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U. S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

DIRECTIVES SYSTEM

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Subject: Cooperative Agreements for Federal Reclamation Program Projects

Approval: Title: Director

Please make the following changes in the subject directive:

Paragraph 5c - delete

Paragraph 6 - Add "Supersedes GMT-9, #183, July 11, 1983, Approval of Federal Reclamation Program Cooperative Agreements by Administrators of Technical Centers."

CHANGE NOTICE

CHAPTER 4-50
CHARACTERISTICS OF COOPERATIVE AGREEMENTS FOR FEDERAL RECLAMATION PROGRAM PROJECTS

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4-50-00 PURPOSE

The purpose of this chapter is to provide policy and guidance relating to the award, monitoring and closeout of Federal Reclamation Program (FRP) cooperative agreements (CA).

4-50-10 DEFINITIONS

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

A. Briefing Paper. An internal document authorizing OSM to expend funds for Abandoned Mine Land (AML) activities such as: complaint investigation, geotechnical exploration or hazard abatement. The briefing paper includes: a written summary of the facts developed through investigation of the hazard(s); if appropriate, a statement that the situation qualified as an emergency project under OSM regulations and documentation of adherence to the criteria for an emergency; other project specifics and the options and alternatives considered for abating or reducing the hazard(s); detailed cost estimates; and approval by the appropriate levels of OSM management to conduct the project. Typically, a request for procurement is also included with the briefing paper. (See Appendix 6 of AML-4).

B. Federal Reclamation Program Project. Emergency or high priority AML abatement or reclamation project funded from the Federal Expenses Share of the AML Fund, and undertaken through a Federal contract, a cooperative agreement with a State/Tribe or an interagency agreement with another Federal agency.

4-50-20 POLICY

Detailed policy for FRP projects is contained in policy directive AML-4 Procedures for OSM Emergency and High Priority Reclamation Projects.

4-50-30 RESPONSIBILITIES

A. The DD/OTS is responsible for approving all FRP CA's and amendments of $1,000,000 or greater. In addition, DD/OTS concurrence is necessary for all proposed emergency declarations over $250,000.

B. The AD-E/WSC are responsible for approving FRP CA's under $1,000,000 and processing all FRP CA's and amendments, subject to the emergency program stipulation noted above.

C. The Chief, Abandoned Mine Lands in the Eastern Support Center (DAML/ESC) or Chief, Federal Reclamation, Branch Western Support Center (FRB/WSC), is responsible for evaluating and determining if FRP CA's applications, amendments, quarterly and closeout reports are qualitatively complete and acceptable for processing.

D. The FOD is responsible for determining whether applications are quantitatively complete in accordance with Chapter 5-10 and for ascertaining environmental compliance in accordance with Chapter 5-11.

4-50-40 PROCESSING AN APPLICATION

A. The FO will have fifteen (15) working days from the date the application is received to conduct the preliminary completeness review, notify the State/Tribe of any deficiencies in the application package, and transmit the application package to the AD-E/WSC or return it to the State/Tribe for enhancement or withdrawal.

B. The AD-E/WSC will have thirty (30) calendar days from the date the application is received to review the application package, determine if the documents are qualitatively complete and acceptable for processing, ensure that funding is available for the project, and then notify the State/Tribe of the acceptability or unacceptability of the application for further processing.

C. When the application is administratively complete and acceptable for processing, the AD-E/WSC will prepare three (3) copies of the FRP CA and transmit them, through the E/WSC, to the State/Tribe for approval and signature. If applicable, the FO will prepare a Procurement Request, OSM Form MB-65A. After acceptance by the Stare/Tribe, all signed copies of the FRP CA will be returned, through the FO, to the AD-E/WSC for approval.

D. All documentation will conform to the requirements of the FAM, Chapter 5-10, Application Process.

4-50-50 PREPARING AND ISSUING AN AWARD

A. Upon approval of the application, the AD-E/WSC will sign all three (3) original copies of FRP CA's under $1,000,000 and the FONSI, if applicable. NOTE: For emergency projects over $250,000, prior concurrence by the DD/OTS is necessary. Cooperative agreements $1,000,000 or greater will be forwarded to the DD/OTS for signature. The signed agreement will be processed as follows: One (1) signed original will be returned through the FO to the State/Tribe, one (1) signed original will be retained by the E/WSC, and the remaining signed original will be part of the obligation package.

B. The DAML/ESC or the FRB/WSC will forward the FRP CA obligation package to the appropriate Grants Section E/WSC. The Grants Section will review the documents, sign OSM Form MB-212, and forward the signed MB-212 and a copy of the approved CA to the Branch of Accounting (BA), Division of Financial Management (DFM), to obligate the funds.

4-50-60 AMENDING THE COOPERATIVE AGREEMENT

A. The procedure to be followed in approving an amendment is the same as cited in the preceding sections for approving an FRP CA.

B. All documentation will conform to the requirement of the FAM, Chapter 5-30.

4-50-70 ADMINISTERING THE COOPERATIVE AGREEMENTS

A. The E/WSC retains primary responsibility for monitoring the performance of the State/Tribe under a FRP CA. The FO will assist in project site inspection and liaison activities on an "as needed" and "as available" basis.

B. The FO will assist in reclamation monitoring of FRP projects in those instances where it is near or routinely visits the project vicinity. The FO will report inspection findings to the AD-E/WSC.

C. All narrative and financial status reports performance submitted by the State/Tribe, through the FO, will be reviewed by the E/WSC for compliance with Chapter 5-60 forwarded to BA.

NOTE: For FRP projects, the State/Tribe will submit performance narrative and financial reports on a quarterly basis. The first quarterly report will be submitted no later than thirty (30) calendar days following the end of the first Federal fiscal year quarter after the effective date of the FRP CA. Subsequent reports will be submitted within thirty (30) calendar days from the end of each federal fiscal year quarter. The final report will be submitted within ninety (90) calendar days after completion of the FRP CA project work.

4-50-80 RESOLVING PROBLEMS

A. When a potential problem situation occurs, the State/Tribe will contact the FO, who will transmit the information to the AD-E/WSC Office. The AD-E/WSC and the FO will evaluate the situation and recommend appropriate action. If the problem involves a policy issue, the AD-E/WSC will forward the issue and provide its recommendations to the Assistant Director, Reclamation and Regulatory Policy, who in coordination with the DAML/ESC or the FRP/WSC will develop a recommended course of action. The AD-E/WSC will then notify the State/Tribe through the FO and implement the action.

4-50-90 CLOSING OUT THE COOPERATIVE AGREEMENT

When a FRP CA is completed, closeout documents are developed by the State/Tribe in accordance with Chapter 5-70 and transmitted, through the FO, to the DAML/ESC or BFR/WSC, reviews the material, resolves any issues with the State/Tribe, prepares the final MB-212 and the Closeout Analysis Form, OSM Form 61A and forwards the original and one copy of all documents to the Grants Section E/WSC. The Grants Section will sign the MB-212 and send it and the closeout documents to the DFM to deobligate any excess funds, and closeout the CA. The Grants Section

will return a copy of the approved MB-212 to the DAML/ESC or the BFR/WSC. The DAML/ESC or FRB/WSC will then provide a copy of the approved MB-212 to the FO.

4-50-100 RESOLVING AUDIT ISSUES

After an audit is conducted, the report is transmitted to the OSM Audit Liaison Officer, who transmits a copy to the AD-E/WSC, who works with the DAML/ESC or FRB/WSC or the FO and appropriate State/Tribe agency to jointly arrive at solutions. See Audit Policy and Procedure Manual (AFC-2) for complete details.