

SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

Management of Non-Federal Oil and Gas Rights 50 CFR 29, Subpart D OMB Control Number 1018-0162

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.

In 2003, the Government Accountability Office (GAO) issued a report ([GAO-03-517](#)) to Congress highlighting the opportunities to improve management and oversight of oil and gas operations on National Wildlife Refuge System lands and waters. An update by GAO in 2007 ([GAO-07-829R](#)) followed the 2003 report reasserting the recommendation that the Service take the necessary steps to apply a consistent and reasonable set of regulatory and management controls over all oil and gas activities occurring on refuges to protect the public's surface interests.

This collection of information approved in conjunction with the final rule, "Management of Non-Federal Oil and Gas Rights" ([81 FR 79948](#), published November 14, 2016) addressed the recommendations outlined in the 2003 and 2007 GAO reports. That final rule implemented regulations governing the exercise of non-Federal oil and gas rights outside of Alaska in order to improve our ability to protect refuge resources, visitors, and the general public's health and safety from potential impacts associated with non-Federal oil and gas operations located within refuges to ensure consistency with existing laws, policies, and industry practices

Other land management agencies have regulations that address oil and gas development, including the Department of the Interior's National Park Service (NPS) and Bureau of Land Management (BLM), and the U.S. Department of Agriculture's Forest Service. These agencies all require the submission of information similar to the information requested by the Service.

The Service broadly derives its authority to regulate non-Federal oil and gas operations on NWRS lands from the Property Clause of the United States Constitution (Art. IV, Sec. 3). The Secretary of the Interior (DOI) delegates this authority to the Service, which manages Federal lands and resources under the National Wildlife Refuge System Administration Act (NWRSA), as amended by the National Wildlife Refuge System Improvement Act (NWRSA; 16 U.S.C. 668dd *et seq.*). The Service manages species within the NWRS under the provisions of numerous statutes, the most notable of which are the Migratory Bird Treaty Act (16 U.S.C. 715 *et seq.*), the Endangered Species Act (16 U.S.C. 1531 *et seq.*), and the Fish and Wildlife Act of 1956 (16 U.S.C. 742f).

The collection of information is necessary for the Service to adequately regulate the exercise of non-Federal oil and gas rights within refuge boundaries for the purpose of protecting wildlife and habitat, water quality and quantity, wildlife dependent recreational opportunities, and the public health and safety of employees and visitors on NWRS lands.

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.

The information required by 50 CFR, part 29, subpart D identifies the owner and operator (the owner and operator are often the same) and details how the operator may access and develop oil and gas rights. It also identifies the steps the operator intends to take to minimize any adverse impacts of operations on refuge resource and values. Owners do not submit information, except information demonstrating ownership of the right, unless they wish to conduct oil and gas operations.

Responsible operators should be compiling information required under 50 CFR part 29, subpart D, as part of normal business activities to minimize liabilities, maintain business records for tax and other purposes, obtain financial backing, and ensure a safe, efficient, and well-planned operation. Under the regulations, Operators may submit information in the manner in which it is customarily maintained by the industry. We use FWS Form 3-2469 (Oil and Gas Operations Special Use Permit Application) as an application for the Temporary Access and Operations Permit.

We ask for ...	So that we can ...
Names and legal addresses	Identify the operator for oil and gas activities.
Map(s), description of the mode of transport and major equipment, and proposed operations with development timeframes	Enable the Service and any interested public reviewers to evaluate the proposed operations.
Sufficiently specific information	Perform detailed engineering and environmental analyses necessary to meet the requirements of the laws mentioned above.
Documentation of compliance with applicable Federal, State, and local laws and regulations (this can be satisfied by supplying copies of permits, licenses, etc.)	Ensure operations do not violate any law or regulation.
A reclamation plan	Ensure the site is left in a safe and environmentally sound condition after operations have ceased.
An environmental report and discussion of the refuge's planning documents and mitigation measures	Ensure the operator considered and demonstrates understanding of the nationally significant resources and values in which he/she plans to conduct operations and for the Service to document compliance with NEPA.

We will use the information to ensure that the operator will be able to conduct safe and environmentally acceptable operations within the confines of the property right interest, and to:

- (1) Evaluate proposed operations,
- (2) Ensure all necessary mitigation measures are employed to protect refuge resources and values,
- (3) Ensure compliance with all applicable laws and regulations, including:
 - National Environmental Policy Act (NEPA)(42 U.S.C. §4321 *et seq.*)
 - 40 CFR parts 1500-1508, and
 - National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act, 16 USC 668dd *et seq.*, and,
- (4) To manage species within the NWRS under the provisions of numerous statutes, the

most notable of which are:

- Migratory Bird Conservation Act, 16 U.S.C. 715 *et seq.*,
- Endangered Species Act, 16 U.S.C. 1531 *et seq.*,
- Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et seq.*, and
- Fish and Wildlife Act of 1956, 15 U.S.C. 742f.

