

Application Status Confirmation

Grants has marked the following application as submitted:

* Please submit signed copies of forms if you have been instructed by your program or grant office.

OSMRE Western Region
Office of Surface Mining Reclamation & Enforcement One
Denver, CO 80225-0065-0065

Applicant	Public Service Commission, North Dakota
Application Number	S-BIL-2023-000020
Program	S000 - Office of Surface Mining Reclamation and Enforcement
Announcement	Western Region-FY 2022 Bipartisan Infrastructure Law Program
Region	OSMRE Western Region
Project Title	
Due Date	03/31/2023 05:00 PM (GMT - 05:00) Eastern Time (US & Canada)
Submitted Date	12/21/2022 05:28 PM Eastern Time

Application Details

Items	Item Attachments		
	Type	Date Expected	Date Received
SF-424A Budget Information - Non-Construction			
SF-424A	Upload	N/A	12/21/2022
OSM-47	Upload	N/A	12/21/2022
SF-424D Assurances - Construction Programs			
SF-424B	Upload	N/A	12/21/2022
SF-LLL Disclosure of Lobbying Activities			
SF-LLL	Upload	N/A	12/21/2022
Project Abstract Summary (Version 2.0)			
Project Abstract Summary	Upload	N/A	12/21/2022
SF-424 Application for Federal Assistance (Version 4.0)			
SF-424	Upload	N/A	12/21/2022
Budget Narrative Attachment Form			
Budget Narrative	Upload	N/A	12/21/2022
Indirect Cost Rate Agreement			
Indirect Cost	Upload	N/A	12/21/2022
Lobbying Certification			
GG	Upload	N/A	12/21/2022
OSM-49			
OSM-49	Upload	N/A	12/21/2022
Project Narrative/OSM-51			
Grant Narrative	Upload	N/A	12/21/2022

Application Control Checklist

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 Abandoned Mine Land Program	E. Budget Period (Month, Day, Year)	F. Mark 'X' in Appropriate Box
B. Grantee North Dakota Public Service Commission	Beginning Date upon OSMRE approval	<input type="checkbox"/> New Budget
C. Grant Program FY 2022 BIL Program	Ending Date 5 years after approval	<input type="checkbox"/> Revised Budget (Enter Grant Number)
D. Rate of Federal Sharing (%) 100.00		<input type="checkbox"/> Grant Number

PROGRAM/FUNCTIONS/ACTIVITES	2022 BIL Grant	(b)	(c)	(d)	(e)	(f)	TOTAL
	(a)						(g)
1. Personnel	\$228,786.00						\$228,786.00
2. Fringe Benefit	\$86,006.00						\$86,006.00
Section A							
3. Travel	\$21,000.00						\$21,000.00
by							
4. Equipment	\$0.00						\$0.00
Object Class							
5. Supplies	\$3,000.00						\$3,000.00
6. Contractual	\$2,589,197.00						\$2,589,197.00
7. Construction	\$0.00						\$0.00
8. Other	\$67,500.00						\$67,500.00
9. Total Direct Charges	\$2,995,489.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,995,489.00
10. Indirect Charges	\$106,211.00						\$106,211.00
11. Total	\$3,101,700.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,101,700.00
Section B							
by							
12. Non-Federal Share	\$0.00						\$0.00
Source							
13. Federal Share	\$3,101,700.00						\$3,101,700.00
Section C							
by							
Income							
14. Program Income	\$0.00	\$0.00					\$0.00
Section D	15. Detail on Indirect Cost						
Indirect	Type of Rate (mark 'X' in Box)		() Predetermined	() Provisional	() Final	(x) Fixed	
Cost	Rate 33.74 %	Total Amount \$106,211.00		Base \$314,792.00			

E. Signature of Authorizing Official 	F. Name and Title (type or print) Zanna Brinkman, Director, AML Division, Public Service Commission	G. Telephone Number (Area Code, Number and Extension) (701) 328-3403	H. Date Report Submitted 12/14/2022
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BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 02/28/2025

