

1. DATE ISSUED MM/DD/YYYY 06/26/2024

1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded

2. CFDA NO. 15.018 - Energy Community Revitalization Program

3. ASSISTANCE TYPE Formula Grant

4. GRANT NO. D24AF00111-00
Originating MCA #

5. TYPE OF AWARD Other

4a. FAIN D24AF00111

5a. ACTION TYPE New

6. PROJECT PERIOD MM/DD/YYYY
From 07/01/2024 Through 06/30/2029

7. BUDGET PERIOD MM/DD/YYYY
From 07/01/2024 Through 06/30/2029

NOTICE OF AWARD



AUTHORIZATION (Legislation/Regulations)
P.L. 117-58 The Infrastructure Investment and Jobs Act, Part Title VI, Section 40601

8. TITLE OF PROJECT (OR PROGRAM)
FY24 DOI State Orphaned Wells Program Formula Grant - Phase I

9a. GRANTEE NAME AND ADDRESS
DEPARTMENT OF ADMINISTRATION
333 W 7th Ave STE 100
Anchorage, AK, 99501-3572

9b. GRANTEE PROJECT DIRECTOR
Mr. Chris Wallace
333 West 7TH Avenue STE 100
Anchorage, AK, 99501-3572
Phone: 907-793-1250

10a. GRANTEE AUTHORIZING OFFICIAL
Mr. Brett Huber Sr
333 W 7TH AVE STE 100
ANCHORAGE, AK, 99501-3572
Phone: 907-793-1234

10b. FEDERAL PROJECT OFFICER
Ms. Kimberly Chavis
318 Elden St
Herndon, VA, 20170
Phone: 703-964-4871

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)

I Financial Assistance from the Federal Awarding Agency Only

II Total project costs including grant funds and all other financial participation

a. Salaries and Wages	\$ 1,388,793.00
b. Fringe Benefits	\$ 761,207.00
c. Total Personnel Costs	\$ 2,150,000.00
d. Equipment	\$ 0.00
e. Supplies	\$ 0.00
f. Travel	\$ 0.00
g. Construction	\$ 0.00
h. Other	\$ 0.00
i. Contractual	\$ 22,850,000.00
j. TOTAL DIRECT COSTS	\$ 25,000,000.00
k. INDIRECT COSTS	\$ 0.00
l. TOTAL APPROVED BUDGET	\$ 25,000,000.00
m. Federal Share	\$ 25,000,000.00
n. Non-Federal Share	\$ 0.00

12. AWARD COMPUTATION

a. Amount of Federal Financial Assistance (from item 11m)	\$ 25,000,000.00
b. Less Unobligated Balance From Prior Budget Periods	\$ 0.00
c. Less Cumulative Prior Award(s) This Budget Period	\$ 0.00
d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION	\$ 25,000,000.00
13. Total Federal Funds Awarded to Date for Project Period	\$ 25,000,000.00

14. RECOMMENDED FUTURE SUPPORT
(Subject to the availability of funds and satisfactory progress of the project):

YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS
a. 2	\$	d. 5	\$
b. 3	\$	e. 6	\$
c. 4	\$	f. 7	\$

15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:

- a. DEDUCTION
- b. ADDITIONAL COSTS
- c. MATCHING
- d. OTHER RESEARCH (Add / Deduct Option)
- e. OTHER (See REMARKS)

b

16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:

- a. The grant program legislation
- b. The grant program regulations.
- c. This award notice including terms and conditions, if any, noted below under REMARKS.
- d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.

In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.

REMARKS (Other Terms and Conditions Attached - Yes No)

Please refer to the Grant Continuation Document included with the Notice of Award for Award Specific Terms and Conditions and all attached Exhibits.

GRANTS MANAGEMENT OFFICIAL:
Dianne Reyes, Financial Assistance Officer
Acquisition Services Directorate, Interior Business Center
31 Elden Street, Suite 2000A
Herndon, VA, 20170-0001
Phone: 5714389434

17. VENDOR CODE	0071428832	18a. UEI	NQ6DMLY8J778	18b. DUNS		19. CONG. DIST.	00
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION	
1	0051046089-00010	\$25,000,000.00	07/01/2024	06/30/2029	2641	OWPO PHASE 1 FORMULA - AK	

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 2	DATE ISSUED 06/26/2024
GRANT NO. D24AF00111-00	

Federal Financial Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
07/01/2024	06/30/2025	Annual	09/28/2025
07/01/2025	06/30/2026	Annual	09/28/2026
07/01/2026	06/30/2027	Annual	09/28/2027
07/01/2027	06/30/2028	Annual	09/28/2028
07/01/2028	06/30/2029	Final	10/28/2029

Performance Progress Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
07/01/2024	06/30/2025	Annual	09/28/2025
07/01/2025	06/30/2026	Annual	09/28/2026
07/01/2026	06/30/2027	Annual	09/28/2027
07/01/2027	06/30/2028	Annual	09/28/2028
07/01/2028	06/30/2029	Final	10/28/2029

AWARD ATTACHMENTS

DEPARTMENT OF ADMINISTRATION

D24AF00111-00

1. Grant Continuation Document - Award Specific Terms and Conditions
2. Exhibit A – DOI Standard Terms and Conditions
3. Exhibit B – Subpart D Procurement Standards
4. Exhibit C – Subpart D Property Standards
5. Exhibit D – State Formula Grant Guidance Phase 1
6. Exhibit E – State Data Reporting Template

**DEPARTMENT OF THE INTERIOR
Interior Business Center (IBC)
Acquisition Services Directorate (AQD)
381 Elden Street
Herndon, VA 20170**

**Agent for:
U.S. Department of the Interior, Office of Policy, Management, and Budget
and the
Orphaned Wells Program Office (OWPO)**

GRANT CONTINUATION DOCUMENT

**State Formula Award – Phase I
Assistance Listing: 15.018 - Energy Community Revitalization Program (ECRP)**

1. **Agreement Number:** D24AF00111
2. **Recipient Name:** Community & Economic Development, Alaska Department of Commerce
3. **Identification Numbers:**

Tax Identification Number (TIN): 926001185

Unique Entity Identifier (UEI) Number: NQ6DMLY8J778

ASAP Recipient Number: 0229310

ALC Region Number: 14010001

4. **Recipient Points of Contact:**

- **Project Manager/Principal Investigator:**

Name: Mr. Bryan McLellan

Title: Senior Petroleum Engineer

Organization: Alaska Oil and Gas Conservation Commission (AOGCC)

Address: 333 W 7th Avenue, Anchorage, AK 99501-3572

Telephone: (907) 793-1226

Email: bryan.mclellan@alaska.gov

- **Authorized Representative/Administrative Official:**

Name: Mr. Brett Huber Sr.

Title: Chair, Commissioner AOGCC

Organization: Alaska Oil and Gas Conservation Commission (AOGCC), Alaska Dept. Of
Commerce, Community & Economic Development

Address: 333 W 7th Avenue, Anchorage, AK 99501-3572

Telephone: (907) 793-1224

Email: brett.huber@alaska.gov

5. Approved Indirect Cost Rate: N/A.

6. Statement of Work: The project to be accomplished is identified in the Recipient's Proposal in accordance with the Statement of Work and Grant Application titled, "Alaska Formula Grant Program - Phase 1: Bipartisan Infrastructure Law Sec. 40601(c)(4) Orphaned Well Program," dated December 15, 2023, and is incorporated by reference as part of this agreement. Additional documents incorporated by reference are as follows: Standard Form (SF) 424 Application for Federal Assistance dated December 15, 2023, SF424A dated December 15, 2023, Budget Information - Non-Construction Programs, Budget Justification and Narrative, SF-LLL Disclosure of Lobbying Activities, signed Certification Regarding Lobbying - Certification for Contracts, Grants, Loans and Cooperative Agreements, and State Certification Statement (Attachment A) submitted on December 15, 2023. The approved budget is incorporated by reference, a summary is listed in Box 11a – n on the Notice of Award (NOA), and the amount of Federal Financial Assistance authorized is in Box 13.