We collect the following information for non-Federal oil and gas operations:

Preexisting Operations (§ 29.61).

Within 90 days after the effective date of these regulations or after a boundary change or establishment of a new refuge unit, preexisting operators without a Service-issued permit must submit:

- Documentation of the right to operate within the refuge.
- Contact information (names, phone numbers, and addresses) of the primary company representative; the representative responsible for field supervision; and, the representative responsible for emergency response.
- Scaled map clearly delineating the existing area of operations.
- Documentation of the current operating methods, surface equipment, materials produced or used and monitoring methods.
- Copies of all plans and permits required by local, State, and Federal agencies.

Temporary Access Permit Application (§ 29.71).

We use Parts 1 and 2 of FWS Form 3-2469 as the application for a Temporary Access Permit. The operator must provide the information requested in Parts 1 and 2 of the form, including:

- Contact information (name, legal address, and telephone number) for the person(s) responsible for the overall management of the proposed operations.
- Documentation demonstrating the right to operate within the refuge.
- Name, legal address, telephone number, and qualifications of all specialists responsible for conducting the reconnaissance surveys.
- Brief description of the intended operation so that we can determine reconnaissance survey needs.
- Description of the survey methods used to identify the natural and cultural resources.
- Location map (to-scale and determined by us to be acceptable) delineating the proposed reconnaissance survey area in relation to the refuge boundary and the proposed area of operations.
- Description of proposed means of access and routes for conducting the reconnaissance surveys.

Accessing Oil And Gas Rights From a Non-Federal Surface Location (§ 29.80).

We encourage operators to provide to us, at least 60 calendar days prior to beginning operations, the names, telephone numbers, and addresses of the primary company representative, the representative responsible for field supervision, and the representative responsible for emergency response.

Pre-application Meeting for Operations Permit (§ 29.91).

Before submitting an application for an Operations Permit, operators should participate in a pre-application meeting with the Service and provide:

- Documentation demonstrating the right to operate within the refuge.
- An overview of the proposed operation and timing.

Operations Permit Application (§§ 29.94, 29.95, 29.96, and 29.97).

We use FWS Form 3-2469 as the application for an Operations Permit. All applicants must

provide the information requested in Parts 1, 3, 4, 8, 9, and 10, FWS Form 3-2469, including:

Part 1 (§ 29.94(a)-(b))

- Contact information (name, legal address, and telephone number) for the person(s) responsible for the overall management of the proposed operations.
- Documentation demonstrating the right to operate within the refuge.

Part 3 (§ 29.94(c)-(f))

- Description of the natural features of the proposed area of operations, such as: streams, lakes, ponds, wetlands (including estimated depths to the top and bottom of zones of usable water); topographic relief; and areas that the Service has indicated are sensitive.
- Locations of existing roads, trails, railroad tracks, pipeline rights-of-way, pads, and other disturbed areas.
- Locations of existing structures that the operations could affect, including buildings; pipelines; oil and gas wells, including both producing and plugged and abandoned wells; injection wells; freshwater wells; underground and overhead electrical lines; and other utility lines.
- Descriptions of the natural and cultural resource conditions from your reconnaissance survey reports or other sources collected for your proposed area of operations, including baseline testing of soils, surface and ground waters within your area of operations that reasonably may be impacted by your surface operations.

Part 4 (§ 29.94(g)-(n))

- Location maps (to-scale and determined by us to be acceptable) that clearly identify:
 - (1) Proposed area of operations, existing conditions, and proposed new surface uses, including the boundaries of each of the oil and gas tracts in relation to the proposed operations and the relevant refuge boundary.
 - (2) Proposed access routes of new surface disturbances as determined by a location survey.
 - (3) Location of all support facilities, including those for transportation (e.g., vehicle parking areas, helicopter pads, etc.), sanitation, occupation, staging areas, fuel storage areas, refueling areas, loading docks, water supplies, and disposal facilities.
- Method and diagrams (including cross sections) of any proposed pad construction, road construction, cut-and-fill areas, and surface maintenance, including erosion control.
- Number and types of equipment and vehicles, including an estimate of vehicular round trips associated with the operation.
- Estimated timetable for the proposed operations, including any operational timing constraints.
- Type and extent of security measures proposed at the area of operation.
- Power sources and their transmission systems for the proposed operations.
- Types and quantities of all solid and liquid waste generated and the proposed methods of storage, handling, and disposal.
- Source, quantity, access route, and transportation/conveyance method for all water to be used in operations, including hydraulic fracturing, and estimates of any anticipated waste water volumes generated, including flowback fluids from hydraulic fracturing operations, and the proposed methods of storage, handling, and recycling or disposal.