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. FY 2022 BIL Grant	15.252	\$	\$	\$ 3,101,700.00	\$ 0.00	\$ 3,101,700.00
2.						
3.						
4.						
5. Totals		\$	\$	\$ 3,101,700.00	\$ 0.00	\$ 3,101,700.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) FY 2022 BIL Grant	(2)	(3)	(4)	
a. Personnel	\$ 228,786.00	\$	\$	\$	\$ 228,786.00
b. Fringe Benefits	86,006.00				86,006.00
c. Travel	21,000.00				21,000.00
d. Equipment	0.00	0.00			0.00
e. Supplies	3,000.00	0.00			3,000.00
f. Contractual	2,589,197.00				2,589,197.00
g. Construction	0.00	0.00			0.00
h. Other	67,500.00	0.00			67,500.00
i. Total Direct Charges (sum of 6a-6h)	2,995,489.00	0.00			\$ 2,995,489.00
j. Indirect Charges	106,211.00				\$ 106,211.00
k. TOTALS (sum of 6i and 6j)	\$ 3,101,700.00	\$ 0.00	\$	\$	\$ 3,101,700.00
7. Program Income	\$ 0.00	\$ 0.00	\$	\$	\$ 0.00

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e)TOTALS
8.	FY 2022 BIL Grant	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
9.		0.00	0.00	0.00	0.00
10.					
11.					
12. TOTAL (sum of lines 8-11)		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program		FUTURE FUNDING PERIODS (YEARS)			
		(b)First	(c) Second	(d) Third	(e) Fourth
16.	FY 2022 BIL Grant	\$ 0.00	\$ 1,033,900.00	\$ 2,067,800.00	
17.					
18.					
19.					
20. TOTAL (sum of lines 16 - 19)		\$ 0.00	\$ 1,033,900.00	\$ 2,067,800.00	

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:	\$2,995,489	22. Indirect Charges:	\$106,211
23. Remarks:			

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.

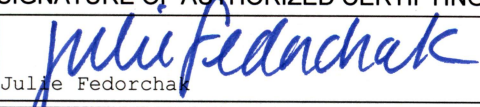
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

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  Julie Fedorchak	TITLE Chair, Public Service Commission
APPLICANT ORGANIZATION North Dakota Public Service Commission	DATE SUBMITTED 12/14/2022

DISCLOSURE OF LOBBYING ACTIVITIES

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

OMB Number: 4040-0013

Expiration Date: 02/28/2025

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:

* Street 1: Street 2:

* City: State: Zip:

Congressional District, if known:

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

6. * Federal Department/Agency: <input type="text" value="U.S. Office of Surface Mining"/>	7. * Federal Program Name/Description: <input type="text" value="FY 2022 Bipartisan Infrastructure Law Program"/> CFDA Number, if applicable: <input type="text" value="15.252"/>
--	--

8. Federal Action Number, if known: <input type="text"/>	9. Award Amount, if known: \$ <input type="text" value="3,101,700.00"/>
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10. a. Name and Address of Lobbying Registrant:

Prefix * First Name Middle Name

* Last Name Suffix

* Street 1 Street 2

* City State Zip

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

Prefix * First Name Middle Name

* Last Name 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: Prefix * First Name Middle Name

* Last Name Suffix

Title: Telephone No.: Date:

Project Abstract Summary

This Project Abstract Summary form must be submitted or the application will be considered incomplete. Ensure the Project Abstract field succinctly describes the project in plain language that the public can understand and use without the full proposal. Use 4,000 characters or less. Do not include personally identifiable, sensitive or proprietary information. Refer to Agency instructions for any additional Project Abstract field requirements. If the application is funded, your project abstract information (as submitted) will be made available to public websites and/or databases including USAspending.gov.

