



Public Service Commission
State of North Dakota

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July 25, 2011

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 S10AF16174-0001-SS01 and Emergency Sub-Grants S10AF16174-0005-FE05 and S10AF16174-0006-FE05

Dear Mr. Fleischman:

The Public Service Commission's Letter of Credit for the administrative and emergency portions of AML Grant GR007380 can be de-obligated in an amount totaling \$145,449.45. This includes the \$73,660.63 balance in Administrative Subaccount S10AF16174-0001-SS01, the \$30,121.82 balance under Emergency Subaccount S10AF16174-0005-FE05, and the \$41,667.00 awarded under Emergency Subaccount S10AF16174-0006-FE05. We expended only \$28,211.18 of the \$100,000 in the emergency funds awarded in 2010.

Please move the administrative subaccount balance of **\$73,660.63 into the construction portion** of our 2010-2013 AML grant under the state share subaccount, S10AF16174-0002-SS03. Also attached is an updated Form 424 to reflect the reduction in the administrative portion of the grant and Form 51 with an attachment that contains a narrative report for the administrative and emergency portions of the grant. Completed SF425's are also included for the 2010 Administrative and Emergency grants.

All allowable, allocable and reasonable costs have been paid, all funds have been expended, and work under the administrative and emergency portions is considered complete. OSM is released from all obligations under or arising from the administrative and emergency portions of AML Grant GR007380, subject to final audit, if any.

If you have any questions, please contact me.

Sincerely,

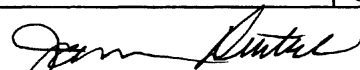
James Deutsch
Director, AML Division

Attachments

cc: Carolyn Garrett
Dan Martinez

Standard Form 424

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED 07/8/11	Applicant Identifier
1. TYPE OF SUBMISSION: <i>Application x</i> <i>Preapplication</i>		3. DATE RECEIVED BY STATE	State Application Identifier ND09122-0583
[x] Construction [x] Non-Construction	[] Construction [] Non-Construction	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier GR007380 - Admin Grant S10AF16174-0001-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) James Deutsch (701) 328-2251	
5. EMPLOYER IDENTIFICATION NUMBER (EIN): 4 5 - 0 3 0 9 7 6 4 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: [] New [] Continuation [X] 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: 2010-2013 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 3/1/2010	Ending Date 2/28/2013	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	-\$73,660.63	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE <u>12/22/2009</u>	
b. Applicant		b. NO [] PROGRAM IS NOT COVERED BY E.O. 12372 [] OR PROGRAM HAS NOT BEEN SELECTED FOR STATE REVIEW	
c. State		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? [] Yes If "Yes," attach an explanation [x] No	
d. Local			
e. Other			
f. Program Income			
g. TOTAL	-\$73,660.63		
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 July 25, 2011	

Previous Editions Not Usable

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

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 GR007380 PUBLIC SERVICE COMMISSION 600 E. Boulevard Ave., Dept. 408 BISMARCK, ND 58505-0480	Type of Report: Grant Closeout Report
3. Project Title/Program GR007380 Abandoned Mine Lands Reclamation Grant	
4. Performing Organization SAME AS ABOVE	
5. Program Narrative Please see the attached narrative for the closeout report for the administrative and emergency portions of the grant.	

2010 Administrative Grant Closeout Narrative

Administrative Activities

This portion of North Dakota's 2010 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, 2010 and ended on February 28, 2011. 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 for other AML staff members, and legal reviews conducted by the Commission's attorneys.

Management staff time was also spent reviewing proposed OSM policies related to the AML program. Some time was spent by staff who attended training and attending conferences, meetings of the National Association of Abandoned Mine Lands Program and Interstate Mining Compact Commission. Also, a considerable amount of management time was spent dealing with issues related to the contractor's default on the 2010 Buechler/Velva project.

In addition to 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. Indirect costs were determined based on the total amount of salaries and benefits charged to the administrative grant.

Another significant activity during the grant period was work on developing and enhancing the geographic information system (GIS) used for mine maps and data associated with the AML program. Significant progress was made during the period on converting and adding more mine data into the GIS.

One equipment purchase of \$5,000 or more was made during the grant year. A new borehole camera was purchased. Other costs included rent, office supplies, copying, printing, etc.

Project Summaries for the 2010 Administrative Grant Closeout

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. Final cleanup for this project was completed in the spring of 2010. A separate contract was issued for field and laboratory testing of the grout used in 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. While nearly all of this project was completed in the summer and fall of 2009, a tree and shrub planting was carried out in the spring of 2010.

