

2021

**North Dakota
Permanent Program**

Administration and Enforcement

Grant Application for

July 1, 2020 to June 30, 2021

Submitted by

Public Service Commission

Bismarck, North Dakota

April 15, 2020

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PART A

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: 04/15/2020	4. Applicant Identifier: <input type="text"/>	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
8. APPLICANT INFORMATION:		
* a. Legal Name: North Dakota Public Service Commission		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 45-0309764	* c. Organizational DUNS: 0000802744946	
d. Address:		
* Street1: 600 East Boulevard Ave	<input type="text"/>	
Street2: Dept. 408	<input type="text"/>	
* City: Bismarck	<input type="text"/>	
County/Parish:	<input type="text"/>	
* State:	ND: North Dakota	
Province:	<input type="text"/>	
* Country:	USA: UNITED STATES	
* Zip / Postal Code: 58505-0480	<input type="text"/>	
e. Organizational Unit:		
Department Name: <input type="text"/>	Division Name: <input type="text"/>	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <input type="text"/>	* First Name: Dean	
Middle Name: <input type="text"/>	<input type="text"/>	
* Last Name: Moos	<input type="text"/>	
Suffix: <input type="text"/>	<input type="text"/>	
Title: <input type="text"/>		
Organizational Affiliation: <input type="text"/>		
* Telephone Number: 7013284099	Fax Number: <input type="text"/>	
* Email: dmoos@nd.gov		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

U.S. Office of Surface Mining

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

*** 12. Funding Opportunity Number:**

N/A

* Title:

N/A

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

2020-2021 Administrative & Enforcement Grant, North Dakota Regulatory Program

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="1,016,025.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="571,514.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="1,587,539.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

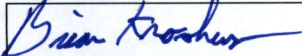
Authorized Representative:

Prefix: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: 

* Date Signed:

PART B

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

OMB Control No. 1029-0059


Exp. Date: 7/31/2021

Budget Information Report

IMPORTANT: Please read instructions on the reverse of this page before completing this form.

A. Program North Dakota Permanent Program	E. Budget Period (Month, Day, Year)	F. Mark 'X' in Appropriate Box
B. Grantee Public Service Commission	Beginning Date 07/01/2020	<input checked="" type="checkbox"/> New Budget
C. Grant Program Administration & Enforcement	Ending Date 06/30/2021	<input type="checkbox"/> Revised Budget (Enter Grant Number)
D. Rate of Federal Sharing (%) 64.00		<input type="checkbox"/> Grant Number

PROGRAM/FUNCTIONS/ACTIVITES	(a)	(b)	(c)	(d)	(e)	(f)	TOTAL (g)
1. Personnel	\$302,159.00	\$123,611.00		\$123,610.00		\$213,648.00	\$763,028.00
2. Fringe Benefit	\$132,950.00	\$54,389.00		\$54,389.00		\$94,004.00	\$335,732.00
Section A	3. Travel \$1,508.00	\$15,084.00		\$13,576.00		\$11,732.00	\$41,900.00
by	4. Equipment						\$0.00
Object Class	5. Supplies			\$9,090.00		\$3,535.00	\$12,625.00
	6. Contractual			\$5,868.00		\$2,282.00	\$8,150.00
	7. Construction						\$0.00
	8. Other			\$55,620.00		\$21,630.00	\$77,250.00
	9. Total Direct Charges \$436,617.00	\$193,084.00	\$0.00	\$262,153.00	\$0.00	\$346,831.00	\$1,238,685.00
	10. Indirect Charges \$138,147.00	\$56,514.00		\$56,514.00		\$97,679.00	\$348,854.00
	11. Total \$574,764.00	\$249,598.00	\$0.00	\$318,667.00	\$0.00	\$444,510.00	\$1,587,539.00
Section B	12. Non-Federal Share \$287,382.00	\$124,799.00		\$159,333.00			\$571,514.00
by	13. Federal Share \$287,382.00	\$124,799.00		\$159,334.00		\$444,510.00	\$1,016,025.00
Source							
Section C	14. Program Income						\$0.00
by							
Income							
Section D	15. Detail on Indirect Cost () Predetermined () Provisional (<input checked="" type="checkbox"/>) Final () Fixed						
Indirect	Type of Rate (mark 'X' in Box)		Total Amount \$348,854.00		Base \$10,998,760.00		
Cost	Rate 31.75 %						