Funding Opportunity Number

TBD

CFDA(s)

15.252

Applicant Name

North Dakota Public Service Commission

Descriptive Title of Applicant's Project

FY 2022 BIL Program

Project Abstract

Project costs may include the following activities:

- Tree Removal
- Earth Moving
- Underground Filling/Grout Injection
- Drilling
- Cultural Resource Surveys
- Title Memoranda
- Engineering Assessments
- Environmental Data Base
- Aerial Photography
- Seeding & Tree Planting
- Geo-technical Investigation

Application for Federal Assistance SF-424

* 1. Type of Submission:

- Preapplication
- Application
- Changed/Corrected Application

* 2. Type of Application:

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

12/14/2022

4. Applicant Identifier:

5a. Federal Entity Identifier:

FY 2022 BIL Program

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

North Dakota Public Service Commission

* b. Employer/Taxpayer Identification Number (EIN/TIN):

45-0309764

* c. UEI:

YNSNV6MQURB3

d. Address:

* Street1:

600 E Boulevard Ave

Street2:

Dept. 408

* City:

Bismarck

County/Parish:

* State:

ND: North Dakota

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

585050480

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Zanna

Middle Name:

* Last Name:

Brinkman

Suffix:

Title:

Director, AML Division

Organizational Affiliation:

* Telephone Number:

701-328-3403

Fax Number:

* Email:

zbrinkman@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:

15.252

CFDA Title:

OSMRE Bipartisan Infrastructure Law Program

*** 12. Funding Opportunity Number:**

TBD

* Title:

TBD

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:**

FY 2022 BIL 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="3,101,700.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* 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="3,101,700.00"/>

*** 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 18, 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:

BUDGET NARRATIVE

The Public Service Commission (PSC) is requesting all federal funds that have been allocated to North Dakota for its approved Abandoned Mine Lands (AML) Reclamation Program under the FY 2022 Bipartisan Infrastructure Law (BIL) Program. The PSC is proposing the following breakout of funds:

Subaccount	Name	Amount
01	Non-Emergency Administrative Costs	\$338,078
03	Non-Water Supply (Coal Project) Costs	\$2,585,197
19	Coal Projects Engineering & Design Costs	\$153,425
23	BIL Emergency Projects Costs	\$25,000
	TOTAL	\$3,101,700

The requested funds will be used for the administrative costs associated with the BIL program and for construction costs to reclaim abandoned surface and underground coal mines in North Dakota.

ADMINISTRATIVE NARRATIVE

I. PERSONNEL

The PSC will use 0.5 full-time equivalents (FTE) to administer the approved AML Reclamation Program for the administrative period. This includes a portion of the Director, Assistant Director and GIS Specialist time. Time that a PSC attorney will devote to legal work associated with the AML program will be part of the indirect charges to the grant. Table 1 lists the annual salary amount for these positions during the first year of the grant. The amount budgeted for the fringe benefits is shown below. Total direct salaries for the administrative grant are budgeted at \$139,911.

II. FRINGE BENEFITS

The estimated fringe benefit costs for 0.5 positions for the 1 administration period are \$60,162. Included under fringe benefits are: health insurance, contributions to the state public employee retirement plan, FICA, unemployment insurance, and workers compensation.

Some benefits have defined rates that are the same for every employee (retirement of 12.26%, FICA of 7.65%) but other benefits like health insurance are the same monthly cost for each employee. This means the health insurance would be a higher fringe percent for a lower paid employee but a lower fringe percent for a higher paid employee. To adjust for this variance in employee compensation,

the cost of all the benefits is compared to the direct salary costs to arrive at the average fringe rate of 43 percent.

III. TRAVEL

The AML Division estimates \$0 in travel expenditures for the administrative portion of the grant.

IV. EQUIPMENT

The Federal Assistance Manual's definition of equipment is tangible, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. The PSC does not anticipate any equipment purchases during the duration of the grant.

V. SUPPLIES

The Abandoned Mine Lands Division has estimated \$3,000 for the budget category "Supplies."

Miscellaneous supplies are budgeted at \$3,000 during this grant period and include books, periodicals, technical subscriptions, hard hats, safety boots and uniform shirts.

VI. OTHER

The AML Division has estimated \$67,500 for the budget category "Other."

The cost of office rent in the Capitol for AML staff that will be allocated to the grant is estimated at \$30,000.

Also included are operating fees and services on the amount of \$15,000 for abstracting, advertising, water and soil sample analyses, and other costs.

Professional and legal services of \$10,500 are budgeted for any outside legal and/or professional services for title opinions and any disputes involving the construction projects.

