

REGULATORY GRANT PROGRAM
THE APPLICATION PROCESS

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DETAILED INSTRUCTIONS FOR COMPLETING THE OSM 47 FORM

- A. Enter the name of the OSM program for which assistance is being requested.
- B. Enter the grant recipient's name.
- C. Enter the name of the grant program.
- D. Enter the rate of Federal sharing.
- E. Enter the beginning and ending dates of the performance period for which the budget is being submitted.
- F. Mark "X" in the box to indicate whether the budget submission is new or revised.

Program/Functions/Activities - For applications pertaining to an OSM grant program that does not require functional or activity budget information, use column (g) only. For applications pertaining to an OSM program that requires functional or activity information, enter the name of each program, function or activity in the column headings (a) through (f).

Section A - Object Class Categories

- 1-10. Enter the amounts needed for each program, function or activity by object class categories (both Federal and non-Federal funds) and total in column (g).
- 11. Enter the total for each program, function or activity.

Section B - Budget by Quarters

- 12-15. Enter the estimated program costs to be expended quarterly.
- 16. Enter the total of lines 12 through 15.

Section C - Budget by Source

- 17. Enter the non-Federal share of the amount on line 11.
- 18. Enter the Federal share of the amount on line 11.

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Instructions for Completing Section A of OSM-47 – Budget by Object Class - (Continued)

10. **Indirect Charges.** Include a copy of the approved rate agreement or other approving documentation.
11. **Total.** Enter the sum of items 9 and 10.

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INSTRUCTIONS FOR PROVIDING FUNCTIONAL BUDGET INFORMATION

When budgeting for the Administration and Enforcement Grant, the vertical columns (a) through (e) on the OSM-47 Form shall be used to estimate the following functional information:

Column (a) Permits.

Enter the costs of reviewing new permit applications and modifying existing permits to include State performance standards on non-Federal lands and non-Indian lands. Costs of determining and approving a bond amount also shall be included under this function.

Column (b) Inspection and Enforcement.

Estimated costs of mine inspections where compliance with State performance standards are reviewed and estimated cost of all activities subsequent to inspection to enforce compliance with the performance standards on non-Federal lands and non-Indian lands (except in the case of Indian tribe grantee). Costs for bond release and legal costs related to inspections and enforcement activities should be included in this functional area.

Column (c) Lands Unsuitable.

Estimated costs of the evaluation and determination for petitions concerning designating lands unsuitable for coal mining.

Column (d) Regulatory Program Administrative Activities and Support Cost.

Estimated State agency's administrative costs in support of the functions reported in columns (a) through (c) include executive direction cost (Administrator of the State agency and his/her immediate staff) as well as the cost of standard administrative support functions such as personnel management, budgeting and accounting, procurement, property management, office services, etc.

Column (e) Small Operator Assistance Program (SOAP) Administrative Activities and Support Cost.

Estimated costs of implementing SOAP. This should include all State agency cost relating to SOAP administration, but not costs supported under a SOAP operational grant.

Column (g) Total Amount Required.

Enter the total of columns (a) through (e).

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

GRS Approval No.
8929-0072

Performance Report Program Narrative Statement

1. Type of Program (Check Appropriate Box)			
<input type="checkbox"/> Abandoned Mine Land Program		<input type="checkbox"/> State and Federal Program	
2. Grant Recipient	Type of Report	Reporting Period	Control Number(s)
3. Project Title/Program			
4. Performing Organization			
5. Program Narrative			

OSM-51 (12/80)

"The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that this information is being collected to determine how an applicant plans to spend Federal dollars of a grant or cooperative agreement. This information will be used to prepare budget analyses and forecasting. The obligation to respond is required to obtain a grant."

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DETAILED INSTRUCTIONS FOR COMPLETING QSM 51 - PROGRAM NARRATIVE

1. Self-explanatory.
2. Enter the name of the grant applicant.
3. Enter the name of the program and the project being described.
4. Enter the name of the performing organization if it is different from the grant or cooperative agreement recipient.
5. Enter the program narrative statement. As detailed in OMB Circular A-102 (Revised), the Program Narrative Statement should include the following information:

Objectives and Need for Assistance. Precisely describe any relevant physical, economic, social, financial, institutional or other problems requiring a solution. Demonstrate the need for the assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

Results and Benefits Expected. Identify results and benefits to be derived. For example, show how the facility will be used. For land acquisition or developmental projects, explain how the project will benefit the public.

Approach. Outline a plan of action pertaining to the scope of the project and detail how the proposed work will be accomplished for each assistance program. Cite factors which might accelerate or decelerate the work and your reasons for taking this approach as opposed to others. Describe any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements. Provide for each assistance program quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and their target dates. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project.

