outlined in the voluntary guidelines, decisions as to which Tiers are applicable at an individual project should be made in communication and coordination with the Service. No action necessary.
3. The Service appreciates this feedback on the role of the WEGs. No action necessary.

4. The Service will consider the data supplied by ACP regarding the annual number of respondents and make adjustments as appropriate.
5. The Service appreciates the information provided by ACP regarding the anticipated increase in wind energy development in the U.S., and the feedback from the wind industry indicating that the WEGs will continue to be implemented by a majority of developers and operators in the U.S. We will adjust the number of respondents for each Tier of the WEGs as appropriate based on the information you have provided.
6. The Service thanks ACP for compiling this useful information and will use the figures provided to adjust our estimates as appropriate.

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

Organization	Title
Apex Clean Energy	Environmental Permitting Manager
Western EcoSystems Technology, Inc.	Senior Ecologist
TetraTech	Senior Ecologist and Program Manager
Avangrid	Director, Permitting and Environmental
Berkshire Hathaway Energy	VP, Environmental Policy and Chief Environmental Counsel

“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: Generally, the comments received indicated that the collection of information remains valid and necessary and the WEGs are an organized, consistent and practical way to approach analyzing potential project-specific impacts of wind energy development on wildlife. Commenters noted that they have been broadly adopted and have created a common framework that has been successfully implemented across the U.S., and that they remain a valuable tool for due diligence and allow flexibility as we gain experience and information.

Several comments indicated that the Service should reconsider the recommendations within each Tier, as some recommendations have limited practical utility. Specific comments on recommendations within each Tier are summarized as follows:

Tier 1: The proliferation of wind projects has severely limited the availability of the broad geographic landscapes Tier 1 was designed to evaluate.

Tier 2: No recommended changes.

Tier 3: Many of the recommended Tier 3 studies have limited utility beyond that provided by Tier 2 studies, which have practical utility and have costs commensurate with their utility. Specific examples were provided: avian point-count studies that are not more informative than data available in Tier 2 and do not inform project micro-siting or predict post-construction collision mortality, and bat acoustic monitoring at ground-level

and even at raised locations are limited in predicting bat collision mortality. Another commenter noted that blanket pre-construction information for all bird and bat species is less useful, as they have found that – in comparing pre-construction data to post-construction data – pre-construction presence does not correlate to post-construction/operational risk. Companies have consistently found it challenging to collect two full years of pre-construction data, due to the realities of project development. In such cases, the companies strive to collect as much information as possible and target the seasons when species of concern are most likely to be present in a proposed project area.

Tier 4: Post-construction monitoring (PCM) should be optional rather than standard as currently indicated under Tier 4 given the wealth of data on collision impacts of wind facilities across the country among various habitats and wind regimes. Tier 2 studies can typically indicate if a site is likely to have concerning levels of bat mortality or mortality of sensitive species for which PCM can be designed and implemented as necessary. Shifting away from “box-check” single-year PCM studies may free up funds to be used for efforts with actual conservation implications (e.g., research, mitigation).

Other comments: Fragmentation and displacement seem to be less of an issue [than 10 years ago], but micro-siting to avoid sensitive resources such as native grasslands and mature forests is more important for siting. Understanding regional scale migration and risk to certain species/groups by region based on post-construction monitoring data is important in building our understanding of risk. Sometimes this data is not readily shared with the Service, but it would help with more regional risk assessment.

The WEGs are useful in gathering data for specific species, such as bats or eagles, or when targeting certain geographic features, such as eagle nest sites or along ridges in a project area. A methodology or framework that incorporates existing wind facility (i.e., in operation prior to 2012) data is a critical need for the WEGs. We have many such projects and would be happy to coordinate with the Service on such a concept.

Agency Response/Action Taken: The Service appreciates the feedback on the validity of the WEGs and on specific components of the Tiers that could be improved to enhance practical utility of information collected. The Service notes that the WEGs are flexible and are intended to provide a framework, within which the specific methods recommended are adaptable as our knowledge of wind-wildlife interactions increases. We also note that it is expected that developers/operators determine which Tiers, and which questions within the Tiers, apply to their projects, and that these decisions should be made in coordination and communication with the Service. The WEGs encourage the use of best available science and technologies. As such, we encourage commenters to discuss novel approaches with local Service staff.

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

Comments: Commenters provided varying responses as to the accuracy of the amount of time spent on this information collection, as well as the annual number of responses. We also received feedback that indicates that this question, in the context of the WEGs, is difficult to respond to and may cause confusion to those interpreting the responses.

Comments on the number of respondents: One commenter noted that the amount of time seems accurate if only projects that are completed using the WEGs are included. This commenter noted that for every complete project, 3-10 are not built. Therefore, the estimate is a significant underestimate of on-the-ground work. For example, within a single company,

Tier 1 might be used for between 30 and 40 potential projects in a given year, even if only a fraction are developed.