Part 8 (§ 29.94(o))

- Description of proposed steps to mitigate anticipated adverse environmental impacts on refuge resources and uses, including: refuge's land features, land uses, fish and wildlife, vegetation, soils, surface and subsurface water resources, air quality, noise, lightscapes, viewsheds, cultural resources, and economic environment.

- Description of any anticipated impacts that cannot be mitigated.
- Description of all alternatives considered that meet the criteria of technologically feasible, least-damaging methods of operations, as well as the costs and environmental effects of such alternatives.

Part 9 (§ 29.94(p))

- For spill control and emergency preparedness plan, submit contact information (name, address, and telephone number) for persons that we can contact in the event of a spill, fire, or accident, including the order in which the persons should be contacted.
- Notification procedures and steps taken to minimize damage in the event of spill, fire, or accident, including the order in which individuals should be contacted.
- Identification of contaminating or toxic substances used within the area of operations or expected to be encountered during operations.
- Trajectory analysis for potential spills that are not contained on location.
- Identification of abnormal pressure, temperature, toxic gases or substances, or other hazardous conditions at the area of operations or expected to be encountered during operations.
- Measures (e.g., procedures, facility design, equipment) to minimize risks to human health and safety, and the environment.
- Steps to prevent accumulations of oil or other materials deemed to be fire hazards from occurring in the vicinity of well locations and lease tanks.
- Equipment and methods for containment and cleanup of contaminating substances, including a description of the equipment available at the area of operations and equipment available from local contractors.
- Storm water drainage plan and actions intended to mitigate storm water runoff.
- Safety data sheets for each material that will be used or encountered during operations, including expected quantities maintained at the area of operations.
- Description of the emergency actions that will be taken in the event of injury or death to fish and wildlife or vegetation.
- Description of the emergency actions that will be taken in the event of accidents causing human injury.
- Contingency plans for conditions and emergencies other than spills, such as if the area of operations is located in areas prone to hurricanes, flooding, tornados, fires, or earthquakes.

Part 10 (§ 29.94(q)-(r))

- Description of the specific equipment, materials, methods, and schedule that will be used to meet the operating standards for reclamation at §29.117.
- Itemized list of the estimated costs that a third party would charge to complete reclamation.

Part 5 Geophysical Exploration (§29.95).

Applicants proposing geophysical exploration must also provide the information requested in Part 5 of FWS Form 3-2469, including:

- Map showing the positions of each survey line including all source and receiver locations as determined by a locational survey, and shot point offset distances from wells, buildings, other infrastructure, cultural resources, and environmentally sensitive areas.
- Number of crews and numbers of workers in each crew.
- Description of the acquisition methods (including the procedures and specific equipment that will be used), and energy sources (e.g., explosives, vibroseis trucks, etc.).
- Description of methods of access along each survey line for personnel, materials, and equipment.

- List of all explosives, blasting equipment, chemicals, and fuels that will be used in the proposed operations, including a description of proposed disposal methods, transportation methods, safety measures, and storage facilities.

Part 6 Proposed Drilling Operations (§ 29.96).

Applicants proposing drilling operations must also provide the information requested in Part 6 of FWS Form 3-2469, including:

- Description of well pad construction, including dimensions and cross sections of: cut-and-fill areas and excavations for ditches, sumps, and spill control equipment or structures, including lined areas.
- Description of the drill rig and equipment layout, including rig components, fuel tanks, testing equipment, support facilities, storage areas, and all other well-site equipment and facilities.
- Description of type and characteristics of the proposed drilling mud systems.
- Description of the equipment, materials, and methods of surface operations associated with drilling, well casing and cementing, well control, well evaluation and testing, well completion, hydraulic fracturing or other well stimulation, and well plugging.

Part 7 Production Operations (§ 29.97).

Applicants proposing production operations must also provide the information requested in Part 7 of FWS Form 3-2469, including:

- Dimensions and a to-scale layout of: the well pad, clearly identifying well locations and noting partial reclamation areas; gathering, separation, metering, and storage equipment; electrical lines; fences; spill control equipment or structures including lined areas, artificial lift equipment, tank batteries, treating and separating vessels, secondary or enhanced recovery facilities, water disposal facilities, gas compression and/or injection facilities; metering points; sales point (if on lease); tanker pickup points; gas compressor, including size and type (if applicable); and any other well site equipment.
- General description of anticipated stimulations, servicing, and workovers.
- Description of the procedures and equipment used to maintain well control.
- Description of method and means used to transport produced oil and gas, including vehicular transport; flowline and gathering line construction and operation, pipe size, and operating pressure; cathodic protection methods; surface equipment use; surface equipment location; maintenance procedures; maintenance schedules; pressure detection methods; and shutdown procedures.
- Road and well pad maintenance plan, including equipment and materials to maintain the road surface and control erosion.
- Vegetation management plan on well sites, roads, pipeline corridors, and other disturbed surface areas, including control of noxious and invasive species.
- Stormwater management plan on the well site.
- Produced water storage and disposal plan.
- Description of the equipment, materials, and procedures proposed for well plugging.