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Detailed Instructions for Completing OSM 51 - Program Narrative - (Continued)

Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. List each organization, cooperator, consultant or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Geographic Location. Give the precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

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U.S. Department of the Interior
Certification Regarding
Drug-Free Workplace Requirements

This certification is required by the regulations implementing the drug-free workplace requirements for Federal grant recipients under the Drug-Free Workplace Act of 1988 (49 CFR Part 12, Subpart D). A copy of the regulation is available from the issuing office.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement, and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Name and Title of Authorized Representative

Signature _____

Date _____

DI-1935
May 1990

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Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the Certification Regarding Drug-Free Workplace Requirements.
2. This certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplaces on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:
 - "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);
 - "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
 - "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
 - "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including (i) all "direct charge" employees, (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

U.S. Department of the Interior

**Certification Regarding
Debarment, Suspension, and Other
Responsibility Matters**

Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 25, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

DI-1993
(8-88)

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Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal, that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel.#).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

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U.S. Department of the Interior

**Certification Regarding
Debarment, Suspension, Ineligibility and
Voluntary Exclusion
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

DA-1994
(7/88)

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Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel.#).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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**U.S. Department of the Interior
Certification Regarding Lobbying**

This certification is required by Section 1352, title 31, U.S. Code, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions."

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

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 any agency, a Member of Congress, and 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 Form to Report Lobbying," 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 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.

Signature _____

Date _____

IF 1003
(MAY 80)

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Instructions for Certification

1. This certification and a disclosure form should be filed by each person as required, with each submission that initiates agency consideration of such person for: (1) award of a Federal contract, grant, or cooperative agreement exceeding \$100,000 or (2) an award of a Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000.
2. This certification and a disclosure form should be filed by each person as required, upon receipt by such person of (1) a Federal contract, grant, or cooperative agreement exceeding \$100,000, or (2) a Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000, unless such person previously filed a certification, and a disclosure form, if required, at the time agency consideration was initiated.
3. Any person who requests or receives from a person referred to in paragraphs (1) and (2) above: (1) a subcontract exceeding \$100,000 at any tier under a Federal contract; (2) a subgrant, contract, or subcontract exceeding \$100,000 at any tier under a Federal grant; (3) a contract or subcontract exceeding \$100,000 at any tier under a Federal loan exceeding \$150,000, or, (4) a contract or subcontract exceeding \$100,000 at any tier under a Federal cooperative agreement, shall file a certification, and a disclosure form, as required, to the next tier above.
4. All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the person referred to in paragraphs (1) or (2) above. That person shall forward all disclosure forms to the appropriate Bureau/Office within the Department of the Interior.
5. Any certification or disclosure form filed under paragraph (4) above shall be treated as a material representation of fact upon which all receiving tiers shall rely. All liability arising from an erroneous representation shall be borne solely by the tier filing that representation and shall not be shared by any tier to which the erroneous representation is forwarded. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification or disclosure, respectively. If a person fails to file a required certification or disclosure, the United States may pursue all available remedies, including those authorized by Section 1352, title 31, U.S. Code.

