
4-06-30.A.3 (Continued)

If these conditions are not met, that portion of the site unaffected by the post-SMCRA mining activities will still remain eligible. If this situation occurs, the project can be altered to include only the eligible portion, if feasible, or funds from non-AMLR sources may be used to pay for the percentage of the project deemed to be ineligible.

4. Hazardous Substances. If the proposed project involves the transfer, removal or reclamation of any hazardous substances, the eligibility opinion should provide a statement that the State/Tribal Attorney General's Office or the Agency's chief legal counsel has reviewed the proposed project plans and that they comply with all applicable State/Tribal and Federal laws concerning removal or reclamation of such substances.
5. Eligibility Opinions on Federal Reclamation Program Sites. The determination of eligibility on Federal Reclamation Program (FRP) sites should be done by a State/Tribal Attorney General's Office or by the AMLR agency's legal counsel because eligibility determinations are usually issues concerning State/Tribal law. If a State/Tribe does not provide a determination of eligibility for a FRP project, then the determination of eligibility should be done by the appropriate Regional or Field Solicitor's Office.
6. Multi-Use Sites. Multi-use sites are sites on which the land or other property was adversely affected by mining prior to August 3, 1977, and which was subsequently used in whole or in part for some non-mining activity. Such properties remain eligible for AMLR funding only to the extent that mining related problems exist, and that they have not been altered or increased by non-mining activities. Under certain circumstances, the intervening use may shift reclamation responsibility away from the AMLR program.
7. Public Use Facilities. Projects for the repair or replacement of public facilities (Priority 5), such as roads or bridges, which were damaged as a result of mining activities, may be eligible if the legal opinion confirms that the damage is a result of past mining activities and not from normal deterioration or lack of repair by local authorities.

CHARACTERISTICS OF AMLR FEDERAL ASSISTANCE

PAGE 6

4-06-40 ALLOWABLE COSTS

- A. Costs shall be allowable in accordance with 30 CFR 886.21 and Treasury Circular 1075. The Director or a designated representative shall determine costs which may be reimbursed according to OMB Circular A-87. Costs must be allocated to the grant/cooperative agreement to the extent of actual benefits properly attributable to the period covered by the grant/cooperative agreement. Costs must be in conformity with any limitations, conditions, or exclusions set forth in the grant/cooperative agreement.
- B. Costs must not be allocated or included as a cost of any other Federally assisted program.
- C. Cooperative agreements to prepare State/Indian Reclamation Plans shall be used to reimburse the State/Indian tribe for activities in accordance with 30 CFR 884.
- D. Cooperative agreements to prepare annual work plans prior to State/Indian Reclamation Plan approval shall be used to reimburse the State/Indian tribe for activities in accordance with 30 CFR 884.
- E. Administrative or nonconstruction grants shall be used to fund States/Indian tribes to provide information in the development of advance budget estimates, prepare information for the fulfillment of NEPA requirements, administrative costs involved in planning for future grants, preparing reports, evaluating present grants or other allowable activities.
- F. Construction grants shall be used to fund States/Indian tribes for reclaiming abandoned mine lands in accordance with approved State/Indian reclamation plans.

4-06-50 UNALLOWABLE COSTS

- A. Unallowable costs include the following:
 - 1. Costs not in accordance with the Surface Mining Control and Reclamation Act, OMB A-87, OMB A-102, 30 CFR 886 and Treasury Circular 1075;
 - 2. Construction activities for States/Indian tribes without approved plans;

4-06-50 (Continued)

3. Costs for activities which significantly alter the approved program and were not approved through appropriate revisions; and
4. Construction costs in an administrative agreement.

4-06-60 GRANT/COOPERATIVE AGREEMENT PERIODS

- A. Cooperative agreements shall normally be approved for a period of one year and may be entered into at anytime during the course of a year. Extensions of time may be granted at the requests of the State with adequate justification. (See Chapter 1-81).
- B. Construction grants shall normally be approved for a period of three years with projects beginning and ending during the life of each grant. Administrative grants are awarded for a period of one year.
- C. Special 10% Set-Aside Grants shall normally be approved for a period of 30 days (see chapter 4-20).

4-06-70 OVERTIME COMPENSATION ON FEDERALLY-ASSISTED CONSTRUCTION CONTRACTS

- A. Section 329 of the Contract Work Hours and Safety Standards Act [40 U.S.C. 327 et seq.] specifies three categories of contracts which are covered by the Act. It has been determined that none of these categories is applicable to contracts funded by OSMRE Abandoned Mine Land Reclamation Program construction grants to States/Tribes. The United States is not a party to such contracts; they are not made on behalf of the United States; and, although they involve grant funds, the grants are not made pursuant to a statute specifying wage standards for such work.
- B. Therefore, the provisions of the Contract Work Hours and Safety Standards Act regarding overtime compensation on federally-assisted construction contracts do not apply to OSMRE AML construction grants.

MANUAL.....FEDERAL ASSISTANCE
PART 4.....ABANDONED MINE LAND RECLAMATION PROGRAM

CHAPTER 4-20
SPECIAL SET-ASIDE PROGRAM

4-20-00	Purpose
10	Definition
20	Policy
30	Responsibilities
40	Procedures

4-20-00 PURPOSE

This chapter provides procedures for the review, processing and award of grants to provide special set-aside funds to Abandoned Mine Land Reclamation (AMLR) Program States pursuant to Public Law (P.L. 100-34.

4-20-10 DEFINITION

- A. State. As used in this chapter, a State or Tribe with an approved AMLR plan.
- B. State set-aside. The allocated funds specifically identified as State share moneys granted annually by the Secretary to a State under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

4-20-20 POLICY

- A. P.L. 100-34, enacted May 7, 1987, amended section 402(g) of SMCRA to allow a State to retain up to 10 percent of the annual State share allocation granted by the Secretary of the Interior in a special trust fund account established under law. Additional conditions in the enabling legislation are as follows:
 - 1. The special trust fund account must be established prior to award of any State set-aside funds;
 - 2. After deposit into the special trust fund, the set-aside money, plus any interest earned, will be considered State funds;
 - 3. Money in the special trust fund may only be spent by the State after August 3, 1992, and for the purposes of Title IV of SMCRA;

SPECIAL SET-ASIDE PROGRAM

PAGE 2

4-20-20.A (Continued)

4. Should the Secretary withdraw or terminate a State regulatory program, the 10 percent set-aside will not be available to the State beginning in the fiscal year following the year of withdrawal or termination.
- B. Prior to enactment of the set-aside amendment, many States may have obligated significant amounts of their allocated (State share) funds without anticipating the 10 percent set-aside option for the FY 1987 allocation. Therefore, for the FY 1987 allocation only, those States with insufficient balances remaining in their allocated FY 1987 (State share) funds, may utilize previous years' unused (State share) grant moneys to replace FY 1987 moneys that have already been expended. This procedure would not increase the total amount available for set-aside which is limited to 10 percent of the original FY 1987 State share allocation.
- C. Procedures for deobligating unused grant funds from prior years are explained in Chapter 5-30.

4-20-30 RESPONSIBILITIES

- A. The Headquarters Division of Regulatory Programs is responsible for developing policies and procedures for the administration of the set-aside grant program.
- B. The Headquarters Division of Abandoned Mine Land Reclamation is responsible for:
 1. Developing program policy and procedures addressing issues related to the set-aside program; and
 2. Notifying the States and Field Offices, at the time they are informed of the annual allocation of funds, of the set-aside amounts available for each State.
- C. The Assistant Directors for Field Operations are responsible for providing guidance to their respective Field Offices on the policies and procedures established for the special State set-aside grants.
- D. The Field Office Directors are responsible for:
 1. The review and approval of the set-aside grant applications; and
 2. Assuring that all the conditions of P.L. 100-34 are met.

4-20-40 PROCEDURES

A. Application. The State shall submit to the appropriate Field Office a set-aside grant application. The application package for this special set-aside grant can be considered complete if it includes the following documentation:

1. Application for Federal Assistance - SF 424.
2. Budget Information Report - OSM 47.
3. Program Narrative Statement - OSM 51.
4. Non-Construction Assurances.

