



August 20, 2014

Sent via email: OIRA_Submission@omb.eop.gov and hope_grey@fws.gov

Desk Officer - Department of the Interior
Office of Management and Budget,
Office of Information and Regulatory Affairs
725 17th St. NW
Washington, D.C. 20503

Service Information Collection Clearance Officer
U.S. Fish and Wildlife Service
MS 2042-PDM
4401 North Fairfax Drive
Arlington, VA 22203

Re: 1018-AY29 - Comments on Information Collection Proposal for the U.S. Fish and Wildlife Service's "Policy Regarding Voluntary Prelisting Conservation Actions"

Dear Sir or Madam:

These comments are submitted by the Independent Petroleum Association of America (IPAA). IPAA is a national trade association that represents thousands of oil and natural gas producers, as well as the service and supply industries, across the United States. Independent producers develop 95 percent of American oil and gas wells, produce 68 percent of American oil, and produce 82 percent of American natural gas. IPAA is dedicated to ensuring a strong, viable domestic oil and natural gas industry, recognizing that an adequate and secure supply of energy is essential to the national economy. The proposed Policy was in which the collection of information was described was published at 79 FR 42525 on July 22, 2014.

1. The proposed Policy invites comments on the "accuracy of [FWS's] estimate of the burden for this collection of information." 79 FR 42531. That estimate is supposed to be based on an "objectively supported estimate of burden" that FWS was required to prepare in the course of the review that FWS was required to conduct before making its submission to OMB. 5 CFR 1320.5(a)(1)(iv)(B)(5), 1320.8(a)(4). The objective basis for FWS's estimate of the burden of this collection of information (assuming one was made) is not disclosed in the announcement of the proposed Policy. As a consequence, it is difficult, if not impossible, for the public to assess whether the estimate is accurate. For example, what is the objective basis for FWS's assumption that only 10 States will participate in the credits program, particularly in light of the fact that endangered species and critical habitat may be found in every State? Similarly, what is the objective basis for the assumptions that are made about the numbers of individuals, private sector entities, and government entities that will be subject to the information collection requirements?

2. "Burden" is defined broadly in the regulations to include nine specific activities that might impact "the total time, effort, or financial resources" that a person might have to expend to respond properly to the request for information. 5 CFR 1320.3(b). Because the objective basis for FWS's estimate of the "burden" is not disclosed in the proposed Policy, it is impossible for the public to assess whether the cost associated with those activities were evaluated and thus whether FWS's estimate is reliable.

3. The proposed Policy should disclose the "nature and extent of confidentiality to be provided" with respect to the collected information. *See* 5 CFR 1320.8(b)(3)(v). For example, some property owners may well want to keep the location of their conservation projects confidential or certain business information confidential.

4. The Paperwork Reduction Act discussion does not address the collection of information necessary to value or quantify credits. Presumably, property owners or state agencies must assess habitat conditions of property on which conservation actions may occur. Property owners may also be required to collect information under conservation plans that describe how the property will be managed. The Service must address the burdens of collecting this information and justify why the addition collection of information is necessary.

Given FWS's apparent failure to fully comply with the regulations and its failure to provide the information necessary for the public to evaluate this proposed information collection, IPAA respectfully requests that OMB direct FWS to provide another notice that contains the proper information.

If we can provide further information, please contact me at dnaatz@ipaa.org or by phone at (202)857-4722.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Naatz". The signature is written in a cursive, flowing style.

Dan Naatz