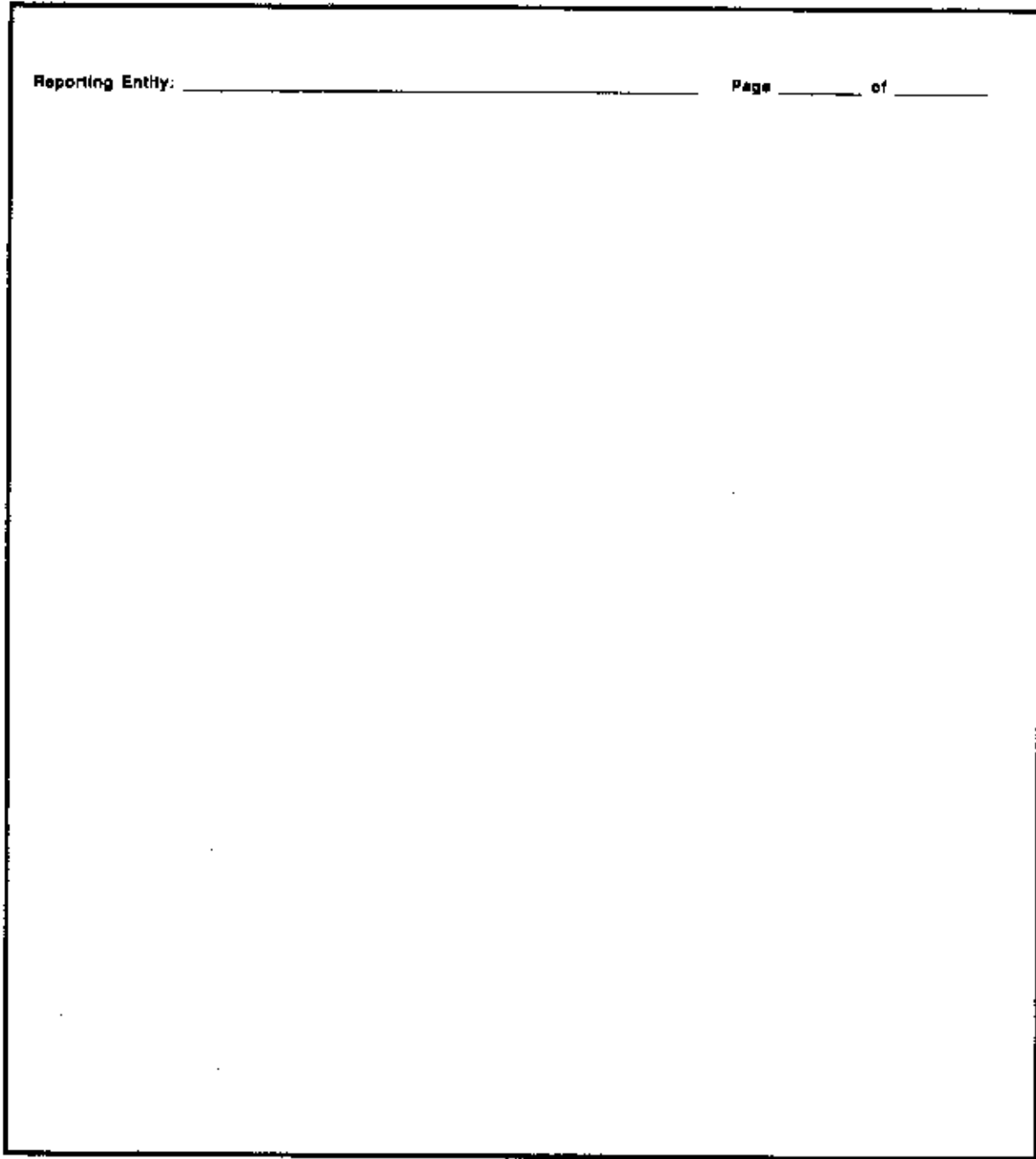
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DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
3348-0048

Reporting Entity: _____ Page _____ of _____



Authorized for Local Reproduction
Standard Form - LLL-A

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INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient, at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include congressional district, if known. Check the appropriate classification of the reporting entity that designates it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime federal recipient. Include congressional district, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example: Department of Transportation, United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identified in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the federal agency). Include prefixes, e.g., "RFP-DE-90-001".
9. For a covered federal action where there has been an award or loan commitment by the federal agency, enter the federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with federal officials. Identify the federal official(s) or employee(s) contacted or the officer(s), employee(s), or member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 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 this 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 (0348-0046), Washington, D.C. 20503.

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Standard Form 424B

OMB Approval No 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

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 costs) 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 nineteen 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 with the 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 38 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.

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Standard Form 424B (cont'd.)

- 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 (Clear Air) Implementation Plans under Section 176(c) of the Clear 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 of 1984.
- 18 Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

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CHAPTER 5-11 ENVIRONMENTAL COMPLIANCE

5-11-00	Purpose
05	Definition
10	Policy
15	Responsibilities
20	Procedures

5-11-00 PURPOSE

This chapter presents the OSM responsibilities for compliance with the National Environmental Policy Act of 1969 (NEPA) and related environmental laws, regulations, and executive orders in processing grant applications for the Abandoned Mine Lands Reclamation program.

5-11-05 DEFINITIONS

Certain definitions are critical to the understanding of this chapter and, therefore, are provided below:

- A. Authorization to Proceed. A formal notification from an OSM Field Office Director that a NEPA review is complete and the State/Tribe may proceed with project construction. For all other AML Grant activities the point of Federal Action shall be at the Grant award. (See Exhibits X5-11-3)
- B. Categorical Exclusion. A category of actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an environmental assessment nor an environmental impact statement is required.
- C. Environmental Assessment (EA). A brief public document, prepared pursuant to 40 CFR 1508.9, that analyzes the effects the proposed project might have on the human environment for the purpose of determining whether the project might be expected to cause significant impacts, which would result in the need to prepare an environmental impact statement (EIS), or to aid in the agency's compliance with NEPA if an EIS is found not to be required.
- D. Environmental Document. An EA, an EIS, a Finding of No Significant Impact, a Categorical Exclusion and a Notice of Intent to prepare an EIS (defined by 43 CFR 1508.10).
- E. Environmental Impact Statement (EIS). A detailed statement prepared pursuant to section 102(2)(c) of NEPA and the implementing regulations (40 CFR 1500).