B. Review of Application.

1. The Field Office will review the grant application and verify with the Headquarters Division of AMLR that the amount requested by the State is not greater than 10 percent of the annual allocation of State share funds. Federal share funds are not included in the amount to be set aside.
2. Review the Program Narrative Statement - OSM 51, to ensure that the State has included a description of the special set-aside trust fund and a certification from the State Comptroller, State Auditor, or similar official, that the fund has been established in accord with the provisions of P.L. 100-34.

C. Grant Award.

1. Award. A favorable grant should be awarded using the special set-aside grant agreement document (Exhibit X-4-20-1). The grant agreement document, to be signed by the Field Office Director, includes the terms and conditions required by P.L. 100-34.
2. Grant Number. To facilitate tracking funds awarded under the special set-aside grants, the following nomenclature will be used: Example of a grant number: GR X9 7YY9

X = last digit of fiscal year of award.

YY = 2-digit State Code.

The 7 and the 9 in the last four digits of the grant number identify the grant as a special set-aside under the AML program.

SPECIAL SET-ASIDE PROGRAM

PAGE 4

4-20-40.C (Continued)

3. Performance Period. The grant performance period should normally be 30 days (identified as dates on the grant agreement document).

- D. Grant Closeout. The State will begin to close out the set-aside grant immediately after depositing the set-aside funds into the special State trust fund. The following documentation should be included with a set-aside grant closeout request:
 1. Financial Status Report (Final) - SF 269.
 2. Performance Report - SF 51, stating that the project has been completed.
 3. A certification from the State Comptroller, State Auditor, or similar official, that the funds have been deposited in a special trust fund account; the date of the deposit; and a statement to the effect that no moneys will be withdrawn from the special trust account until after 1992.

SPECIAL SET-ASIDE PROGRAM

Exhibit X4-20-1
PAGE 5

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

<u>State</u>	<u>Grant Number</u>	
<u>Designated Agency</u>	<u>Type of Grant</u>	<u>SPECIAL AML SET ASIDE</u>
<u>Grant Period</u>		

The United States of America through the Director, Office of Surface Mining Reclamation and Enforcement (OSMRE) or his delegate, agrees to grant funds to the State, through its designated agency named above (hereinafter referred to as "The State"), in the amount specified below and authorized under the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, 30 U.S.C. 1201 et seq., and P.L. 100-34, during the period specified above and in accordance with the approved reclamation plan and terms and conditions set out in this document and the grant application identified below, and made a part hereof by reference. By acceptance of the funds granted, the State agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below, and made a part hereof by reference.

The specific terms and conditions of this agreement are as follows:

1. The scope and conditions of the tasks to be undertaken by the State with the amount of money identified below as the Federal Grant Amount during the time identified above as the Grant Period are contained in the grant application, as amended, which is made a part of this grant by reference.

Grant Financial Data

The following are hereby incorporated into this agreement by reference:

Total Funds	\$ _____	1. 30 CFR Chapter VII, Part 725 and 870-886, P.L. 100-34.
Federal Support	_____ \$	2. Approved Budget Information Report, OSM 47
Federal Grant	\$ _____	3. Grant Application and Assurances contained therein received by OSMRE on _____.

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2. This grant takes effect at the time of signing by the Director of OSMRE or his authorized delegate. However, the State shall have a period of 20 calendar days from the date of signing to execute this grant in order to indicate its agreement to the terms and conditions. Unless an extension of time is formally made by OSMRE, failure to execute the agreement within the stated period shall result in a deobligation of the total Federal Grant Amount.
3. Moneys funded under this grant are subject to the following conditions as specified in P.L. 100-34 amending section 402(g) of P.L. 95-87 by redesignating former paragraph (3) as paragraph (4) and adding a new paragraph (3). This amendment allows 10 percent of the appropriations granted by the Secretary to a State under paragraph (2) to be accepted and retained by that State under the following terms and conditions:
 - a. Notwithstanding any other provisions contrary to references incorporated into this agreement, moneys received pursuant to P.L. 100-34 shall be deposited in a special trust fund. The special trust fund account shall be established under State law prior to award of the set-aside moneys.
 - b. After deposit into the special trust fund, the money, together with any interest earned, will be considered State money.
 - c. Moneys in the special trust fund may be spent after August 3, 1992, only for the purposes of Title IV of P.L. 95-87.
 - d. Should the Secretary withdraw or terminate the State's regulatory program under section 503, section 402(g)(3) will cease to apply to the State beginning with the following year. Upon reapproval of the State's regulatory program, paragraph (3) will become effective again beginning in the fiscal year following the year of approval.
4. A statement of certification by the State Comptroller, State Auditor, or other State official charged with responsibility for fiscal management that the special trust fund has been established shall be included in the project narrative in the grant application. Certification by the same State official that set-aside funds awarded have been drawn down and deposited in the special trust fund and the date of the transaction shall be required in the project narrative at the time of closeout.

SPECIAL SET-ASIDE PROGRAM

Exhibit X4-20-1
PAGE 7

5. The purpose of this grant is to provide special set-aside moneys for future funding of Title IV activities pursuant to P.L. 100-34. These funds shall not be used for any other purpose.

THE UNITED STATES OF AMERICA

By _____
(Signature)

(Title)

Office of Surface Mining
Reclamation and Enforcement
United States Department of the Interior

Date _____

I hereby ratify the terms and conditions of this grant on behalf of the State and agree to carry out its terms and conditions.

STATE

By _____
(Signature)

(Name)

(Title)

Date _____

CHAPTER 5-10
THE APPLICATION PROCESS

5-10-00 Purpose
 05 Policy
 10 Responsibilities
 15 Procedures

5-10-00 Purpose

This chapter establishes the procedure for applicants of OSMRE grants/funding cooperative agreements to submit the application. Reference 30 CFR 725.15 and 30 CFR 886.15.

5-10-05 Policy

- A. All applications are to be submitted by the applicant to the designated OSMRE Field Office.
- B. An applicant may apply for Federal assistance at anytime during the course of a year to the appropriate OSMRE Field Office at least 60 days prior the beginning of the intended grant period.
- C. OSMRE Field Office Directors are to confirm receipt of submissions in writing to the recipient within three working days of receipt.

5-10-10 Responsibilities

- A. The applicant for an OSMRE grant/cooperative agreement is responsible for submitting a complete application to its designated Field Office.
- B. The OSMRE Field Office shall provide necessary guidance to the applicant during preparation of an application.

5-10-20 Procedures

- A. Abandoned Mine Lands Reclamation (AML) Grant and Cooperative Agreement Applications
 - 1. All AML nonconstruction and construction grant/cooperative agreement applications are to be submitted in conformance with the requirements of Action Transmittal DOI-OSM-MB-80-1 (Revised) (Exhibit X5-10-1 and Appendix 1).

THE APPLICATION PROCESS

Page 2

5-10-20 (Continued)

2. The recipient shall designate the method selected for expenditure reporting at the time of applying for an agreement and submit it to OSMRE for approval. The application budget method and subsequent expenditure reports are to be consistently prepared.
- B. Regulatory Programs Grant and Cooperative Agreement Applications.
1. All Regulatory Programs grant/cooperative agreement applications are to be submitted in conformance with the requirements of Action Transmittal DIO-OSM-MB-80-3 (Revised) (Exhibit X5-10-2 and Appendix 3).
 2. The recipient shall designate the method selected for expenditure reporting at the time of applying for an agreement and submit it to OSMRE for approval. The application budget method and subsequent expenditure reports are to be consistently prepared.

Manual.....Federal Assistance
Part 5.....Grants and Cooperative Agreements

CHAPTER 5-20
APPLICATION REVIEW

5-20-00	Purpose
05	Definition
10	Policy
15	Responsibilities of the Field Office
20	Procedures

5-20-00 Purpose

This chapter presents the OSMRE responsibilities for receiving, reviewing, and processing grant and cooperative agreement applications for the Abandoned Mine Lands Reclamation, Regulatory, and Small Operator Assistance Programs. Reference 30 CFR 725.15, 30 CFR 795.14, and 30 CFR 886.15

5-20-05 Definition

Complete application - an application that complies with the requirements of Action Transmittals 80-1 and 80-3 (Revised) and is qualitatively acceptable for processing, i.e., the budget is adequately justified and the workload projections reflect the need for the proposed funding level.