7. Federal Award Performance Goals

1. Plug, remediate, or reclaim orphaned wells on State-owned or privately owned lands.
 - Perform well plugging and site clearance of any of the remaining 8 southcentral wells previously identified in the furtherance of the federal program recently started,
 - Perform proper plugging and abandonment of the first 10 wells at the Katalla site,
 - Perform proper plugging and abandonment of the remaining 15 wells at the Katalla site,
2. Identify and characterize undocumented orphaned wells on State and private lands.
3. To rank orphaned wells based on factors including public health and safety, potential environmental harm, and other land use priorities.
4. To make information regarding the use of funds received available on a public website.
5. To measure and track -
 - (a) emissions of methane and other gases associated with orphaned wells; and
 - (b) contamination of groundwater or surface water associated with orphaned wells.
6. To remediate soil and restore native species habitat that have been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure.
 - Site clearance of Cardwell rig, plugging and site clearance of 1 North Slope well (Shaviovik #1)
 - Remediation and closure of all reserve pits associated with orphan wells in Southcentral area.
 - Complete Katalla site clearance and remediation of contaminated sites.
7. To identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities of color, low-income communities, and Tribal and indigenous communities.
8. To administer a program designed to carry out any activities described in the Infrastructure Investment and Jobs Act (IIJA).

8. DOI Points of Contact:

- **Financial Assistance Specialist (FAS):** **Kimberly Chavis**
Interior Business Center

Acquisition Services Directorate
381 Elden St., Suite 2000A
Herndon, VA 20170
Telephone: (703) 964-4871
Email: Kimberly_chavis@ibc.doi.gov

- **Financial Assistance Officer (FAO):**

Dianne Reyes
Interior Business Center
Acquisition Services Directorate
381 Elden St., Suite 2000A
Herndon, VA 20170
Telephone: (571) 438-9434
Email: Dianne_reyes@ibc.doi.gov

- **Financial Assistance Officer's Representative (FAOR):**

Whitney Van Burk
Orphaned Wells Program Office
1849 C Street NW
Mail Stop 5012
Washington, DC 20240
Telephone: (202) 740-0254
Email:
Whitney_vanburk@ios.doi.gov

- **Program Manager (PM):**

Susan Lee
State Orphaned Wells Program
Manager
Orphaned Wells Program Office
1849 C Street NW
Mail Stop 5012
Washington, DC 20240
Telephone: 202-579-1907
Email: susan_lee@ios.doi.gov

9. Period of Performance (Box 6 on Notice of Award):

Period of Performance means the total estimated time interval between the start of an initial Federal award and the planned end date.

Budget Period (Box 7 on Notice of Award):

Budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to expend the funds awarded.

10. Funding: The federal share of this grant is fully funded. The following funds are allotted to this Grant.

FY2024: \$ 25,000,000.00

- a. Federal share: \$ 25,000,000.00
- b. Non-Federal Share: \$ 0.00
- c. Total Award Amount: \$ 25,000,000.00

11. Program Description: Under Section 40601(c)(4) of the [Infrastructure Investment and Jobs Act \(Pub. L. 117-58\)](#), hereafter referred to as the “Act,” for historic investments to plug orphaned wells and reclaim abandoned Orphaned Wells, to help communities eliminate dangerous environmental conditions and pollution caused by past coal mining and legacy energy development. The Act allows State officials to begin building out their well-plugging programs, remediating high-priority wells, and collecting additional data regarding the number of orphaned wells in their jurisdiction. This grant award reflects the substantive application of the Act as it relates to the Alaska Oil and Gas Conservation Commission. No substantial involvement from the U.S. Department of the Interior is expected or required by this award.

12. Appropriation Data:

PR# 51046089 \$ 25,000,000.00

Account Assignment: 6100.411G0

Business Area: D000

Commitment Item: 411G00

Cost Center: DS61800000

Functional Area: DEC300000.000000

Fund: 220D2641EC

Fund Center: DS61800000

Project/WBS: DG.618AK.24FG0101

PR Acct Assign: \$ 25,000,000.00

Line Item: 00010

13. Authority: [Infrastructure Investment and Jobs Act, Pub. L. 117-58 Sec. 40601\(c\)\(4\)](#)
[Federal Grant and Cooperative Agreement Act of 1977](#)
[2 CFR Part 200 -- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#)

14. Payments: Payment will be made by draw-down reimbursement through the Department of the Treasury, Automated Standard Application for Payment (ASAP) System at <http://www.fms.treas.gov/asap>. Acceptance of this award requires enrollment in the U.S. Department of the Interior’s ALC/Region Code 14010001 in the ASAP System. Treasury Circular 1075 (31 CFR 205) requires that drawdowns to a recipient organization shall be limited to the minimum amounts needed and shall be timed to be in accordance with the actual, immediate cash requirements of the recipient organization in carrying out the purposes of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program or project costs and the proportionate share of any allowable indirect costs. Funds that

are available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds, must be disbursed before requesting additional cash payments.

- 15. Date of receipt of funds:** This is the effective date of the grant and the start of its period of performance, as determined by the Financial Assistance Officer and the receiving State.
- 16. Unobligated Funds:** Pursuant to Section 40601(c)(4)(D) Recipient shall reimburse the Secretary in an amount equal to the funds that remain unobligated on the date that is five (5) years after the date of receipt of the funds.
- 17. Reporting Requirements:** Performance, Financial, Data, Property (if applicable), and Final Reporting requirements are listed below. All reports may be submitted in GrantSolutions. Detailed instructions are included here: <https://home.grantsolutions.gov/home/recipient-gmm-training-resources/> on how to submit the reports. **The Data Reporting Template and Property Reports may be transmitted via [Grant Notes in GrantSolutions](#) based on the schedule below.** If you cannot submit the required reports via GrantSolutions, please contact your FAO at aqd-fa.states@ibc.doi.gov.

REPORT TYPE	FREQUENCY	DUE DATES	SUBMIT VIA GRANTSOLUTIONS.
Data Reporting Template	Quarterly Reporting Within 30 days of the end of each reporting period. July 1 – September 30; October 1 – December 31; January 1 – March 31; and April 1 – June 30 of each year	October 30, January 30, April 30, and July 30 of each year.	www.grantsolutions.gov via Grant Notes and selecting Post Award Reports to upload the report and any attachments.
Performance (Technical) Reports	Annual Reporting. Within 90 days of the end of each reporting period. July 1 – June 30	September 28 of each reporting period	www.grantsolutions.gov
Financial Reports (SF-425)	Annual Reporting. Within 90 days of the end of each budget period. July 1 – June 30	September 28 of each reporting period	www.grantsolutions.gov
Tangible Personal Property (SF-428 series of Forms - if applicable)	Annual Reporting. Within 90 days of the end of each reporting period. July 1 – June 30	September 28 of each reporting period	www.grantsolutions.gov via Grant Notes and selecting Post-Award Reports to upload the report and any attachments.
Final Performance (Technical) Report	Within 120 days of the end of the award period of performance	October 28, 2029	www.grantsolutions.gov

<u>Final Financial Report (SF-425)</u>	Within 120 days of the end of the award period of performance	October 28, 2029	www.grantsolutions.gov
<u>Final Tangible Personal Property SF-428 series of forms (if applicable)</u>	Within 120 days of the end of the Agreement performance period.	October 28, 2029	www.grantsolutions.gov via Grant Notes and selecting Post-Award Reports to upload the report and any attachments.

Performance Report Content

Recipients of Federal financial assistance are required to submit periodic performance reports prepared in accordance with [2 CFR, Subpart D, Section 200.329 Monitoring and Reporting Program Performance](#).

Performance reports should relate to the performance goals and objectives identified in the agreement.