E. Signature of Authorizing Official 	F. Name and Title (type or print) Dean K. Moos, Director, Rec. Div.	G. Telephone Number (Area Code, Number and Extension) (701) 328-4099	H. Date Report Submitted 04/15/2020
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PART C

BUDGET NARRATIVE

The budgeted amounts in Form OSM-47 for permitting, inspection and enforcement, and administrative activities are based on the estimated time that Public Service Commission (PSC) staff will spend on each activity. However, these amounts do not include all such costs since similar activities on Federal lands are listed separately on Form OSM-47. Costs for the PSC to regulate coal mining on Federal lands (pursuant to the Cooperative Agreement between the Department of the Interior and North Dakota) are considered 100% federal costs, whereas costs for the regulatory program activities on other lands are equally split between OSM and the PSC. The percent of the total grant amount that will be used for regulatory program activities on the Federal lands (at the 100% federal rate) comes to 28%. The remaining 72% of the program costs are split 50-50 between OSM and the PSC. This results in the overall Federal share being 64% and the State share is 36%.

The PSC will maintain detailed accounting records to support all direct charges to the regulatory program grant. Staff will also complete monthly time sheets to document the amount of time spent on permitting, inspection and enforcement, and administrative activities, plus any unexpected activities related to designating lands unsuitable for mining. The total anticipated budget for the 2021 Administrative & Enforcement Grant is shown in Table 1. This grant covers a 12-month period, beginning July 1, 2020 and ending on June 30, 2021.

PERSONNEL

The North Dakota Public Service Commission (PSC) will use 9.5 full-time equivalents (FTE) to administer the approved state program for this 12-month grant period. Total salaries for this administration and enforcement grant period are expected to be \$763,028. Staff members who spend 100% of their time on the regulatory program include the assistant director of the Reclamation Division, two environmental engineers, one hydrologist, and four environmental scientists. The following is the list of other PSC staff that spend part of their time working for the Reclamation Division and the estimated percentage of time that each will spend on coal regulatory program matters: the director of the Reclamation and AML Divisions – 65%, administrative assistant – 65%, and GIS specialist – 20%.

FRINGE BENEFITS

The estimated total fringe benefits for 9.5 FTE positions for this grant period are \$335,732. Included under fringe benefits are state retirement, FICA, worker's compensation, medical insurance, and unemployment insurance. A fringe benefit rate of 44% is used based on historic costs plus the increased cost of health insurance.

TRAVEL

The PSC estimates travel costs of approximately \$41,900 during this grant period. These travel costs are related to work efforts such as partial and complete mine inspections, bond releases, public meetings, training, state/federal programmatic meetings, and technical conferences. The estimated travel budget is based on motor pool mileage costs, air transportation, lodging, and per diem expenses.

EQUIPMENT

OMB A-87 circular states that equipment purchases of less than \$5,000 are considered supplies and allowable as direct expenditures without specific awarding agency approval. For the 2021 grant period, no equipment will be purchased.

SUPPLIES

The Reclamation Division has estimated \$12,625 for supplies in this budget. The costs for repairs and printing are also included in this category.

CONTRACTUAL

This budget category totals \$78150 for this grant. It is anticipated that the Commission will pass through these funds to the North Dakota Geological Survey for coal exploration activities during the grant period.

CONSTRUCTION

No construction costs will be incurred under this grant.