5-20-10 Policy

All complete applications for award of OSMRE funds shall be processed by OSMRE within 60 calendar days of receipt by OSMRE. Within the 60-day period the Field Office (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.

5-20-15 Responsibilities of the Field Office

- A. The Field Office shall determine the completeness of all applications, and shall approve or disapprove all grant awards and amendments.
- B. The Field Office is responsible for the comprehensive review and evaluation of the programmatic and financial aspects of all grant applications.

APPLICATION REVIEW

PAGE 2

5-20-15B (Continued)

1. In evaluating a grant application the reviewer should proceed with caution. A detailed knowledge of the interrelationships of the various tasks is required to determine the cost. This is where OSMRE technical, financial, and programmatic staff can be consulted and an effective cost analysis made.
2. The following lists of items are not all inclusive, but represent general items for consideration when reviewing an application. Variations will occur from State to State which could require the consideration of additional items. It is important not to just look at each item as a completely separate entity, but rather to see how each item contributes to the successful operation of the grant. The reviewer's judgement should be applied during the analysis of the application.

a. Eligibility/Cost Analysis

In evaluating cost, consider:

- (1) Demonstration of need;
- (2) Suitability of request to meet demonstrated need;
- (3) Eligibility of cost (OMB Circular A-87 and OSMRE regulations);
- (4) Reasonableness of the cost under the circumstances of the particular grant;
- (5) Fair market price;
- (6) Regional differences in cost.

b. Personnel Costs

- (1) There are three major aspects of personnel costs which must be considered:
 - (a) The eligibility of the function/activity to be supported through the grant;
 - (b) The number and type of personnel who will be performing the function/activity; and
 - (c) The rate at which personnel will be charged to the function/activity.
- (2) In reviewing the first and second aspects, each function/activity must be considered separately as well as part of the whole grant effort. The reviewer must assume that the personnel assigned to

5-20-15C (Continued)

major roles in the project have the background and expertise required to accomplish the goals of the function/activity. In many cases, such assurances will not be available from personal knowledge of the principal personnel and the reviewer will have to rely on job descriptions and other pertinent information.

- (3) In evaluating the rate of personnel charges, grant applications will normally be expected to provide pay rates. Since the grant application is a State Government agency, and most such governments have legislatively determined pay rates there are few instances where this aspect of evaluation is a problem. The key aspects are the reasonableness of the rates under the circumstances and that the rates are consistent with those used by the State for similar activities not supported by the Federal grant.

c. Property Costs (Includes Real Estate, Equipment and Supplies)

- (1) Careful screening should take place before acquiring real estate, equipment and supplies to insure that the item(s) is/are needed and that the need cannot be met with property already in possession of the grantee.
- (2) In evaluating cost, consider:
 - (a) Demonstration of need;
 - (b) Furtherance of program objectives;
 - (c) Length of time needed by grantee;
 - (d) Alternatives to purchasing property;
 - (1) rental,
 - (2) leasing,
 - (3) borrowing,
 - (4) sharing; and
 - (e) OSMRE property rules.

5-20-15C (Continued)

- (3) When it is desirable to participate in the cost of acquisition of property, OSMRE must be assured that the State has an adequate property management system that will ensure proper utilization and accountability. The grantee shall keep records which will enable it to provide to OSMRE a description of the equipment and a statement of its acquisition cost, current condition and fair market value. (Refer to Attachment N, OMB Circular A-102). Program Officers should request as much additional clarification of information as is needed to understand and justify the work to be performed and the associated costs.

d. Travel

In evaluating travel, consider:

- (1) Demonstration of need;
- (2) Method of calculation; and
- (3) Furtherance of program objectives.

5-20-20 Procedure

A. General Review

1. The Field Office is to check arithmetic, assure that environmental assessments are adequate, verify that consultation has occurred with State historic preservation officers and fish and wildlife officials, and examine other similar matters. The Field Office may require additional information in order to determine that proposed costs are reasonable, necessary, eligible and allocable.
2. A Sample form for internal processing of Federal assistance applications is attached as Exhibit X5-20-1. Duplicate copies of a review form can be signed by the reviewer and distributed to other reviewers to obtain unprovided documentation and ensure against any unforeseen delays in processing applications for Federal assistance.

5-20-20 (Continued)

B. Application Processing

1. Upon receipt of an application, the Field Office shall acknowledge receipt to the recipient within three days. The Field shall prepare a news item data sheet (NIDS) (Exhibit X5-20-5) and transmit one copy of the application and NIDS to the appropriate AD-FO within five days.
2. The AD-FO's office, on receipt of its copy of the application and NIDS, shall review the NIDS and telefax a copy to the Headquarters Public Affairs Office (PAO) and Congressional Liaison Office (CLO).
3. Within 30 calendar days after receiving an application, the Field Office Director shall determine if it is administratively complete. In reviewing an application the following items shall be considered and/or verified:
 - a. Determine mathematical accuracy and that amounts requested are necessary and reasonable. This review should consider prior applications and grant expenditures, State plan provisions and State estimating procedures.
 - b. For grants that require cost sharing, such as permanent regulatory program grants, consider and/or verify the following:
 - (1) That a responsible State official is certifying that the amount of State matching funds is available for expenditures under the grant during the grant period.
 - (2) That the amount certified is adequate to cover the State's share of the estimated grant cost.
 - (3) If the amount of funds certified as available is not adequate, or if it is determined that the amount certified may not be available, the Field Office shall obtain from the applicant a statement of when the funds will be available and the source from which the funds are expected.
 - c. Determine that the estimated cost to OSMRE for the agreement or project is reasonable considering the anticipated results.
 - d. Determine that the project personnel are qualified.
 - e. Determine that the applicant organization has adequate facilities and resources to accomplish the work under the grant.

APPLICATION REVIEW

PAGE 6

5-20-20 (Continued)

- f. Determine that the proposed procedures, if well executed, are capable of attaining the proposed objectives.
 - g. Determine that the project objectives are identical with or are capable of achieving the specific program objectives defined in the State's approved program or reclamation plan.
4. If the application is not complete, the Field Office shall transmit its comments and recommendations to the applicant for corrective action. However, if the missing part(s) can be provided easily by the State and will not materially delay the review of the application, the application should not be determined incomplete. The application need not be perfect to be accepted for processing. If possible, any issues or errors should be resolved with the State during the initial 30-day review period.
 5. Once an application is determined to be complete, the FO shall notify the appropriate AD-FO no later than seven calendar days prior to the planned award. The AD-FO will then check the funding level and inform the FO, Congressional Liaison and Public Affairs offices in Headquarters.

If the award is \$1 M or over, the AD-FO will check with Congressional Liaison two days prior to the scheduled award date to assure that all Headquarters actions are on target.
 6. The Field Office shall document its grant review activity using the findings and recommendation memorandum format shown in Exhibit X5-20-3).
 7. Once verification is received from the AD-FO that funds are available (and for awards \$1 M and over, that all Headquarters actions are completed) and the findings and recommendation memorandum has been prepared, the Field Office Director or his/her designate shall sign and date the agreement document. Then, the Field Office sends the award package to the appropriate AD-FO.
 8. When the award amount is different from the application amount (including revised applications), the Field Office shall advise the recipient in writing of the reason(s) for the difference.

5-20-20 (Continued)

C. Additional procedures for compliance with the National Environmental Policy Act (NEPA) for Abandoned Mine Land Reclamation Projects.

1. If the proposed project is fully analyzed in an existing NEPA document and therefore requires no additional NEPA analysis, the following procedure is to be followed.
 - a. The State evaluates the project and makes initial determination of whether the proposed project and associated impacts are analyzed in an existing environmental impact statement (EIS). The State documents that the project, reclamation technique, and impacts are analyzed in OSM-EIS-11, or another existing EIS. This documentation is generally part of the project statement. Finally, the State completes and the responsible official signs a proposed finding titled "Statement of Coverage by an Existing Environmental Impact Statement." Each project requires a separate proposed finding by the state. (Note: If the project, proposed reclamation technique, and associated impacts are not evaluated in an existing EIS, NEPA compliance must consist of either an environmental assessment or EIS.)
 - b. The Field Office must, under the requirements of the Council on Environmental Quality regulations, independently evaluate the proposed project and associated impacts and make an independent finding on whether the project is covered by an existing EIS. If the Field Office Director concurs with the State's finding, he or she also signs the statement in the designated space. If the Field Office Director does not concur with the State's conclusion, the State and appropriate OSMRE Assistant Director for Field Operations are notified that all or specified portions of the project require additional NEPA analysis.
 - c. The Assistant Director for Field Operations is responsible for quality control and policy guidance concerning AMLR projects covered by an existing EIS. The Assistant Director for Field Operations' staff will conduct an annual review of project files that were covered by an existing EIS and report to the Field Office Director on NEPA compliance.

