

Supporting Statement A

Energy and Mineral Development Program Grants

OMB Control Number 1076-0174

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 for energy development and appropriates funds for such grants on a year-to-year basis. See 25 U.S.C. 3502 (a)(2)(B). When funding is available, the Office of Indian Energy and Economic Development (IEED) may solicit applications for energy 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). Indian Tribes that would like to apply for an EMDP grant must submit an application that includes certain information, and once funding is received, recipients must submit reports on how they are using the funding. Awards will be made either as a direct service to Tribes or pursuant to the Indian Self-Determination and Education Assistance Act (ISDA), 25 U.S.C. section 450, et seq. Tribal organizations, as defined at 25 U.S.C section 450b (l), are eligible for 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 uses the information provided by Tribes in their application to determine whether they are eligible for EMPD funding. Indian Tribes that would like to apply for an EMDP grant must submit an application that includes certain information. A complete application must contain a current, signed Tribal resolution that provides sufficient information to authorize the project and comply with the terms of the grant; a proposal describing the planned activities and deliverable products; and a detailed budget estimate. The information collected in conjunction with the

contract proposal also includes: the full name, address and telephone number of the Indian Tribe or Tribal organization proposing the contract; a copy of the authorizing resolution from the Indian Tribe(s) to be served; the date of submission of the proposal; a brief statement of the programs, functions, services, or activities that the Indian Tribe or Tribal organization proposes to perform, the amount of funds requested; and the proposed starting date and term of the contract. The IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the EMDP and purposes for which Congress provides the appropriation.

Upon acceptance of an application, a Tribe must then submit one – to two – page quarterly progress reports summarizing events, accomplishments, problems and/or results in executing the project. Quarterly reports assist IEED staff with project monitoring of the EMDP program and ensure that projects are making adequate progress in achieving the project's objectives. IEED 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.

Quarterly reports consist of a brief narrative description of project performance for the specific quarter, and the necessary Standard Form 425, a Financial Report form. Quarter reporting dates are listed in the Award Agreement Terms and Conditions.

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 progress reports by 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 energy exploration, assessment, and development.

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 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 allocated.

Additionally, IEED's Division of Energy and Mineral Development (DEMD) maintains extensive data and information on Tribal energy and mineral resources, including digital land grids, geographic information system (GIS) data, and imagery data for many reservations. Therefore, DEMD can often help with common requests such as well and production data, geophysical data (including seismic data), geology and engineering data. DEMD may have, or be able to obtain, much of the data needed for Tribes to submit requests, thereby reducing the anticipated cost for the Tribe's project.

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 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. 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.

IEED published the 60-day notice soliciting comments in the Federal Register on June 4, 2019 (84 FR 25819). No comments were received in response to this notice.

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.

The following persons outside the agency were contacted 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:

- Climate and Energy Coordinator, Metlakatla Indian Community
- Forest Roads Manager, Quinault Indian Nation
- Development Director, Confederated Tribes of the Warm Springs Reservation of Oregon
- Minerals Director, Fort Peck

The responses on whether the information collected was necessary was scattered among the respondents – one was not involved so did not have an opinion, one thought it was necessary, one thought all the information was not necessary (only some of it), and one thought the information was necessary but some of the information requested was duplicated. No respondent directly identified what information they thought should not be included in the application, and IEED believes the information asked for is needed to conduct the competitive reviews. The two latter respondents were contacted repeatedly for additional information regarding what data they did not think was necessary, but neither respondent replied to these contacts. At this point IEED recommends not changing the requested information.

Most respondents felt that the application process took longer than the estimated 40 hours. The respondents estimated that the application took between 60-120 hours to complete. The respondents seemed to generally agree that the 1.5 hours per quarterly report was accurate. IEED believes that, based on this feedback, the burden estimate for the application should be changed to 100 hours.

And as for the clarity of instructions, specifically with regards to the application, it was recommended that IEED work to make the required elements, supplemental elements, technical assistance, and existing information clearer in the application solicitation notice. The request for proposals was edited to remove verbiage that was not essential to the substance of the document. IEED reviews and makes changes to the solicitation every year to try to make it relatively easy to apply for this program.

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.

There are no 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.**

The program anticipates receiving approximately 83 applications each year, at 100 hours each, for a total of 8,300 hours. In addition, the program anticipates accepting 25 applicants, 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 150 hours. Using the total compensation, including benefits, for all workers, the total annual reporting for this collection is estimated to be 8,450 hours or the amount equivalent to \$466,102.

Regulation/ Activity	Annual Number of Respondents	Annual Number of Responses	Completion Time (hours) Per Response	Total Annual Hours	Annual Cost Burden *
Applications – Tribal Govt	83	83	100	8,300	\$457,828
Progress Reports - Tribal Govt	25	100	1.5	150	\$8,274
Totals		183		8,450	\$466,102

*To obtain the hourly rate for Tribal government employees, we used the total compensation figure for all civilian workers from BLS Release USDL-19-1002, *Employer Costs for Employee Compensation—March 2019*, Table 3 *Employer Costs for Employee Compensation for civilian workers by occupational and industry group*. See <http://www.bls.gov/news.release/pdf/ecec.pdf>. The base salary of \$36.77 multiplied by 1.5 to account for benefits equals an hourly salary of \$55.16.

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 \$20,580.

Regulation/ Activity	Total Annual Burden Hours	Hourly Rate *	Annual Cost Burden
Registration administration	183	\$56.03	\$10,254
Collect and Assess Data	183	\$56.03	\$10,254

Totals	366		\$20,580
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*Using the January 2016 GS Salary Schedule, the salary rate for a GS-12/step 5 is \$56.03 including benefits (\$35.02 hourly rate multiplied by 1.6 to account for benefits). See https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/html/GS_h.aspx.

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

IEED increased the number of application respondents from 53 to 83 and decreased the number of quarterly report respondents from 34 to 25 to reflect an the amount of applications and quarterly reports the program receives.

IEED believes that, based on this feedback, the burden estimate for the application should be changed to 100 hours, an increase from the previously approved 40 hours. This increased the overall burden from 3,470 hours to 8,450 hours.

The salary cost burden increased for respondents from \$104,510 to \$466,102 because of the increase in the hourly burden. The cost to the federal government also increased due to an increase in salary totals.

The federal cost burden increased because the number of application and quarterly respondents changed.

Additionally, IEED reviewed the application solicitation notice for the Energy and Mineral Development Program was reviewed. Feedback centered on wanting the proposal to be clearer in its instructions, and some respondents had concerns about unnecessary and/or duplicated information being requested. The request for proposals was edited to remove verbiage that was not essential to the substance of the document. IEED did not find that there was unnecessary or duplicated information being requested, and has determined that the information necessary is needed to competitively review applications for the program.

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 all 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.