- i. The narrative technical report must contain the grant number, in accordance with [2 CFR 200.329, Monitoring and Reporting Program Performance](#).
- ii. The report must cover the period of performance and the period the report covers.
- iii. Must list and describe progress towards achieving all performance goals and milestones included in the approved workplan, and in the Notice of Award.
- iv. Must contain a comparison of actual accomplishments compared to the performance goals and milestones of the award as proposed in the workplan.
- v. Must contain a reason why the performance goals and milestones were not accomplished, if applicable.
- vi. Must include additional relevant information regarding the project, as appropriate. Instructions on where to submit the Technical Performance Reports will be located in the Notice of Award.

In addition, the data described in section VIII(E) Data Collection and Reporting of the [State Formula Guidance must](#) be submitted with these reports.

States must track and report the data outlined below for all actions taken. Data tracking may be accomplished through existing systems such as the Groundwater Protection Council's Risk Based Data Management System (RBDMS):

- (a) well location information (e.g., latitude/longitude);
- (b) well type (e.g., orphaned production or disposal well);
- (c) pre-plugging methane emission measurement (unless initial screening was non-detect);
- (d) If applicable, post-plugging methane emission measurement (or non-detect screening);
- (e) If applicable, surface water contamination identified;
- (f) If applicable, surface water contamination remediated;

- (g) If applicable, groundwater contamination identified;
- (h) If applicable, groundwater contamination remediated;
- (i) If applicable, revegetation performance standard monitoring start date;
- (j) If applicable, revegetation performance standard attainment date (project complete);
- (k) Actual total cost per well of plugging and surface reclamation, or an estimate of per- well costs if plugging services were procured at a multi-well project level; and
- (l) If applicable, identification of projects located in a community of color, low-income community, or Tribal and indigenous community.

States must update the [Data Reporting Template](#) information in conjunction with the Performance Reports.

- **Property Management:** Procedures prescribed in [Subpart D Property Standards 2 CFR 200.310 through 316](#) shall be applicable to this section. Property disposal and disposition: The Recipient Project Manager or Authorized Representative must send a letter (electronic mail is acceptable) to the FAOR and FAO requesting property disposition instruction after the end of the period of performance or when the equipment is no longer needed.

An inventory list of property in use under this Agreement must be submitted annually to the FAO with the following data:

- A. Make
- B. Model
- C. Serial Number or Vehicle Identification Number
- D. Purchase Date and Price
- E. Location of the Property
- F. Percentage of Vested Federal Interest in Title

- **Equipment:** For equipment that has a memory card or other data retention capability, the data must be cleared (removed) prior to disposal. The letter must certify that the equipment items were “cleared of all data” naming the type of software used. The statement must also include that the equipment will be disposed of in an environmentally safe manner. Contact the FAOR and FAO if guidance is needed regarding clearing memory or if the disposal is needed.

18. Terms and Conditions:

The Award is subject to compliance with the applicable Federal Statutes, Federal Regulations, 2 CFR 200, Department of the Interior Terms and Conditions, and Award Specific Terms and Conditions.

ORDER OF PRECEDENCE

Any inconsistencies in the requirements of this award shall be resolved in the following order:

- Federal statutes [Infrastructure Investment and Jobs Act PL 117-58](#).

- [Federal regulations 2 CFR Part 200](#)
- [DOI Standard Terms and Conditions](#) June 1, 2023
- Award-specific terms and conditions

AWARD TERM 1

Site Visits

The Federal Awarding Agency and Program Staff may make site visits as warranted to ensure appropriate fiscal accountability, project oversight, and project completion to meet the Program requirements. States shall provide the Federal Awarding Agency and Program Staff any relevant documentation in the Recipient's possession and facilitate access to project sites. This access will be provided to the extent necessary and appropriate, on-site, and remote, for the Federal Awarding Agency to monitor performance and compliance. ([2 CFR § 200.329 - Monitoring and reporting program performance](#)).

AWARD TERM 2

Buy America Preference

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

- (1) All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and
- (3) All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

Incorporation into an infrastructure project. The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure

project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) 15 Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

- (a) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
- (b) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

- (1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- (2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where

applicable, constituent composite materials, until the item is in its final form, occurred in the United States.

(3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.

(4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.

(5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

(6) Lumber. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.

(7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

(8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements can be found at <https://www.doi.gov/grants/buyamerica>

When DOI has determined that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the agency determines that:

- (1) applying the Buy America Preference would be inconsistent with the public interest;
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the Buy America Preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Office of Management and Budget (OMB) Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at the Approved DOI General Applicability Waivers website located at <https://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers>.

Definitions

“Buy America Preference” means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

“Construction materials” means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

- (1) The listed items are:
 - (i) Non-ferrous metals;
 - (ii) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
 - (iii) Glass (including optic glass);
 - (iv) Fiber optic cable (including drop cable);
 - (v) Optical fiber;
 - (vi) Lumber;
 - (vii) Engineered wood; and
 - (viii) Drywall.

- (2) Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

“Infrastructure” means public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings

and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

“Infrastructure project” means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 CFR 184.4.

“Iron or steel products” means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

“Manufactured products” means:

- (1) Articles, materials, or supplies that have been:
 - (i) Processed into a specific form and shape; or
 - (ii) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

- (2) If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.

“Predominantly of iron or steel or a combination of both” means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

“Section 70917(c) materials” means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. See Section 70917(c) of the Build America, Buy America Act. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

AWARD TERM 3

Reimbursement of Unobligated Funds after Expenditures

Funds that remain unobligated **five (5) years** after the date of receipt of the funds shall be reimbursed to the Secretary.

All funds without a definite commitment shall be reimbursed in an amount equal to the funds that remain unobligated on the date that is five (5) years after the date of receipt of the funds. All funds must be obligated within five years of the effective

date of the award, or they shall be reimbursed to the Secretary. The date of receipt of the funds for this award is July 1, 2024.

AWARD TERM 4

Limitations on Administrative Costs

Administrative costs identified in Sec. 40601(c)(2)(B) are limited to not more than 10 percent of the funds received. Administrative costs are those costs that cannot be directly attributed to well plugging and site reclamation projects, but instead to general grants management or program administration. Administrative costs can be expended for personnel or non-personnel costs, and can be direct or indirect, but should represent the costs to the State for managing the overall grant-funded work rather than preparation for and execution of individual projects. Information regarding indirect and direct costs are governed by [Subpart E – Cost Principles](#) of the Uniform Guidance for Grants and Agreements [Part 200](#)

Authority: [31 U.S.C. 503](#).

AWARD TERM 5

Period of Performance

07/01/2024 to 06/30/2029

AWARD TERM 6

Construction Wage Rate (Davis-Bacon Act)

The Davis-Bacon Act requires that all contractors and subcontractors performing construction, alteration, and repair (including painting and decorating) work under federal or District of Columbia contracts in excess of \$2,000 pay their laborers and mechanics not less than the prevailing wage and fringe benefits for the geographic location. Construction or renovation projects funded by federal funds, in whole or in part, are subject in their entirety to the Davis-Bacon Act as amended 40 U.S.C. parts 276(a) through 276(a5). Award recipients are required by law to furnish assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on DOI-supported construction projects shall be paid wages at rates that are not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor. (40 U.S.C. parts 3141–3144, 3146, 3147; 42 U.S.C. part 3212).

AWARD TERM 7

Use of Geospatial Data and Availability of Data - Geospatial Data Act of 2018, Pub. L. 115-254, Subtitle F – Geospatial Data, §§ 751-759C, codified at [43 U.S.C. §§ 2801–2811](#)

“**Geospatial data**” refers to data regarding natural or man-made, imaginary, or physical features. It also includes location information, and information relating to boundaries, points of interest, and mobility data.

1. Federal recipient collection of geospatial data through the use of the Department of the Interior financial assistance funds requires a due diligence search at the GeoPlatform.gov list of datasets to discover whether the needed geospatial-related

data, products, or services already exist. If the required data set already exists, the recipient must use it. If the required data is not already available, the recipient must produce the proposed geospatial data, products, or services in compliance with applicable proposed guidance and standards established by the Federal Geospatial Data Committee (FGDC) posted at www.fgdc.gov.