Financial Assurance (§§ 29.103(b) and 29.150-29.154).

Before operations begin, operators must submit:

- Financial assurance in the amount specified by the Service and in accordance with the requirements of §§ 29.150 through 29.154.
- Proof of liability insurance with limits sufficient to cover injuries to persons or property caused by the operations.

Identification of Wells and Related Facilities (§29.119(b)(3)).

Operators must identify wells and related facilities with a sign that must remain in place until the

well is plugged and abandoned and related facilities are removed. Signs must be of durable construction, and the lettering must be legible and large enough to be read under normal conditions at a distance of at least 50 feet. Each sign must show the name of the well, name of the operator, and the emergency contact phone number.

Reporting (§29.121)

- Third-party monitors will report directly to the Service regarding compliance with the operations permit and efforts to protect federally owned or administered lands, waters, or the resources of refuges, visitor uses and experiences, and visitor or employee health and safety.
- Operators must notify the Service within 24 hours of any injuries to or mortality of fish, wildlife, or endangered or threatened plants.
- Operators must notify the Service of any accidents involving serious personal injury or death and of any fires or spills on the site immediately after the accident occurs. A full written report on the accident must be submitted to the Service within 90 days after the accident occurs.
- Operators must submit reports or other information necessary to verify compliance with the permit or with any provision of subpart D of the regulations.
- If operations include hydraulic fracturing, the operator must provide a report including:
 - The true vertical depth of the well,
 - Total water volume used, and
 - A description of the base fluid and each additive in the hydraulic fracturing fluid, including the trade name, supplier, purpose, ingredients, Chemical Abstract Service Number (CAS), maximum ingredient concentration in additive (percent by mass), and maximum ingredient concentration in hydraulic fracturing fluid (percent by mass).

Permit Modifications (§29.160(a)).

To request a modification to operations under an approved permit, permittees must provide, in writing, to the Service, the operator's assigned permit number, a description of the proposed modification, and an explanation of why the modification is needed.

Change of Operator (§§29.170, 29.171)

Transferring Operator's Notifications (§29.170)

Operators conducting operations under § 29.44, you must notify the Service in writing within 30 calendar days from the date the new operator acquires the rights to conduct operations. Written notification must include:

- Names and addresses of the person or entity conveying the right and of the person or entity acquiring the right.
- Effective date of transfer.
- Description of the rights, assets, and liabilities being transferred and which ones, if any, are being reserved.
- A written acknowledgement from the new operator that the contents of the notification are true and correct.

Acquiring Operator's Requirements for Wells Not Under a Service Permit (§ 29.171(a)).

The transferee must provide to the Service within 30 calendar days from the date of the transfer:

- Documentation demonstrating that it holds the right to operate within the refuge.
- Names, phone numbers, and addresses of the primary company representative, the representative responsible for field supervision, and the representative responsible for emergency response.

The transferee must submit an operations permit application in compliance with §§ 29.90-97 within 90 calendar days from the date of the transfer. Since production operations are in place, the scope of information requirements would be limited and focused on relevant information requirements listed above for Parts 7, 8, 9, and 10.

Acquiring Operator's Acceptance of an Existing Permit (§ 29.171(b)).

The transferee must provide the following within 30 days of commencing operations:

- Documentation demonstrating that it holds the right to operate within the refuge.
- Names, phone numbers, and addresses of the primary company representative, the representative responsible for field supervision, and the representative responsible for emergency response.
- Written agreement to conduct operations in accordance with all terms and conditions of the previous operator's permit.
- Financial assurance that is acceptable to the Service and made payable to the Service.

Extension to Well Plugging Requirement (§29.181).

To maintain a well in a shut-in status for up to 5 years, operators may apply for either an operations permit or a modification to operations under an approved permit. The application or modification must include the information requested in FWS Form 3-2469, including:

- Explanation of why the well is shut-in or temporarily abandoned and future plans for utilization.
- Demonstration of the mechanical integrity of the well.
- Description of the manner in which the operator's well, equipment, and area of operations will be maintained in accordance with the standards in subpart D of the regulations.

