

S U S A N

C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

P.O. Box 13528 • AUSTIN, TX 78711-3528



October 6, 2010

Ms. Cathy Zoi, Assistant Secretary
Energy Efficiency and Renewable Energy
U.S. Department of Energy

DOE Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget
New Executive Office Building, Room 10102
735 17th Street, NW.
Washington, DC 20503

Christine Platt Patrick
EE-2K
U.S. Department of Energy
1000 Independence Ave., SW.
Washington, DC 20585
Fax: (202) 586-1233, Christine.platt@ee.doe.gov

Re: Response to Notice and Request for Comments
U.S. Department of Energy's Proposed Emergency Agency Information Collection:
Historic Preservation for Office of Weatherization and Intergovernmental Programs
Federal Register Doc. 2010-23796, Filed September 23, 2010

To Whom It May Concern:

In response to your request to submit comments, the Texas Comptroller of Public Accounts and its State Energy Conservation Office (SECO) submit these comments on U.S. Department of Energy's Proposed Emergency Agency Information Collection: Historic Preservation for Office of Weatherization and Intergovernmental Programs published in Federal Register Doc. 2010-23796, Filed September 23, 2010.

As an overview, SECO administers four U.S. Department of Energy (DOE) programs through the American Recovery and Reinvestment Act (ARRA): the State Energy Program (SEP), the Energy Efficiency and Conservation Block Grant (EECBG) Program, the State Energy Efficient Appliance Rebate (SEEARP) Program and the Energy Assurance (EA) Program. SECO fully understands the need to comply with the requirements set forth in the National Historic Preservation Act (NHPA) and has entered into a programmatic agreement with the Texas Historic Commission for its SEP and EECBG Program. All SECO contracts include a specific NHPA reference as an ARRA compliance item. Further, information on how to comply is on SECO's ARRA website and messaging to our grantees continues on compliance items.

The SEP and EECBG Program are the two SECO programs that will be impacted by this additional reporting burden and the below responses reflect impacts to these programs.

1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility.

While it is important to ensure the National Historic Preservation Act (NHPA) is adhered to and historic structures are not harmed, it is unclear why DOE is requesting additional information than what is required by the DOE's Special Terms and Conditions. The Terms and Conditions require the number of consultations that have occurred by category; however, DOE is now asking for states to provide additional information including whether the state has signed a programmatic agreement (PA) with its state historic commission and if not how did the state comply with NHPA; the number of activities that were funded in whole or part by SEP and EECBG funds; and, if you are using a PA then the number of activities that were exempt from further NHPA review by: 1) property age, 2) list of exempted activities, 3) prior determination that the property is ineligible for inclusion in the National Register, and 4) any properties that have received a Section 106 Agreement for Community Development Block Grants.

It is unclear why DOE is requesting the additional NHPA information and how reporting such data will ensure compliance. This only creates more paperwork for states and DOE. Further, nothing in the guidance suggests that DOE will be able to effectively manage or use the additional information that they are requiring states to produce. The requested additional information will not result in the proper performance of the functions of the agency.

2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

The estimate of one hour per entity to perform this task seems wholly inadequate especially considering the amount of funding states are receiving under ARRA and the potential number of sub-recipients each state has. In Texas alone we will have over 1,200 sub-recipients for SEP and EECBG alone. It will take longer than one hour to gather and input the requested information. Further, this estimate seems to have been made without reference to the other demands on time states have in response to additional reporting requirements imposed by ARRA and DOE.

3) Ways to enhance the quality, utility, and clarity of the information to be collected.

SECO requests that DOE reconsider its extra reporting requirements and rely on the information obtained in recipient quarterly reports and compliance reviews done by DOE in addition to the monitoring duties of the state or local entity.

- 4) **Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.**

The best way to minimize the burden of collecting NHPA data is to rely to what was originally required by the Special Terms and Conditions. Repeated changes to the reporting requirements creates additional burden by necessitating changes to existing processes. Repeated changes to the procedures undercut the effectiveness of the programs and their objectives.

Your consideration of the comments is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Elledge". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lisa Elledge
Stimulus Program Manager
State Energy Conservation Office
Texas Comptroller of Public Accounts