5-11-05 (Continued)

- F. Finding of No Significant Impacts (FONSI). A document prepared pursuant to 40 CFR 1508.13 which briefly presents the reasons why a proposed AML project, not otherwise excluded (by categorical exclusions), will not have a significant effect on the human environment and for which a detailed statement (EIS) will not be prepared.
- G. Notice of Intent (NOI). A notice, published in the Federal Register, that OSM intends to prepare an EIS for the proposed project.
- H. Point of Federal Action. For purposes of the AML grant construction activities, the Point of Federal Action is the authorization to proceed with site specific activities following completion of the NEPA review.

5-11-10 POLICY

- A. Completion of NEPA evaluation and review responsibilities must occur prior to the point of Federal action. For the purposes of the AML grant program, NEPA evaluations shall be prepared early enough so that they can serve practically as an important contribution to the decision making process and will not be used to rationalize or justify decisions already made. For example, NEPA evaluations must occur prior to the acquisition of real property, commitment to a final plan of action, or any other actions which limit the choice of reasonable alternatives.

5-11-15 RESPONSIBILITIES

- A. Field Office
 - 1. The FO is responsible for the environmental document for each proposed project. The State or Tribal agency may prepare the document, but the FO must ensure that each document prepared by the State/Tribe is adequate under NEPA and related requirements. (40 CFR 1506.5).
 - 2. The FOD signs the FONSI or the Categorical Exclusion Determination and issues an authorization for the State/Tribe to proceed with project activities.
 - 3. The FOD, as an official of the responsible Federal agency, carries out certain consultations with other Federal agencies, required by law, when necessary. (For example, OSM must consult with the U.S. Fish and Wildlife Service when the proposed project may adversely affect a Federally listed species.)
 - 4. The FOD is responsible for ensuring that all environmental documents are made available to the public as required by 40 CFR 1501.4.

B. State or Tribal Agency

1. As the grant applicant, the State or Tribal agency may prepare the appropriate environmental document for each proposed project.
2. If the State or Tribal agency prepares the environmental document, it also conducts initial consultations, where appropriate.

5-11-20 PROCEDURES

A. Consultations. The FO reviewer shall assist the State or Tribal agency (if the State or Tribe elects to prepare the environmental document under section 5-11-15B) in carrying out any required consultations with agencies having jurisdiction over potentially affected resources. It is important to start as early as possible so that results of any required consultations can be incorporated into the environmental documents. An early start also facilitates the development of mitigation measures for consideration.

B. Preparation of Environmental Document. The following procedures apply when an environmental document is to be prepared by the grant applicant. If the State or Tribe chooses not to prepare the environmental document, the appropriate OSM FO carries out these procedures.

1. The State/Tribal agency should review the site and determine what resources or concerns could be affected and what special procedures are needed (see Exhibit X5-11-1 for a list of resources or concerns that may be affected).
2. The State/Tribal agency should then decide, based on the following criteria, what kind of environmental document should be prepared.
 - a. A categorical exclusion certification may be prepared if the proposed project meets the criteria specified in 516 DM 6, Appendix 8.
 - b. An environmental assessment may be prepared if the proposed project does not qualify for a categorical exclusion.
 - c. An EIS is required if the proposed project would have significant impacts on one or more of the resources or concerns listed in Exhibit X5-11-1. If the State/Tribal agency finds that significant impacts could be expected from any proposal, the agency consults with the FO reviewer on preparing an EIS.

5-11-20B (Continued)

3. The State/Tribal agency then prepares the required environmental document (see recommended format provided in Exhibit X5-11-1), incorporating information gained as a result of the consultations and field surveys. If the document is an EA, the State/Tribal agency may also prepare a draft FONSI (see recommended format provided in Exhibit X5-11-2).
4. The State/Tribal agency sends the completed environmental document to the FOD for review.
5. The State/Tribal agency monitors the reclamation project to ensure that all activities conform to the approved environmental document. If reclamation activities are altered or if new environmental circumstances are encountered, the State/Tribe must review the existing categorical exclusion determination, EA, or EIS.

If the new project activities or environmental circumstances are not in conformance with the criteria specified in 516 DM 6, Appendix B, the categorical exclusion is no longer applicable. In those cases where the existing environmental document no longer accurately describes project activities or conditions, the State/Tribal agency shall contact the FOD for additional guidance.

C. Review.

1. The FO shall review the environmental document to determine its adequacy.
2. Any issues raised during review of the document should be resolved with the State/Tribe through telephone conversations, meetings or site visits.
3. If the document is adequate, the FOD signs the FONSI or Categorical Exclusion Determination, and notifies the State/Tribal agency that NEPA review is complete and that the State/Tribe is authorized to proceed with the project.
4. If the environmental document is not adequate, the FO may return the environmental document to the State or Tribe with the reasons why it is not adequate, or may supplement the document directly, as needed, to make it adequate.

