

**1Supporting Statement A for
Paperwork Reduction Act Submission**

OMB Control Number 1076-NEW

Energy and Mineral Development Program Grants

Terms of Clearance. None.

This is a new information collection.

1. Explain the circumstances that make the collection of information necessary.

The Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide grants to Indian tribes for energy development and appropriates funds for such grants on a year-to-year basis. See 25 U.S.C. 3502. When funding is available, the Office of Indian Energy and Economic Development (IEED) may solicit proposals for energy and mineral development projects from Indian tribes whose lands are held in trust or restricted fee by the Federal government under the Energy and Mineral Development Program (EMDP). To receive the funds, tribes may use the contracting mechanism established by the Indian Self-Determination Act or may obtain adjustments to their funding from the Office of Self-Governance. See 25 U.S.C. 450 et seq. Indian tribes that would like to apply for an EMDP grant must submit an application that includes certain information and, once the funding is received, must submit reports on how they are using the funding.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.

IEED uses the information provided by tribes in their application to determine whether they are eligible for EMPD funding. IEED also uses the application information in conjunction with the information provided in the tribe's reports to determine whether the tribe is using the funding for the stated purpose of exploration, assessment, development, feasibility, or market studies. The information is not disseminated to the public or used to support information that will be disseminated to the public.

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].

IEED accepts applications and reports electronically (email), by fax, and by regular mail.

4. Describe efforts to identify duplication.

The information that IEED collects is not available from any other source. The information

collected is unique to each tribe and unique to each tribe's plans for energy and mineral exploration, assessment, and development.

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

Indian tribes are not considered small entities, but they may finance small businesses that conduct the energy exploration, assessment, and development. To ensure that the burden of providing information is minimized, IEED collects only information that is necessary for it to determine whether a tribe is eligible for funding and whether the funding is being appropriately spent.

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 IEED were unable to conduct this information collection, then tribes would be deprived of funding that is statutorily authorized and appropriated. As a consequence, many tribes that otherwise would be recipients of this funding would not be able to perform exploration, assessment and development of energy and mineral resources, depriving them of the opportunity to economically benefit from such resources.

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.

There are no circumstances that require IEED to collect the information in a manner inconsistent with OMB guidelines.

8. Provide 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 (or in response to a PRA statement) and describe actions

taken by the agency in response to these comments.

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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

On September 22, 2009, we published a notice in the Federal Register (74 FR 48282) announcing this proposed information collection. In that notice, we solicited comments for 60 days, ending on November 23, 2009. We received no comments in response to that notice.

In addition to our notice, we contacted Stuart M. Levit, John Sirois, and G. D. Simon who submitted applications and reports in the past, and asked for information about their experience, including:

- Whether or not the instructions on the application process are clear
- How long it takes to complete an application, including time to review instructions, gather and maintain data, and provide it to IEED.
- How long it takes to complete the annual report, including time to review instructions, gather and maintain data, and enter provide it to IEED.
- Ways to minimize the burden

Mr. Levit's comments were:

(1) The necessity of the information collection: It is difficult to know the necessity - or importance - of information from the BIA perspective but what was requested seemed relevant and important. Most information was readily available to the applicant (it IS about us). Therefore, as a practical matter, the basic and background information was not onerous to establish. It seems probable that there is a fair amount of repetitive information between different grant applications to BIA - which could possibly be streamlined, such as by having a boilerplate background component and then a project-specific element. As a practical matter, much of the background information is not grant-specific so is not a problem to assemble. The project/grant-specific information is dictated by the topic and I don't see any significant way to reduce what is requested or required.

(2) The accuracy of the burden (hours and cost estimate – see below): The CSKT took approximately 45 hours to complete its application. Most of the time was used to establish the proposed projects parameters and budget, and assemble the expertise needed to work on the project if approved. While this took a fair bit of time, it seemed reasonable given the complexity of the granting topic and the need for clarity and reasonableness (the ability to actually do it and for BIA to assess success).