OTHER

The Reclamation Division has estimated \$77,250 for "other" expenses. This includes costs for office space rent charged by OMB, professional development, half of the annual IMCC dues, administrative hearing officers, audit services, outside attorney fees for hearings, publishing newspaper notices, lab testing services, central service charges by OMB, and miscellaneous fees and services.

TOTAL DIRECT CHARGES

The estimated total of direct charges (Items 1 through 8) is \$1,238,685.

INDIRECT CHARGES

The estimated indirect costs are \$348,854. A projected indirect cost rate of 31.75 percent is used for this grant period. This is the indirect cost rate that has been approved by the Office of the Inspector General for the two-year biennium that begins on July 1, 2019 and ends June 30, 2021. The indirect cost rate will be only charged to the salary and fringe benefit line items.

TOTAL COST

The estimated total budget for North Dakota's 2019 Permanent Program Administration and Enforcement Grant is \$1,587,539 for the 12-month period (July 1, 2020 to June 30, 2021). Based on the federal lands funding formula shown below and as noted above, the federal share will be 64%. The total federal share will be \$1,016,025 which is the amount OSM allocated to North Dakota for this grant period.

PROGRAM INCOME

The Reclamation Division anticipates that some permit fees and penalty assessments will be collected during the grant period. This income will be deposited in the State's general fund which will offset a small portion of the State share outlays for the program.

COOPERATIVE AGREEMENT FUNDING

The following calculations show the overall federal funding share for the regulatory program following OSM's federal lands funding policy that was adopted in February 1995. The Area-Weighted Average Option was used in the following calculations. However, this option was slightly modified to take into account several small Leonardite permits which are regulated by North Dakota, but do not come under SMCRA jurisdiction. Therefore, the funding formula shows these permits as receiving no federal funds since they are considered 100% state funded. The funding calculations below show that the overall federal share of the program costs will be 64% and the state share will be 36% for the 2020 grant period. Activities pertaining to federal lands during the grant period include conducting mine inspections and reviewing and approving applications for new permits, revisions, renewals, and bond releases. Most of these activities, as well as any enforcement actions, will normally be carried out in conjunction with similar actions for adjacent non-federal lands. The Reclamation Division will prepare draft decision documents required for Department of the Interior mine plan approval on leased federal coal tracts.

The slightly modified Area-Weighted Average Option for determining the federal funding for state regulation on federal lands is based on the following table:

Percent Federal Lands	Federal Lands Funding Percent	Overall Federal Funding Percent
Leonardite mining permits	0	0
0	0	50
>0 but <25	25	62.5
>25 but <50	50	75
>50 but <75	75	87.5
>75	100	100

The following provides the breakdown of all State Program permits that have been issued and pending applications and new applications expected in the grant period that propose to permit additional lands using the formula presented in the above table:

- 1) Permits for Leonardite mines; this acreage receives no federal funding since it is 100% State funded:

<u>Permit No.</u>	<u>Total Acres</u>
ACPG-9701	657
GRGR-0501	<u>96</u>
Total	753

768 acres at 0% Federal Funding

- 2) Permits with no Federal lands; the total of this acreage is federally funded at the 50% rate:

<u>Permit No.</u>	<u>Total Acres</u>
NACT-8102	1,353
BNCR-8106	1,169
NACT-8401	159
NACT-8503	<u>1,832</u>
Total	4,513

4,513 acres at 50% Federal Funding

- 3) Permits with some Federal coal but less than 25% of the total permit area; the total of this acreage is federally funded at the 62.5% rate:

<u>Permit No.</u>	<u>Total Acres</u>	<u>Federal Coal Acres</u>
NAFK-8405	10,257	566
NAFK-8705	10,486	258
KRSB-8802	4,906	975
NACT-9101	8,268	532
BNCR-9401	381	25
BNCR-9702	7,655	1554
NACT-9501	6,526	1184
NAFK-9503	29,110	1513
NAFK-9601	2,049	125
NACT-0401	6,070	160
Permit BNCR-1101	8,360	600
Permit NACC-1302	8,444	1788
Permit Application SHSH-1001	<u>4,581</u>	120
Total	107,093	

