

Supporting Statement for
FERC-587, Land Description: Public Land States/Non-Public Land States

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and renew FERC-587, Land Description: Public Land States/Non-Public Land States, for a three year period. FERC-587 (OMB Control No. 1902-0145) is an existing Commission information collection.

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

Part I of the Federal Power Act (FPA)¹ authorizes the Commission to issue licenses for non-federal hydropower projects. Section 24 of the FPA² provides that any “lands of the United States” included in any proposed new or revised non-federal hydropower project shall be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress. In addition, Section 24 provides that the applicant must submit a notice of the application to the local office(s) of the Bureau of Land Management (BLM) (an agency within the U.S. Department of the Interior) with jurisdiction over the relevant lands. This notice provides information necessary for the Secretary of the Interior to take appropriate action under federal public-land laws.

The regulation at 18 CFR 4.41(b)(6) requires that each application for a hydropower license must describe all lands of the United States that are enclosed within the project boundary. The description must identify and tabulate such lands by legal subdivision of a public land survey, using the best available legal description. The tabulation must show the total acreage of the lands of the United States within the project boundary.

The regulation at 18 CFR 4.81(b)(5) explains that, if a proposed project boundary includes lands of the United States, the applicant must identify such lands on a completed land description form, i.e., FERC Form No. 587.³ That regulation also provides that the lands of the United States that must be identified include Federal reservations, Federal tracts, and townships.

The Commission uses the information collected in accordance with FERC-587 to verify the accuracy of the information provided, and to coordinate with the BLM and the

¹ 16 U.S.C. 791a – 823g.

² 16 U.S.C. 818.

³ Proposed revisions of FERC No. 587 and its instructions are being submitted to OMB for approval in connection with this information collection request. One revision is a placeholder for the post-renewal expiration date. Other revisions to the form’s instructions are in accordance with the requirements at 5 CFR 1320.8(b)(3).

Secretary of the Interior regarding federal public-land laws.

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

FERC-587 assists the Commission and BLM in determining what lands of the United States would be affected by the proposed project, and in fulfilling their responsibilities under FPA section 24 and federal land laws.

There are two versions of FERC Form No. 587 to account for the two different ways land is surveyed in the United States. The Public Land States version is used for projects located in the western United States, and is based on the Federal Township and range system. The Non-Public Land States version is used for projects in the eastern United States, including Texas, and is based on county information. The latter form is also used for projects in Public Land States with Non-Rectangular Survey System Lands.

To complete either form, the applicant must:

- Identify the appropriate boundary maps;
- Provide the project number assigned by the Commission;
- Submit copies of the appropriate boundary maps in electronic file format;
- Sign and date Form No. 587;
- Mail a copy of the completed form and boundary maps to the Secretary of the Interior at the address shown on the form; and
- Submit another copy of the form and boundary maps with the appropriate BLM office(s).

To complete the form for projects in Public Land States, the applicant must:

- Identify the state in which the project is located, or if the project is located in more than one state, identify the state for the township to which the form refers.
- Provide the project number assigned by the Commission;
- Identify the Township, Range, and Meridian where the project lands and federal lands overlap;
- Complete a separate form for each relevant Township;
- If the form is for a license, state whether the license is pending or issued;
- If the form is for a preliminary permit, state the expiration date of the preliminary permit;
- Using the township grid provided on the form, identify the section(s) in which the relevant federal lands are located on the map;
- Provide the name and telephone number of the person completing the form and the date the form is submitted.

To complete the form for projects in Non-Public Land States and in Public Land States with Non-Rectangular Survey System Lands, the applicant must:

- Identify the state in which the project is located;
- Provide the project number assigned by the Commission;
- Identify the Federal Land Holding Agency;
- Identify the relevant county or counties;
- If the form is for a license, state whether the license is pending or issued;
- If the form is for a preliminary permit, state the expiration date of the preliminary permit;
- Provide the Federal Tract(s) Identification; and
- Provide the Exhibit Sheet Number(s) or Letter(s).

2. 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. For example, specifications for maps and drawings, at 18 CFR 4.39, provide for the submission of electronic file format copies of the project boundary map(s) with the land description form(s).

In addition, the Commission allows all documents in proceedings to be filed through the eFiling interface except for specified exceptions.

3. 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

If the Commission did not collect the information, or were to collect it less frequently, the lands of the United States within the boundary of any non-federal hydropower project would not be considered on a timely basis by the Commission or by the Secretary of the Interior. The consequences could be adverse to the project, to the lands, or both. These are consequences that FPA Section 24 is intended to prevent.

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 that opts to not file electronically must 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

On August 3, 2021, the Commission published a 60-day notice (86 FR 41835). No comments were received in response. On November 2, 2021, the Commission published a 30-day notice (86 FR 60456).

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.

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 70 responses, 70 hours, and \$6,090 in costs annually for respondents. These burdens are itemized in the following table:

| A. Number of Respondents | B. Annual Number of Responses per Respondent | C. Total Number of Responses (Column A x Column B) | D. Average Hour Burden & Cost Per Response ⁴ | E. Total Annual Burden Hours & Total Annual Cost (Column C x Column D) | F. Cost per Respondent (\$) (Column E ÷ Column A) |
|--------------------------------|---|--|--|---|---|
| 70 | 1 | 70 | 1 hour; \$87.00 | 70 hours; \$6,090 | \$87.00 |

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

⁴ Commission staff estimates that the average industry hourly cost for this information collection is approximated by the current FERC 2021 average hourly costs for wages and benefits, i.e., \$87.00/hour.

The estimate of the cost for analysis and processing of filings⁵ is based on salaries and benefits for represents staff analysis, decision-making, and review of filings submitted in response to the information collection.

The estimated PRA Administrative Cost includes annualized costs incurred by the Commission in complying with the PRA (e.g., preparing and issuing supporting statements and Federal Register notices, and Federal Register publication fees).

| | Number of Employees FTE's | Estimated Annual Federal Cost (\$) |
|---------------------------------|--------------------------------------|---|
| PRA Administration Cost | — | \$8,279 |
| Data Processing and Analysis | 0.05 | \$9,035 (rounded) |
| FERC Total | 0.05 | \$17,314 |

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

There are no program changes. The estimated number of responses has decreased from 137 to 70 to reflect changes in the industry. As a result, the estimated hour burden has decreased from 137 to 70.

| | Total Request | Previously Approved | Change due to Adjustment in Estimate | Change Due to Agency Discretion |
|-------------------------------|--------------------------|--------------------------------|---|--|
| Annual Number of Responses | 70 | 137 | - 67 | 0 |
| Annual Time Burden (Hr.) | 70 | 137 | - 67 | 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 date for FERC-587 is displayed at:

⁵ This calculation uses the FERC's current average annual salary plus benefits of one FERC full-time equivalent (i.e., \$180,703).

<https://www.ferc.gov/media/information-collections>.

The expiration date for FERC-587 is also displayed on the instructions for FERC Form No. 587, and on each version of FERC Form No. 587.

1. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.