Another commenter noted that they can work on a range from several dozen to over 100 separate wind energy projects in any given year.

Comments on Completion Time per Response: We received comments from individuals providing completion times per response reflective of actual hours spent on activities within each Tier. These figures varied, as would be expected. One commenter noted that changes in current standard practices could reduce the estimated effort in most instances, depending on the site-specific needs. Another commenter noted that the estimates generally are low. Comments on the completion time per response for each Tier are as follows:

Tier 1: One commenter indicated 50 hours per response; another 55 hours (range 30 to 80).

Tier 2: One commenter indicated 250 hours per response; another 170 hours (range 80 to 240).

Tier 3: One commenter indicated 3,500 hours per response; another 1,890 hours (range 1,350 to 3,300+). It was also noted that Tier 3 generally takes a lot longer to complete than any other Tier, sometimes including Tier 4.

Tier 4: One commenter indicated that the hours per response could be reduced to 1,500 hours if road and pad searches instead of full plot transects were used. One commenter indicated 2,460 hours at a typical project conducting weekly search intervals, 3,040 hours with twice-weekly search intervals; another indicated 1,650 hours (range 1,400 to 2,000+).

Tier 5: It was noted that the hours per response is tremendously variable depending on the study design.

Comments regarding wording/applicability of this question: One commenter noted that it is difficult to assess the table provided without some sense of units such as “per MW” or “per area” and suggested adding these units or some other units for clarity. Another commenter noted that the terminology used – “respondents”, “completion time per response” and “reporting” vs “recordkeeping” – were unclear in the context of the WEGs, and likewise recommended we use language that provides clarity for those who would provide comments, and those who would read and interpret these summaries and results.

Agency Response/Action Taken: The Service appreciates the perspectives shared from the individuals who responded and has used their figures to update our burden estimates in Question 12. Should the Guidelines be updated in the future, the Service will consider changes in terminology that would increase clarity for future renewals of this information collection.

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

Comments: One commenter noted that this question may be more applicable to processes where a form or standardized response is provided, rather than related to use of the WEGs.

Several comments addressed data gathered as one progresses through the WEGs, including recommendations regarding data standardization, data sharing, habitat mapping, and updates to reflect current science.

Commenters noted that standardization of data collection (e.g. bat acoustic data) and sharing of data in collective systems would improve understanding of species interactions with wind facilities.

Another commenter proposed that the Service and the industry ask questions at a broader (e.g. landscape or ecoregion) scale rather than at the project level as the WEGs currently recommend, to encourage stakeholder coordination to identify the most pressing research questions of the day. It was suggested that this approach could be more effective at avoiding and minimizing impacts to wildlife through combining data sets and research questions than the current project-by-project approach. Another comment suggested a broader-scale, industry-wide approach, perhaps using a Structured Decision Making model, could encourage agencies and industries to recognize progress in understanding wind-wildlife interactions and to evaluate the context of the particular project site and more thoroughly define the key study objectives most relevant to that landscape/ecoregion. Related to comments regarding data sharing, a commenter also encouraged the Service to consider development of a mechanism that would encourage data sharing and minimizes or eliminates the threat of enforcement under species protection statutes.

One commenter noted that habitat mapping can benefit from improved standardization, such as through use of the latest and most biologically informative GIS layers, and if conducted thoroughly, including field verification.

We received several comments related to updates to the WEGs to reflect current best available science. One commenter noted that studies described in Tiers 3 and 4 (pages 28-32) of the WEGs should be revisited. Another commenter suggested that the Service shift emphasis of studies to stress the need to predict and reduce impacts to bats instead of birds, given evidence of potential population-level impacts to many bat species, but limited potential for population-level impacts to most bird species.

Finally, one commenter provided a recommendation for a standardized process by which data would be entered and submitted to the Service through a web-based platform (at least for Tiers 1 and 2), similar to current IPaC system. This commenter noted that many renewable energy companies have some version of this system internally and use it on a regular basis, and these systems can be a lot more detailed than a Tier 1/2 assessment; however, developing a system where everyone uses the same variables/tools would be helpful.

Agency Response/Action Taken: The Service appreciates the comments received regarding standardizing data collection. We will consider ways to further encourage data collection that is standardized. The Service agrees that standardization of data would allow for compilation into existing and potential new systems, increasing our ability to understand wind-wildlife interactions in the U.S. at larger scales.

The Service also appreciates the comments received regarding the scientific advancements that have taken place since the WEGs were first published in 2012. The WEGs encourage the use of best available science and are intended to incorporate new information as it becomes available. The Service does not plan on updating the WEGs to reflect updates to science at this point in time.