APPLICATION REVIEW

PAGE 8

5-20-20C (Continued)

2. If the proposed project is not covered or is only partially covered by an existing EIS, the following procedure is to be followed unless an alternate procedure is approved by the Field Office Director and Assistant Director for Field Operations.
 - a. The State makes the initial determination that the proposed project is not covered by an existing EIS. In these instances, the current NEPA compliance procedures are followed, i.e., either the State prepares a draft EA or the State contacts the Field Office and requests that the Assistant Director for Field Operations prepare an EA.
 - b. The Field Office, upon receiving from a State or Tribe an application that includes an EA, shall notify the appropriate AD-FO of such receipt and assume responsibility for the scope and content of the EA. Within five working days of such notice the AD-FO or his representative shall visit the Field Office and jointly with the FOD review the EA for completeness, evaluate the environmental issues involved, and develop a schedule for the AD-FO staff to follow in making any necessary additions or corrections. The FOD shall use the information obtained in this review in determining the apparent completeness of the application.
 - c. The Assistant Director for Field Operations, when it finds that the EA is legally adequate, shall use the EA to determine whether a decision on the grant application and constituent projects or sites would constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of NEPA. If the proposed decision would not have a significant impact, the AD-FO shall prepare a Finding of No Significant Impact (FONSI) covering the decision; if the proposed decision may or would have a significant impact, the AD-FO shall arrange for the preparation of an EIS. The AD-FO shall, as applicable, prepare the FONSI or arrange for the preparation of an EIS within twenty-five days of the date on which the field office received the application. Unless categorically excluded, no final decision may be made on any grant application, and no construction on any project or site may commence, until any required FONSI or EIS has been prepared.

5-20-20 (Continued)

- d. Staff from the Branch of Program Support in EFO and the Branch of Federal Lands in WFO shall be responsible for preparing the FONSI's. The AD-FO shall approve the FONSI's and forward them and all EAs prepared in the AD-FO to the appropriate FOD. The FOD shall forward all information required for the grant package to the AD-FO. Publication of the FONSI summaries, if necessary, is the responsibility of the Field Offices. See Exhibit X5-20-4 for an example of a public notice concerning the availability of EAs.

CHECK LIST FOR REVIEWING AN APPLICATION FOR FEDERAL ASSISTANCE

Name of Applicant _____ Amount of Application _____ ID Number _____

Date of Application _____

	<u>Program Area</u>	<u>Type of Application</u>	<u>Type of Agreement</u>
Date Received by FO _____	<input type="checkbox"/> State Regulatory	<input type="checkbox"/> Grant	<input type="checkbox"/> Interim <input type="checkbox"/> Program Development <input type="checkbox"/> Administration
Date Reviewed by FO _____	<input type="checkbox"/> AML <input type="checkbox"/> Federal Assistance <input type="checkbox"/> SOAP	<input type="checkbox"/> Cooperative Agreement	<input type="checkbox"/> Enforcement <input type="checkbox"/> Administration <input type="checkbox"/> Construction <input type="checkbox"/> Interior Project <input type="checkbox"/> SOAP Operational

Part I of Application:

	<u>Yes</u>	<u>No</u>	<u>Not Applicable</u>
1. Is a signed SF 424 submitted for review?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are the items of SF 424 correctly prepared? Which items are not correctly prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Is there evidence that the State has complied with the Intergovernmental Review of OSM Programs and Activities (42 Part 9) (Executive Order 12372)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: _____			

FORM OSM-64

APPLICATION REVIEW

Exhibit X5-20-2
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GRANT REVIEW AND APPROVAL PROCESS

<u>DAY</u>	<u>FIELD OFFICE DIRECTOR</u>	<u>ASST DIRECTOR, FIELD OPS</u>	<u>OTHERS</u>
1	Receives two copies of grant application		
3	Acknowledges receipt		
5	Prepares News Item Data Sheet (NIDS); sends one copy of application and NIDS to AD-FO		
		Reviews NIDS; sends copy to PA and CL	PA - Prepares fact sheet or draft news release CL - Prepares notification information
29	Determines if application is complete **		
30	Requests AD-FO to determine if State's allocation is sufficient **		
		Informs FOD of availability of funds; advises CL of pending award	
	Completes programmatic and financial review of application		
	Prepares approval package		
		If award is \$1M or over, checks with CL 2 days prior to scheduled award date	
37	FOD signs award, informs AD-FO by telephone		CL - Makes Congressional calls PA - Issues news release
	Sends award package to AD-FO		
40	Sends grant agreements to State	Prepares 1193A, signs MB-212; sends 1193A, MB-212, award document to DFM; sends signed MB-212 to FO and AD-PP	
			DFM - Obligates funds; sends certified 1193A to State and AD-FO State - countersigns award document; sends copy to FO
60	Receives copy of countersigned document; sends copy to AD-FO and DFM		

** If problems occur with application and/or funding, FO will work with State to resolve.

United State Department of the Interior
Office of Surface Mining Reclamation and Enforcement

Memorandum

To: Field Office Director

Through: _____

From: _____

Subject: Grant Findings and Recommendations

I. GRANT SUMMARY

State: _____ Grant #: _____

Type of Grant: _____

Total Program Cost: _____

Grant Amount Requested: _____ Percent of Total Cost: _____

Grant Period: _____ to _____

Recommended Action: _____

II. CRITICAL DATES (Milestones During the Review)

<u>Event</u>	<u>Date</u>
Application received	_____
Acknowledged receipt to State	_____
Application & NIDS sent to AD-FO	_____
_____	_____
Application determined administratively complete	_____
Funding check requested from AD-FO	_____
Confirmation of funding availability received	_____
_____	_____
_____	_____

III. ADDITIONAL INFORMATION/SPECIAL CONSIDERATIONS**A. Summary of Requested Activities**

- o Summary indicating (as appropriate):

- Number and Type of Personnel
- Equipment (Highlighting Special Pieces or Quantities)
- Contractual Service Agreements
- Inter-Agency Agreements
- Any Noteworthy Proposals Within Requested Line Items

- Travel
- Office Rental
- Helicopter Time, etc.

B. Pre-Award Discussions

- o Summary of meeting and/or important conversations highlighting particular issues which may affect grant eligibility, the grant application or any other question or problem.

C. Findings

- o Summary of review process, incorporating input from other OSMRE Divisions, which reflects general status of grant eligibility and/or approvability. This should include any affirmative measures taken by the State, in addition to issues involving the State program or application which may affect the grant award:

- Completion of all application requirements.

- Statutory and regulatory authority to administer and enforce the program.

- Fulfillment of provisions of previous grant.

- Discussion of how State will provide matching share (Title V grants)

- o Summary should briefly clarify recommended approval/disapproval of exceptional budget proposals.

D. Recommendation

- o Approval/disapproval of grant application. If disapproval, explain reasons in detail. Recommendation should include any proposed grant conditions.



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

MAR 7 1983

MEMORANDUM

TO: Don Willen, Chief, Division of Grants Management
Office of Surface Mining

FROM: Edward E. Bonekemper, III, Assistant Solicitor
Branch of Governmental Relations *EWB*
Division of Surface Mining

SUBJECT: Public Notice Announcements

This responds to your request to review and comment upon the following standard public notice announcement concerning the availability of environmental assessments. ^{1/} We find nothing substantively wrong with this notice.