2. Recipients must submit a digital copy of all GIS data produced or collected as part of the award funds to the bureau or office via email or data transfer. All GIS data files shall be in open format. All delineated GIS data (points, lines, or polygons) should be established in compliance with the approved open data standards with complete feature level metadata.
3. Pursuant to [2 CFR Subtitle B, Chapter XIV, Part 1402, Subpart D § 1402.315](#)
 - (a) All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products, or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification.
 - (b) The Federal Government has the right to:
 - (1) Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
 - (2) Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

AWARD TERM 8

Program Income

Program income generated for this agreement shall be in accordance with [2 CFR, Subpart D, Section 200.307\(e\)\(2\) Addition](#). Program income may be added to the Federal award by the Federal agency and the non-Federal entity and be used for the purposes and under the conditions of the Federal award. Program income generated through the performance of this project must be reported on Standard Form (SF) 425, Federal Financial Report (see **Reporting Requirements**). Per [2 CFR 200.1](#) program income means “gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in § 200.307 paragraph (f).” Program income may include, but not be limited to, the following: fees for services performed during the period of performance, inspection or permit fees, use of rental of real or personal property acquired on Federal awards, sales of commodities or items fabricated under Federal awards such as scrap metal, license fees or royalties for

patents and copyrights. **Any program income generated from this award requires advance approval for expenditure by the Financial Assistance Officer.**

AWARD TERM 9

Equipment

The title to all capital equipment procured under this Agreement will remain vested with the non-Federal entity. The Recipient must follow all applicable requirements found in [2 CFR § 200.313 and 2 CFR 200 Subpart D Property Standards](#). When the Equipment is no longer needed for the project, or the Agreement period of performance is closed the Recipient will request Disposition instructions in writing to the Financial Assistance Officer. Final disposition determinations of equipment purchased with Federal funds will be made by the Financial Assistance Officer in accordance with [2 CFR 200.313\(e\)](#).

AWARD TERM 10

Conflict of Interest

1. [2 C.F.R. Part 200, §200.112](#) Conflict of Interest
The recipient must disclose in writing any potential conflict of interest to the Federal awarding agency, Acquisitions Directorate, Contractor or Subawardee, or pass-through entity in accordance with application Federal awarding agency policy Refer to full text in 2 CFR Part 1402 Financial Assistance Interior Regulation, Supplementing the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Chapter XIV, Section § 1402.112 What are the conflict-of-interest policies?
2. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.
3. Review procedures. The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a potential conflict exists and, if it does, develop an appropriate means for resolving it.
4. Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for noncompliance, including suspension or debarment (see also 2 CFR part 180).

AWARD TERM 11

Restrictions on Lobbying and Compliance with Hatch Act

1. [43 C.F.R. Part 18 New Restrictions on Lobbying](#). The Authorized Representative's signature on the application submitted to a DOI Bureau or

Office certifies to the statements in [43 C.F.R. Part 18, Appendix A Certification Regarding Lobbying](#). These provisions prohibit the use of Federal funds for lobbying the executive or legislative branches of the Federal government in connection with an award and require disclosure of the use of non-Federal funds for lobbying. Any recipient that requests or receives more than \$100,000 in Federal funding and has made or agrees to make any payment using non-appropriated funds for lobbying in connection with a proposal or award shall submit a completed Form SF-LLL, “Disclosure of Lobbying Activities,” regarding the use of non-Federal funds for lobbying. Visit [43 C.F.R. Part 18.110 Certification and Disclosure Requirements](#) for more information.

2. [5 U.S.C. Parts 1501-1508 and 7324-7328 \(i.e., Hatch Act\)](#). The recipient agrees to comply, as applicable, with the requirements of the Hatch Act, which limits certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

AWARD TERM 12

Prohibition on Providing Funds to the Enemy

The recipient must—

- Exercise due diligence to ensure that none of the funds, including supplies and services, received under this grant or cooperative agreement are provided directly or indirectly (including through subawards or contracts) to a person or entity who is actively opposing the United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities, which must be completed through process in [2 CFR §180.300](#) prior to issuing a subaward or contract and;
- Terminate or void in whole or in part any subaward or contract with a person or entity listed in System for Award Management (SAM) as a prohibited or restricted source pursuant to [Public Law 113-291](#), unless the Federal awarding agency provides written approval to continue the subaward or contract.
- The recipient may include the substance of this clause, in subawards under this grant or cooperative agreement that have an estimated value over \$50,000 and will be performed outside the United States, including its outlying areas.
- The Federal awarding agency has the authority to terminate or void this grant or cooperative agreement, in whole or in part, if the Federal awarding agency becomes aware that the recipient failed to exercise due diligence as required by this clause or if the Federal awarding agency becomes aware that any funds received under this grant or cooperative agreement have been provided directly or indirectly to a person or entity who is actively opposing coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities.

AWARD TERM 13**Additional Access to Recipient Records**

In addition to any other existing examinations-of-records authority, the Federal Government is authorized to examine any records of the recipient and its subawards or contracts to the extent necessary to ensure that funds, including supplies and services, available under this grant or are not provided, directly or indirectly, to a person or entity that is actively opposing the United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities, except for awards awarded by the Department of Defense on or before Dec 19, 2017, that will be performed in the United States Central Command (USCENTCOM) theater of operations.

The substance of this award term is required to be included in subawards or contracts under this grant that have an estimated value over \$50,000 and will be performed outside the United States, including its outlying areas.

AWARD TERM 14**Prohibition on certain telecommunication and video surveillance services or equipment**

Federal award recipients are prohibited from using government funds to enter contracts (or extend or renew contracts) with entities that use covered telecommunications equipment or services as described [in Section 889 of the 2019 National Defense Authorization Act](#). This prohibition applies even if the contract is not intended to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services.

AWARD TERM 15

Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements. [Section 742 of Division E, Title VII of the Consolidated Appropriations Act of 2020 \(Pub. L. 116-93\)](#) prohibits the use of funds appropriated or otherwise made available under that or any other Act for grants to an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.

Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.

Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.

AWARD TERM 16

Indirect Costs

The recipient has not requested indirect costs with its application.

AWARD TERM 17

Pre-Award Costs

The recipient has not elected to request pre-award project costs with its application.

AWARD TERM 18

Well Plugging and Site Remediation Standards

1. States with established and documented well plugging standards and regulations will require their contractors to meet those requirements. For a State that does not have established well plugging standards, the work must meet or exceed the plugging standards in either [43 C.F.R. § 3172.12](#), formerly a portion of Bureau of Land Management Onshore Oil and Gas Order No. 2, for onshore wells; or, [30 C.F.R. Part 250](#), for offshore wells.
2. States will meet or exceed any well plug witnessing and documentation requirements pursuant to State law.
3. For States with established well abandonment standards (inclusive of those actions necessary to complete surface reclamation and revegetation), all well closures shall meet those requirements. If a State does not have well abandonment standards, a well site must reflect, at minimum, the Bureau of Land Management's Reclamation and Abandonment Standards. For additional details, see: <https://www.blm.gov/sites/blm.gov/files/Chapter%206%20-%20Reclamation%20and%20Abandonment.pdf>
4. Remediation and reclamation of contaminants in soil, water, or other medium resulting from orphaned wells shall be conducted in accordance with applicable state or federal laws. States with established and documented well plugging standards and regulations will require their contractors and subawardees to meet those requirements.

AWARD TERM 19

Use of Unmanned Aircraft

Pursuant to the [DOI Secretarial Order 3379](#), only specific models of unmanned aircraft that have capabilities that are considered trusted and secure by the Department of Defense are authorized for use of Federal funds under this award. A list of approved unmanned aircraft and technology packages may be found here: <https://www.diu.mil/blue-uas>. Any equipment purchases related to unmanned aircraft or technology-related items to support the use of unmanned aircraft, such as software, must be approved in advance and comport with Secretarial Order 3379. Further,

employee or contractor time to fly unmanned aircraft that does not meet this requirement is not an allowable expense under this award.