(3) Ways IEED could enhance the quality, utility, and clarity of the information collection: I had a few questions about the application and contacted the person listed on the Grant Notice, who was both very helpful and timely with his answers. The grant request was sufficiently structured to dictate how the grant application would or should look - making it clear what was needed and how to present it.

(4) Ways IEED could minimize the burden of the collection (e.g., through automated collection or other IT). The grant notice allowed for electronic submission - which I prefer. I find automated collection (such as automated pdf forms, etc) to be overly restricting and they require more time to organize and effectively respond than allowing me (the applicant) to structure the responses. However, it would not be unreasonable for BIA to require such an automated form to allow BIA and application reviewers to more quickly read and evaluate grant applications. I would guess that it could take less time for BIA reviewers to find information in an automated and more-structured application.

Mr. Sirois' comments were:

(1) The necessity of the information collection: We at the Colville Tribes Energy Program felt the necessity of information collected was appropriate to the project development process. Not only will the information collected help us formulate our project, but also help us to take into account other factors that will affect the project by collecting that information. Some granting agencies assume a certain level of information gathered upon the applicant, but this process used by EMDP was at a level that was appropriate and pertained to the existing scope of work for the project.

(2) The accuracy of the burden (hours and cost estimate – see below): These estimates of time burden per application period is reasonable. However, depending on the project a more reasonable expectation of a time response per application may be higher than 40 hours per application. We believe this is an aggressive goal of 40 hours, but a more realistic goal would be closer to 50 hours of staff time.

(3) Ways IEED could enhance the quality, utility, and clarity of the information collection: The information collected could contain more about recording possible pitfalls in project development. This information will further assist Tribes in project planning and development. We believe that this information, when confidentiality is not an issue, could be shared with other Tribes on the website. This would allow other tribes greater insight on how to develop a project, what elements require development before embarking on such a path, and what to expect from this process.

(4) Ways IEED could minimize the burden of the collection (e.g., through automated collection or other IT): Certainly a web-based data collection system could produce excellent reports for the government agency and for grantees wishing to track their success as well. The USDA Empowerment Zone website had a great data gathering system that would merit consideration in designing an effective data gathering system from grantees. (<http://www.rurdev.usda.gov/rbs/ezec/Communit/ruralezec.html>) Collecting, gathering and sharing information is the true power of initiating such programs and it would increase the effectiveness of EMDP through exploring its uses in the future.

Mr. Simon's comments:

(1) The necessity of the information collection: Time frames for a prospective grant request can certainly vary when considering the research time required prior to the initiation of a formal grant request. Most of the Ute Mountain grant requests which I have initiated would fall in the average range of 40 hours which you have concluded.

(2) The accuracy of the burden (hours and cost estimate – see below): Perhaps the

most important comment to be made to help clarify the general nature of the grant as well as to assist the DEMR review board in its decision making process , is to include in the grant's Deliverable section, a somewhat comprehensive list of subject matters that would be associated with a feasibility study. In addition, the entity that is to prepare a feasibility study should be prepared to meet with the technical staff of the DEMR to help explain the validity of the contents of the feasibility study. Obviously, if a feasibility study would not be required, this entire matter would be mute.

(3) Ways IEED could enhance the quality, utility, and clarity of the information collection: As to a format procedure, I believe that it might be impossible to create one that could be applicable to the many types of grant requests. As is now being done, I believe that one individual should be fully responsible for initiating the processing of a grant request when initially received by the DEMR. Currently, Mr. Anderson serves as the initial contact for grant approval and then serves as the main catalyst thereafter. As long as Mr. Anderson can handle the work load, I would highly recommend that he continues to personally handle the incoming grant requests. As to how the grant request information is transmitted to the DEMR, I personally would not change the procedures at this time.