107,093 acres at 62.5% Federal Funding

4) Permits with more than 25% Federal coal but less than 50% of the total permit area; the total of this acreage is federally funded at the 75% rate:

<u>Permit No.</u>	<u>Total Acres</u>	<u>Federal Coal Acres</u>
NACT-8203	1,155	319
NACT-8601	772	320
BNCR-8602	312	103
KRSB-8603	3,871	1048
NACT-0201	17,171	5500
NACT-9001	<u>2,221</u>	558
Total	25,502	

25,502 acres at 75% Federal Funding

5) Permits with more than 50% Federal coal but less than 75% of the total permit area; the total of this acreage is federally funded at the 87.5% rate:

<u>Permit No.</u>	<u>Total Acres</u>	<u>Federal Coal Acres</u>
KRGC-8101	688	510

688 acres at 87.5% Federal Funding

6) Permits with more than 75% Federal coal; this acreage is federally funded at the 100% rate:

<u>Permit No.</u>	<u>Total Acres</u>	<u>Federal Coal Acres</u>
BNCR-8202	728	578
Total	728	

728 acres at 100% Federal Funding

Summaries and calculation of overall funding rates:

0% Federal Funding	753 acres
50% Federal Funding	4,513 acres
62.5% Federal Funding	107,093 acres
75% Federal Funding	25,502 acres
87.5% Federal Funding	688 acres
100% Federal Funding	728 acres
Total Acres	139,277 acres

Calculation of federally funded areas:

768 x 0%	=	0 acres federally funded
4,513 x 50%	=	2,257 acres federally funded
107,093 x 62.5%	=	66,933 acres federally funded
25,502 x 75%	=	19,126 acres federally funded
688 x 87.5%	=	602 acres federally funded
728 x 100%	=	<u>728</u> acres federally funded
Total		89,646 acres federally funded

Calculation of overall federal funding percentage:

89,646 acres (federally funded) ÷ 139,277 acres (total) = 64%

Overall, the Federal share is 64% and the State share is 36% for the 2021 grant period.

Table 1

North Dakota Permanent Program Budget Summary
July 1, 2020 to June 30, 2021

1. Personnel *	(assumes average 2.5% increases on 7-1-20)		\$	763,028	
2. Fringe Benefits *	(44% of salary)		\$	335,732	
3. Travel			\$	41,900	
	Meals and Lodging				
	In-State	\$	2,350		
	Out-of-State	\$	8,850		
	Air Transportation	\$	8,500		
	Motor Pool (30K @\$0.39/mile + \$10,500 depr)	\$	22,200		
4. Equipment			\$	-	
5. Supplies			\$	12,625	
	Office Equipment	\$	1,900		
	Specialized Computer Software & Hardware	\$	3,500		
	Repairs	\$	1,400		
	Printing	\$	750		
	Resource Materials & Scientific Supplies	\$	2,850		
	Miscellaneous Supplies and Equipment	\$	2,225		
6. Contractual			\$	8,150	
	ND Geological Survey	\$	8,150		
7. Construction			\$	-	
8. Other			\$	77,250	
	Office Rent	\$	28,000		
	Professional Development	\$	3,050		
	Membership dues (IMCC)	\$	8,600		
	Administrative Hearings	\$	11,000		
	Audit Services	\$	1,000		
	Other Operating Fees & Services	\$	16,500		
	Advertising (Public Notices) & transcripts	\$	1,800		
	Laboratory Services	\$	900		
	Central Service Costs	\$	6,400		
9. Total Direct Costs			\$	1,238,685	
10. Indirect Costs					
	Rate - 31.75% X Base =	\$	1,098,760	\$	348,854
11. Total				\$	1,587,539
	Federal Share - 64% of Total Costs		\$	1,016,025	

PART D

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 type="checkbox"/> Abandoned Mine Land Program		<input checked="" type="checkbox"/> State and Federal Program	
2. Grant Recipient	Type of Report	Reporting Period	Control Number(s)
Public Service Commission 600 East Boulevard Ave, Dept. 408 Bismarck, ND 58505-0408	Administrative & Enforcement Grant Narrative	July 1, 2020 to June 30, 2021	
3. Project Title/Program			
Administrative & Enforcement Reclamation Program			
4. Performing Organization			
Same as aboe			
5. Program Narrative			
See the following pages.			