Central service costs charged by the State Office of Management and Budget and the cost of the next federal financial and compliance audit of North Dakota's AML program grants is estimated at \$7,500. The State Auditor's Office will perform any audits.

The estimated cost of miscellaneous repairs is \$4,500 and this is also included in the "Other" category.

The PSC has moved IT services and equipment, copier charges, and landline and cellular telephone services to general office expenses. These costs are part of the indirect cost rate so no direct charges are made for these items.

VII. TOTAL DIRECT COSTS

Total direct costs are \$270,573 for this grant period.

VIII. INDIRECT COSTS

The approved indirect cost rate for North Dakota's 2021-2023 biennium is 33.74%. Total indirect costs for the administrative grant are estimated at \$67,505.

VIX. TOTAL COSTS

The total estimated budget for the FY 2022 AML BIL Program Administrative funding is \$338,078.

X. PROGRAM INCOME

No program income is expected during the grant period since the AML Division no longer charges potential bidders for copies of the bid plans and specifications. Most potential bidders are now able to view and download the project plans and specifications from the State Procurement Office's website.

**Table 1 – Administrative Sub-Account Budget
 FY 2022 Bipartisan Infrastructure Law Program
 2022-2027 Grant Application**

ADMINISTRATIVE

1.	Personnel – 0.5 FTE’s	139,911	
2.	Fringe Benefits (43% of salary)	<u>60,162</u>	
	Total Salaries & Fringe Benefits		200,073
3.	Travel		
	Meals & Lodging	0	
	Air Transportation	0	
	Motor Pool	<u>0</u>	
	Total Travel		0
4.	Equipment over \$5,000		0
5.	Supplies		
	Reproduction/Printing	0	
	Office Supplies	0	
	Office Equipment	0	
	Miscellaneous Supplies	3,000	
	Technical and GIS Software	0	
	Engineering and GIS/GPS Supplies	<u>0</u>	
	Total Supplies		3,000
6.	Other		
	Office Rent	30,000	
	Training/Professional Development	0	
	Equipment Rental	0	
	Operating Fees and Services	15,000	
	Professional and Legal Services	10,500	
	Central Services & Audit	7,500	
	IMCC/NAAML P Membership Dues	0	
	Miscellaneous Repairs	<u>4,500</u>	
	Total Other		<u>67,500</u>
7.	Total Direct Costs		270,573
8.	Indirect Costs* on Salary & Fringe Benefits		<u>67,505</u>
9.	TOTAL ADMINISTRATIVE COSTS		\$338,078

* 33.74% for the 2021-2023 biennium

BUDGET NARRATIVE - CONSTRUCTION

I. PERSONNEL and FRINGE BENEFITS – Engineer & Design Costs

The PSC will use 0.65 full-time equivalents (FTE), plus up to one seasonal construction inspector, for projects during the grant period. Table 2 lists the annual salary amount and fringe benefit rates for these positions during the first year of the grant. The fringe benefit rate for permanent full-time employees averages 43 percent of the direct salaries and the fringe benefit rate for the seasonal construction inspectors is 7.65 percent. The fringe benefit rate for seasonal construction inspectors covers the cost of FICA and assumes no health insurance benefit will be provided. Total salaries for the project staff during the one-year period are estimated at \$88,875 and fringe benefits are \$25,844. The indirect costs that are calculated on the total amount of salaries and fringe benefits are estimated at \$38,706.

II. TRAVEL

The AML Division estimates approximately \$21,000 in travel expenses for projects. These anticipated expenditures are for staff travel to project sites during construction activities.

The budget for meals and lodging costs is \$6,000. The State of North Dakota has established travel policies. In-state rates for meals are currently \$35 per day and about \$88.20 plus applicable tax per night for lodging. State motor pool expenses are estimated at \$15,000 for project related work.

III. CONTRACTUAL COSTS

The AML Division is budgeting \$2,589,197 from the FY 2022 grant for contractual cost for projects at abandoned coal mines during the grant period. The AML Division will use the state procurement process to hire contractors to complete project work.