Official Notice

Pursuant to Title IV of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., the (Field Office), Office of Surface Mining, hereby gives notice of availability of Findings of No Significant Impact (FONSI) addressing environmental assessments (EAs) for development of (number) abandoned mine land projects in the State of _____. OSM has prepared EAs on all projects submitted by the State in application for Title IV financial assistance in reclaiming and restoring land and water resources adversely affected by past mining. Complete copies of the EAs are available from (Field Office), Office of Surface Mining (Room Number)(address).

The specific projects included in this action are:
(Name of Project)(County where project located)
(brief description).

The question concerning the elimination of certain Federal Register notices was first raised by our office in a memorandum on December 28, 1981. This same advice was reiterated in the October 19, 1982, opinion mentioned in your memorandum. Our advice was that in cases of actions with effects primarily of local concern, publication in the Federal Register was not necessary to fulfill the public notice requirements of the National Environmental Policy Act (NEPA) or its implementing regulations. Under 40 C.F.R. 1506.6(b)(3) of the NEPA regulations, notice of availability

^{1/} We have made several editorial changes to the text prepared by OSM. For specific changes, refer to the attached marked-up copy.

- 2 -

for local actions can be transmitted by a variety of means including posting of notice on and off site in the area where the action is to be taken, direct mailing to owners and occupants of nearby or affected properties and publication in local newspapers and the local media.

The Council on Environmental Quality regulations require agencies to "make diligent efforts to involve the public in preparing and implementing their NEPA procedures." 40 C.F.R. 1506.6(a). To carry out this mandate, we would suggest that OSM consider additional notice procedures over and above the publication in the local newspaper. These activities, at a minimum, would include mailing press releases to local media, posting areas affected, direct mailing to owners and occupants of nearby or affected properties and direct notice to Indian tribes if effects occur on reservation lands.

If you have any questions concerning this opinion, please do not hesitate to call.

Attachments

cc: Marshall Cutsforth, DSM
Jim Fary, OSM
Phyllis Thompson, OSM
William Schmidt, OSM
Lew McNay, OSM
Helen Richards, OSM
Dave Jones, DSM
William Larkin, DSM

APPLICATION REVIEW

PAGE 20

EXHIBIT X5-20-5

Date: _____

NEWS ITEM DATA SHEET
(for Grants and Cooperative Agreements)

Initial Submission
 Revised Submission

1. Proposed Action: _____
2. Target Date of Proposed Action: _____
3. State/Tribe Affected: _____
4. Identifying Grant and Amendment Number: _____
5. Purpose: _____

- 6A. New Money: \$ _____
- 6B. Old Money: \$ _____
- 6C. Total Federal Grant Amount: \$ _____
7. State/Tribe Contributing Funds: \$ _____
8. Grant Period: _____
9. OSMRE FO Contact and Phone No.: _____
10. OSMRE AD-FO Contact and Phone No.: _____
11. Total Federal Grant Funds Awarded To Date to State/Tribe for this purpose (including this award): \$ _____
12. Number of State/Tribe Personnel Supported by Grant: _____
13. Number of Inspectable Units in State/Tribe: _____
14. State/Tribe Annual Coal Production: _____
15. Remarks: _____

INSTRUCTIONS FOR COMPLETING NEWS ITEM DATA SHEET (NIDS)

1. Description of proposed grant action, e.g., original award, amendment to award, etc.
2. Anticipated date that the Field Office Director will sign grant award.
3. State or Tribe receiving the grant.
4. Self-explanatory.
5. Describe the grant administrative action to be taken and the type/purpose of the grant. If more space is needed, attach a supplemental sheet(s)(e.g., for AML construction grants, attach a list of projects (by county) with brief descriptions of each project.
- 6A. List grant funds that have not been awarded previously.
- 6B. List grant funds that have been awarded previously and deobligated.
- 6C. Total Federal award amount. Total of 6A and 6B.
7. List additional funds provided by State/Tribe (matching share).
8. Grant performance period.
9. Self-explanatory.
10. Self-explanatory.
11. Total Federal funds provided for specific program.
 - A. Regulatory Program: Includes all interim program, program development, and administrative and enforcement grants; cooperative agreements for Indian Tribes; funding cooperative agreements for work on Federal lands.
 - B. AML Program: Includes all pre-reclamation plan approval cooperative agreements; administrative, construction, subsidence insurance and RAMP Grants.
 - C. SOAP: Includes all SOAP operational grants.
 - D. FRP Program: Includes all cooperative agreements for FRP projects.
12. FTE or person-years identified in grant application.
13. Source: OSMRE Annual Report.
14. Source: OSMRE Annual Report.
15. Comments unique to this grant action.

MANUAL.....FEDERAL ASSISTANCE
PART 5.....GRANTS AND COOPERATIVE AGREEMENTS

CHAPTER 5-30
AGREEMENT AMENDMENTS AND BUDGET REVISIONS

5-30-00	Purpose
05	Definitions
10	Policy
15	Agreement Amendments
20	Budget Revisions
25	Procedures

5-30-00 PURPOSE

This chapter sets forth the procedures to be used to amend a grant or cooperative agreement issued pursuant to either Title IV, Abandoned Mine Reclamation, or Title V, Control of the Environmental Impacts of Surface Coal Mining, of P.L. 95-87, the Surface Mining Control and Reclamation Act. Reference 30 CFR 725.17, 30 CFR 735.20, 30 CFR 886.17, and OMB Circular A-102, Attachment K.

5-30-05 DEFINITIONS

- A. Agreement Amendment - An agreement amendment is a formal written alteration to the grant or cooperative agreement amount, terms and conditions, performance period, or scope of work. An amendment may be initiated by the recipient or by the Office of Surface Mining Reclamation and Enforcement.
- B. Budget Revision - A budget revision is an alteration of the approved financial plan of the award. Budget revisions do not involve increases in the award amount or adjustments to the grant period and do not require an agreement amendment. Budget revisions 1) that shift more than five percent of the total grant amount between direct cost categories, 2) that transfer amounts for indirect costs to cover increases in direct costs and 3) that transfer training funds to other cost categories require prior OSMRE approval.
- C. Financial Plan - The financial plan, or budget, of a grant or cooperative agreement is the financial expression of the project as approved during the application and award process. The financial plan includes both the Federal and non-Federal shares to carry out the purpose of the award.

5-30-05 (Continued)

- D. Award Package - For the purposes of this chapter, an award package is the material submitted by the Field Office to the appropriate AD-FO to document and record an agreement amendment. The award package normally consists of a findings and recommendation memo (Exhibit X5-30-1), a completed OSM-64, one FOD-signed Amendment to Agreement form, two copies of the completed SF-424 (one copy coded for FAADS), and one copy of the completed, but unsigned, MB 212 (not required for non-monetary scope change amendments).

5-30-10 POLICY

- A. OSMRE FODs are authorized to approve all agreement amendments.
- B. OSMRE FODs are to confirm in writing or by telephone receipt of the recipient's request for an agreement amendment within three working days of receipt.
- C. State Regulatory, Abandoned Mine Lands, and Small Operator Assistance Program grants and cooperative agreements/amendments shall be processed and the recipient notified of OSMRE action within 30 calendar days from receipt of the amendment request.
- D. Budget revisions shall be processed and the recipient notified of OSMRE action within 15 calendar days of receipt of the proposed revision.

5-30-15 AGREEMENT AMENDMENTS

- A. The need to make any of the following changes in the grant cooperative agreement or individual projects requires the approval of OSMRE as specified in Action Transmittals DOI-OSM-MB-80-2 and 4 (Revised):
 1. Changes in scope, objective or terms and conditions.
 2. Changes in grant/cooperative agreement award amounts.
 3. Changes in grant/cooperative agreement period.
- B. An agreement amendment can be initiated by either the recipient organization or OSMRE. However, both parties must be in agreement with the amendment terms. The amendment is effective upon the signature of the FOD, or his authorized representative, and applies to the entire grant period unless otherwise stated. When an amendment is signed by the FOD or his authorized representative, it becomes a part of the agreement and supersedes that part of the original agreement. Multiple changes should be made by a single amendment whenever possible. Agreement amendments are sequentially numbered.