ENVIRONMENTAL ASSESSMENT

(General Project Title)
Abandoned Mine Lands Project
(Project Number(s), if applicable)
(County and State)
(Any other Identifying Information)

Prepared by

(Name of Federal/State/Tribal Agency)

In Cooperation with

U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement
(Name FO)
(Date)

A. Description of the Proposed Action

{Provide a complete description of the proposed AML project, including the decision to be made, the State/Tribe's proposal, if any, committed mitigation measures, and special design features.

B. Need for the Proposed Action

{Briefly describe the need for this project. If there have been instances of death, personal injury, property damage, or environmental degradation because of the abandoned operation to be reclaimed, include these facts in the discussion of need. Include the priority rating as per the AML Inventory as applicable.}

C. Alternatives Considered

{A major purpose of an EA is to help the decisionmaker determine whether to prepare an EIS. In addition, it is to provide compliance with NEPA if an EIS is found not to be required, so that Federal decisions are made based on an understanding of environmental consequences. The purpose of this section is to provide the decisionmaker and the public with a clear basis for choice among the available options.}

Alternative 1: Issue an authorization to proceed with the proposed project.

Under this alternative, the OSM FOD would approve construction activities in the amount of (insert \$ amount) for use by the (name State/Tribal agency) in implementing the abandoned mine land reclamation proposal described in the following.

{Describe the proposal in enough detail to allow the reader to understand what on-the-ground activities would take place if the proposal is funded. Include a description of the project in terms of what construction activities would take place, the number of acres involved, and the proposed time schedule for completion of the project. Identify any past problems if any, that would not be corrected by the proposal or acres of past disturbance that would not be reclaimed.

{Describe any design features of the project that would be used to mitigate environmental harm during the construction phase and after reclamation. These mitigation measures include ones that (i) minimize impacts by limiting the degree or magnitude of the action or its implementation, (ii) compensate for the impact by replacing or providing substitute resources or habitat, (iii) rectify the impact by repairing, rehabilitating, or restoring the affected environment, and (iv) reduce or eliminate the impact over some stated time period. Do not include discussions of impacts.}

Alternative 2: Do not issue an authorization to proceed with the proposed project [No Action].

Under this alternative, the OSM (Name) FOD would deny construction activities in the amount of (insert \$ amount) to implement the abandoned mine land reclamation proposal described above under alternative 1. As a result, current conditions would continue, some growing worse and others lessening.

[Describe what conditions would continue. To the extent possible, identify the conditions that would lessen and those that would intensify, and describe the extent to which they would be expected to lessen/worsen. For example, in the case of a slide, if not reclaimed, the material may continue to advance downhill at the same rate it is now moving, or move at an accelerating rate, or the amount of material in the slide may increase, etc. Do not discuss environmental impacts.]

Alternative 3: Other reasonable alternative(s)

[Ideally, the decisionmaker should be given a choice of alternative designs for each reclamation proposal. Where appropriate, describe any other alternatives. Provide a complete description of the modifications, as accurate and as detailed as needed to enable the decisionmaker to understand how the on-the-ground activities in this alternative would differ from the proposed project. Include, as appropriate, any differences in description, acreage involved, time schedule for completion, and conditions to be addressed. As appropriate, indicate what current conditions would not be corrected, if different from the proposed project, any acreage disturbed by past mining that would not be reclaimed, or any other outcome that would be different from the proposed project. Do not discuss environmental impacts of the alternative.]

D. Affected Environment**1. General Setting**

[Describe the conditions at the site of the project. Begin with a description of the general setting of the environment that would be affected by the proposed project. This will provide the reader with a mental picture of what the area looks like. In addition, the description must include details such as type, dates, and extent of past mining activity, total disturbed acreage, current land use, past and current problems, the anticipated future land use of the project area, and a detailed description of the location. A map showing the location of the proposed project and surrounding area should be included. Photographs may be included when available.]

2. Other Affected Resources, Including Special Areas of Consideration

[In addition to the above information on the general project setting, descriptions are to be provided for resources found in the project area. Generally, limit descriptions of resources, factors, or concerns including special areas of consideration to those from the list below that may or would be impacted by the proposed action or any of the alternatives under active consideration. Describe these in sufficient detail to understand a change from the present as a result of the proposed action or alternative actions. Identify those resources from the list below that would not be affected by the project, and attach clearance letters as appropriate. **DO NOT** discuss the impacts to the resources as this will be accomplished under section E (Environmental Impacts of the Proposed Alternatives). This section is to provide the reader with an understanding of the current condition of resources found on the site.]

[Special areas of consideration are items that may be considered in the EA because of law, regulation, executive order, or directive. These must be specifically addressed as being or not being present in the project area. This may be accomplished in separate sentences for each concern, or, if several are not present, one sentence (i.e. "the following resources or environmental components are not present in the area....).]