**Table 2 – Construction Sub-Account Budget
 FY 2022 Bipartisan Infrastructure Law Program
 2022-2027 Grant Application**

Staff Project Time and Travel

1. Project Staff Salary – 0.65 FTE's plus up to 1 construction inspector	\$88,875
2. Fringe Benefits – 43% of salary, 7.65% for construction inspectors	<u>25,844</u>
Total Salary and Benefits	\$114,719
3. Travel	
Meals and Lodging	6,000
State Motor Pool	<u>15,000</u>
Total Travel	<u>21,000</u>
 4. Total Direct Staff Salary, Benefits and Travel Costs	 \$135,719
 5. Indirect Costs on Salary and Fringe Benefits	 <u>38,706</u>
33.74% for the 2021-2023 biennium	
 Total Staff Time and Travel Expenses including indirect costs	 \$174,425

AML Projects

6. Contract/Project Costs (major projects)	\$2,564,197
Tree Removal	
Earth Moving	
Underground Filling/Grout Injection	
Drilling	
Cultural Resource Surveys	
Title Memoranda	
Engineering Assessments	
Environmental Data Base	
Aerial Photography	
Seeding & Tree Planting	
Geo-technical Investigation	
 7. Small Projects and Maintenance Reserve	 25,000
 8. TOTAL Administrative expenses from Table 1	 <u>338,078</u>
 Grand Total for FY 2022 BIL Grant	 \$3,101,700



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

State and Local Governments Indirect Cost Negotiation Agreement

EIN: 45-0309764

Date: 06/07/2021

Organization:

North Dakota Public Service Commission
600 E. Boulevard Ave., Dept 408
Bismarck, ND 58505

Report Number: 2021-0281

Filing Ref.:

Last Negotiation Agreement
dated: 08/26/2019

The indirect cost rate contained herein is for use on grants, contracts, and other agreements with the Federal Government to which 2 CFR Part 200 applies subject to the limitations in Section II.A. of this agreement. The rate was negotiated by the U.S. Department of the Interior, Interior Business Center, and the subject organization in accordance with the authority contained in applicable regulations.

Section I: Rate

Start Date	End Date	Rate Type	Name	Rate	Base	Location	Applicable To
			07/01/2021	06/30/2023	Fixed Carry forward	Indirect	33.74 %

Note: The Commission's indirect cost rate is negotiated and finalized on a biennial basis (24 months).

(A) Base: Total direct salaries and wages, including fringe benefits. The rate applies to all programs administered by the non-federal entity. To determine the amount of indirect costs to be billed under this agreement, direct salaries and wages and related fringe benefits should be summed and multiplied by the rate. All other program costs should be eliminated from the calculation.

Treatment of fringe benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

Section II: General

- A. **Limitations:** Use of the rate(s) contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate(s) agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).
- B. **Audit:** All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.
- C. **Changes:** The rate(s) contained in this agreement are based on the accounting system in effect at the time the proposal was submitted. Changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rate(s) in this agreement may require the prior approval of the cognizant agency. Failure to obtain such approval may result in subsequent audit disallowance.
- D. **Rate Type:**
1. **Fixed Carryforward Rate:** The fixed carryforward rate is based on an estimate of the costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.
 2. **Provisional/Final Rate:** Within six (6) months after year end, a final indirect cost rate proposal must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.
 3. **Predetermined Rate:** A predetermined rate is an indirect cost rate applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment.
- E. **Rate Extension:** Only final and predetermined rates may be eligible for consideration of rate extensions. Requests for rate extensions of a current rate will be reviewed on a case-by-case basis. If an extension is granted, the non-Federal entity may not request a rate review until the extension period ends. In the last year of a rate extension period, the non-Federal entity must submit a new rate proposal for the next fiscal period.
- F. **Agency Notification:** Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.
- G. **Record Keeping:** Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.
- H. **Reimbursement Ceilings:** Grantee/contractor program agreements providing for ceilings on indirect cost rates or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.
- I. **Use of Other Rates:** If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate(s) in this agreement, the grantee/contractor should credit such costs to the

Section II: General (continued)

affected programs, and the approved rate(s) should be used to identify the maximum amount of indirect cost allocable to these programs.