5-30-20 BUDGET REVISIONS

- A. For both construction grants and non-construction grants, transfers of funds between direct cost categories totaling more than five percent of the total cost of the grant must receive prior approval from OSM. This five percent rule is applicable for the life of the grant or until a budget revision has been approved. Once the recipient has obtained approval of a revised budget, the recipient may once again transfer an additional five percent of the grant without the need for OSMRE approval.
- B. In cases where the proposed shift exceeds five percent of the total grant amount, the recipient shall submit a letter requesting the needed budget revision, including a justification, a revised program narrative statement (Form OSM-51) and a revised Budget Information Data Report (Form OSM-47 and/or Form OSM-48 for funding construction projects). This information will, on approval, become part of the official agreement. An official response will be forwarded to the recipient by OSM, either approving or rejecting the alteration or asking for additional information. Amendment numbers are not given to budget revisions.
- C. Significant changes within direct cost categories should have OSMRE approval, using the letter of request method described above. Significant changes include: reducing or increasing personnel to be hired or change of positions (i.e., inspector to geologist); changing the scope of contractual obligations; adding or deleting vehicles or other major equipment purchases.
- D. Budget changes that do not exceed five percent of the total grant amount should be documented by the recipient by submission of revised budget information on the appropriate form, OSM 47 or OSM 48, at the time the next performance report is submitted.

5-30-25 PROCEDURES

- A. Submission:
 1. Amendments, revisions, and other proposed changes in the official agreement shall be submitted for OSMRE concurrence in advance of the actual change or obligation. By incurring costs prior to approval of an amendment, the recipient takes the risk that Federal funding may not be available or allowed.
 2. For revisions which do not require advance approval, the grantee should submit a copy of the revised material, for information purposes, with the next performance report.

B. Processing:

1. Agreement amendments involving an increase in funds shall be approved by the Field Office Director or designate using the same process described in Chapter 5-20-20.
2. Agreement amendments not involving an increase in funds are approved by the FOD. Once the Field Office Director and the State Official sign the amendment, the award package shall be sent to the appropriate AD-FO. The Field Office shall retain an amendment form with original signatures for the official grant file and shall send an amendment form with original signatures to the State/Tribe.
3. Budget revisions are approved by the FOD. Field Offices shall transmit to the appropriate AD-FO one copy of the revision package, as described in Paragraph 5-30-20B, for information purposes as soon as possible after approval of the budget revision.

AGREEMENT AMENDMENT AND BUDGET REVISIONS

Exhibit X5-30-1

Page 5

United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement

Memorandum

To: Field Office Director

Through: _____

From: _____

Subject: Grant Amendment Findings and Recommendations

I. GRANT SUMMARY

A. Current

State: _____ Grant No.: _____

Type of Grant: _____

Current Grant Amount (Federal Share): _____

Total Amount (Federal and State Share): _____

Current Grant Period: _____

B. Amendment Request

Type of Amendment Request: _____

Amount of Amendment Request (Federal Share): _____

Revised Grant Amount (Federal Share): _____

Revised Total Amount (Federal and State Share): _____

Revised Grant Period: _____

Recommended Action: _____

AGREEMENT AMENDMENT AND BUDGET REVISIONS

Page 6

Exhibit X5-30-1

2

II. CRITICAL DATES (Milestones During the Review)

<u>Event</u>	<u>Date</u>
Application received	_____
Application & NIDS sent to AD-FO	_____
Acknowledged receipt to State	_____
_____	_____
_____	_____
Application determined administratively complete	_____
Funding check requested from AD-FO	_____
Confirmation of funding availability received	_____
_____	_____
_____	_____

III. ADDITIONAL INFORMATION/SPECIAL CONSIDERATIONS

See Exhibit X5-20-3 for instructions

CHAPTER 5-40

THE AWARD PROCESS

5-40-00	Purpose
10	Responsibilities
15	Procedures

5-40-00 Purpose

This chapter sets forth the grant award presignature, postsignature, and notification procedures to be followed by the Assistant Directors for Field Operations, the Field Offices and Headquarters.

5-40-10 Responsibilities

- A. The Field Office is responsible for approving all grants and cooperative agreements and advising the State/Tribal Agency of such approval.
- B. The Assistant Directors for Field Operations (AD-FOs) are responsible for coordinating the presignature and postsignature procedures within OSMRE Headquarters and Field Offices.
- C. Public Affairs Office (PAO) is responsible for determining the need for press releases, their preparation, and coordination.
- D. The Congressional Liaison Officer (CLO) is responsible for coordinating as necessary with the Assistant to the Secretary for Congressional Affairs and the Assistant Secretary, Land and Minerals Management and informing the appropriate congressional delegation.

5-40-15 Procedures

- A. Grant Award Process. Exhibits X5-40-1 thru 3 display the procedures for awarding grants under \$100,000, greater than \$100,000 and less than \$1,000,000, and \$1,000,000 and up.
- B. Obligation of Funds Process. Upon receipt of the award package, the AD-FO prepares the 1193A form, signs the obligation document (MB 212) and forwards them along with a copy of the FOD-signed grant award document (and Attachment A of a construction grant) to the DFM. DFM enters the obligation of funds and coordinates with the Department of the Treasury for the necessary letter-of- credit increase.

5-40-15 (Continued)

C. Final Actions.

1. The AD-FO sends a copy of the signed MB 212 to the FO and AD-PP.

2. The FO sends a copy of the FOD-signed award document to the State for countersignature. Upon receipt of the State-signed award document, the FO sends a copy to AD-FO and DFM.

THE AWARD PROCESS

Exhibit X5-40-1
Page 3

WORKFLOW
Grants \$100,000 or Less

Step	Lead	Action
1	Field Office Director (FOD)	Receives grant application. Prepares News Item Data Sheet (NIDS). Mails application and NIDS to AD-FO within 5 days after receipt of application.
2	Assistant Director for Field Operations (FO)	Reviews NIDS, adding remarks, if appropriate. Telefaxes NIDS to OSMRE Public Affairs (PA) and OSMRE Congressional Liaison (CL).
3	OSMRE Congressional Liaison (CL)	Prepares State-specific Congressional Representation/Suggested Distribution Sheet. Provides NIDS and Congressional Representation/ Suggested Distribution Sheet to Assistant Secretary for Land and Minerals Management (AS/LMM). Telephones AD-FO if OSMRE HQ or AS/LMM desires to make announcement, issue news release, or take other action (e.g., ceremony, photo opportunity).
4	AD-FO	Telephones FOD if any special arrangements are appropriate.
5	FOD	Completes review of grant application.
6a	FOD	Seven days prior to target date for signing grant award (listed on NIDS), telephones AD-FO to confirm, reestablish, or put a hold on the target award date; telefaxes AD-FO revised NIDS information (other than a revised target award date). Prepares <u>local</u> news release, with AD-FO assistance and approval, if PA has not provided notification of any planned HQ action.
6b	AD-FO	Seven days prior to target date for signing grant award (listed on NIDS), telephones CL to confirm, reestablish, or put a hold on the target award date; telefaxes CL revised NIDS information (other than a revised target award date).

THE AWARD PROCESS

WORKFLOW
Grants \$100,000 or Less (Continued)

Step	Lead	Action
7	CL/External Affairs	Notifies appropriate Congressmen, Governors, others of scheduled award.
8	FOD	Signs award; mails award package to AD-FO. Three days after signing award, mails copy of award document to State/Tribe and issues local news release, if appropriate.
9	AD-FO	Receives award package; completes paperwork to obligate funds.

WORKFLOW
Grants Greater Than \$100,000 and Less Than \$1,000,000

Step	Lead	Action
1	FOD	Receives grant application. Prepares News Item Data Sheet (NIDS). Mails application and NIDS to AD-FO within 5 days after receipt of application.
2	AD-FO	Reviews NIDS, adding remarks, if appropriate. Telefaxes NIDS to PA and CL.
3a	PA	Prepares news release or fact sheet, as appropriate. Notifies CL of action being taken.
3b	CL	Prepares State-specific Congressional Representation/Suggested Distribution Sheet. Provides NIDS, advance draft news release, if any, and Congressional Representation/Suggested Distribution Sheet to AS/LMM. Telephones AD-FO if OSMRE HQ or AS/LMM desires to make announcement, issue news release, or take other action (e.g., ceremony, photo opportunity).
4	AD-FO	Telephones FOD if any special arrangements are appropriate.
5	FOD	Completes review of grant application.
6a	FOD	Seven days prior to target date for signing grant award (listed on NIDS), telephones AD-FO to confirm, reestablish, or put a hold on the target award date; telefaxes AD-FO revised NIDS information (other than a revised target award date).
6b	AD-FO	Seven days prior to target date for signing grant award (listed on NIDS), telephones CL to confirm, reestablish, or put a hold on the target award date; telefaxes CL revised NIDS information (other than a revised target award date).