RESOURCE VALUES

- a. **Historic and Cultural Resources:** (including the Archeological Resources Protection Act of 1979, the Archaeological and Historic Preservation Act of 1974; National Historic Preservation Act of 1966, as amended; the American Indian Religious Freedom Act of 1978; the Native American Graves Protection and Repatriation Act of 1990 and OMB Circular A-102).
- b. **Hydrology:** (Clean Water Act, as amended, Executive Order 11998) This includes water quantity and quality, surface water, ground water, floodplains. Are there any streams located in or near the project area?
- c. **Vegetation:** includes Wetlands values (Clean Water Act, Executive Order 11990 and Army/EPA MOA Concerning the Determination of Mitigation under the Section 404(b)(1) Guidelines). Describe the general vegetation conditions at the site. This will allow the reader to understand how the project will affect existing stands of trees, shrubs, or herbaceous ground cover. The results of wetland delineations should be presented here.
- d. **Fish and Wildlife Resources:**
 - 1). **Threatened or endangered plant or animal species (Endangered Species Act).** This should include any plant or animal species of State or local concern.

- 2). Other wildlife in the area: Describe the general status of wildlife present at the site. This should include both game and non-game species. Descriptions should be in sufficient detail to allow reader to understand how they will be affected by the project. (especially if, being displaced, they may in turn disturb a species that is threatened or endangered)
- f. Soils: This includes Prime and unique farmland values (Farmland Protection Policy Act)
- g. Recreational resource values: Describe any recreation resources found at the site. This should include any Federal, State, or local interests. (Wild and Scenic Rivers Act)
- h. Air quality (Clean Air Act): Is the project located in any special air quality zones regulated by State or Local authorities? Describe the general air quality of the project area. (often a consideration where surface burning or gases are present at the site of the proposed project)
- i. Noise: Existing environment such a quiet residential or rural area.
- j. Topography: Site topography descriptions should include discussions of any off-site borrow, disposal, or access areas.
- k. Other: This includes Socioeconomic factors such as residences, communities, traffic patterns, and effects on businesses, and Political factors such as existing local and State interests in the project/area.

E. Environmental Impacts of the Proposed Alternatives

[The purpose of this section is to provide the reader/decisionmaker with the basis for choosing between the proposed action and the alternative(s). This section should identify and discuss the environmental impacts from implementing each of the alternatives identified. The EA needs to present an evaluation of all the environmental impacts that could result from the various alternatives. The analysis should be concise. It should also analyze impacts on both short term (during reclamation and long term (after reclamation) bases. The analysis should address each of the resource values appropriate for the area. Also, indirect impacts should be considered. For example, if common bats, displaced by the proposed project, would be likely to move to a nearby cave and disturb an endangered species of bats, this should be discussed.]

Alternative 1: Issue an authorization to proceed with the proposed project.

1. Resource Values

ENVIRONMENTAL COMPLIANCE

EXHIBIT X5-11-1

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[For each of the resource values listed under Section D.2., identify only the ones to be affected by the proposed project and describe how the value would be affected. AML projects generally have beneficial impacts; the quality of the human environment is improved as a long-term result of these projects. These beneficial impacts should be analyzed, pursuant to 40 CFR 1508.8(b). Discuss the intensity, context, and duration of the potential impacts.

[The analysis should identify the ultimate impacts to that resource value; e.g., raising the pH of a stream or pond would be likely to lead to an increase or change in the diversity of aquatic life. This increase or change in diversity is the impact and should be identified and described.]

2. Cumulative Impacts

[For each of the resource values, identify the potential cumulative impacts of this proposed project along with other ongoing and/or planned projects. This helps ensure that incremental impacts are not overlooked as a result of "fragmentation" of actions.]

Alternative 2: Do not issue an authorization to proceed with the proposed project (No Action).

[For each of the resource values included in the above analysis, describe how they would be affected if the proposed project is not carried out, including which effects would worsen over time. Be sure to include ongoing and/or planned projects (cumulative impacts) but not projects of a speculative nature.]

Alternative 3: Approve a differently-designed construction project (See Section II)

[For each of the resource values potentially affected by the proposed action, describe how they would be affected if this alternative project proposal were carried out.]

Supplemental Guidance: The following guidance is provided to assist in analyzing all alternatives.