Any grant funding for the purchase or use of Unmanned Aircraft Systems for operations must have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending such funds. The term "unmanned aircraft systems" encompasses unmanned aerial systems, drones, and similar technology, including component parts, that are remotely controlled and subject to Federal Aviation Administration regulations. It covers activities conducted in furtherance of the Department's mission, using Department funds, or for purposes identified in a cooperative agreement, contract, grant, or other agreement between the Department and another party. Designated components of UAS include and are not limited to hardware and software components necessary for collecting, storing, and transmitting data or similar information.

AWARD TERM 20

Risk Determination

Failure to maintain satisfactory performance, compliance with award provisions, financial stability, and adequate financial management systems may result in additional award conditions pursuant to [2 CFR 200.208](#) and [2 CFR 200.329](#).

AWARD TERM 21

Agency Review

Agency review may be imposed at any time as a result of a "high risk" determination and/or material noncompliance with the Terms and Conditions of this award. Agency Review limits a recipient's access to funds by requiring that all draw-down requests are reviewed and approved prior to their being released. Recipients on agency review must submit a completed Standard Form (SF) 270 Request for Advance Payment or Reimbursement for each payment requested along with a detailed explanation of how the costs correspond to the approved budget categories as listed on their application for Federal Assistance SF-424A Budget Information and their Detailed Budget Breakdown and additional supporting documentation as applicable. Being put on Agency Review does not relieve the recipient of required financial or performance reporting requirements.

AWARD TERM 22

Performance and Financial Monitoring

In accordance with [2 CFR 200.328 Financial Reporting and 200.329 Monitoring and Reporting Program Performance](#), the recipient is responsible for oversight, monitoring, and reporting of its activities under Federal awards to ensure compliance with applicable Federal requirements and that performance expectations are being achieved. Federal Awarding Agency's monitoring of the recipient's activities may include, but is not limited to:

- review of the award file, including discussions with the recipient regarding reporting, award activities, and project status.

- analysis of financial and performance reports that may include transaction testing.
- discussion of specific issues related to project implementation.
- observation of project activity.
- review of planned versus actual progress.

The Federal Awarding Agency has the right to inspect and evaluate the work performed or being performed under this agreement, and the premises where the work is being performed, at all reasonable times and in a manner that will not unduly delay the work. If the Federal Awarding Agency performs an inspection or evaluation on the premises of the recipient or a sub-recipient, the recipient shall furnish and shall require sub-recipients to furnish all reasonable facilities and assistance for the safe and convenient performance of these duties.

1. **The Federal Awarding Agency's programmatic monitoring** addresses the content and substance of the program. It is a qualitative review to determine performance, innovation, and contributions to the field. The Federal Awarding Agency may make site visits as warranted by program needs. In addition, the Federal Awarding Agency has the right of timely and unrestricted access to any books, documents, papers, or other records of the recipient that are pertinent to the award, in order to make audits, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to recipient personnel for the purpose of interviews and discussions related to such documents.
2. **The Federal Awarding Agency's financial monitoring** ensures compliance with financial guidelines and general accounting practices as set forth in the terms and conditions and the Uniform Guidance. On-site or internal financial reviews are conducted to determine if: (1) award recipients are properly accounting for the receipt and expenditures of federal funds; (2) expenditures are in compliance with federal requirements and award special conditions; and (3) proper documentation on financial monitoring activities is prepared, maintained, and distributed as appropriate. The Federal Awarding Agency has the right of timely and unrestricted access to any financial or accounting records, documents, general ledger entries, or other records that are pertinent to the award, to verify financial transactions and reimbursement activity are in conformance with the approved budget and Uniform Guidance, including 2 CFR 200 [Subpart E Cost Principles](#). This right also includes timely and reasonable access to recipient personnel for the purpose of interviews and discussions related to such documents.

AWARD TERM 23

Use of Interior Seal and Endorsements

Requests for Use of the Department of the Interior Seal

The Department of the Interior seal, emblems, and insignia are protected by law from unauthorized use, and these seals and emblems may not be used for non-official purposes. Requests for permission to use the Department of the Interior seal for other purposes must be submitted in writing and addressed to the Director, OFAS. Each request should contain information on the intended use of the seal, with specific details as to the proposed product, method of reproduction, company's background, government, and non-government entities involved, and any other data which would be helpful in evaluating the request. You may send written requests to the following address:

U.S. Department of the Interior
1849 C Street, NW, MS-1530
Attention: Director, Office of Facilities and Administrative Services
Washington, D.C. 20240

Endorsements.

- Recipient shall not publicize or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts, or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service, or position which the recipient represents. No release of information relating to this award may state or imply that the Government approves of the recipient's work products or considers the recipient's work product to be superior to other products or services.
- All information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer: *The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.*
- A recipient further agrees to include this provision in a subaward and/or subrecipient agreement, except for a subaward to a State government, a local government, or a federally recognized Indian tribal government.

AWARD TERM 24**Environmental Compliance**

Recipients of financial assistance under this award must comply with all applicable federal statutes, regulations, and executive orders (EOs) and with all applicable Tribal, state, and local statutes and regulations to ensure that potential impacts to the environment are considered before undertaking any action funded with financial assistance under this award. The Recipient must ensure that documentation of compliance with all applicable statutes and regulations is included in project files and must produce this documentation upon request.

AWARD TERM 25

Endangered Species Act Compliance Reviews

This grant is being awarded pursuant to Section 40601 of the Infrastructure Investment and Jobs Act (P.L 117-58), commonly known as the "Bipartisan Infrastructure Law (BIL)." Under the BIL, the Secretary of the Interior is directed to award grants to eligible States to carry out activities that address orphaned wells. Under Section 7(a)(2) of the ESA, the Department of the Interior is required to ensure that activities funded by this award are not likely to jeopardize species listed on the Federal List of Endangered and Threatened Wildlife and Plants or result in the destruction or adverse modification of critical habitat designated for Federal Endangered and Threatened Wildlife and Plants.

The ESA Section 7 implementing regulations at 50 C.F.R. § 402.08 allow federal agencies to designate a non-federal representative (NFR) to conduct informal consultation. Accordingly, as a condition of this award, the recipient (and, if any, the recipient's designee(s) assisting with environmental compliance with respect to the award) agrees to serve as an NFR pursuant to 50 C.F.R. § 402.08. The Orphaned Wells Program Office (OWPO) reserves the right to rescind this designation. As an NFR, the recipient of this award (and, if any, the recipient's designee(s) assisting with environmental compliance with respect to the award) agrees to carry out the responsibilities described in Paragraphs (1)–(3) below. The recipient also agrees to coordinate with the OWPO or its designated agent assisting with ESA Section 7 compliance.

1) No-Effect Determination: The NFR will evaluate its project (identified at an appropriate scale) to determine whether it will have any effects to ESA-listed species or their critical habitats. If the NFR finds that a no-effect determination is appropriate, the NFR must provide documentation supporting that finding to the Department of the Interior's OWPO. The NFR may request technical assistance from the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) (FWS and NMFS are both referred to in the Sections below as the "Service"). Documentation indicating the project will not result in any "effects of the action" may include an Official Species List from the Services indicating that neither the range of an ESA-listed species nor the critical habitat of an ESA-listed species is found within the respective project area (i.e., the "action area," as defined in the ESA Section 7 implementing regulations at 50 C.F.R. § 402.02). For ESA-listed species under FWS's jurisdiction, an Official Species List can be obtained online through FWS's "Information for Planning and Consultation" web application, otherwise known as "IPaC" and located at: <https://ipac.ecosphere.fws.gov/>. If OWPO has not notified the NFR of any concerns with the NFR's no-effect determination within 10 business days of receipt of the documentation in support of the determination, then the NFR, sub-recipient, or their contractors may proceed with this project. However, if OWPO notifies the NFR, in writing, that it does not accept the "no effect" determination, as submitted, then the NFR may not begin any ground-moving activities related to this project until OWPO provides written approval to begin such activities.

