

CHAPTER 4-300

TITLE IV GRANT PROCEDURES FOR CERTIFIED PROGRAMS

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4-300-00 What does this chapter do?

This chapter explains the procedures used by us, the Office of Surface Mining Reclamation and Enforcement (OSM), for grants to certified States and Tribes under Title IV of the Surface Mining Control and Reclamation Act (SMCRA). These procedures apply to your reclamation program if you have certified that your State or Tribe has achieved all the priorities in section 403(a) of SMCRA for coal reclamation on eligible lands and waters in your jurisdiction. Because the SMCRA Amendments Act of 2006 gave you wide authority over your activities and expenditures, we created separate grant procedures to reflect our limited role after coal reclamation is completed.

4-300-10 What types of Abandoned Mine Land (AML) funds may you get and how may you use them?

- A. Prior balance replacement funds (abbreviated in our accounting system as HS) are general Treasury funds authorized in section 411(h)(1) of SMCRA starting in FY 2008. You must use these funds for the purposes established by your State legislature or your Tribal council, with priority given for addressing the impacts of mineral development.
- B. Certified in lieu funds (H2) are general Treasury funds authorized in section 411(h)(2) of SMCRA starting in FY 2009. You may use these funds for any purpose.
- C. Emergency program funds (FE) are from the AML Fund, and awarded to States and Tribes which manage the emergency program. You must use these funds for abatement of coal emergency problems under section 410 of SMCRA.
- D. You may have unexpended State or Tribal share funds (SS) from fiscal years before 2008. You must use these funds for coal reclamation, or for noncoal reclamation or public facility projects under section 411 of SMCRA.

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4-300-20 What grant rules apply to your program?

- A. You must use funds for activities authorized in SMCRA and described in your approved reclamation plan or your grant application.
- B. You must comply with all applicable Federal laws and regulations. This includes Department of Interior, Office of Management and Budget (OMB) and Treasury regulations, including the *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, known as the *Grants Common Rule*, found at 43 CFR Part 12 Subpart C; the *Cost Principles for State, Local, and Indian Tribal Governments* at 2 CFR Part 225 (formerly Circular A-87); and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.
- C. Some cost items in OMB's Cost Principles require the prior approval of the awarding agency in order to be allowable costs, including equipment and capital expenditure costs. OSM hereby approves these costs for certified States and Tribes. You do not need to request individual OSM approvals for each such cost.

4-300-30 How do you apply for a Title IV grant?

- A. You may apply electronically by entering all the required information in an OSM-approved electronic grant system. Alternatively, you may send an e-mail or paper application to the appropriate OSM awarding office.
- B. You may apply at any time for a grant of any or all of the program funds that are available to you.
- C. Your application must include the following items.
 - 1. [SF-424](#) cover page signed by an authorized official.
 - 2. A budget breakout showing the requested funding by OSM subaccount categories. Use subaccounts from the following standard list. You must identify what type of AML funds you want to use for each subaccount.
 - 01 Administrative costs (non-emergency)
 - 02 Emergency administrative costs
 - 03 Coal project costs
 - 05 Emergency project costs
 - 08 Subsidence insurance costs
 - 11 Noncoal reclamation project costs
 - 16 Non-reclamation activities with prior balance replacement funds
 - 17 Non-reclamation activities with certified in lieu funds

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3. A program narrative Statement very briefly describing the planned activities. The application is not required to include information on individual projects or activities.

The narrative must include a Statement that activities to be supported with prior balance replacement funds are for the purposes established by the State legislature or Tribal governing body. The narrative must discuss how priority was given to addressing the impacts of minerals development for these activities.

4. [SF-424D](#), Assurances for Construction Programs.
 5. [Certifications](#) form showing compliance with Debarment and Suspension, Drug-Free Workplace, and Lobbying statutes.
 6. If applicable, Disclosure of Lobbying Activities form [SF LLL](#).
- C. The application must provide the information we need to award the grant. If the application is not complete, we will inform you as soon as practicable of the additional information we need to process the award.

4-300-40 How will we process your grant award?

- A. We will award the grant as soon as practicable, but no more than 30 days after receipt of a complete application. We will complete the following actions.
1. Determine that the application is complete.
 2. Confirm that the amount of funds requested is available.
 3. Check the Excluded Parties List System (EPLS) to confirm that your organization or its officials are not debarred, suspended, or ineligible for Federal assistance.
 4. Confirm that you are in compliance with OMB's single audit requirements.
 5. Announce the award to Congress and the public using the notification procedures established by OSM's Office of Communication.
 6. Approve the award through our electronic grants system.
 7. Send the approved award to you.
 8. Document the award in an official grant file. The file must include your application and all other materials you sent us, all our findings and determinations, and all other information needed to understand the application and award process.