1. **Impacts:** Analyze the individual and cumulative impacts of the proposed action for the alternatives under active consideration. Describe the impacts on each resource discussed in section D.2. (Affected Environment). Include in the introduction for each alternative a statement that only the environmental resources or factors that will be affected will be discussed. Making one negative declaration for all the resources that will not be affected is permissible (i.e. the following resources will not be affected). Evaluate the direct and indirect impacts of the proposed action and each alternative under active consideration. Characterize the impacts in terms of the following three criteria:

1. Intensity: negligible, minor, moderate, major,
 2. Context: local, regional, national
 3. Duration: short term, long term]
2. **[Mitigation:** Discuss mitigation measures in any alternatives, including the State/Tribal proposal, that could reduce or eliminate any identified impacts. Indicate the degree to which they would reduce impacts. Remember, the mitigation is relevant only if included as part of a proposed or alternative action.]
 3. **[Unavoidable Adverse Impacts:** Discuss the adverse impacts that would remain after mitigation.]
 4. **[OSM-EIS-11, Approval of State and Indian Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977,** issued in 1983, is a programmatic EIS that describes and analyzes the potential environmental impacts of funding State and Indian projects with "State-share" funds. It may be tiered for the site-specific analysis (that is, it may be a source document for general discussion of impacts). While the program decision to fund proposals submitted for approval by State and Tribal agencies was made following completion of this EIS, **the decision on the design of the specific reclamation projects and the related cost** is the purpose of this site-specific EA. Impacts discussed in the environmental documents accompanying the grant proposals must be specific to the site of the proposed project. If the proposal is a simple project involving one of the generic types described in OSM-EIS-11, the description of the impacts in that EIS can be used in this document, but they must be tailored to the specific site. If so, the resource elements still need to be addressed in Section III, and required consultations must still be made for this particular site/project.]

F. Summary

Give a brief summary of the proposed action, alternatives and their beneficial and adverse impacts as appropriate. Compare the impacts associated with each alternative under active consideration, including the proposed action.

G. Persons and Agencies Contacted to Assist in the Preparation of the Environmental Assessment

List the following: (for individuals and agencies provided give address and phone number)

1. The OSM contact for the proposal,
2. Any other person or agency directly involved in the proposed action,
3. Any other person or agency providing information for the environmental assessment.

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EXHIBIT X5-11-1

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[List all persons or agencies consulted for information or opinions during the planning and preparation of this document. Required consultations may include:

1. FWS, for threatened/endangered species or where waters that involve section 404 of the Clean Water Act are involved,
2. State Historic Preservation Officer, if historical properties are involved.

[If a response was received from the person or agency, include a copy in Appendix A.]

H. Preparer

[List the name of the person who prepared the environmental assessment, his or her position, agency, branch, city, State.]

I. References

[List all references cited in the text or relied on for major source material for the analysis including all other environmental documents which consider the area involved.]

Name and Title of Responsible State/Tribe Official

Signature of State/Tribal Agency

Date

Appendix A
Consultation Letters

[Attach a copy of the letter seeking consultation and the response(s) from each official.]

FINDING OF NO SIGNIFICANT IMPACTS

(General Project Title)
 Abandoned Mine Lands Project
 (Project Number(s), if applicable)
 (County and State)
 (Any other identifying information)

OSM has thoroughly reviewed the attached environmental assessment, prepared by [insert State/Tribal agency name], and determined that it adequately discusses the environmental issues and impacts for OSM abandoned mine lands reclamation construction approval purposes.

Based on the analysis in this environmental assessment, I find that reclamation of this abandoned mine site would not have significant effects on the quality of the human environment. I therefore conclude that no detailed statement (EIS) is necessary.

My specific reasons are as follows:

[List factors in the EA such as absence of endangered species or a determination that any present are not likely to be affected; commitment to relocate affected families during the construction phase; site does not contain wetlands or floodplains; etc., whatever the major items are in the EA.]

 OSM Environmental Reviewer (or Preparer)

 Title

 Date

 OSM FOD

 Name FO

 Date

FONSI
Authorization to Proceed

State Agency
Address

Dear [State AML Director]

The Office of Surface Mining (OSM) has reviewed the environmental assessment for the [name of project] and determined that it adequately discusses the environmental issues and impacts associated with the project. Based on analysis of this document, I have determined that reclamation of this abandoned mine site would not have significant effects on the quality of the human environment and therefore conclude that no environmental impact statement is necessary.

Accordingly, pursuant to section 5-11-20C.3 of the Federal Assistance Manual, you are authorized to proceed with this project.

Sincerely,

Field Office Director



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**CHAPTER 5-20A
AML GRANT PROGRAM
APPLICATION REVIEW**

5-20A-00	Purpose
10	Policy
20	Procedures

5-20A-00 PURPOSE

This chapter presents the OSM responsibilities for receiving, reviewing, and processing AML grant applications.

5-20A-10 POLICY

All complete applications, as described in 5-10A-30B, for award of OSM funds shall be processed by OSM within 60 calendar days of receipt by OSM. Within the 60-day period the FO is allocated a maximum of 30 calendar days to perform its review. The remaining 30 days are used to complete the processing of the award and obligation of funds. See the Grant Review and Approval Process at Exhibit X5-20A-1.