(4) Ways IEED could minimize the burden of the collection (e.g., through automated collection or other IT): In addition to the above answers to your questions, I believe that all past candidates should be graded on their past performance, especially in the category of the Deliverables. Such a system would require all grant candidates to either perform to their grant obligations or be refused any additional grant monies for at least one year before going back to the bottom of the so called eligible list. I believe that any dramatic changes over the procedures for the past several years will not be easy, but I will certainly try to assist you in any way that I can. Personally, I can only thank you for all the help which you have extended to me and the Ute Mt. Ute Tribe and I sincerely hope and trust that the Tribe will continue to comply with all of its grant obligations and responsibilities.

IEED has considered the above comments and has determined that no changes to the burden estimates are appropriate at this point. The comments reflect IEED's efforts to restrict the information only to that which is necessary. The comments also indicate that IEED's burden estimates are fairly accurate. While one commenter stated that it was an aggressive estimate, IEED believes that it is accurate on average considering that electronic availability of documents can cut down on burden hours; however, IEED will continue to monitor this estimate. The comments on the quality, utility, and clarity of the information collection contain programmatic suggestions that IEED is reviewing. IEED is also investigating the potential to make the application more automated and/or web-based in response to comments on minimizing the burden.

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

IEED does not provide gifts or payments to respondents.

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

IEED does not provide any assurance of confidentiality. The information that IEED collects is subject to the requirements of the Privacy Act and the Freedom of Information Act.

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.

IEED does not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

We anticipate receiving approximately 55 applications each year, at 40 hours each, for a total of 2,200 hours. In addition, we anticipate accepting 18 applications, and each of those project participants will submit a progress report four times a year at 1.5 hours per report, for a total of 108 hours. This totals 2,308 hours.

Regulation/ Activity	Annual Number of Responses	Completion Time (hours) Per Response	Total Annual Burden Hours	Hourly Rate*	Hourly Rate w/ Benefits (1.5 multiplier)*	\$ Value of Annual Burden Hours
Applications – Tribal Govt	55	40	2,200	\$20.42	\$30.63	\$ 67,386
Progress Reports - Tribal Govt	72 (18 respondents at 4 times/year)	1.5	108	\$20.42	\$30.63	\$3,308
Totals	127		2,308			\$70,694

*To obtain the hourly rate for tribal government employees, we used the wages and salaries figure for all workers from BLS Release USDL 09-1098, *Employer Costs for Employee Compensation—June 2009*, Table 1, *Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, June 2009*. To account for benefits, we then multiplied this rate by 1.5.

13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.

We have not identified any non-hour costs associated with this information collection.

14. Provide estimates of annualized costs to the Federal Government.

We estimate the annual cost to the Federal Government to administer this information collection to be **\$18,565**.

Regulation/ Activity	Completion Time (hours)	Total Annual Burden	Hourly Rate*	Hourly Rate w/ Benefits	\$ Value of Annual Burden
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		Hours		(1.5 multiplier)*	Hours
Registration administration	150	150	\$39.70	\$59.55	\$ 8,932.50
Collect and Assess Data	150	150	\$39.70	\$59.55	\$ 8,932.50
Totals		300			\$ 17,865

Salary Costs - \$17,865 (\$59.55 X 300 hours)

*Using the Office of Personnel Management Salary Table 2009-DCB, the salary rate for a GS-12/step 5 is \$59.55 including benefits (\$39.70 hourly rate multiplied by 1.5 to account for benefits). We calculated the benefits in accordance with BLS news release USDL: 08-1802, December 10, 2008.

Other Costs (paper and mailing) - \$700

15. Explain the reasons for any program changes or adjustments.

We are estimating 4,835 responses totaling 2,308 burden hours for this collection. Because this is a new request for information collection approval, there is no adjustment. The program change resulting in this information collection is a result of Congressional authorization for the EMDP.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

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.

We will display the OMB control number and expiration date on the nest and egg registration website as well as on other appropriate materials.

18. Certification.

There are no exceptions to the certification statement.