The Service appreciates the suggestion to move towards standardization by creating a web-based tool similar to the Service's existing Information, Planning and Conservation (IPaC) system that would collect and provide data relevant to WEG Tiers 1 and 2. Producing such a system, or incorporating those functions into existing tools, would be dependent upon broader stakeholder interest, investigation of the utility of such a tool, and Service resources.

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

Comments: One commenter noted that the wind industry has worked through this question of how to minimize burden with its consultants, and this question doesn't make sense in the context of the WEGs, where a form or other straight-forward document is not produced as a developer progresses through the Tiers. Another commenter indicated that the ability to rely on company employees instead of contract labor to conduct studies, particularly under Tiers 1-3, provides significant cost savings, and Service acceptance of data collected by any qualified person who is properly trained in the applicable Tier's protocols would help deploy this practice across the regions.

Other commenters noted ways the Service could reduce the burden of the collection of information on respondents through changes in implementation of the WEGs. Examples included encouragement of landscape-scale studies rather than site-specific studies (e.g., communal funds that developers pay into to have aerial raptor nest surveys performed on a regular basis within an area of concern for breeding raptors); reconsidering Tier 3 and Tier 4 data collection where regional data is abundant; elimination of helicopter flights for eagle nest surveys and recommending use of safer and more cost-efficient ground-based nest surveys and drones.

One commenter suggested the feasibility to submit anonymous information on sites of interest/concern that could be incorporated into existing, publicly available databases (e.g., bald eagle nest and roost, playas, bat hibernacula) to allow more efficient site assessments moving forward. In the commenter's experience, in many cases when data is provided it is not incorporated into agency databases in a timely manner. Another commenter suggested the creation of a current and regularly updated Service clearing house with eagle (or other species) GIS data, such as nest locations, telemetry data, and other usage data. The commenter suggested a template memorandum of understanding for data sharing or something similar could be used to grant access to stakeholders to address concerns about protecting information pertaining to sensitive species.

Lastly, we received a comment that if the Service were to update the WEGs, the Service should seek input from stakeholders on any specific changes. It may even be appropriate to reconvene another Federal Advisory Committee that includes representatives of industry, environmental organizations, state and federal agencies to address revisions to the WEGs to provide flexibility and incorporate new technologies.

Agency Response/Action Taken: The Service appreciates the comments received regarding suggestions to minimize the burden of the collection of information on respondents. Service field office staff are involved in project-level review of energy facilities, which is often the level at which the WEGs are used. The concept of addressing questions at a broader, landscape level is of interest to the Service, as we agree that increased understanding of landscape-level affects would help us to better accomplish our conservation goals; however, the WEGs are designed to address project-level impacts. The

Service does not plan to make any changes to the WEGs at this point in time.

The Service also appreciates the comments received regarding the collection of site-specific data into larger databases. These comments align well with other comments received regarding data standardization and benefits to understanding impacts at a larger scale. The Service may assess whether existing systems could carry out the functions suggested; however, the ability of the Service to develop new systems or modify existing systems is dependent upon available resources and would also depend upon the wind industry's interest in using such systems.

In response to the comment regarding the process that would be followed should the Service update the WEGs, the Service notes that we do not have plans to update the WEGs at this point in time. Should we update the WEGs in the future, we would seek input to ensure that any updates would continue to be supported and implemented by all stakeholders.

Additional comments received during the outreach:

Comments: The Service received one additional comment noting that the WEGs provide a standardized framework and as such serve an important role in ensuring environmental due diligence for wind energy development. Given the knowledge that has been gained over the past decade on wind energy impacts, updating the WEGs to reflect the best available science and focus studies on remaining questions is critical. The commenter noted that development/publication of guidelines specific to solar energy is needed so that the WEGs are not misapplied to that industry in the absence of specific guidelines, as they have seen happen on multiple occasions.

Agency Response/Action Taken: As noted in response to previous comments, the Service does not have plans to update the WEGs at this point in time. The WEGs encourage the use of best available science. The Service appreciate the commenter's indication that such guidance for the solar industry would be useful.

Despite multiple attempts to solicit feedback from 4 additional individuals via email, we did not respond to our limited public outreach. Two individuals indicated that their companies chose to not respond and would defer instead to comments submitted through the public comment period by the American Clean Power Association. One individual offered to provide a response at a later date, however it would have delayed our submission to OMB. One individual indicated that they would provide a response, but we did not receive any response.

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 **1,288 annual responses** totaling **712,429 annual burden hours** for this collection. The dollar value of the annual burden hours is approximately **\$48,452,296 (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 1,288 projects in various stages of development and operation that are voluntarily using the Guidelines. This estimate was developed 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.