5-20A-20 PROCEDURES

A. General Review

1. The FO is to check that the application is complete, i.e., all parts of the applications have been submitted. (See chapter 5-10A for what comprises complete application.)
2. The FO is to check arithmetic, the indirect rate, and that the proposed costs do not exceed the amounts provided for in P.L. 95-87 as amended, and that the proposed amount is in accord with the annual distribution of AML grant funds. See a sample form for internal processing of Federal assistance applications at Exhibit X5-20A-2.

B. Application Processing (See Exhibit X5-20A-1)

1. Upon receipt of an application, the FO shall acknowledge receipt to the recipient in writing within three days. The FO shall prepare a news item data sheet (NIDS) and transmit one copy of the application and NIDS to the appropriate AD-SC within five days. The form and instructions for completing the NIDS are at Exhibit X5-20A-3.

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APPLICATION REVIEW

PAGE 2

5-20A-20B. (Continued)

2. The AD-SC's office, on receipt of its copy of the application and NIDS, shall review the NIDS.
 3. Within 30 calendar days after receiving an application, the FO shall determine if the application is administratively complete.
 4. Downtime
 - a. The FO is allowed 30 days to complete its review. If the FO determines an application is incomplete, it formally returns the application to the grantee and requests corrective action, thus "stopping the clock" on the 30-day review period. When the revised application is received, the clock is restarted at day 1. However, it is recommended that the FOs resolve issues or errors within the 30-day period rather than make a formal determination of incompleteness. If the missing part(s) can be provided easily by the Grantee and will not delay the review of the application past the initial 30-day review period, the application should not be determined incomplete. The application need not be perfect to be accepted for processing.
 - b. In order to ensure that FOs are not penalized for exceeding the review time limit because of attempts to resolve issues without stopping the clock, the "downtime" concept has been developed. Downtime is considered to be any period when the review is being held up due to circumstances outside FO control. Downtime will normally occur in periods when the FO is waiting to receive a requested response or correction from the grantee. Downtime days are not included in the 30-day FO review period.
 - c. If a downtime period occurs during the review process, the review clock is considered to be suspended at the point when no further action can be taken until the concern is resolved (for example, when a grantee is notified of corrections needed). At the end of the downtime period (usually when the requested corrections are received), the review process clock starts up again at the same number it was when suspended.
 - d. The FOs shall inform the SC of any downtime which may result in a delay of the grant award.
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- e. If the FO makes a formal determination that an application is incomplete, the 30-day review period clock stops at that time. Upon submission of a complete, corrected application, the clock is re-initiated at day 1 of a new 30-day review period.
 - f. Details of downtime are documented in the findings and recommendations memorandum.
5. The FO shall check the "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" before the FOD signs a grant or cooperative agreement, in order to determine whether a participant or principal is debarred, suspended, ineligible or voluntarily excluded.
 6. Once an application is determined to be complete, the FO shall notify the appropriate AD-SC no later than seven calendar days prior to the planned award. The AD-SC will then check the funding level, then telefax a copy of the NIDS to the Headquarters Public Affairs Office (PAO) and Congressional Liaison Office (CLO) and inform the FO of the availability of funds.

If the award is \$1M or over, the AD-SC will check with CLO 2 days prior to scheduled award date to assure that all Headquarters actions are on target.
 7. The FO shall document its grant review activity using the findings and recommendation memorandum format shown in Exhibit X5-20A-4.
 8. Once verification is received from the AD-SC that funds are available (and for awards \$1M and over that all Headquarters' actions are completed) and the findings and recommendation memorandum has been prepared, the FOD or his/her designate shall sign and date the agreement form. Then, the FO sends the award package to the appropriate AD-SC. See Exhibit X5-20A-5 for instructions on completing the form MB-212, Contract/Grant/Cooperative Agreement Award Report.
 9. Three days after the FO sends the award package to the appropriate AD-SC, the FO sends two copies of the award document to the Grantee for countersignature.

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10. On receipt of the award package, the AD-SC signs the obligation document (MB 212) and forwards it along with a copy of the award document to the DFM for obligation of funds. The AD-SC sends a copy of the MB 212 to the FO and Headquarters' DAMLR.

C. Documentation of Grant Reviews

The FO will ensure that the following items are available in the grant file maintained in the FO:

1. Records of all meetings or telephone conversations with the recipient organization which provided information in support of the application.
2. All correspondence between the FO and the recipient which relates to the application or supports the award decision.
3. All internal OSM reviews of the application or parts of the application.
4. All explanations or resolutions of questions raised during the review process.

This list is considered the minimum level of grant review documentation. FO are expected to include additional supporting information and reports as appropriate for the particular application, the grant recipient, and the FO involved.