

1 Supporting Statement A for Paperwork Reduction Act Submission

OMB Control Number 1076-NEW

Tribal Energy Development Capacity Program Grants

Terms of Clearance. None.

This is a new information collection.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

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 projects for building capacity for tribal energy resource development from Indian tribes with Indian lands as defined by 25 U.S.C 3501 under the Tribal Energy Development Capacity (TEDC) grant program.

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 a TEDC grant must submit an application that includes the following information: a formal signed resolution of the governing body of the tribe; a proposal describing the planned activities and deliverable products; and a detailed budget estimate, and, once the funding is received must submit reports on how they are using the funding.

- 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.**

IEED solicits the information using a Federal Register notice as its information collection instrument. IEED uses the information provided by tribes in their application to determine whether they are eligible for TEDC 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 tribal energy development capacity studies. The information is not disseminated to the public or used to support information that will be disseminated to the public.

A complete application must contain the following elements:

- A formal signed resolution of the governing body of the tribe—IEED uses this information to ensure that the tribe has authorized the request.
- A proposal describing the planned activities and deliverable products—IEED uses this information to ensure that the project falls within the scope of what the statute intends the funds to be used for.
- A detailed budget estimate, including contracted personnel costs, travel estimates, data collection and analysis costs, and other expenses—IEED uses this information to ensure that the funds will be used for the statutorily authorized purpose.

The project proposal must include information about the tribe sufficient to allow IEED to evaluate the proposal based on the following criteria:

- (a) Energy resource potential;
- (b) Tribe's energy resource development history and current status;
- (c) Tribe's existing energy resource development capabilities;
- (d) Demonstrated willingness of the tribe to develop independent energy resource development business entity;
- (e) Intent to develop and retain energy development capacity within tribal government or business entities; and
- (f) Tribal commitment of staff, training, or monetary resources.

IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the TEDC and the purposes for which Congress provides the appropriations.

IEED also requires quarterly reports and a final report. IEED uses the information in these reports to ensure the project is progressing and that funds are being used for appropriate purposes.

- 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. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

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 tribal energy development capacity.

- 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 tribal energy development capacity. 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 tribal energy development capacity studies, 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. 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.

We published a notice in the Federal Register announcing this proposed information collection and seeking comments on November 30, 2010 (75 FR 74078). Comments were due on January 31, 2011. We received no comments on this information collection.

In addition, we contacted the following tribal representatives, who are potential applicants for the TEDC funding: Will Micklin and Steve Crawford. Their comments are as follows:

- The instructions on the application process were reasonably clear and concise.
- The time needed to complete an application varies greatly according to the size and scope of programs for each tribal government, however, a minimum time required for an application would likely be approximately 5 to 6 hours for the written application, one to two weeks for gathering data on existing and needed capacities, and two weeks for an approved tribal resolution.
- The annual report is time consuming simply because of the amount of data gathered, analyzed and reported as deliverables. Again, subject to size and scope of a tribal government, a minimum time required for an annual report is 8 to 10 hours for the written report, one to two weeks for data gathering (of final deliverable products, assuming analyses are completed), and two weeks for an approved tribal resolution.
- The burden for application and reporting may be eased by use of the www.fedconnect.gov website for application and the www.federalreporting.gov website for reporting. The fill-in forms for both application and reporting are most helpful.

Will Micklin
CEO Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901-1620
TEL: (619) 368-4382
wmicklin@leaningrock.net

- Clear Instructions: I find the instructions are very clear, with the defined goals of the grant well expressed, including allowable and non-allowable costs.
- Length of application process: Not unreasonable. I believe I spent about 2 days developing and processing the application. Some applications take 2 weeks.
- Annual report preparation: very acceptable. I greatly appreciate having to do only one report, not quarterly as some agencies require.
- Minimize burden: can't think of any.
- Other comments: I would have appreciated acknowledgement of receipt of our final report.

Steve Crawford
Tribal Environmental Planner
Passamaquoddy Tribe at Pleasant Point
PO Box 343
Perry, ME 04667
207.853.2600 x 238

We did not make any changes to the information collection as a result of these

comments because they were generally positive and our estimated burden is a rough average of their estimates. We do not use forms currently, but we will investigate using the forms in www.fedconnect.gov and/or www.federalreporting.gov.

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. 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.

IEED does 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. Instead, this cost should be included under "Annual Cost to Federal Government."

We anticipate receiving approximately 20 applications each year, at 40 hours each, for a total of 800 hours. In addition, we anticipate accepting 10 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 60 hours. This totals 860 hours.

Regulation/ Activity	Annual Number of Responses	Completion Time (hours)	Total Annual	Hourly Rate*	Hourly Rate w/ w/	\$ Value of Annual
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		Per Response	Burden Hours		Benefits (1.5 multiplier)*	Burden Hours
Applications – Tribal Govt	20	40	800	\$20.69	\$31.04	\$ 24,832
Progress Reports - Tribal Govt	40 (10 respondents at 4 times/year)	1.5	60	\$20.69	\$31.04	\$1,862
Totals	60		860			\$26,694

*To obtain the hourly rate for tribal government employees, we used **\$20.69**, the wages and salaries figure for all workers from BLS Release USDL 09-1098, *Employer Costs for Employee Compensation—September 2010*, 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*,. To account for benefits, we then multiplied this rate by 1.5, to obtain a total rate of **\$31.04**.

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.

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

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 the annual cost to the Federal Government to administer this information collection to be **\$19,897**. This includes \$19,197 in salary costs (see table below) and \$700 in paper and mailing costs.

Regulation/ Activity	Completion Time (hours)	Total Annual Burden Hours	Hourly Rate*	Hourly Rate w/ Benefits (1.5 multiplier)*	\$ Value of Annual Burden Hours
Registration administration	150	150	\$42.66	\$63.99	\$ 9,598.50
Collect and Assess Data	150	150	\$42.66	\$63.99	\$ 9,598.50
Totals		300			\$ 19,197

* Using the Office of Personnel Management Salary Table 2011-DCB, the salary rate for a GS-12/step 5 is \$63.99 including benefits (\$42.66 hourly rate multiplied by 1.5 to account for benefits). See http://www.opm.gov/oca/11tables/pdf/dcb_h.pdf. The 1.5 multiplier is derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— September 2010 (released December 8, 2010), USDL 10-1687. See www.bls.gov/news.release/pdf/ecec.pdf.

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

Because this is a new request for information collection approval, there is no adjustment. This information collection is a program change to implement provisions of the Energy Policy Act providing funding for projects to build capacity for tribal energy resource development on Indian land.

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.

We will display the OMB control number and expiration date on the solicitation for proposals as well as on 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.