2) May Affect, Not-Likely-To-Adversely Affect Determination: If an NFR makes a preliminary determination that a project may affect, but is not likely to adversely

affect, ESA-listed species or critical habitat, the NFR must notify OWPO. OWPO or its agent may seek additional information from the NFR to submit a request for the appropriate Service's written concurrence that the project is not likely to adversely affect ESA-listed species or critical habitat. As an NFR, you agree to provide additional information and further assistance to OWPO in preparing this request for concurrence. If the appropriate Service concurs that the project is not likely to adversely affect ESA-listed species or critical habitat, formal consultation is not required, and ESA compliance is complete.

3) Formal Consultation: In some limited circumstances, formal consultation of the State's project may be required. The ESA Section 7 implementing regulations do not provide for assignment of formal consultation responsibilities to an NFR. However, NFRs may assist in the development of a request for formal consultation with the appropriate Service. If formal consultation is required, the recipient of this award, as an NFR, agrees to assist OWPO or its agent in developing an initiation package (containing the requisite information described at 50 C.F.R. § 402.14(c)) that the OWPO will submit to the appropriate Service in its request for formal consultation.

AWARD TERM 26

Historic Preservation

With the exception of those activities listed below, the activities funded under Section 40601 of the BIL are "undertakings" with the potential to affect historic properties and, as such, are subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and the implementing regulations, 36 CFR Part 800.

Section 106 applies to historic properties listed in or eligible for listing in the National Register of Historic Places. By and through this Term and Condition of award, the OWPO authorizes the Recipient to initiate NHPA, Section 106 consultation, and to assume responsibility for steps in the process consistent with 36 CFR 800.2(c)(4). As a condition for receipt of the grant, the Recipient must conduct the initial steps of the Section 106 process, which includes identifying and evaluating historic properties within the area of potential effects associated with specific projects and assessing effects (36 CFR 800.4 through 800.5). To fulfill the requirements of these steps, the Recipient must initiate consultation with the State Historic Preservation Officer (SHPO) and other consulting parties. The Recipient should notify the OWPO if there are Indian tribes potentially affected by an undertaking; OWPO remains responsible for government-to-government relationships with Indian tribes unless the affected tribe(s) agrees in advance to the Recipient conducting such consultation. SHPO contact information is available at the following link:

<http://www.ncshpo.org/directory>.

Before taking any action that may affect historic properties, the Recipient must provide the OWPO with a preliminary finding or determination consistent with the documentation standards in 36 CFR 800.11(d), (e). OWPO will provide this documentation, as prepared by the Recipient, to the SHPO and/or the Tribal Historic Preservation Officer (as applicable) consistent with the requirements in 36 CFR

800.4(d)(1)-(2), 800.5. OWPO, in coordination with the Recipient, will seek to resolve any adverse effects to historic properties consistent with 36 CFR 800.6. The Recipient, or its subrecipients and contractors, may not commence activities until the Section 106 process is complete.

The following activities funded under this grant have no potential to cause effect to historic properties and, thus, require no further review: 1) documentary research and analysis; 2) GPS/GIS mapping; 3) survey and inventory with no ground disturbance (i.e. pedestrian survey, shovel testing and test unit excavation, and the use of remote sensing techniques), provided that site access is limited to existing roads and paths of ingress/egress; and 4) site assessment with no ground disturbance, provided that site access is limited to existing roads and paths of ingress/egress.

The Recipient may elect to engage the OWPO regarding the potential development of a programmatic agreement to set forth a streamlined Section 106 process covering the activities funded by these grants.

AWARD TERM 27

Carbon Credits

The Recipient may not directly or indirectly use the reduced emissions from wells plugged with Federal financial assistance funds, in whole or in part, to monetize, generate, or collect carbon credits or otherwise use the plugging of wells funded with this grant to generate income of any type by offsetting another party's greenhouse gas emissions. DOI considers the required methane screening and quantification efforts that must occur before and after well plugging necessary for measuring the impact on methane emissions, not for carbon credit generation.

- 19. Resolving Disputes:** Disagreements between DOI and the Recipient over the interpretation of provisions or terms in this Grant shall be resolved according to the procedures below. DOI shall attempt first to resolve disagreements with the Recipient through informal discussion among the FAO, FAOR, and the Recipient's POC.

If the disagreement is not resolved informally, the FAO, FAOR, and the Recipient's POC shall document the nature of the disagreement and bring it to the attention of the Head of Contracting Activity of the U.S. Department of the Interior, Office of the Secretary, Interior Business Center, Acquisition Services Directorate (AQD). The final agency action for DOI will be made by the Head of Contracting Activity of the AQD.

20. Termination of Agreement:

The Federal award may be terminated in whole or in part as follows in accordance with the provisions of [2 CFR Subpart D, Section 200.340 Termination](#):

- a. By the Federal awarding agency or pass-through entity, if the recipient entity fails to comply with the terms and conditions of the award;
- b. By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
- c. By the Federal awarding agency or pass-through entity with the consent of the recipient entity, in which case the two parties must agree upon the termination conditions,

including the effective date and, in the case of partial termination, the portion to be terminated;

- d. By the recipient entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety; or
- e. By the Federal awarding agency or pass-through entity pursuant to termination provisions included in the Federal award.

21. Budget and Program Revisions

Recipients must submit in writing to the FAO and the FAOR any other requests for budget or program revision in accordance with [2 CFR 200.308](#).

All modifications to the agreement shall be in writing and signed by the FAO. No oral statements or any written statements made by any person other than the FAO, shall in any manner modify or otherwise affect the terms and conditions of the agreement.

22. Acceptance and Amendment of Grant: The Recipient is not required to countersign the Grant document. However, the Recipient agrees to the conditions specified in the Grant Schedule and the Award Terms contained herein unless notice of disagreement is furnished to the FAO within 15 calendar days after the date of the FAO's signature. The only method by which this Grant can be amended is by a formal, written amendment signed by the FAO. No other communication, whether oral or in writing, is valid.

23. Report suspected fraud, waste, and/or abuse to the DOI Office of Inspector General at Office of Inspector General, U.S. Department of the Interior (www.doioig.gov) or by phone at 1-800-424-5081.

24. Exhibits as Attachments Incorporated by Reference:

1. [DOI Standard Terms and Conditions as of June 1, 2023](#)
2. [2 CFR 200 Subpart D Federal Financial Assistance Procurement Standards](#)
3. [2 CFR 200 Subpart D Property Standards](#)
4. [State Formula Program Grant Guidance Document](#)
5. [Data Reporting Template](#) with Definitions

Department of the Interior
Financial Assistance Award General Terms and Conditions
Effective June 1, 2023

I. ADMINISTRATIVE REQUIREMENTS

A. Acceptance of Terms and Conditions of Award

1. Recipients and subrecipients of the Department of the Interior (DOI) financial assistance (i.e., grant and cooperative agreement) awards (awards) must comply with the applicable terms and conditions incorporated into their Notice of Funding Opportunity or Notice of Award. These terms and conditions are in addition to the assurances and certifications made as part of the award application process through submission of the Standard Forms SF-424B Assurances for Non-Construction Programs and SF-424D Assurances for Construction Programs (see <https://www.grants.gov/forms/sf-424-family.html>), or through acceptance of certifications and representations in the System for Award Management (SAM.gov).
2. Acceptance of a financial assistance award from the DOI carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Acceptance of a Federal financial assistance award from the DOI means starting work, drawing down or requesting funds, or accepting the award via electronic means. Upon accepting the award, the recipient must comply with all terms and conditions imposed upon the award by the DOI and the recipient understands that acceptance of funds from the DOI constitutes a consent to fulfill and comply with all terms and conditions.

B. Recipient Responsibilities Regarding Subrecipients and Subcontractors

Recipients passing Federal funds through to subrecipients and contractors are responsible for ensuring their subrecipients and contractors are aware of and comply with applicable award statutes, regulations, and agency requirements. Recipients must review their official award document for additional administrative and programmatic requirements. Recipient and subrecipient failure to comply with the general terms and conditions outlined below and those directly reflected on the official financial assistance award document can result in the DOI taking one or more of “Remedies for Noncompliance” described in [Title 2 Code of Federal Regulations \(CFR\) Section 200.339 through Section 200.343](#).

