

Comments of the National Community Action Foundation, the National Association of State Energy Officials and the National Association for State Community Services Programs on the Emergency Request for Information Collection

These comments are submitted in response to the Proposed Agency Information Collection on Historic Preservation, as announced at 75 Fed. Reg. 57910 (September 23, 2010). These are joint comments.

The National Community Action Foundation (NCAF) represents the local agencies that deliver the Department of Energy (DOE) Weatherization Assistance Program funded by the American Recovery and Reinvestment Act (ARRA-WAP). The National Association of State Energy Officials (NASEO) represents the state and territorial energy offices responsible for the State Energy Program (SEP) and a portion of the Energy Efficiency and Conservation Block Grant (EECBG), both funded by ARRA. The National Association for State Community Services Programs (NASCSPP) represents the state-level agencies responsible for ARRA -WAP. The three associations all fervently oppose the Proposed Agency Information Collection on Historic Preservation.

Many members of these associations have reviewed the proposed reporting requirements and informed us that the estimates of the time required are grossly underestimated. Further, the agreement between DOE and the National Advisory Council requires only an annual report and such report on only two of the six items for which approval is requested.

Therefore, we respectfully request that OIRA deny the information collection as requested and approve one annual report containing the total number of undertakings completed under the waivers set out in a state agreement and the total number of SHPO reviews completed.

We also request that the burden for completing the data collection for this simplified annual report be adjusted to reflect the true burden to the more than 4,000 state and local implementing agencies

affected: 44,500 hours. This figure represents the expected collective effort only of the DOE grantees and subgrantees of WAP, SEP and EECBG. It is, by definition, an underestimate as we have no method for estimating the time required for State Historic Preservation Offices (SHPO) to review these reports.

Dramatic delays in ARRA implementation have already resulted from official uncertainty over applying historic property designation to older buildings, following the dissemination of the national model agreement. To date, just over half the states have such agreements in place, a fact that continues to impede ARRA work in all three programs.

In addition, the many new ARRA reporting requirements have consumed significant management resources and time, as is also well-documented in federal and state oversight reports. The proposed data collection multiplies that burden and the resulting risk of delays without contributing to the advancement of ARRA or the nation's energy efficiency goals. Please consider the following example of one state's actual flow of SHPO reviews and reports; it indicates why the estimated burden is grossly understated. We will be happy to furnish many more examples if they would be useful for OIRA.

- Because WAP has completed a higher overall dollar amount of ARRA work, as compared to other DOE/OWIP programs, it furnishes our example. The pace of SHPO review of older properties that are not old, standard-design small buildings has contributed to the delay.

The State of New York SHPO has completed reviews of 13,000 WAP units. To report on the fine detail of and the justification for each of the buildings' waivers, as required by items 1e through 3e, each file must be retrieved by the local agency and, *if noted*, recorded in the newly issued reporting software. That "catch up" exercise alone is expected to take at least 15 minutes per home at the local level, or more than 3,250 hours before December 31, 2010, when the first reports are due. This NY-only/WAP-only quarterly figure exceeds the annual burden estimate for all three programs and 4,000-plus grantees. In addition, the state WAP staff will review each of the 75 local agencies' reports, assist them with filing

issues, aggregate the data, and report it to the Department. The “catch up exercises” alone, at a conservative half-hour per local report, requires an FTE work week from an already fully employed state agency staff. This NY data represents the time required to report on two quarters of one of the OWIP programs’ work.

In the Northeast and Eastern Midwest, approximately 40% of the low-income housing stock and a slightly lower percentage of the public, industrial, and commercial buildings, are more than 49 years old. We urge OIRA to limit Department of Energy data reporting to a single indicator, *i.e.*, the only one mentioned in the national agreement: the number of undertakings/activities performed pursuant to the terms of an agreement. At present, that would affect only the 29 states that have executed such agreements.

If there is a national need to know the number of SHPO reviews conducted, it should be the responsibility of the SHPOs or local HPOs to report those to the National Trust for Historic Preservation (NTHP), not the grantees and subgrantees of the Department of Energy. The Historic Preservation offices alone have the sole access to the status of all reviews from every DOE program in their area of jurisdiction; making them responsible for meeting any reporting requirements of the NHPA would mean more accurate data and far fewer reporting entities. We also question the need for such information to be reported to DOE rather than to NTHP, which alone has the interest to check its validity.

The agreement between the Department of Energy and the Advisory Council to the National Trust which gives rise to the Information Collection Request contains information collection requirements that have no more legal status than does the model programmatic agreement. To date, fewer than 30 states or territories have adopted a version of that suggested model. OIRA did not grant prior approval for collection of the two items of data that the agreement refers to.

We urge you to consider the trivial addition to the public interest from the proposed data by contrast to the negative consequences of an over-burdened state and local clean energy delivery network, and then reject the entire proposal. The proposed collection and the report it would generate is not necessary to Federal agency performance and is unlikely to have any practical utility. DOE has grossly underestimated the specific burden of collecting the data that is the subject of this inquiry and also fails to consider the unreasonable burdens placed on state and local governments and local community action agencies associated with the other massive ARRA – related filing requirements.

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