



Public Service Commission

State of North Dakota

COMMISSIONERS

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Executive Secretary
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August 25, 2010

Mr. Jeff Fleischman, Director
Casper Field Office
Office of Surface Mining
P.O. Box 11018
Casper WY 82602-5004

RE: Closeout of AML Administrative Grant S09AP15130-0003-SS01 and Emergency Grant S09AP15130-0006-FE05

Dear Mr. Fleischman:

The Public Service Commission's Letter of Credit for the administrative and emergency portions of AML Grant GR907380 can be de-obligated in the amount of \$153,786.67. This includes the \$53,786.67 balance in Administrative Grant S09AP15130-0003-SS01 and the \$100,000 of funds that were awarded under Emergency Grant S09AP15130-0006-FE05. None of the emergency funds were expended in 2009.

Please move the administrative grant balance of \$53,786.67 into the construction portion of our 2009-2012 AML grant under the state share subaccount, S09AP15130-0002-SS03. Also attached is an updated Form 424 to reflect the reduction in the administrative portion of the grant and Form 51 with a narrative report for that portion of the grant.

All allowable, allocable and reasonable costs have been paid, all funds have been expended and the projects are considered complete. OSM is released from all obligations under or arising from the administrative and emergency portions of AML Grant GR907380, subject to final audit, if any.

If you have any questions, please contact me.

Sincerely,

James Deutsch
Director, AML Division

Attachments

cc: Dan Martinez

m/AML grants/2009/Adm&Emg_closeout_ltr_8-25-10

FEDERAL FINANCIAL REPORT

(Follow form instructions)

1. Federal Agency and Organizational Element to Which Report is Submitted Office of Surface Mining	2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment) S09AP15130-0003-SS01 (AML Admin 2009-2010)	Page	1	of	1
pages					

3. Recipient Organization (Name and complete address including Zip code)
AML Division, Public Service Commission, 600 East Boulevard Ave., Dept. 408, Bismarck, ND 58505-0480

4a. DUNS Number 802-744-946	4b. EIN 45-0309764	5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment) GR907380	6. Report Type <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	7. Basis of Accounting <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual
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8. Project/Grant Period From: (Month, Day, Year) 3/01/2009	To: (Month, Day, Year) 2/28/2010	9. Reporting Period End Date (Month, Day, Year) 2/28/2010
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10. Transactions Cumulative

(Use lines a-c for single or multiple grant reporting)

Federal Cash (To report multiple grants, also use FFR Attachment):	
a. Cash Receipts	
b. Cash Disbursements	
c. Cash on Hand (line a minus b)	

(Use lines d-o for single grant reporting)

Federal Expenditures and Unobligated Balance:	
d. Total Federal funds authorized	\$398,748.00
e. Federal share of expenditures	\$344,961.33
f. Federal share of unliquidated obligations	\$0.00
g. Total Federal share (sum of lines e and f)	\$344,961.33
h. Unobligated balance of Federal funds (line d minus g)	\$53,786.67
Recipient Share:	
i. Total recipient share required	\$0.00
j. Recipient share of expenditures	\$0.00
k. Remaining recipient share to be provided (line i minus j)	\$0.00
Program Income:	
l. Total Federal program income earned	\$0.00
m. Program income expended in accordance with the deduction alternative	\$0.00
n. Program income expended in accordance with the addition alternative	\$0.00
o. Unexpended program income (line l minus line m or line n)	\$0.00

11. Indirect Expense	a. Type	b. Rate	c. Period From	Period To	d. Base	e. Amount Charged	f. Federal Share
	Approved	39.98%	3/01/2009	6/30/2009	\$58,885.01	\$23,542.22	\$23,542.22
	Approved	35.73%	7/01/2009	2/28/2010	\$131,032.93	\$46,818.07	\$46,818.07
g. Totals:					\$189,917.94	\$70,360.29	\$70,360.29

12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation:

13. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)


a. Typed or Printed Name and Title of Authorized Certifying Official James R. Deutsch, Director AML Division	c. Telephone (Area code, number and extension) (701) 328-2251 d. Email address jdeutsch@nd.gov
b. Signature of Authorized Certifying Official 	e. Date Report Submitted (Month, Day, Year) August 25, 2010
14. Agency use only:	

Standard Form 425
OMB Approval Number: 0348-0061
Expiration Date: 10/31/2011

Paperwork Burden Statement
According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0060), Washington, DC 20503.