Public Information (§ 29.210)

(1) An operator, or the operator and the owner of the information required under this subpart, may support a claim to be exempt from public disclosure of information otherwise required. If required information is withheld, the operator must submit an affidavit § 29.210(d) that:

- Identifies the owner of the withheld information and provides the name, address, and contact information for an authorized representative of the owner of the information.
- Identifies the Federal statute or regulation that would prohibit the Service from publicly disclosing the information if it were in the Service's possession.
- Affirms that the operator has been provided the withheld information from the owner of the information and is maintaining records of the withheld information, or that the operator has access and will maintain access to the information held by the owner of the information.
- Affirms that the information is not publicly available.
- Affirms that the information is not required to be publicly disclosed under any applicable local, State, or Federal law.
- Affirms that the owner of the information is in actual competition and identifies competitors or others that could use the withheld information to cause the owner substantial competitive harm.
- Affirms that the release of the information would likely cause substantial competitive harm to the owner and provides the factual basis for that affirmation.
- Affirms that the information is not readily apparent through reverse engineering with publicly available information.

(2) If the operator relies upon information from third parties, such as the owner of the withheld information, to make the previous affirmations, the operator must provide a written affidavit from the third party that sets forth the relied-upon information. (§29.210(e))

(3) We may require any operator to submit any withheld information and any information relevant to a claim that withheld information is exempt from public disclosure. (§ 29.210(f))

(4) The operator must maintain records of any withheld information until the latter of the Service's release of the operator's financial assurance or 7 years after completion of operations on refuge lands. (§ 29.210(h))

(5) If any of the chemical identity information required in this subpart is withheld, the operator must provide the generic chemical name in the submission required. The generic chemical name must be only as nonspecific as is necessary to protect the confidential chemical identity, and should be the same as or no less descriptive than the generic chemical name provided to the Environmental Protection Agency. (§ 29.210(i))

PROPOSED REVISIONS

Automation of Application Form via ePermits

With this submission, we are proposing to automate FWS Form 3-2469 in the Service's "ePermits" system, an automated permit application system that allows the agency to move towards a streamlined permitting process to reduce public burden. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior. The intent of ePermits is to fully automate the permitting process to improve the customer experience and to reduce time burden on respondents. This system enhances the user experience by allowing users to enter data from any device that has Internet access, including personal computers (PCs), tablets, and smartphones. It also links the permit applicant to pay associated permit application fees via the Pay.gov system.

Financial Assurances Costs

With this submission, we will seek OMB approval of the costs associated with the financial assurances requirements as they are required per regulations contained in 50 CFR 29.103(b) and 50 CFR 29.150. These are not new costs, but rather we are bringing this requirement into compliance with the PRA as an annual non-hour burden cost. These costs were inadvertently overlooked with previous submissions for this collection of information. The estimated annual burden associated with the required financial assurances is captured in question 13.

Proposed Changes to Application Form (FWS Form 3-2469)

With this submission, we propose several changes to the existing FWS Form 3-2469 to improve the user collection experience and our internal processing requirements:

- 1) Under the "Type of Permit" on page 1, we are adding these categories:
 - a. "New" – Used by operators applying for a new permit to operate where no existing Form 3-2469 permit exists;
 - b. "Renewal" – Used by operators with a currently approved permit to renew the operation without any substantial changes;
 - c. "Amendment" – Used by an operator with an existing Form 3-2469 approved permit to amend their operations; and,

- d. "Extension" – Used by an operator with an existing Form 3-2469 approved permit to request an extension to one of its conditions (e.g., extend the shut-in status of a well).
- 2) Under the "Production Operations" on page 1, we are adding these sub-categories:
 - a. "Maintenance" – Used for maintenance actions (e.g., need to bring in a workover rig);
 - b. "Plugging" – Used with plugging and abandoning of a well; and
 - c. "Reclamation" – Used with all activities remove contaminated soils, equipment, pipe, etc., and restore the site to its original contours and vegetation.
- 3) Under the "Contact Information" in Part 1 (on page 2), we propose to add two new questions:
 - a. "Tax Identification Number"; and
 - b. "Do you have operations on other refuges? If so, provide the names of those refuges."
- 4) Administrative corrections:
 - a. We corrected the control number in the "Paperwork Reduction Act Statement"; and
 - b. Updated the mail stop in the "Estimated Burden Statement."

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.

FWS Form 3-2469 will be available online in a fillable format. We will accept the submission of documents via regular mail or email. We captured our estimates of electronic submissions for each IC in the burden table in question 12.

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 offices of the Service or other Federal agencies collect this information on refuges. Because the information collected is specific to the operator and operations for oil and gas activities on refuges, duplication of effort and information does not occur.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information burden of a respondent depends upon the nature of the proposed operation. The information required is the minimum necessary to allow us to make decisions on approving or disapproving proposed plans of operations while meeting Service responsibilities under the laws and regulations listed above to ensure protection of refuge resources and values. We encourage operators to contact appropriate Service staff for assistance in designing environmentally sound development strategies.

