

Supporting Statement A

Tribal Energy Development Capacity Program Grants

OMB Control Number 1076-0177

Terms of Clearance: None.

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 and Tribal energy resource development organizations 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 Tribal energy resource development organizations and Indian Tribes with Indian lands as defined by 25 U.S.C 3501 under the Tribal Energy Development Capacity (TEDC) grant program.

Those who 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 or Tribal energy resource development organization; 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 and Tribal energy resource development organizations 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 or Tribal energy resource development organization—IEED uses this information to ensure that the Tribe or Tribal energy resource development organization 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 applicant sufficient to allow IEED to evaluate the proposal based on the following criteria:

- (a) Energy resource potential;
- (b) Applicant's energy resource development history and current status;
- (c) Applicant's existing energy resource development capabilities;
- (d) Demonstrated willingness of the applicant to establish and maintain an independent energy resource development business entity;
- (e) Intent to develop and retain energy development capacity within the applicant's government or business entities; and
- (f) Applicant 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 an interim report 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 requires that applications and reports be sent electronically (e-mail), but also accepts certain documents by fax, by regular mail, and by delivery services such as FedEx and UPS. As electronic file transfer capability becomes more secure and routine among eligible applicants, we are considering dispensing entirely with paper submission of even documents the authenticity of which is important to verify, such as Tribal resolutions. IEED is still exploring this idea.

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 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 any methods used to minimize burden.

Indian Tribes are not considered small entities, but they may finance small businesses that conduct Tribal energy development capacity. Tribal energy resource development organizations can be small entities. To ensure the burden of providing information is minimized, IEED collects only information that is necessary for it to determine whether an applicant 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 applicants would be deprived of funding that is statutorily authorized and appropriated. As a consequence, many Tribes and Tribal energy resource development organizations that otherwise would be recipients of this funding would not be able to increase their Tribal energy development capacity, depriving them of the opportunity to economically benefit from their energy 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.**

We published a notice in the Federal Register on June 15, 2017 (82 FR 27521). One comment was received from the Mesa Grande Band of Mission Indians on August 9, 2017.

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 contacted several Tribes and related entities in an effort to obtain feedback on the collection. Below are the responses we received.

The Mesa Grande Band of Mission Indians stated that the Tribe has directly benefited the Tribal citizens in both overall governance reform and improvement, business opportunity improvement, generation and continued job placement, Tribal success in business relations with surrounding communities, planning and anticipation for future growth, and stabilization of political and economic cultures. The comment also stated that it is without hesitation and great respect that the Mesa Grande Band of Mission Indians endorses the TEDC grant program and its mission to

better native communities throughout the country.

The Hualapai Tribe Planning & Economic Development Director stated that the Tribe agrees that several hours are required to compile these quarterly reports for the BIA. Tribal staff is typically spending one hour for every eight hours of consultant time going over e-mails, reviewing update memos, teleconferencing, commenting on draft reports and setting up final presentations for Tribal members and council. The Director also stated that the BIA may consider selecting a set of preferred consultants for Tribes to utilize if the work product of some consultants has not been able to meet the required quality, utility, and clarity of the information. The Director also stated that on-line reporting would be helpful.

In response, IEED believes that selecting a set of “preferred consultants for Tribes to utilize” would impact market-openness and competition. Additionally, the Division of Energy and Mineral Development (DEMD) is undergoing a program evaluation and will be exploring different reporting options.

A consulting manager from Avant Energy stated that the information collected is relevant and necessary to ensure proper performance of the BIA. Without this review, the BIA would not be able to make the proper selection of awardees and not be able to adequately monitor performance of the awardees. The consulting manager also stated that BIA’s estimate is accurate. It uses a simple methodology that is easily understood and based on historic data. Standardized templates could be used to enhance the consistency of data collected; however, there are drawbacks. If the process is overly prescriptive, applications can become a copy/paste exercise which limits creativity and identification of unique projects that can benefit Tribes. The consulting manager further stated that automating the quarterly reporting process – maybe through an online portal – could make it easier on the respondents.

In response, DEMD is undergoing an internal program evaluation and will be exploring different reporting options.