C. No-Cost Extension Requests

A no-cost extension request, if granted, allows a recipient additional time to complete the overall goals and performance objectives of the award.

If the recipient determines additional time is required to complete the project's original scope with the funds already made available, an authorized official of the recipient entity may submit a request in writing to the awarding officer to extend the award if the awarding agency has not waived the prior approval provision set forth in [§200.308 Revision of Budget and Program Plans, \(e\)\(2\)](#). Extension requests must be made at least ten (10) calendar days before the

original period of the performance end date explaining the reason for the request. Extensions are not automatic and must not be requested merely to use unobligated balances. The awarding official will inform the recipient in writing whether an extension request has been granted.

D. Payments

1. For domestic financial assistance awards. Payment will be made by electronic drawdown reimbursement through the [Department of the Treasury, Automated Standard Application for Payment \(ASAP\) System](#), unless there is an approved waiver in place. Drawdowns to a recipient must be limited to the minimum amounts needed and will be timed to be in accordance with the actual, immediate cash requirements of the recipient in carrying out the purposes of the approved program or project. The timing and amount of cash advances must be as close as is administratively feasible to the actual disbursements by the recipient for direct program or project costs and the proportionate share of any allowable indirect costs.
2. For foreign financial assistance awards. The preferred method of payment is with a United States based (US-based) financial institution. For foreign assistance awards where no such US-based banking relationship exists, payments may be made using the standard method established by the Department of the Treasury for International Treasury Services (ITS).

E. Department of the Interior Agency Regulations for Grants and Cooperative Agreements

Recipients are required to follow the applicable provisions of [Title 2 CFR, Subtitle B, Chapter XIV, Parts 1400-1499](#), the “Financial Assistance Interior Regulations.”

F. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Recipients are required to follow the applicable provisions of the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (“Uniform Guidance”) located at [Title 2 CFR Part 200](#).

G. Institutions of Higher Education (IHE), State and Local Governments, Tribal Governments, and Non-Profit Organizations

In addition to Subparts A-F of the Uniform Guidance, IHEs, State and local government, tribal, and non-profit recipients are required to follow applicable Uniform Guidance (2 CFR Part 200) provisions, including:

[Special Consideration for States, Local Governments, and Indian Tribes](#)

§200.416, Cost allocation plans and indirect cost proposals

§200.417, Interagency service

[Special Consideration for Institutions of Higher Education](#)

§200.418, Costs incurred by states and local governments

§200.419, Cost accounting standards and disclosure statement

[2 CFR Subpart F, Audit Requirements](#)

[Appendix III](#) - Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHE)

[Appendix IV](#) - Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations

[Appendix V](#) - State/Local Government and Indian Tribe Wide Central Service Cost Allocation Plans

[Appendix VI](#) - Public Assistance Cost Allocation Plans

[Appendix VII](#) - States and Local Government and Indian Tribe Indirect Cost Proposals

[Appendix VIII](#) - Nonprofit Organizations Exempted from Subpart E of Part 200

H. [Foreign Entities](#)

1. [Foreign public entities](#) are also subject to the requirements specific to States, with the following exceptions in the Uniform Guidance:
 - a. The State payment procedures in Section 200.305(a) do not apply. Foreign public entities must follow the payment procedures in Section 200.305(b).
 - b. The requirements in Section 200.321, Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms, do not apply.
 - c. The requirements in Section 200.322, Procurement of recovered materials, do not apply.
2. [Foreign non-profit organizations](#) are subject to the requirements specific to non-profit organizations.
3. [Foreign Institutions of Higher Education \(IHE\)](#). Institutions located outside the United States that meet the definition in [20 United States Code \(U.S.C.\) Part 1001](#) are also subject to the requirements specific to IHEs.
4. [Foreign for-profit entities](#) are subject to the cost principles in [48 CFR 1, Subpart 31.2](#).

5. All other foreign entities are subject to the requirements applicable to non-Federal entities in [2 CFR Part 200, Subpart E](#).
6. For-Profit Entities, Individuals, and Others. For-profit entities, individual and other not covered by provisions set forth in previous sections must follow applicability standards set forth in Section [2 CFR 200.101\(b\) \(2\), Table 1](#).

I. Remedies for Non-Compliance

A recipient or subrecipient's failure to comply with the terms and conditions outlined herein and those reflected on the official financial assistance award document can result in the DOI taking one or more of the "Remedies for Noncompliance" described in the Uniform Guidance at [Sections 200.339 through 200.343](#).

II. NATIONAL POLICY REQUIREMENTS

The following statutory, regulatory, and national policy requirements apply to individuals and non-Federal entities, including foreign public entities and foreign organizations, receiving, or performing under Federal awards, unless otherwise described in this section.

A. [2 CFR Part 200, §200.112, Conflict of Interest](#)

The recipient must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with 2 CFR Part 1402, Financial Assistance Interior Regulation, [Section 1402.112 What are the conflict of interest policies?](#)

B. [43 U.S.C. Chapter 46, Geospatial Data, §2801–2811](#)

Recipient collection of geospatial data under a DOI-funded award requires a due diligence search at the [GeoPlatform.gov](#) list of datasets to discover whether the needed geospatial-related data, products, or services already exist. If the required data set already exists, the recipient must use it. If the required data is not already available, the recipient must produce the proposed geospatial data, products, or services in compliance with applicable proposed guidance and standards established by the Federal Geospatial Data Committee (FGDC) posted at [www.fgdc.gov](#). Recipients must submit a digital copy of all GIS data produced or collected as part of the award funds to the DOI bureau or office via email or data transfer. All GIS data files shall be in open format. All delineated GIS data (points, lines, or polygons) should be established in compliance with the approved open data standards with complete feature level metadata.

C. [2 CFR Section 1402.315, What are the requirements for availability of data?](#)

1. All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the

Interior, including being available in a manner that is sufficient for independent verification.

2. The Federal Government has the right to:
 - a. Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
 - b. Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

D. [2 CFR Part 170, Reporting Subawards and Executive Compensation.](#)

1. Reporting of First Tier Subawards.
 - a. Applicability. Unless the recipient is exempt of this award term, the recipient must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).
 - b. Where and when to report.
 - i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsr.gov>.
 - ii. For subaward information, reports should be submitted no later than the end of the second month after the initial award date.
 - c. What to report. The recipient must report the information about each obligating action that the submission instructions posted at <http://www.fsr.gov> specify.
2. Reporting total compensation of recipient executives for non-Federal entities.
 - a. Applicability and what to report. The recipient must report total compensation for each of the recipient's five most highly compensated executives for the preceding completed fiscal year, if:
 - i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in [2 CFR 170.320](#);

- ii. In the preceding fiscal year, the recipient received:
 - (a) 80 percent or more of the recipient's annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards);
 - (b) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards); and
 - (c) The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\), 78o\(d\)](#)) or [Section 6104 of the Internal Revenue Code of 1986](#). (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)
- b. Where and when to report. The recipient must report executive total compensation described in paragraph b.1. of this award term:
 - i. As part of the recipient's registration profile at [SAM.gov](#).
 - ii. No later than the end of the second month after the initial award data, and annually thereafter.
- 3. Reporting of Total Compensation of Subrecipient Executives.
 - a. Applicability and what to report. Unless the recipient is exempt as provided in paragraph 4. of this award term, for each first-tier non-Federal entity subrecipient under this award, the recipient shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if in the subrecipient's preceding fiscal year, the subrecipient received:
 - i. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards);
 - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\), 78o\(d\)](#)) or [Section 6104 of the Internal Revenue Code of 1986](#). (To determine if the public has access to the

compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)

- b. Where and when to report. The recipient must report subrecipient executive total compensation:
 - i. To the recipient.
 - ii. By the end of the month following the month during which the recipient makes the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), the recipient must report any required compensation information of the subrecipient by November 30 of that year.
4. Exemptions. If, in the previous tax year, the recipient had gross income, from all sources, under \$300,000, the recipient is exempt from the requirements to report:
 - a. Subawards, and
 - b. The total compensation of the five most highly compensated executives of any subrecipient.
5. Definitions. For the purposes of this award term:
 - a. “Federal Agency” means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
 - b. “Non-Federal entity” means all the following, as defined in 2 C.F.R. Part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization; and
 - iv. A domestic or foreign for-profit organization
 - c. “Executive” means officers, managing partners, or any other employees in management positions.
 - d. “Subaward” means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the recipient received this award and that the recipient awards to an eligible subrecipient.