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 require operators to submit a permit application for review and approval prior to commencing development, we would fail to carry out our statutory mandates and non-Federal

oil and gas operations could degrade refuge resources and jeopardize visitor safety. Over the course of an operation, we only require a one-time submittal of a complete operations permit application; therefore, we cannot reduce the frequency of collection.

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.**

Yes, there are several instances in which we require collection of information in a manner that differs from the guidelines stated in the question. Specifically, we ask for the following:

- Notification within 24 hours of injuries or mortality of fish, wildlife, or endangered or threatened plants – we need this information quickly to prevent additional injuries or death.
- Immediate notification of accidents involving personal injury or death and of any fires or spills – we need this information for safety reasons.
- Notification within 30 calendar days from the date a new operator acquires the rights to conduct operations – we need this information to maintain adequate oversight of operations on a refuge.
- Notification within 30 calendar days of a transfer of operations to another operator – we need this information to maintain adequate oversight of operations on a refuge.
- That operator's maintain records not made available for public disclosure until the later of the Service's release of the operator's financial assurance or 7 years after completion of operations on refuge lands. This requirement is in place to assure accountability and transparency.

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 January 27, 2022, we published in the *Federal Register* ([87 FR 4275](#)) a notice of our intent to request that OMB approve our proposed revision to this information collection. In that notice, we solicited comments for 60 days, ending on March 28, 2022. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the *Federal Register* notice on Regulations.gov (Docket [FWS-HQ-NWRS-2021-0155](#)) to provide the public with an additional method to submit comments (in addition to the typical Info_Coll@fws.gov email and U.S. mail submission methods). We received the following four (4) comments in response to this notices:

Comment 1: Email from Jean Public, received 01/30/2022:

The commenter states it is unnecessary to lease oil and gas resources on public lands.

Agency Response to Comment 1: The commenter did not address the information collection requirements. No response required.

Comment 2: Anonymous electronic comment via Regulations.gov (FWS-HQ-NWRS-2021-0155-0002), received on 02/02/2022:

Commenter recommends no permits be issued.

Agency Response to Comment 2: The commenter did not address the information collection requirements. No response required.

Comment 3: Anonymous electronic comment via Regulations.gov (FWS-HQ-NWRS-2021-0155-0003), received on 03/01/2022:

The commenter recommends stopping all oil and gas production on public lands.

Agency Response to Comment 3: The commenter did not address the information collection requirements. No response required.

Comment 4: Anonymous electronic comment via Regulations.gov (FWS-HQ-NWRS-2021-0155-0004), received on 03/23/2022:

The commenter recommends banning fossil fuel production on public lands.

Agency Response to Comment 4: The commenter did not address the information collection requirements. No response required.

On June 1, 2022, we published a second *Federal Register* notice ([87 FR 33200](#)), notifying the

public of our intent to request that OMB approve this information collection. This notice solicited comments for an additional 60 days, ending on August 1, 2022. We also described additional revisions identified since the publication of the January 27, 2022. The Service also published this *Federal Register* notice on Regulations.gov (Docket [FWS-HQ-NWRS-2022-0063](#)) to provide the public with an additional method to submit comments (in addition to the typical Info_Coll@fws.gov email and U.S. mail submission methods). We received the following four (4) comments in response to this notice:

Comment 5: Anonymous electronic comment via Regulations.gov (FWS-HQ-NWRS-2022-0063-0002), received on 05/31/2022:

The commenter states it is unnecessary to develop oil and gas resources on public lands.

Agency Response to Comment 5: The commenter did not address the information collection requirements. No response required.

Comment 6: Electronic comment via Regulations.gov (FWS-HQ-NWRS-2022-0063-0003) from Jean Public, received on 06/01/2022:

The commenter opposes developing oil and gas resources on public lands.

Agency Response to Comment 6: The commenter did not address the information collection requirements. No response required.

Comment 7: Anonymous electronic comment via Regulations.gov (FWS-HQ-NWRS-2022-0063-0004), received on 06/23/2022.

The commenter supports moving the information collection to an electronic format.

Agency Response to Comment 7: With this submission, we are moving toward a format that allows users to submit information collection requirements via an electronic format (automation of FWS Form 3-2469 on the Service's ePermits platform).

Comment 8: Anonymous electronic comment via Regulations.gov (FWS-HQ-NWRS-2022-0063-0005), received on 06/27/2022:

The commenter recommends nationalizing the oil and gas industry.

Agency Response to Comment 8: The commenter did not address the information collection requirements. No response required.

In addition to the Federal Register Notice, we consulted the seven (7) 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
Oleum Exploration	Production Manager
Arcadia Operating	Drilling Manager
Z K Petroleum	Production Manager
Texas Petroleum Investment	Environmental Manager
Dynamic Exploration Partners	Access Manager

Southern Tejas Access Group	Production Manager
Lavaca Pipe Line	Drilling Manager

“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”

No feedback received.