We significantly revised the “Annual Number of Respondents” column for two reasons. First, the larger numbers reflect the large increase in the number of wind energy projects developed in 2020. In 2017, 2018, and 2019, a total of 4,125 MW, 5,945 MW, and 5,465 MW of wind power capacity were developed in the U.S., respectively. In 2020, this total jumped to 10,593 MW, and a total of 90 projects.¹ The revised figures reflect the 90 projects that were completed in 2020. Secondly, the revisions address comments received indicating that for every project that is developed, there are additional projects that go through an initial assessment but that are not ultimately built. We received two estimates of the number of projects that are initiated but not completed, and used an average of these two estimates in our analysis. Based on this average, we assume that for every project that is built there are 7 projects that are considered but not built. In the table below, we assume that all projects that are considered but not built go through

¹ American Clean Power Association 4th Quarter 2020 Market Report. Available at: <https://cleanpower.org/resources/american-clean-power-market-report-q4-2020/>

Tier 1, and that another 75 percent complete Tier 2.

We also revised the completion time per response based on the ranges of estimates we received via public comment (see question 8). The completion time per response increased for Tiers 1 and 2, and decreased for Tier 3, to reflect the average current industry practice.

For purposes of this collection, we have determined the hourly rate, including benefits, to be \$66.14. We used U.S. Bureau of Labor Statistics (BLS), Occupational Employment and Wages, May 2020, [Table 17-2081 Environmental Engineers](#), to obtain the national mean hourly wage for an environmental engineer of \$46.58. In accordance with Table 1 in BLS News Release [USDL-21-0437](#), March 18, 2021, Employer Costs for Employee Compensation—December 2020, we multiplied the hourly wage by 1.46 to account for benefits for private industry workers to obtain a fully burdened rate of \$68.01.

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 \$68.01/hr)
Tier 1 (Desktop Analysis)						
Reporting	630	1	630	52.5	33,075	\$ 2,249,430.75
Recordkeeping				1	630	42,846.30
Tier 2 (Site Characterization)						
Reporting	473	1	473	210	99,330	6,755,433.30
Recordkeeping				3	1,419	96,506.19
Tier 3 (Pre-construction studies)						
Reporting	90	1	90	2,695	242,550	16,495,825.50
Recordkeeping				5	450	30,604.50
Tier 4 (Post-construction fatality monitoring and habitat studies)						
Reporting	90	1	90	3,600	324,000	22,035,240.00
Recordkeeping				5	450	30,604.50
Tier 5 (Other post-construction studies)						
Reporting	5	1	5	2,100	10,500	714,105.00
Recordkeeping				5	25	1,700.25
Totals	1,288		1,288		712,429	\$ 48,452,296.29

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 **\$73,697,500**. 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)	630	\$ 5,500	\$ 3,465,000
Tier 2 (Site Characterization)	473	15,000	7,095,000
Tier 3 (Pre-construction studies)	90	537,500	48,375,000
Tier 4 (Post-construction fatality monitoring and habitat studies)	90	145,000	13,050,000
Tier 5 (Other post-construction studies)	5	342,500	1,712,500
TOTALS:	1,288		\$ 73,697,500

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 **\$1,534,949.30 (rounded)** (see table 14.2 below).

We used Office of Personnel Management Salary Table [2021-RUS](#) to obtain the most up-to-date hourly rates for staff. We used BLS News Release [USDL-21-0437](#), March 18, 2021, Employer Costs for Employee Compensation—December 2020, 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 (2021-RUS)	Fully Burdened Hourly Rate (x 1.59)
GS 11 / Step 5	\$ 35.11	\$ 55.82
GS 12 / Step 5	42.08	66.91
GS 13 / Step 5	50.04	79.56

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
Tier 1: Provide lists of data sources and references requested by developer.							
	630	1	630	1	630		
Tier 2: Provide requested information such as species lists.							
	473	2	946	2	946	1	473
Tier 2: Review any survey results provided by developer and identify initial concerns based on available information.							
	473	10	4,730	2	946	2	946
Tier 2: Coordinate with other applicable Federal and State agencies and tribes.							
	473	8	3,784	2	946	1	473
Tier 3: Advise developers on appropriate study methods; based on study results, advise developers on mitigation.							
	90	40	3,600	4	360	2	180
Tier 3: Coordinate with other applicable Federal and State agencies and tribes.							
	90	8	720	8	720	2	180
Tier 4: Advise project operator on monitoring design and on any appropriate mitigation.							
	90	40	3,600	4	360	1	90
Tier 5: Advise project operator on need for Tier 5 research and research design; advise developer on appropriate mitigation							
	5	40	200	10	50	1	5
Total Hours:			18,210		4,958		2,347
Cost per Hour (including benefits):			\$ 55.82		\$ 66.91		\$ 79.56
Total Cost per Grade Level			\$ 1,016,482.20		\$ 331,739.78		\$ 186,727.32
TOTAL:							\$ 1,534,949.30

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

Based on the burden estimate changes explained in questions 8 and 12, we are reporting an annual burden increase of 1,128 responses, 429,434 burden hours, and \$36,827,500 cost burden.

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.