WORKFLOW
Grants Greater Than \$100,000 and Less Than \$1,000,000 (Continued)

<u>Step</u>	<u>Lead</u>	<u>Action</u>
7	PA	Completes news release clearance through OSMRE and informs CL of upcoming action.
8	CL/External Affairs	Notifies appropriate Congressmen, Governors, others of scheduled award.
9	FOD	Signs award; mails award package to AD-FO.
10	PA	Issues news release, if appropriate, with 2-day lead time for Hill before distribution by OSMRE.
11	FOD	Three days after signing award, mails copy of award document to State/Tribe.
12	AD-FO	Receives award package; completes paperwork to obligate funds.

WORKFLOW
Grants \$1,000,000 and Up

Step	Lead	Action
1	FOD	Receives grant application. Prepares News Item Data Sheet (NIDS). Mails application and NIDS to AD-FO within 5 days after receipt of application.
2	AD-FO	Reviews NIDS, adding remarks, if appropriate. Telefaxes NIDS to PA and CL.
3a	PA	Prepares draft news release and circulates for surnames. Provides copy to CL, and telefaxes copy to appropriate AD-FO and FOD.
3b	CL	Prepares State-specific Congressional Representation/Suggested Distribution Sheet. Provides NIDS, advance draft news release and Congressional Representation/Suggested Distribution Sheet to AS/LMM. Telephones AD-FO if OSMRE HQ or AS/LMM desires to make announcement, issue news release, or take other action (e.g., ceremony, photo opportunity).
4	AD-FO	Telephones FOD if any special arrangements are appropriate.
5	FOD	Completes review of grant application.
6a	FOD	Seven days prior to target date for signing grant award (listed on NIDS), telephones AD-FO to confirm, reestablish, or put a hold on the target award date; telefaxes AD-FO revised NIDS information (other than a revised target award date).
6b	AD-FO	Seven days prior to target date for signing grant award (listed on NIDS), telephones CL to confirm, reestablish, or put a hold on the target award date; telefaxes CL revised NIDS information (other than a revised target award date).

WORKFLOW
Grants \$1,000,000 and Up (Continued)

Step	Lead	Action
7	PA	<p>Completes news release clearance through OSMRE and informs CL of upcoming action.</p> <p>Sends cleared news release to AS/LMM with notification of scheduled award date. Sends AD-FO and FOD a copy of cleared news release.</p>
8	AS/LM	Determines recommended news release date/other action (e.g., ceremony, Secretarial calls); and informs PA of award timing; informs CL of approved distribution. Notifies Interior Public Affairs of recommended release date.
9	Interior Public Affairs	Clears news release; notifies AS/LMM and PA of news release date.
10	PA	Notifies AD-FO of release date and any other communication actions selected.
11	AD-FO	<p>Two days prior to scheduled award date, contact CL to confirm that all HQ actions are completed, and to get clearance to sign grant on scheduled date.</p> <p>Notifies FOD of CL contact.</p>
12	CL/External Affairs	In accordance with any special arrangements made with AS/LMM, notifies appropriate Congressmen, Governors, others of scheduled award.
13	AS/LM	Handles any special arrangements relating to award.
14	FOD	Signs award; mails award package to AD-FO.
15	Interior Public Affairs	Issues press release.
16	FOD	Three days after signing award, mails copy of award document to State/Tribe (unless alternative arrangements have been made by AS/LMM).
17	AD-FO	Receives award package; completes paperwork to obligate funds.

MANUAL.....FEDERAL ASSISTANCE
PART 5.....GRANTS AND COOPERATIVE AGREEMENTS

CHAPTER 5-70
GRANT AND COOPERATIVE AGREEMENT CLOSEOUT
POLICY AND PROCEDURES

5-70-00	Purpose
5-70-10	Policy
5-70-20	Procedures
5-70-30	Extension of Final Report Due Dates

5-70-00 Purpose

This Chapter sets forth policy and required procedures for the closeout of completed grants in accordance with OMB Circular A-102, Attachment L (for States and local governments) and OMB Circular A-110, Attachment K (for institutions of higher education). These procedures shall be used in conjunction with the procedures provided in Action Transmittals (AT) 80-2 and 80-4.

5-70-10 Policy

- A. It is the responsibility of the recipient to assure that all work conducted under the grant, including its subgrants or other agreements, is performed in keeping with the terms, conditions and scope of the approved grant.
- B. A grant shall not be closed (1) if the grant is in litigation or under appeal; (2) if, in the event the grant has been terminated, all termination actions have not yet been accomplished; (3) until all allowable, allocable, and reasonable costs have been paid and all excess funds have been deobligated; and (4) until the AD-FO grants officer administering the grant certifies in writing that all the procedures set forth in this Chapter have been accomplished.
- C. The closeout of a grant does not affect the retention period for, or Federal rights of access to, grant records, nor the recipient's responsibility with respect to property or equipment purchased with grant assistance, or with respect to any program income for which the recipient is accountable. Grants may be closed without audit; however, a subsequent audit may identify allowable or questioned costs that may require additional administrative action.

5-70-20 Procedures

- A. Recipients shall submit documentation in accordance with the procedures detailed below to close out completed grants within 90

GRANT AND COOPERATIVE AGREEMENT CLOSEOUT
POLICY AND PROCEDURES

Page 2

5-70-20A (Continued)

calendar days following the expiration date. Each OSMRE Federal assistance unit will follow these procedures for the close out of grants within its administrative responsibility. Normally, in cases where no major problems exist, the time elapsing between FO receipt of a complete final report and completion of all actions to close the grant should not exceed 90 days.

B. To close out a completed grant the recipient shall:

1. Provide a statement in the transmittal of the closeout report that it considers the grant to be complete; that payments from OSMRE for all allowable costs have been made; and that OSMRE is released from all obligations under or arising from the grant subject to final audit, if any. (See AT 80-2, Part V-A and 80-4, Part V-A.)
2. Submit an SF 424 showing the amount of funds being deobligated, a final performance report (OSM 51), and Quantitative Reports, (Forms OSM 51 A, B, and C), as appropriate.
3. Submit a final Financial Status Report, SF 269, or Outlay Report, SF 271, as appropriate.
 - a. For Title V and AML Administrative grants, the Federal share of all obligations incurred under the grant must be liquidated. This is indicated by a zero in column g for item 10j on the SF 269.
 - b. If project inspection and maintenance costs were included in the budget for the AML Administrative grant (column a of the OSM 47), a cost schedule showing the distribution of total project monitoring costs to individual projects shall accompany the final SF 269. (See AT 80-1, Part III-A.)
4. Report program income in accordance with the program income option selected in the grant application.
5. Submit a Report of Government Property, OSM 60 (Exhibit X5-70-1), if property was authorized and subsequently acquired under the grant, suggesting disposal or transfer of appropriate property. (If disposal of the property, rather than the transfer of the property to a subsequent grant is suggested, the recipient shall follow the instructions in FAM 1-410-40C2.) A cumulative listing of all property acquired under the grant and all property transferred into the grant from previous grants shall be reported on the OSM 60.

GRANT AND COOPERATIVE AGREEMENT CLOSEOUT
POLICY AND PROCEDURES

Page 3

5-70-20 (Continued)

- C. Upon receipt of the closeout information, the OSMRE FO shall review the documentation to ascertain whether the recipient has submitted an acceptable closeout report. The FO shall complete Part A of the Grant/Cooperative Agreement Closeout Checklist, OSM 61 (Exhibit X5-70-2), when reviewing the closeout material. If the closeout documents are acceptable, the FO shall complete Part B of the OSM 61. If the closeout documents are unacceptable, the FO may return the documents to the recipient with an explanation of what must be done to make the documents acceptable, request additional information from the recipient, or resolve the problems through telephone conversations.