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

No feedback received.

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

No feedback received.

And

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

No feedback received.

Despite multiple attempts to solicit feedback via email and phone calls, we received no response from the seven (7) individuals contacted at the companies listed above.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We do not provide any payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Any records provided to us will be available under the Freedom of Information Act, unless the respondent has identified the information as proprietary or confidential. Such proprietary or confidential information will be protected according to applicable laws, guidelines, portions of § 29.210, and standards. We will maintain the information in a secure System of Records (National Wildlife Refuge Special Use Permits-Interior, FWS-5, May 28, 1999, [64 FR 29055](#); modification published June 4, 2008, [73 FR 31877](#)).

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 that we will receive **938 responses** totaling **17,167 burden hours** – see Table 12.2 below. We estimate the annual dollar value of the burden hours is **\$878,435** (rounded) (17,167 burden hours X \$51.17/hour).

We used Bureau of Labor Statistics (BLS) May 2021 National Industry-Specific Occupational Employment and Wage Estimates for NAIC Code 541600, "Management, Scientific, and Technical Consulting Services" which lists the mean hourly wage of \$27.21 for occupational code [17-3025, Environmental Engineering Technician](#). For occupational code [17-2171, Petroleum Engineers](#), the mean hourly rate is \$70.06. We multiplied these rates by 1.43 to account for benefits, in accordance with BLS News Release [USDL-22-1176](#), June 16, 2022, Employer Costs for Employee Compensation–March 2022, resulting in hourly cost factors of \$38.91 (environmental engineering technician) and \$100.19 (petroleum engineer). Using the weight factor shown in Table 12.1, we calculated an overall weighted hourly cost factor of **\$51.17**.

Table 12.1

Occupational Code	Hourly Rate	Hourly Rate (Including Benefits)	Percentage of Time Spent on Collection	Weighted Average (\$/Hr)
17-3025, Environmental Engineering Technician	\$ 27.21	\$ 38.91	80%	\$ 31.13
17-2171, Petroleum Engineer	70.06	100.19	20%	20.04
Weighted Hourly Cost:				\$ 51.17

Table 12.2 Revised ICs highlighted in yellow

Activity/Requirement	Estimated Number of Annual Responses	Completion Time per Response (Hours)	Estimated Total Annual Burden Hours
Preexisting Operations (§ 29.61)	40	50	2,000
Temporary Access Permit Application (§ 29.71) Hard Copy	18	17	306
Temporary Access Permit Application (§ 29.71) ePermits	18	12.75	230
Accessing Oil and Gas Rights from Non-Federal Surface Location (§ 29.80)	5	1	5
Pre-application Meeting for Operations Permit (§ 29.91)	45	2	90
Operations Permit Application (§§ 29.94–29.97) Hard Copy	23	140	3,220
Operations Permit Application (§§ 29.94–29.97) ePermits	23	105	2,415
Financial Assurance (§§ 29.103(b), 29.150) (See Q-13)	45	1	45
Identification of Wells and Related Facilities (§ 29.119(b))	45	2	90
Reporting (§ 29.121)			
Third-Party Monitor Report (§ 29.121(b))	300	17	5,100

Notification—Injuries/Mortality to Fish and Wildlife and Threatened /Endangered Plants (§ 29.121(c))	20	1	20
Notification—Accidents involving Serious Injuries/Death and Fires/Spills (§ 29.121(d))	20	1	20
Written Report—Accidents Involving Serious Injuries/Deaths and Fires/Spills (§ 29.121(d))	20	16	320
Report—Verify Compliance with Permits (§ 29.121(e))	240	4	960
Permit Modifications (§ 29.160(a))	10	16	160
Notification—Chemical Disclosure of Hydraulic Fracturing Fluids uploaded to FracFocus (§ 29.121(f))	5	1	5
Change of Operator § 29.170			
Transferring Operator Notification (§ 29.170)	20	8	160
Extension to Well Plugging (§ 29.181(a))			
Application for Permit Hard Copy	5	140	700
Application for Permit ePermits	5	105	525
Modification Hard Copy	3	16	48
Modification ePermits	3	12	36
Acquiring Operator's Requirements for Wells Not Under a Service Permit (§ 29.171(a)) Hard Copy	10	40	400
Acquiring Operator's Requirements for Wells Not Under a Service Permit (§ 29.171(a)) ePermits	10	30	300
Acquiring Operator's Acceptance of an Existing Permit (§ 29.171(b))	1	8	8
Public Information (§ 29.210)			
Affidavit in Support of Claim of Confidentiality (§ 29.210(c) and (d))	1	1	1
Confidential Information (§ 29.210(e) and (f))	1	1	1
Maintenance of Confidential Information (§ 29.210(h))	1	1	1
Generic Chemical Name Disclosure (§ 29.210(i))	1	1	1
TOTALS:	938		17,167

