

Supporting Statement for Bonneville Power Administration - Application for Proposed Use of BPA Right-of-Way

OMB No. 1910-NEW

BPA F 4300.03e Application for Proposed Use of BPA Right-of-Way

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Introduction

Provide a brief introduction of the Information Collection Request. Include the purpose of this collection, note the publication of the 60-Day Federal Register Notice, and provide the list of forms within this collection.

Bonneville Power Administration (BPA) has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for collection of information pursuant to the Paperwork Reduction Act of 1995. The proposed collection will allow BPA to gather information to assess whether the applicants' proposed use of right-of-way interferes with BPA's land rights.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on July 6, 2021, volume 86, number 126, and page number 35498. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received.

These collections require OMB approval under the Paperwork Reduction Act because the various forms gather information from employees, contract employees, and members of the public. The relevant instruments for these collections are the following forms:

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Gathering this information is necessary because BPA must be able to determine whether the applicants' proposed use of right-of-way interferes with BPA's land rights.

A.1. Legal Justification

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.

BPA is a power marketing administration, a federal nonprofit agency based in the Pacific Northwest. Although BPA is part of the U.S. Department of Energy, it is self-funding and covers its costs by selling its products and services. BPA markets wholesale electrical power from 31 federal hydro-electric dams in the Columbia River Basin, one non-federal nuclear plant and several other small non-federal power plants. The U.S. Army Corps of Engineers and the Bureau of Reclamation own and operate the federal dams. BPA is responsible for marketing about one-third of the electric power used in the Northwest.

BPA also operates and maintains about three-fourths of the high-voltage transmission in its service territory. BPA's service territory includes Idaho, Oregon, Washington, western Montana and small parts of eastern Montana, California, Nevada, Utah, and Wyoming.

As part of its responsibilities, BPA promotes energy efficiency, renewable resources, and new technologies. The agency also funds regional efforts to protect and rebuild fish and wildlife populations affected by hydroelectric power development in the Columbia River Basin.

BPA uses this information collection to assess whether the applicants proposed use of right-of-way interferes with BPA's land rights. BPA derives its authority from 16 U.S.C. 832a(c) pertaining to the

acquisition of property and 16 U.S.C. ch. 12B, 2006 (50 Stat. 733; 16 U.S.C. 832a(e) pertaining to the acquisition and management of property.

A.2. Needs and Uses of Data

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

BPA Realty Services office uses the information collection instrument to collect the following information for the following purposes:

- Applicant/Owner information for the purposes of documenting the request and communicating with the applicant (name, address, contact information).
- Details about the proposed right-of-way for the evaluation by BPA authorities for the purpose of determining feasibility (location of property, property amenities, drawings).

A.3. Use of Technology

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.

The instrument is a fillable electronic PDF form submitted via email, internal mail, fax, or hand delivery. The cost of additional automation significantly outweighs the potential reduction in burden on respondents. Approximately 75% of respondents submit the form electronically.

A.4. Efforts to Identify Duplication

Describe efforts to identify duplication.

The information is not collected by other means or in another form by BPA.

A.5. Provisions for Reducing Burden on Small Businesses

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

While the collection applies to every type of party (private individuals, small businesses, government agencies, etc), this collection will not have a significant impact on small entities such as small businesses, organizations, or government bodies.

A.6. Consequences of Less-Frequent Reporting

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 the collection is not conducted, Realty could not assess whether the proposed use of right-of-ways would interfere with BPA property rights. The applicant uses the form as-needed to document project work in order to review for conflicts such as power line location with construction of a cellular tower. As such, some applicants will submit more than one application a year, but each is specific to a location and project containing unique information that could not be extrapolated from a previous application.

A.7. Compliance with 5 CFR 1320.5

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines:

- (a) requiring respondents to report information to the agency more often than quarterly;**
- (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- (c) requiring respondents to submit more than an original and two copies of any document;**
- (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years;**
- (e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study;**
- (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- (g) that includes a pledge of confidentiality that is not supported by authority established in stature of 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**
- (h) 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.**

The information collection is conducted in a manner consistent with OMB guidelines.

A.8. Summary of Consultations Outside of the Agency

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 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE 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 report.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on July 6, 2021, (volume 86, number 126, and page number 35498). No comments were received.

The Department published a 30-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on January 21, 2022, (volume 87, number 14, and page number 3290).

One comment was received, which stated the commenters belief that “16 U.S.C. 832a(c) must be ruled unconstitutional”. BPA responded:

“Thank you for commenting on BPA’s proposed information collection. This information collection consists of a form used by BPA to assess the agency’s own rights and the potential use of land for driveways, roadways, pipelines, and utilities. The use of this form does not alter the legal rights of any individual or organization under 16 U.S.C. § 832a(c) or otherwise. We appreciate hearing a variety of views, and thank you again for your comment.”

A.9. Payments or Gifts to Respondents

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

Respondents will not receive any payment or gift.

A.10. Provisions for Protection of Information

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

BPA provides notice on the instrument that information from the proposed collection will be part of a system of records covered by the Privacy Act. “This information is authorized to be maintained in Privacy Act system of records DOE-24, ‘Land Records System.’”

A.11. Justification for Sensitive Questions

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 DOE 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.

The information collected of a sensitive nature (applicant address, contact information, and land records information) is necessary for evaluating the proposal. Consent is obtained through individual participation by the applicant.

A.12A. Estimate of Respondent Burden Hours

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, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

Table A1. Estimated Respondent Hour Burden

Form Number/Title (and/or other Collection Instrument name)	Type of Respondents	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours	Annual Reporting Frequency
BPA F 4300.03e Application for Proposed Use of BPA Right-of-Way	Members of the public	400	400	1	400	1
TOTAL		400	400		400	

The burden was estimated through observation and historical analysis.

A.12B. Estimate of Annual Cost to Respondent for Burden Hours

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. Instead, this cost should be included under ‘Annual Cost to Federal Government’.

Table A2. Estimated Respondent Cost Burden

Type of Respondents	Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
Members of the public	400	\$26.88	\$10,752
			0
TOTAL	400		\$10,752

The Hourly wage rate was calculated using the U.S. Bureau of Labor Statistics fully burdened average wage rate for private industry workers.

A.13. Other Estimated Annual Cost to Respondents

Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

Other than those described above, BPA does not anticipate any additional annual cost burden to respondents. There will be no ongoing operation or maintenance costs for respondents.

A.14. Annual Cost to the Federal Government

Provide estimates of annualized cost to the Federal government.

The estimated budget for the BPA Realty office that processes this information collection \$30,126 annually. This includes estimated federal burden for BPA personnel processing the completed forms, which is based on the total number of hours it would take to complete review and verification of information. The estimate for a fully burdened, average full time equivalent (FTE) is approximately \$50.21/hr. DOE approximates 1.5 hours to review each form.

- $400 \text{ reports/year} \times 1.5 \text{ hour/report} \times \$50.21/\text{hour} = \$30,126$

A.15. Reasons for Changes in Burden

Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

This is a new collection, therefore there are no program changes or adjustments reported.

A.16. Collection, Tabulation, and Publication Plans

For collections whose results will be published, outline the plans for tabulation and publication.

This information collection will not be published.

A.17. OMB Number and Expiration Date

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

DOE will display the OMB Control Number and expiration date on all collection vehicles.

A.18. Certification Statement

Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

There are no exceptions to the certification statement.