The Tribal Administrator for the Big Sandy Rancheria of Western Mono Indians stated that the application requirements seem fair in terms of time to assemble at 40 hours, including content/outline requirements, but the clarity on the progress reports in terms of due date, content, and who collects them could be improved. He also stated that the Tribe has always assumed quarterly reports are due to the BIA project manager or administrator for all projects but given the release of funding for projects varies greatly, it is not always clear as to when the term starts (i.e. calendar year or funds distribution) and ends as it compares to the “period of performance.” Other than that, the process and requirements seem appropriate.

In response, DEMD added two sections titled “Resources and Other Informational Documents” and “Template Reports and Resolution” to the TEDC webpage. Under that section, four documents, including template reports, associated with quarterly and final reporting have been added; all explaining (i.e. clarifying) the requirements DEMD’s expectations for the reports. Currently, the 2017 Solicitation of Proposals states that all quarterly financial reports and narratives are due to DEMD on the “due dates listed in the awarding document.” (See: page 18,

Section K(2) of the 2017 Solicitation of Proposals. DEMD is aware of the confusion around quarterly reporting and is planning to discuss alternative reporting options with the Lead Grant Specialist.

The BIA also received feedback from the Director of Power and Gas of the Seneca Nation. He stated that it is not necessary to ask for a formal signed resolution of the governing body of the Tribe or Tribal energy resource development organization demonstrating authority to apply. He stated that the Tribe's apply for other grants where this is not required. It can be a tedious process to do this to apply for a grant. He suggested that it may be better to do it upon acceptance of funds. He also stated that it is premature to ask Tribes to commit to projects prior to feasibility being conducted. He pointed out that Tribes would not apply for the grants if they were not interested in developing the project. Regarding the burden estimates, he stated that the Tribe works on the project for many hours, but the application only takes a week or two. He also stated that the progress reports each take about two hours to write.

In response, DEMD requires a formal, signed, resolution of the governing body of the tribe or tribal energy resource development organization to ensure that the Tribal governing body is (1) aware of the application, and (2) supports the project. Additionally, Tribes are not "required" to commit to developing the potential energy or mineral resource, rather state that they are "willing to consider developing any potential energy and mineral resource discovered." This demonstrates the tribe's comment to project before the feasibility is done and validates the tribe's support of the project.

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

No payments or gifts are provided 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.

There are no questions of a sensitive nature included in the information collected.

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.**

On average, we receive approximately 26 applications, at approximately 40 hours each, for a total of 1,040 hours. In addition, we approved approximately 9 applications, and each of those participants will have to submit two progress reports at approximately 1.5 hours per report, for a total of 27 hours. These submissions total 1,067 hours or the amount equivalent to \$37,238.

Regulation/ Activity	Annual Number of Responses	Completion Time (hours) Per Response	Total Annual Burden Hours	Hourly Rate*	\$ Value of Annual Burden Hours
Applications – Tribal Govt	26	40	1,040	\$34.90	\$ 36,296
Progress Reports - Tribal Govt	18 (9 respondents at 2 times/year)	1.5	27	\$34.90	\$942
Totals	44		1,067		\$37,238

To obtain the hourly rate, BIA used \$34.90, the wages and salaries figure for civilian workers from BLS Release USDL-17-0321, Employer Costs for Employee Compensation—December 2016, 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, at <https://www.bls.gov/news.release/pdf/ecec.pdf>. This wage includes a multiplier for benefits. See www.bls.gov/news.release/pdf/ecec.pdf.

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 **\$23,580**. This includes \$22,880 in salary costs (see table below) and \$700 in paper and mailing costs.

Regulation/ Activity	Completion Time (hours)	Total Annual Burden Hours	Hourly Rate*	\$ Value of Annual Burden Hours
Registration administration	150	150	\$98.03	\$ 14,705
Collect and Assess Data	150	150	\$54.50	\$ 8,175

Totals		300		\$ 22,880

* Using the 2017 General Schedule, the hourly rate for a GS-15/step 8 (the person who oversaw preparation, solicitation, questions, record-keeping and review for the latest round of TEDC grants) is \$98.03 including benefits (\$61.27 hourly salary multiplied by 1.6 to account for benefits). We expect the person sending out award and rejection letters, coordinating funding and analyzing incoming reports will be a GS-12/step5 resulting with an hourly rate of \$54.50 including benefits (\$34.06 hourly salary multiplied by 1.6 to account for benefits). See http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/GS_h.pdf.

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

No adjustments were made to the burden hours associated with the collection.

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.