To complete the closeout process at the FO level, the FO shall:

1. Verify, in coordination with AD-FO, that all known changes to the grant have been incorporated by appropriate revision or amendment.
2. Notify other Federal agencies involved in the grant, if any, of closeout action.
3. Resolve, in coordination with AD-FO and the recipient, all suspensions, withholdings, disputes and violations of grant clauses and assurances.
4. Compare the total Federal share of outlays and unliquidated obligations (SF 269, column g, item k or SF 271 item 11g in the Total column) with the cumulative amount of drawdowns reported on the MB 214 report, column f, and reconcile with the recipient any discrepancies.
5. Forward a copy of the reconciled Financial Status Report, SF 269 or Outlay Report, SF 271, to the DFM.
6. Prepare a brief written evaluation of the recipient's performance and place a copy in the grant file.
7. Approve the transfer of property reported on the OSM 60 to the subsequent grant. If the recipient requests disposition of property rather than transfer to a subsequent grant, the FO is responsible for preparing the SF 120, Report of Excess Personal Property. The SF 120 and the letter from the grantee are then forwarded to the AD-FO. The AD-FO shall notify the FO of specific disposition instructions. (See FAM 1-410-40C2.)
8. For FAADs input, code an SF-424 showing the amount of funds to be deobligated.

GRANT AND COOPERATIVE AGREEMENT CLOSEOUT
POLICY AND PROCEDURES

Page 4

5-70-20C (Continued)

9. Prepare an MB 212 to closeout the grant and deobligate funds.
 10. Certify, by signing the OSM 61, that the procedures detailed in paragraphs B and C above have been completed.
 11. When the FO has determined that the closeout documents are acceptable and has completed its review, one copy of all closeout documentation, along with a copy of the completed OSM 61, are to be forwarded to the appropriate AD-FO.
- D. To complete the closeout process, AD-FO shall:
1. Review the documentation for completeness and adherence to established policy and procedures.
 2. Provide disposition of property instructions to the FO when appropriate.
 3. Conduct a closeout analysis using the OSM 61-A (Exhibit X5-70-3). Certify by signing the OSM 61-A that the closeout procedures have been completed.
 4. Prepare an SF 1193A and sign the MB 212; send them to DFM to officially close out the agreement and effect changes in the Letter of Credit as appropriate.
 5. Complete the funding (item 28) and the action date (date MB 212 signed) (item 29) on the SF 424.
 6. Notify the FO and AD-PP that the agreement has been closed by sending them a copy of the MB 212.
- E. The Field Office notifies the recipient of OSMRE action and of the record maintenance requirements contained in FAM 1-43.

5-70-30 Extension of Final Report Due Dates

- A. The FO may, at its discretion, extend the due date for a final report upon receiving written justification from the recipient. Approval of requests to extend the due date is contingent upon receipt, no later than 30 calendar days after the close of the performance period, of an interim SF 269 or SF 271. The recipient shall, however, make every reasonable effort to close out the grant no later than 90 calendar days following its expiration.
- B. Field Offices shall transmit to AD-FO one copy of the letter approving the extension of the due date along with an MB 212 showing the revised closeout date. AD-FO will sign the MB 212 and send copies to DFM, FO and AML or DRP, as appropriate.

GRANT AND COOPERATIVE AGREEMENT CLOSEOUT
POLICY AND PROCEDURES

CLOSEOUT ANALYSIS

State/Tribe _____

Grant Number _____

ACTION	DATE
<p>1. Documentation received from Field Office</p> <ul style="list-style-type: none"> ___ Form MB 212 - Award Report ___ Form 269 - Financial Status Report ___ Form 271 - Outlay Report ___ Form 51 - Performance Report ___ Form 51A, 51B, 51C - Quantitative Information ___ OSM 60 - Equipment Purchased ___ OSM 60 Item K - OSMRE's Disposition Instructions ___ OSM 61 - Field Office Closeout Checklist ___ SF 424 coded for FAADS ___ FO Evaluation Report ___ Other (Explain) _____ 	<p>_____</p>
<p>2. Financial Information</p> <p style="padding-left: 40px;">Amount Awarded \$ _____</p> <p style="padding-left: 40px;">Less Expenditures \$ _____</p> <p style="padding-left: 40px;">Amount of Deobligation \$ _____</p>	<p>_____</p>
<p>3. Financial information agree with MB 214 _____</p>	<p>_____</p>
<p>4. MB 212 and SF 1193A completed and forwarded to DFM</p>	<p>_____</p>
<p>5. MB 212 forwarded to FO and DAMLR or DRP</p>	<p>_____</p>

Prepared by _____

Date Prepared _____

OSM 61A

MANUAL.....FEDERAL ASSISTANCE
PART 5.....GRANTS AND COOPERATIVE AGREEMENTS

CHAPTER 5-90
FEDERAL ASSISTANCE AWARD DATA SYSTEM

5-90-00	Purpose
10	Background
20	Definition
25	Applicability
30	Procedures
40	FAADS Data Element Coding

5-90-00 PURPOSE

This chapter sets forth the procedures and instructions for reporting information on OSMRE grant/cooperative agreement programs for inclusion in the Federal Assistance Award Data System (FAADS).

5-90-10 BACKGROUND

- A. In November 1978, the Office of Management and Budget (OMB), in cooperation with Federal agencies, initiated an effort under Section 9 of the Federal Program Information Act (P.L. 95-220) to test the feasibility of collecting and aggregating uniform information from existing computer-assisted information systems in the major grantmaking agencies. The test indicated that most of the participating agencies were capable of providing necessary computer-generated outputs regarding their domestic financial assistance actions. Based on the success of this test, the Director of OMB, in an April 8, 1980, memorandum to selected Federal agency heads, formally established the Federal Assistance Award Data System (FAADS) as a central collection point for uniform information on Federal domestic financial assistance actions.
- B. The FAADS program is authorized by P.L. 97-326, the Consolidated Federal Funds Report Act of 1982. Information collected in the FAADS is used in the Consolidated Federal Funds Report to provide data on Federal Government expenditures or obligations to the Congress, the Executive Branch, and other political and private interest groups.
- C. FAADS has replaced Treasury Circular 1082 as the Federal Government's system for notifying the States of Federal assistance awards (Federal Register, volume 47, number 79, page 17705).

5-90-10 (Continued)

- D. FAADS aids the Federal agencies in their compliance with Section 201 of the Intergovernmental Cooperation Act of 1968 (P.L. 90-577). FAADS also provides data consistent with the requirements and intents of the Federal Program Information Act, the Federal Grant and Cooperative Agreement Act of 1977 (P.L. 91-224); the Legislative Reorganization Act of 1970 (P.L. 91-510), as amended by the Congressional Budget Act of 1974 (P.L. 93-344); and Executive Order 12372 (July 1982). The authorities and intents of these statutes require notification to States and the Congress of fiscal, budgetary, and program-related information.

5-90-20 DEFINITION

As used in this chapter, "financial assistance actions" include grant/cooperative agreement awards and amendments (renewals, continuations, augmentations, deobligations, and other similar transactions) where there is a change in the dollar amount of the government's obligation or contingent liability.

5-90-25 APPLICABILITY

The reporting requirements explained in this chapter apply to all OSMRE grant/cooperative agreement financial assistance actions.

5-90-30 PROCEDURES

- A. An SF-424 is submitted (Sections I and II completed) with all requests for financial assistance that involve funding (award, amendment, closeout, deobligation) and extension of performance period.
- B. After approval of a financial assistance action, the Field Office shall complete Part III of the SF-424, check the SF-424 data elements for accuracy, complete the FAADS coding, and send the coded SF-424 to the Assistant Director for Field Operations.
- C. The Assistant Director for Field Operations shall, by the sixth day after the end of the fiscal quarter*, complete an Agency Reporting Compliance Sheet (Exhibit X5-90-1) for each Catalog of Federal Domestic Assistance (CFDA) program to reflect all transactions for the most recent quarter and forward them, with the final submission of Form 424s to:

Department of the Interior
Office of Acquisition and Property Management
Division of Acquisition and Grants
18th and C Streets, NW
Washington, D. C. 2024
ATTN: Thomasine Cox