Standard Form 424

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED 08/25/10	Applicant Identifier
1. TYPE OF SUBMISSION: <i>Application</i> <input checked="" type="checkbox"/> <i>Preapplication</i> <input type="checkbox"/>		3. DATE RECEIVED BY STATE	State Application Identifier ND081216-0478
<input checked="" type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	<input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier GR907380 - Admin Grant S09AP15130-0003-SS01
5. APPLICANT INFORMATION			
Legal Name: Public Service Commission		Organizational Unit: AML Division	
Address (give city, county, state, and zip code) 600 E Boulevard Ave., Dept 408 Bismarck, ND 58505-0480 Burleigh County		Name and telephone number of the person to be contacted on matters involving this application (give area code) Jim Deutsch (701) 328-2251	
5. EMPLOYER IDENTIFICATION NUMBER (EIN): 45-0309764 Duns Number: 802-744-946		7. TYPE OF APPLICANT (enter appropriate letter in box) [A] A. State H. Independent School District B. County I. State Controlled Institution of Higher Learning	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Revision If revision, enter appropriate letter(s) in box(es): [B] [] A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify):		C. Municipal J. Private University D. Township K. Indian Tribe E. Interstate L. Individual F. Intermunicipal M. Profit Organization G. Special District N. Other (Specify)	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER <u>15 - 252</u>		9. NAME OF FEDERAL AGENCY: U.S. OFFICE OF SURFACE MINING	
TITLE: ND Abandoned Mine Lands Program		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: 2009-2012 North Dakota AML Simplified Grant Administrative Grant	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.) Entire State			
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date 3/1/2009	Ending Date 2/28/2012	a. Applicant North Dakota	b. Project North Dakota
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	-\$53,786.67	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE <u>12/17/2008</u>	
b. Applicant		b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED FOR STATE REVIEW	
c. State		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
d. Local		<input type="checkbox"/> Yes If "Yes," attach an explanation <input checked="" type="checkbox"/> No	
e. Other			
f. Program Income			
g. TOTAL	-\$53,786.67		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Typed Name of Authorized Representative James R. Deutsch		b. Title Director, AML Division, Public Service Commission	c. Telephone number 701-328-2251
d. Signature of Authorized Representative 		e. Date Signed August 25, 2010	

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Washington, DC 20240

Performance Report

Program Narrative Statement

1. Type of Program (Check Appropriate Box)	
<input checked="" type="checkbox"/> Abandoned Mine Lands Program	
2. Grant Recipient GR907380	Type of Report: Grant Application
PUBLIC SERVICE COMMISSION 600 E. Boulevard Ave., Dept. 408 BISMARCK, ND 58505-0480	
3. Project Title/Program GR907380	
Abandoned Mine Lands Reclamation Grant	
4. Performing Organization	
SAME AS ABOVE	
5. Program Narrative	
Please see the attached narrative.	

2009 Administrative Grant Closeout Narrative

Administrative Activities

This portion of North Dakota's 2009 AML grant was used by the Public Service Commission to administer North Dakota's Abandoned Mine Lands Reclamation Program for the 12-month grant period that began on March 1, 2009 and ended on February 28, 2010. Costs charged to this portion of the grant included the salary and fringe benefits for the division's director and assistant director for overseeing and managing activities in the AML Division, work performed by the GIS Specialist, about one-third of an administrative assistant's time, some of the time of other AML staff members, and legal reviews conducted by the Commission's legal staff.

Management staff time was also spent reviewing proposed OSM policy issues related to the final AML federal rules that published in late 2008. Some other time was spent training and attending conferences, including meetings of the National Association of Abandoned Mine Lands Program and Interstate Mining Compact Commission. In addition to some of the general management and administrative costs for staff salary and fringe benefits associated with the projects listed below, other activities included budget preparation, preparing information and data for OSM's annual oversight of the program, reviewing applicable policies and procurement guidelines, responding to requests for information, etc.

