Creating a Supporting Statement Part A General Instructions

The Supporting Statement should be prepared in the format described below, and should contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Federal Permitting Improvement Steering Council's Executive Director was provided authority to transfer money to Tribal governments for activities to facilitate timely and efficient environmental reviews and authorizations of FAST-41 projects. In order to provide this funding, we need information from the Tribes about which activities will be undertaken so we can confirm a) that it will support more timely and efficient environmental reviews and authorizations and b) the Tribe is engaged and or consulting on one or more FAST-41 projects.

2. Indicate how, by whom, and for what purpose the information is to be used.

As stated above, the information is being used in order to understand the purpose of the Tribal governments funding requests and to ensure it is compliant with our statute.

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.

Information will be emailed to us. In consultation with Tribal governments they requested we keep the process as simple as possible. We are responding to this request by asking Tribal governments to email the information instead of submitting applications through other means.

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 being requested is specific to our funding statute and is not found elsewhere.

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

The collection of information may impact small tribal governments. We are minimizing burden by a) providing guidance outlining exactly what is needed, b) asking the Tribes to submit only one document (and not several forms), c) requesting that it be submitted via email, d) allowing for a percentage of the funding to be used for administrative overhead, e) providing technical assistance to apply for funding and for written reports, and f) supplementing written reports with oral reports.

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 this information collection is not conducted, it will be impossible to know whether the funding provided to Tribal governments will meet the requirements of Fixing America's Surface Transportation Act Title 41 Section 40019(d)(3), as amended by Section 70801(g)(3)(b) of the Infrastructure Investment and Jobs Act (Nov. 15, 2021) to allow the Permitting Council Executive Director to transfer funds from the Environmental Review Improvement Fund to Tribal governments to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects. This information allows us to discern whether the funding requested facilitates timely and efficient environmental reviews and authorizations of FAST-41 projects.

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.

None of the above are applicable to this request.

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 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 3 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.

Although this has not been included in the Federal Register the following has taken place:

- Impacted Tribal governments have already been notified and engaged in the creation of the Tribal ERIF. Tribes participated and commented on both the program and application through Tribal consultation.
    - There have been 4 consultation opportunities on the Tribal ERIF. Consultation required the agency to give a minimum 30 days notice, clear scope of consultation, and opportunity for written comment.
    - The scope of the first three consultations was to identify burdens Tribes may have to apply for funding so our agency could mitigate burdens, and identifying a mechanism that was most efficient for Tribes to receive money from the Federal Government.
    - The scope of the last consultation was on the draft Tribal ERIF application to hear any concerns Tribes might have about what the application process requires and what the program allows for.

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

This is an application for funding so funding will be provided if applicants meet all criteria. The reporting must be negotiated as part of the Tribal contra

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

All applications will be treated as confidential to the extent permitted by law and we intend to limit the full release of applications to other federal agencies as needed for implementation of funding and funding decisions.

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.

Not Applicable

12. Provide estimates of the hour burden of the collection of information. The statement should:

Applying to Program:

Estimated Number of respondents (30), frequency of response (every two years), annual hour burden (30 hours). Fundraising managers typically double as grantwriters so their hourly salary of $ 63.46 will be used. $63.46*30*30= $57,114; Hours of burden = 900. Hours are estimated based on the amount of time it will take to identify activities and budget for funding request (10 hours), write about the activities(10 hours), reach consensus (7 hours), ask questions (3 hours) of agency and submit funding document.

Reporting (if application funded):

Number of recipients (30), frequency of response (twice/year), annual hour burden (10 hours). Fundraising managers typically double as grant managers so their hourly salary of $ 63.46 will be used. $63.46*30*(2*5)= $19,038; Annual Hours of burden = 300. Hours are estimated based on the amount of time it will take to collect information (2 hours) and write the report (3 hours) twice per year.

Instruction Accompanying Q12

- 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’.

13. Provide an estimate for the total annual cost burden to respondents or record keepers

resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

Applying to Program:

These costs will only be incurred when a Tribal government applies which is not expected to be more than once every 2-3 years. The cost estimate for this start up cost is 10% of the total cost estimated in number 12. We utilized the 10% de minimis indirect cost rate as identified in 2 CFR Part 200. 10% of $57,114 = $5,711

Reporting (if application funded):

The Tribal recipient will be asked to report biannually. The reporting will take place twice a year. We estimate overhead for the reporting at 10% of the reporting cost burden estimated above. We utilized the 10% de minimis indirect cost rate as identified in 2 CFR Part 200. 10% of $17,769 = $1,778 per year of funding.

Instruction accompanying Q13

- 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.
- 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 collections 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.

14. Provide estimates of annualized costs 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.
Cost to federal government:

Application Process:

Review of application (5 hours *3 people = 15 hours), Saving application, documenting receipt (2 hours), Responding to/Engaging Applicant (3 hours) = 20 hrs * 30 applications * $47.87 (avg GS-14 pay) = $28,722

Reporting:
Request and Review Reports (5 hours *1 person = 5 hours), Saving Report, collating information (2 hours) X 2 (because submitted twice/year) = 7*2 hrs * 30 recipients* $47.87 (avg GS-14 pay) = $20,105.40

Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

15. Explain the reasons for any program changes or adjustments reported on the burden Worksheet.

Not applicable - initial submission.

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.

Not applicable.

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.

Not applicable.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

Not applicable