OSM-51(12/80)

Paperwork Reduction Act Statement

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is being collected to review, administer and evaluate the States/Tribes grants for program development and administration and enforcement to meet the requirements of the Surface Mining Control Reclamation and Enforcement Act. The obligation to respond is required to obtain a benefit.

Public reporting burden for this form is estimated to average 10 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1849 C Street, NW, Room 4559, Washington, DC 20240.

OBJECTIVE AND NEED FOR ASSISTANCE

The 2021 Administration & Enforcement grant is to request funding for the federal share of the cost to continue North Dakota's coal regulatory program for the fiscal year that begins July 1, 2020 and ends June 30, 2021. The Public Service Commission has the responsibility to regulate surface coal mining operations within the state under North Dakota Century Code Chapter 38-14.1. The PSC has adopted the appropriate rules and policies to implement and enforce the law enacted by the Legislature.

The primary goal of the PSC during this grant period is to ensure that surface coal mining and reclamation operations are conducted in compliance with North Dakota's Permanent Program as approved by OSM and that appropriate and timely action is taken on permit related applications. The PSC has defined four major program functions/activities to achieve this overall goal. The functions/activities are: reviewing permit related applications; inspection and enforcement; evaluating bond release applications; and administrative activities. Although very unlikely, it is possible there may be some activities involving designating lands unsuitable for mining or small operator assistance. The PSC's Reclamation Division expects to use 9.5 FTE's to carry out the coal regulatory program efforts during the grant period.

Permitting – Staff time on permitting activity will be a major work effort during the grant period. The PSC will continue to review and process applications for permits, permit renewals, permit revisions and permit transfers to insure full compliance with regulatory program requirements. This includes permit mid-term and pre-renewal reviews as well as completeness and technical reviews of significant and insignificant revisions to ensure compliance with the appropriate application requirements. This also involves providing the appropriate notices to other agencies and landowners and coordinating the review of certain applications with other state and federal agencies. The appropriate information will also be entered into the Applicant Violator System and queries run before approval of the pertinent applications.

During the 2021 A & E Grant period, the Reclamation Division does not expect to receive any new permit applications; however, there is one permit application that has been pending for several years. It is uncertain if and when this applicant will respond to staff's technical review letter. If approved, this permit application would permit an additional 4581 acres. In addition, there is a pending permit application that proposes to consolidate the acreage of 5 permits into a single permit. About thirty revision applications are expected to be received and/or approved during the grant period. Several of these applications will be significant revisions, most of which will be associated with permit renewals and significant acreage additions to several existing permits. Renewal applications for five permits will likely be received and/or approved during the grant period. In addition, at least two significant revision applications that will add acreage to an existing permits are expected to be received and/or approved during the grant period.

Inspection and Enforcement – Conducting mine inspections is another major program function and will continue to be an essential component of North Dakota's Permanent Program. The PSC plans to monitor and inspect each coal mine operation averaging not less than one partial inspection per month and one complete inspection per quarter. However, mines that are totally reclaimed and revegetated may be inspected on a quarterly basis as allowed under the program. The Reclamation Division typically conducts mine inspections at the large active mines on a more frequent basis, usually at least twice a month. Other related tasks include preparing inspection reports, reviewing monitoring reports, responding to grade approval and special requests, and coordinating activities with other regulatory agencies and local officials. Enforcement actions will be taken as needed and any complaints will be investigated.