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, but the remainder was completed in the spring of 2010.

2010 Williams County Road 9 – Phase 5 Project: Reclamation involved drilling and pumping pressurized grout into collapsed underground mine workings located beneath areas east of Williston. This was the fifth year of a multi-year project in areas along Williams County Road 9 and nearby residential areas. A total of 25,833 feet were drilled and 1,290 cubic yards of grout were injected into underground mined workings and most of the work was conducted between May and July of 2010. A separate contract was issued for field and laboratory testing of the grout used for this project. Also, title memoranda were prepared for the private lands included in the project.

2010 Beulah/Zap – Phase 11 Project: This project also involved drilling and pumping pressurized grout into collapsed underground mine workings. The project included areas along State Highway 200 and county roads near Beulah and Zap. A total of 14,956 feet were drilled and 6,870 cubic yards of grout were injected into underground mined workings and most of the work was conducted between July and November of 2010. A separate contract was also issued for this project for field and laboratory testing of the grout.

2010 Buechler/Velva Project – This project involves the elimination of approximately 2 miles of hazardous highwalls in an abandoned surface mine south of Sawyer in Ward County. This AML site is characterized by unstable highwalls that are more than 75 feet high in some areas and most of the surrounding area is cropland. The reclamation work involves backfilling the highwalls with material from adjacent spoil piles. Reclamation work began in June 2010 but the contractor abandoned the project in September after performing about one-third of the work. The AML Division then filed a claim on the contractor's performance bond and the bonding company arranged for a completion contractor to finish the project in 2011. Also, title memoranda were prepared for the tracts of lands included in the project.

2010 Maintenance Projects – A contract was awarded in the spring of 2010 for preparing a detailed topographic map for a portion Columbus AML site. Also, a contract was issued in the fall of 2010 for repairing some mine related erosion features near the Buechler/Velva project site.

2010 Coal Fire Project – The administrative costs (primarily staff time) of the 2010 coal fire suppression project were also charged to the 2010 Administrative Grant. However, the actual construction costs for this coal fire project were paid with funds from a separate grant.

2011 Projects

Some staff time was also spent preparing plans for designing the major construction projects for 2011. These are the Beulah-Zap Phase 12 Project and the Columbus Phase 11 and 12 Projects. An exploratory drilling project was also prepared during the grant period, but this project will not occur until 2012. Staff time was also spent responding to sinkhole reports and questions about the location of abandoned mines.

Emergency Projects

One emergency project was conducted during the grant period and \$28,211.18 of the \$100,000 awarded was spent for AML emergencies during the 2010 grant period. The 2010 Beulah KDKT Project involved filling a large and dangerous sinkhole near a radio tower that was caused by an abandoned underground coal mine.

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) S10AF16174-0005-FE05 and S10AF16174-0006-FE05 (AML Emergency 2010-2011)	Page 1	of 1 pages
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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) GR007380	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 type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual
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8. Project/Grant Period From: (Month, Day, Year) 3/01/2010	To: (Month, Day, Year) 2/28/2011	9. Reporting Period End Date (Month, Day, Year) 2/28/2011
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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	\$100,000.00
e. Federal share of expenditures	\$28,211.18
f. Federal share of unliquidated obligations	\$0.00
g. Total Federal share (sum of lines e and f)	\$28,211.18
h. Unobligated balance of Federal funds (line d minus g)	\$71,788.82

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
g. Totals:							

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) July 25, 2011
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.

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) S10AP16174-0001-SS01 (AML Admin 2010-2011)	Page 1	of 1 pages
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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) GR007380	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 type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual
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8. Project/Grant Period From: (Month, Day, Year) 3/01/2010	To: (Month, Day, Year) 2/28/2011	9. Reporting Period End Date (Month, Day, Year) 2/28/2011
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10. Transactions	Cumulative
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(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	\$396,899.00
e. Federal share of expenditures	\$323,238.37
f. Federal share of unliquidated obligations	\$0.00
g. Total Federal share (sum of lines e and f)	\$323,238.37
h. Unobligated balance of Federal funds (line d minus g)	\$73,660.63
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	35.73%	3/01/2010	2/28/2011	\$187,736.05	\$67,078.11	\$67,078.11
	Approved						
g. Totals:					\$187,736.05	\$67,078.11	\$67,078.11

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
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