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- B. The award will cover the performance period you requested in your application. If any subaccounts have different performance periods than the grant period, the performance periods must be specified in the application or the award.
- C. The award we approve obligates the Federal funds. You accept the award and its conditions when you start work under the agreement or when you first draw down the funds.

4-300-50 How do you meet environmental compliance requirements?

- A. When you conduct a coal reclamation project to comply with certification requirements under 30 CFR 875.14(b), you must implement the environmental compliance procedures under Chapter [4-160](#) in cooperation with us. You must request an Authorization to Proceed (ATP) from us. You must not expend any funds on a coal reclamation project until we have ensured that all necessary actions have been taken to comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and any other applicable laws, clearances, permits or requirements, and we issue the ATP.
 - 1. A complete ATP request must confirm that you have entered the problem area information into the Abandoned Mine Land Inventory System (AMLIS) in compliance with directive AML-1.
 - 2. The ATP request must also include the appropriate NEPA compliance information. See Chapter 4-160 for a detailed description of the information and documentation.
- B. You are responsible to ensure that all applicable laws, clearances, permits, or requirements are met before you expend Title IV funds.
- C. Projects or activities other than coal reclamation under 30 CFR Part 874 do not require an ATP from us. The NEPA requirements in Chapter 4-160 do not apply to those projects or activities where we are not required to issue an ATP.

4-300-60 How will we process grant amendments?

- A. When you wish to make changes in an assistance agreement, you must follow the requirements in the *Grants Common Rule*.
- B. We will not approve a request for a change to a grant, including a time extension, if we receive the request after the end of the performance period unless there are unforeseen circumstances not under your direct control. You must justify these extenuating circumstances to the satisfaction of the authorized official in our awarding office.
- C. We must approve the following changes to a grant agreement with a formal grant amendment.
 - 1. Add more funds to the agreement.

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2. Deobligate funds before the end of the grant performance period.
 3. Make the grant performance period longer or shorter.
 4. Transfer funds from one subaccount to another.
 5. Add a new subaccount.
- D. You may enter an amendment application using an approved electronic grant system. Alternatively, you may send an e-mail or paper application which must include a signed Form [SF-424](#) cover page and a brief explanation of the requested change. If the amendment will revise the budget, you must also include a revised breakout of the grant budget by subaccount.
- E. We will award the amended grant agreement within 20 days of receiving an amendment application. We will process amendments in accordance with the provisions for awarding new agreements in section 4-300-40 above, except that we will only announce the amendment through the Office of Communications if the amendment provides additional funding of more than \$100,000.

4-300-70 What reports must you send us?

- A. You must provide performance and financial reports to OSM annually. Reports are due 90 days after the end of each 12-month period of the grant performance period, starting on the effective date of the grant. Alternatively, you may provide reports on another annual cycle mutually acceptable to you and us.
1. You may file the financial report through an electronic grant system or on an [SF 425](#) and [425A](#) reporting form. Alternatively, information may be provided in another format mutually acceptable to you and us. An alternative format must include the grant number, the report period, cumulative expenditures for each subaccount, cumulative indirect costs and program income if any, and a dated signature or approval by an authorized official of the State or Tribe.
 2. The narrative performance report may be filed electronically or on paper in any format. The report must describe your accomplishments under the grant during this reporting period.
- B. When an OSM office receives grant financial and performance reports, it must review the reports and document that the reports comply with all requirements.
- C. You must annually update AMLIS for each reclamation project as it is completed. If you add any coal problems to AMLIS in a new or existing problem area, we must approve the amendment to the inventory before you expend Title IV funds.

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4-300-80 What closeout information will you send us and how will we close your grant?

- A. Upon completion of each grant, you must send us a final financial report and a final performance report. You must make every reasonable effort to send the reports no later than 90 calendar days after the end of the grant. We may extend the due date for the final reports at your request.
- B. The receiving OSM office must perform the following actions to close out the grant.
 - 1. Review the closeout information you provided.
 - 2. Deobligate any unexpended grant funds.
- C. All Title IV grant funds are available until expended. If we deobligate any unexpended funds when we close out your grant, the funds will be available for re-award to you. You may apply for unused funds whenever you choose, either in a new grant or as an amendment to an existing open grant.