During the 2021 A & E Grant, there are expected to be 24 inspectable units (permits) and that number could increase if the pending permit application is approved and/or decrease if the permit consolidation application were approved. Of these inspectable units, 19 are for active mining operations and 5 are for permits under reclamation only. Inspections of the inspectable units are expected to total 96 complete inspections and about 500 partial inspections will be conducted. Based on past history, it is likely that one to three notices of violation will be issued, with an administrative hearing for one NOV. Also, it is likely that one or two citizen complaints will be received and resolved.

Bond Release – The review and evaluation of bond release applications will be another significant work effort during the grant period. The PSC will inspect and evaluate the completed reclamation work to ensure the required standards have been met. The review of bond release applications includes a thorough technical analysis of the data provided in the application. The processing of bond releases also includes public notice with opportunity for hearings.

During the 2021 A & E Grant, the Reclamation Division will continue its review of several pending applications for final bond release. It is also expected that several final bond release applications will be filed during the grant period and several of the new and pending final bond release applications will be approved.

Administrative – The administrative function involves the day-to-day implementation and oversight of the program, developing and recommending rule and policy changes, reviewing federal rule changes proposed by OSM, responding to requests for information on the coal regulatory program, participating in meetings with industry, OSM and other stakeholders, retention of records, training, and other activities as needed. Administrative activities include assigning and reviewing staff work, scheduling meetings and hearings, and dealing with personnel matters. The administrative activity also includes some of the work associated with updating the GIS used to manage and analyze geospatial data.

RESULTS AND BENEFITS EXPECTED

The permitting, inspection and enforcement, bond release, and administrative activities performed by Reclamation Division staff will ensure that surface coal mining and reclamation operations in North Dakota fully comply with the state's reclamation law and rules that are based on SMCRA and OSM rules.

APPROACH

The approach will be to carry out reviews of permit and bond release applications and mine inspections as required under North Dakota's approved coal regulatory program. Other activities include the management and administration of the program in accordance with state and federal laws and rules.

GEOGRAPHIC LOCATION

The activities under the grant cover all surface coal mining operations that are located in western North Dakota.

PART E

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes 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 (0348-0040), Washington, DC 20503.

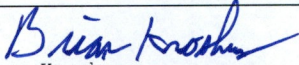
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93- 205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Brian Kroshus	TITLE Chairman
APPLICANT ORGANIZATION North Dakota Public Service Commission	DATE SUBMITTED 04/15/2020

PART F

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

OMB Number: 4040-0013
Expiration Date: 02/28/2022

1. * Type of Federal Action: <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. * Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. * Report Type: <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change
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4. Name and Address of Reporting Entity:
 Prime SubAwardee

*Name: North Dakota Public Service Commission

*Street 1: 600 East Boulevard Ave., Dept. 408 Street 2: _____

*City: Bismarck State: ND: North Dakota Zip: 58505-0480

Congressional District, if known: _____

5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:

6. * Federal Department/Agency: Office of Surface Mining	7. * Federal Program Name/Description: _____ CFDA Number, if applicable: _____
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8. Federal Action Number, if known: _____	9. Award Amount, if known: \$ _____
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10. a. Name and Address of Lobbying Registrant:

Prefix _____ *First Name: N/A - no lobbying activities Middle Name: _____

*Last Name: N/A - no lobbying activities Suffix: _____

*Street 1: _____ Street 2: _____

*City: _____ State: _____ Zip: _____

b. Individual Performing Services (including address if different from No. 10a)

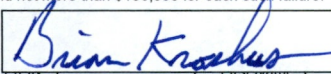
Prefix _____ *First Name: N/A - no lobbying activities Middle Name: _____

*Last Name: N/A - no lobbying activities Suffix: _____

*Street 1: _____ Street 2: _____

*City: _____ State: _____ Zip: _____

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* Signature: 

* Name: _____ Middle Name: _____

* Last Name: Kroshus Suffix: _____

Title: Chairman Telephone No.: (701) 328-2400 Date: 04/15/2020