Information collection requirements vary substantially based upon the types and status of operations conducted, and whether the information collection relates to reporting requirements or operations permit applications. Reporting requirements can range from simple notifications of operator's ownership rights and contact information to well site inspection reports. Depending on the level of complexity of the proposed operation, a complete permit application could consist of as little as 10 pages of text, plus 2-10 pages of illustrations (inclusive of location maps, site plans and cross-sections) to as much as 100 pages of text plus several volumes of supporting material. The time to prepare an application ranges from 24 hours to 140 hours depending on several factors:

- The complexity of the operation, including the differences in types and numbers of operations that may be included in a single plan;
- The wide variations in the environmental settings in which non-Federal oil and gas development occurs in refuges; and,
- The availability of pre-existing environmental data from refuges.

Reporting and operations permit applications consist of materials that are both clerical in nature (e.g., photocopies of lease documents, other permits) and professional in nature (e.g., surveyed location plats, engineering design). Thus, labor costs can range depending on the level of expertise. We estimated that 80 percent of the burden hours would be met by an environmental engineering technician working in the oil and gas extraction industry, and 20 percent would be met by a petroleum engineer.

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.

Costs imposed on applicants associated with financial assurances are required per regulation. We estimate the nonhour burden to average \$50,000 per application. Therefore, the total nonhour burden is estimated to be **\$2,250,000** (45 responses X \$50,000 each).

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 that the total annual cost to the Federal Government to administer this information collection is **\$478,181** (rounded). To calculate salary costs, we used the below listed Office of Personnel Management Salary Table to determine the hourly rate. We multiplied the specified rates by 1.59 to account for benefits, in accordance with BLS News Release [USDL-22-1176](#), June 16, 2022, Employer Costs for Employee Compensation–March 2022.

Grade/Step	Hourly Rate	Hourly Rate (Including Benefits)	Percentage of Time Spent on Collection	Weighted Average (\$/Hr)
GS-12/05 (2022-RUS)	\$ 43.10	\$ 68.53	90%	\$ 61.68
GS-13/05 (2022-DCB)	58.01	92.24	10%	9.22
Weighted Hourly Cost:				\$ 70.90

Salary Costs - \$405,619 (rounded)

Nationwide, we estimate receiving 938 responses annually that require Federal staff time to evaluate the response, perform the necessary environmental compliance, and prepare the administrative record and letters. The staff time required for each response varies widely from

0.25 hours up to 80 hours depending on the type of response. We estimate 5,721 hours of Federal staff time to address the 938 responses. (5,721 hours x \$70.90/hr = \$405,618.90).

Other Costs - \$72,562

We estimate approximately \$72,562 for travel expenses, equipment, and other incidental costs. We used a 10 percent factor of the \$380,618 (\$38,062) and assumed one-half of the 45 operations permit applications (23) would require \$1,500 in travel expenses (\$34,500) in estimating other costs.

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

We are reporting a discretionary burden change of **4 annual responses**, **(955) annual burden hours**, and **\$2,250,000 annual cost burden** associated with changes explained in questions 2 and 12. The table below provides an itemized detail of the reported discretionary burden changes:

Activity/Requirement	Program Change Due to Agency Discretion		
	Change in Annual Responses	Change in Annual Burden Hours	Change in Nonhour Cost Burden
Temporary Access Permit Application (§ 29.71) Hard Copy	-17	-289	0
Temporary Access Permit Application (§ 29.71) ePermits	18	230	0
Operations Permit Application (§§ 29.94–29.97) Hard Copy	-22	-3,080	0
Operations Permit Application (§§ 29.94–29.97) ePermits	23	2,415	0
Financial Assurance (§§ 29.103(b), 29.150) (See Q-13)	0	0	2,250,000
Change of Operator § 29.170			
Extension to Well Plugging – Application (§ 29.181(a)) Hard Copy	-5	-700	0
Extension to Well Plugging – Application (§ 29.181(a)) ePermits	5	525	0
Extension to Well Plugging - Modification Hard Copy	-2	-32	0
Extension to Well Plugging - Modification ePermits	3	36	0
Acquiring Operator’s Requirements for Wells Not Under a Service Permit (§ 29.171(a)) Hard Copy	-9	-360	0
Acquiring Operator’s Requirements for Wells Not Under a Service Permit (§ 29.171(a)) ePermits	10	300	0

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 information 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.

The information collection is associated with regulatory requirements. We will display the OMB control number and expiration date on FWS Form 3-2469, in § 29.220, and other 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.