Another significant activity during the grant period was work on the development of a geographic information system (GIS) for mine maps and data associated with the AML program. Significant progress was made during the period on converting other mine data into the necessary format for the GIS and getting the information ready for posting on the Internet.

One equipment purchase of \$5,000 or more was made during the grant year for a RTK survey system. Part of the cost of this system was also paid with funds from North Dakota's A & E Title V grant. Other costs included those for office supplies, copying, printing, etc.

Project Summaries for the 2009 Administrative Grant Closeout

2008 Maintenance Project – Four contracts were awarded in 2008 for sinkhole filling at numerous abandoned underground coal mines in the western portion of the state. Three of these projects were completed in the summer and fall of 2008, while work on the fourth project was completed in the spring of 2009.

2008 Columbus Phase 9 AML Project – The main objective of this project was to backfill highwalls and spoil grading on about 75 acres of mined land located southwest of Columbus in Burke County. Approximately 820,000 cubic yards of spoil material were

moved during reclamation. Work at the Columbus Phase 9 AML site started in June 2008, and except for seeding and cleanup, was completed by November 2008. Cleanup at this project was completed in the spring of 2009 and a tree and shrub planting on the reclaimed areas at this site was also carried out in the spring of 2009.

2008 Williams County Road 9 Phase 3 Project – The objectives of this project were to drill holes to locate underground mined workings and to pump a cementitious grout through these holes to fill the mine voids and reduce the likelihood of collapse. This 2008 project was the third year of a multi-year project in areas along Williams County Road 9 and nearby residential areas east of Williston. A total of 49,951 feet were drilled and 3,880 cubic yards of grout were injected into underground mined workings and nearly all of the work was conducted between June and December of 2008. Some cleanup and road repairs were completed in the spring and early summer of 2009.

2009 Williams County Road 9 Phase 4 Project – The objectives of this project were to drill holes to locate underground mined workings and to pump a cementitious grout through these holes to fill the mine voids and reduce the likelihood of collapse. This was the fourth year of a multi-year project in areas along Williams County Road 9 and nearby residential areas east of Williston. A total of 59,985 feet were drilled and 8,026 cubic yards of grout were injected into underground mined workings and most of the work was conducted between June and November of 2009. Some cleanup remained to be completed in the spring of 2010. A separate contract was issued for field and laboratory testing of the grout used for this project.

2009 Hazen West Phase 2 Project – The objective of this project was to reclaim approximately 50 acres of abandoned highwalls and pits in the Beulah Mine Wildlife Management Area on land now owned by the State Game and Fish Department. Part of this area is just south of State Highway 200. Approximately 508,000 cubic yards of spoil material was moved during reclamation. Dirt work at this site started on May 21, 2009, and was completed August 26, 2009. Fertilizing, seeding and mulching operations were completed on August 28, 2009. A tree and shrub planting was also completed in the spring of 2010.

2009 Columbus Phase 10 Project – The objective of this project was to reclaim approximately 7 acres of abandoned highwalls and pits near the access road to a farmstead and the repair of some erosion features on recently reclaimed areas in other parts of the Columbus AML site. Approximately 25,000 cubic yards of spoil material was moved during reclamation. Dirt work at the Columbus Phase 10 AML site started on October 8, 2009, and was completed October 16, 2009. Fertilizing, seeding and mulching operations were completed on November 6, 2009.

2009 Maintenance Project – A contract was awarded in the fall of 2009 for sinkhole filling at numerous abandoned underground coal mines in the western portion of the state. Part of this project was completed in the fall of 2009 and the remainder was completed in the spring of 2010.

2010 Projects

Some staff time was also spent preparing plans for designing the major construction projects for 2010. These are the Williams County Road 9 Phase 5 Project, Buechler/Velva Project, and the Beulah-Zap Phase 11 Project.

Emergency Projects

No emergency projects were conducted during the grant period and none of the \$100,000 awarded for AML emergencies were spent during the 2009 grant period.