- J. **Central Service Costs:** If the proposed central service cost allocation plan for the same period has not been approved by that time, the indirect cost proposal may be prepared including an amount for central services that is based on the latest federally-approved central service cost allocation plan. The difference between these central service amounts and the amounts ultimately approved will be compensated for by an adjustment in a subsequent period.
- K. **Other:**
1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.
 2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate(s) if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.
 3. Indirect cost proposals must be developed (and, when required, submitted) within six (6) months after the close of the governmental unit's fiscal year, unless an exception is approved by the cognizant agency for indirect costs

Section III: Acceptance

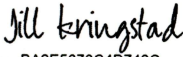
Listed below are the signatures of acceptance for this agreement:

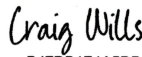
By the State and Local Governments

By the Cognizant Federal Government Agency

North Dakota Public Service Commission

US Department of the Interior - OSM

DocuSigned by:

BA2E5670C4D748C...

DocuSigned by:

B47DB1F4A5DB4BF...

Signature

Signature

Jill Kringstad

Craig Wills

Name:

Name:

Manager of Business Operations

Division Chief
Indirect Cost Services Division
Interior Business Center

Title:

Title:

6/9/2021

6/9/2021

Date

Date

Negotiated by: Wayne Guanzon
Telephone: (916) 930-3813

Next Proposal Due Date: 12/31/2022

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* APPLICANT'S ORGANIZATION	
North Dakota Public Service Commission	
* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
Prefix: <input style="width: 80px;" type="text"/>	* First Name: <input style="width: 250px;" type="text" value="Julie"/> Middle Name: <input style="width: 180px;" type="text"/>
* Last Name: <input style="width: 420px;" type="text" value="Fedorchak"/>	Suffix: <input style="width: 100px;" type="text"/>
* Title: <input style="width: 320px;" type="text" value="Chair, Public Service Commission"/>	
* SIGNATURE: <input style="width: 350px; height: 60px;" type="text" value="Julie Fedorchak"/>	* DATE: <input style="width: 100px;" type="text" value="12/14/2022"/>

**North Dakota Public Service Commission
Abandoned Mine Lands Division
FY 2022 Bipartisan Infrastructure Grant Narrative Statement**

Objective and Need for Assistance

The North Dakota Public Service Commission (PSC) administers the Abandoned Mine Lands (AML) Program on behalf of the State of North Dakota. The State AML Program was approved by the U.S. Department of the Interior in 1981 under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87, Title IV) (SMCRA). The mission of the AML Division is to eliminate potential or existing hazards associated with abandoned coal mines in North Dakota for which there is no continuing liability under state or federal law. North Dakota has records for over 1,500 abandoned coal mines. As of 2022, the North Dakota e-AMLIS inventory contains records for 146 of the most hazardous (Priority 1 & 2) abandoned mines needing reclamation. The estimated reclamation costs exceed \$35,500,000. The North Dakota e-AMIS inventory also contains about 44 Priority 3 hazards; however, no reclamation costs have been assigned to those hazards. The 2022 Bipartisan Infrastructure Law (BIL) Grant will provide the PSC Abandoned Mine Lands Division (AML D) with funding for program administration, project design and construction costs to address these high-priority sites. The grant funds will be used to eliminate public health and safety hazards as well as for environmental restoration at abandoned surface and underground mines in western North Dakota.

The total FY 2022 BIL Grant = \$3,101,700.

Results and Benefits Expected

The primary long-term benefit of AML reclamation is the permanent elimination of documented human health and safety hazards from historic coal mining. Secondary benefits may also include improvements to aesthetics, topography, hydrology, land use and socio-economic conditions. The ability of reclaimed sites to support native vegetation and wildlife or to be productive agricultural land is the result of improved soil conditions, ground cover and hydrology. Local communities may benefit from restored agricultural productivity, reduced livestock loss from subsidence and established habitat for hunting. Certain areas may become more suitable for commercial or industrial development.

