

Emergency Approval Supporting Statement

GUIDANCE: An agency head or the Senior Official, or their designee, may request OMB to authorize emergency processing of submissions of collections of information.

- (a) Any such request shall be accompanied by a written determination that:
 - (1) The collection of information:
 - (i) Is needed prior to the expiration of time periods established under this Part; and
 - (ii) Is essential to the mission of the agency; and
 - (2) The agency cannot reasonably comply with the normal clearance procedures under this part because:
 - (i) Public harm is reasonably likely to result if normal clearance procedures are followed;
 - (ii) An unanticipated event has occurred; or
 - (iii) The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.

RESPONSE: The collection of this information is necessary to quickly build capacity for Tribal government to meaningfully engage in the environmental reviews and authorizations of FAST-41 covered infrastructure projects. Delaying the capacity may cause more of a delay to the environmental reviews and engagement required for these projects. Lack of Tribal engagement through the environment review and authorization process increases the risk of litigation on infrastructure projects. Furthermore, several FAST-41 projects are moving through the permitting process and Tribes are not adequately resourced to engage in the process. Further delaying funds will result in Tribes missing the opportunity to meaningfully engage in the review process on active projects.

In addition, the Inflation Reduction Act appropriated \$350 million for several essential agency missions. One of these essential missions is to transfer funds to Tribal governments to facilitate timely and efficient environmental reviews and authorizations of FAST-41 covered and “other” projects. A delay in this funding will be neither timely nor efficient.

The agency cannot reasonably comply with the normal clearance procedures under this part because the use of normal clearance procedures is reasonably likely to delay the collection of information which may delay capacity building of Tribal governments and further delay environmental reviews and authorizations on high priority FAST-41 covered infrastructure projects.