The 2022 BIL AML Grant application does not define or contain a proposed list of reclamation projects. No attempt is therefore made to identify project-specific results or benefits, estimated costs or leveraged funding sources. This data is contained in e-AMLIS, NEPA documents and the requests for Authorization to Proceed submitted to the Office of Surface Mining and Reclamation Enforcement (OSMRE) before incorporating projects into the grant. Projects will be added to the grant as needed during the term of the grant.

Approach

Projects identified by the AMLD for work may include work at surface mine sites and maintenance projects. Other projects may be identified for selection from e-AMLIS based on hazards and landowner interest. Lists of proposed construction projects are not publicized until a solicitation for bids is posted. This reduces posturing and collusion. It offers an equal opportunity for all potential bidders.

Prioritization: Reclamation intends to address Priority 1, Priority 2 and Priority 3 features as determined by Section 4039(a) of SMCRA. Priority 1 (P1) projects pose an extreme danger of adverse effects. The PSC AMLD addresses these as emergencies. P2 projects work to eliminate public health and safety hazards related to historic mining. P3 problems eliminate environmental problems related to past mining by restoring the environment and land and water resources degraded by adverse effects. Prioritization of projects is based on program eligibility, the severity of the problems and the willingness of property owners to participate in the program.

Public Input, Meetings & Website Contacts & Social Media: North Dakota maintains a website at www.psc.nd.gov that includes public information about the AML Program. Telephone contact numbers are listed. As eligible reclamation sites become known, they are added to e-AMLIS. The inventory in e-AMLIS is accessible to the public. Lists of projects are not advertised; however, during project development, the community and stakeholders are invited to a public meeting addressing the project. The public is also invited to bring up other AML issues at that time.

Miner preference: The definition of “current or former employees of the coal industry” is not clearly defined in the OSMRE Guidance. Once the definition is clarified and to the extent practicable under state law, AML contractors may be asked to collect and provide information about such employees.

The requirement for collective bargaining agreements, local hiring provisions and project labor agreements conflict with the intent of North Dakota’s right-to-work legislation.

Workforce training and development: The PSC provides training and development for AML staff regularly. Temporary seasonal staff are often college students who gain work-related skills and mentoring while employed.

Economic Redevelopment: Estimated costs of each selected project will be determined before requesting the Authorization to Proceed from OSMRE. Any known advantages to the socioeconomics of the project area will be documented and shared with OSMRE as requested.

Environmental justice and disadvantaged communities of color, low-income and Tribal/Indigenous communities: Within North Dakota, the Climate and Economic Screening Tool (November 22, 2022 edition) identifies the 5 Native American reservations and a few limited urban areas as being disadvantaged. The Three Affiliated Tribes reservation contains 28 abandoned mine lands or less than 2% of the North Dakota AML inventory. The most

hazardous of these have been reclaimed. Nor other Tribal lands contain abandoned mines. The urban areas identified by the tool as disadvantaged do not contain abandoned mine lands. It is not likely that the PSC AMLD can target projects to address disadvantaged areas as identified by the Climate and Economic Screening Tool.

Project aggregation: North Dakota has historically aggregated projects from different project locations and will continue to do so when it benefits the State.

Methane and greenhouse gas emissions: Methane and other greenhouse gas emissions are not a known problem associated with North Dakota abandoned mine lands. If a documented methane issue occurs, the AML program will address the issue using the best management practices available.

Estimated project costs: Estimated costs are part of the Authorization to Proceed request and are entered into the e-AMLIS database after bids are received and a contract is awarded.

Proposed performance measurements: The AML program will continue to collect metrics as tracked in the traditional AML grants. When additional metrics are added to e-AMLIS, those will also be tracked. Per Section XII in the July 2022 Guidance on the Bipartisan Infrastructure Law Abandoned Mine Land Grant Implementation, the AML program will track the following types of benefits that can be measured and reported, if applicable and consistent with state law:

Subaccounts for BIL AML Financial Assistance

01: Non-Emergency Administrative Costs \$338,078
03: Non-Water Supply (Coal Project) Costs: \$2,585,197
19: Coal Projects Engineering & Design Costs: \$153,425
23: BIL Emergency Projects Costs: \$25,000
Total: \$3,101,700