- i. The term does not include the recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 C.F.R. 200.331).
 - ii. A subaward may be provided through any legal agreement, including an agreement that the recipient or a subrecipient considers a contract.
 - e. "Subrecipient" means a non-Federal entity or Federal agency that:
 - i. Receives a subaward from the recipient under this award; and
 - ii. Is accountable to the recipient for the use of the Federal funds provided by the subaward.
 - f. "Total compensation" means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. 229.402(c)(2)).
- E. [43 CFR Part 18, New Restrictions on Lobbying](#). The Authorized Representative's signature on the application submitted to a DOI Bureau or Office certifies to the statements in [43 CFR Part 18, Appendix A-Certification Regarding Lobbying](#). These provisions prohibit the use of Federal funds for lobbying the executive or legislative branches of the Federal government in connection with an award and require disclosure of the use of non-Federal funds for lobbying. Any recipient that requests or receives more than \$100,000 in Federal funding and has made or agrees to make any payment using non-appropriated funds for lobbying in connection with a proposal or award shall submit a completed Form SF-LLL, "Disclosure of Lobbying Activities," regarding the use of non-Federal funds for lobbying. Visit [43 CFR Part 18.110, Certification and Disclosure](#) requirements for more information. This provision does not apply to Tribes, tribal organizations, or Indian organization expenditures specifically permitted under other Federal laws.
- F. [5 U.S.C. Parts 1501-1508 and 7324-7328 \(i.e., Hatch Act\)](#). Recipient agrees to comply, as applicable, with requirements of the Hatch Act, which limits certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.
- G. [41 U.S.C. Part 6306, Prohibition on Members of Congress Making Contracts with Federal Government](#). No member of or delegate to the United States Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.
- H. [43 CFR Part 17 – Nondiscrimination in Federally Assisted Programs of the Department of the Interior](#) prohibit discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance.

- I. [42 U.S.C. Chapter 126 of The Americans with Disabilities Act of 1990, entitled “Equal Opportunity for Individuals with Disabilities”](#) prohibits discrimination based on disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation. Further, [42 U.S.C. Chapter 60, Subtitle C Part 60-1.4\(b\)](#) is applicable in full enforcement by reference in these terms and conditions, including the equal opportunity clause and requirements for clauses in contracts for all construction projects receiving Federal financial assistance funding.
- J. [28 CFR Section 35, Non-discrimination on the Basis of Disability in State and Local Government Services](#) implements Subtitle A of Title II of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12131-12134](#)), as amended by the ADA Amendments Act of 2008 ([Pub. L. 110-325](#), 122 Stat. 3553), which prohibits discrimination on the basis of disability by public entities.
- K. [Homeland Security Presidential Directive \(HSPD\) 12](#). The subrecipient or contractor must comply with personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential Directive 12 (HSPD-12), Office of Management and Budget (OMB) Guidance M-05-24, as amended, and Federal Information Processing Standards Publication (FIPS PUB) Number 201, as amended, for all employees under a subaward or contract who require routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system.
- L. [Executive Order No. 13043, Section 1\(c\) and \(d\) \(1997\), Increasing Seat Belt Use in the United States](#) encourages recipients including tribal governments to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.
- M. [Executive Order No. 13513, Section 4 \(2009\), Federal Leadership on Reducing Text Messaging While Driving](#). DOI encourages recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles or a Government Owned Vehicle, or while driving a Personal Owned Vehicle when on official Government business or when performing any work for or on behalf of the Government.
- N. [Executive Order No. 14026 \(2021\), Increasing the Minimum Wage for Federal Contractors](#) Establishes a minimum hourly wage paid by parties that contract with the Federal government of \$15.00. The Order applies to any contract or contract-like instrument, Contract-like instruments are defined in [29 CFR §23.20, Definitions](#).
- O. [35 U.S.C., Title 35, Part II, Chapter 18, Patent Rights in Inventions Made with Federal Assistance](#)). Formerly known as the Patent and Trademark Act Amendments, the Bayh-Dole Act is a federal law enacted in 1980 that enables universities, nonprofit research institutions and small businesses to own, patent and commercialize inventions developed under federally funded research programs within their organizations. The law creates a uniform patent policy among the federal agencies that fund research. The standard patent rights clause is set forth at [37 C.F.R, Chapter IV, Part 401](#) and included as needed at the program and award level.

III. RECIPIENT INTEGRITY AND PERFORMANCE

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement. If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the recipient during that period of time must maintain the currency of information reported to SAM.gov, the designated integrity and performance system) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition.¹ This is a statutory requirement under Section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by [Section 3010 of Public Law 111-212](#), all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. Proceedings About Which the Recipient Must Report. Submit the required information for each proceeding that:
 - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
 - b. Reached its final disposition during the most recent five-year period; and
 - c. Is one of the following:
 - i. A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - ii. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - iii. An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and the recipient's payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - iv. Any other criminal, civil, or administrative proceeding if:
 - (a) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

¹ Please note that in FY 2023 the former Federal Awardee Performance and Integrity Information System (FAPIIS) is now integrated into the SAM.gov system.

- (b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the recipient's part; and
 - (c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.
- 3. Reporting Procedures. Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. The recipient does not need to submit the information a second time under assistance awards received if the recipient already provided the information through SAM because the recipient was required to do so under Federal procurement contracts that the recipient was awarded.
- 4. Reporting Frequency. During any period of time when the recipient is subject to the requirement in paragraph 1 of this award term and condition, the recipient must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that the recipient has not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.
- 5. Definitions. For purposes of this award term and condition:
 - a. "Administrative proceeding" means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
 - b. "Conviction" for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
 - c. "Total value of currently active grants, cooperative agreements, and procurement contracts" includes:
 - i. Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - ii. The value of all expected funding increments under a Federal award and options, even if not yet exercised.

IV. FUTURE BUDGET PERIODS

If it is anticipated that the period of performance will include multiple budget periods, funding for the subsequent budget periods that are subject to the availability of funds, program authority, satisfactory performance, and compliance with the terms and conditions of the initial Federal award.

V. TERMINATION PROVISIONS

A. Per [§200.340 Termination](#), the Federal award may be terminated in whole or in part as follows:

1. By the Federal awarding agency or pass-through entity, if the recipient entity fails to comply with the terms and conditions of the award;
2. By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
3. By the Federal awarding agency or pass-through entity with the consent of the recipient entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
4. By the recipient entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or passthrough entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety; or
5. By the Federal awarding agency or pass-through entity pursuant to termination provisions included in the Federal award.

VI. FEDERAL AWARDING AGENCY, PROGRAM SPECIFIC TERMS AND CONDITIONS

- A. The Federal awarding agency must include with each Federal award any terms and conditions necessary to communicate requirements that are in addition to the requirements outlined in these general terms and conditions.
- B. Refer to the terms and conditions of the award issued by the DOI sub-agency providing direct funding for the project for performance goals, indicators, targets, and baseline data. The DOI sub-agency awarding project specific funding will specify in terms and conditions additional to those set forth in this document on how performance will be assessed, including the timing and scope of expected performance ([2 C.F.R §200.202](#) and [§200.301](#)).

Exhibit B – Subpart D Procurement Standards

[2 CFR 200 Subpart D Federal Financial Assistance Procurement Standards](#)

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d?toc=1>

Exhibit C – Subpart D Property Standards

[2 CFR 200 Subpart D Property Standards](#)

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR8feb98c2e3e5ad2>

UNITED STATES DEPARTMENT OF THE INTERIOR

ORPHANED WELLS PROGRAM OFFICE

BIPARTISAN INFRASTRUCTURE LAW SECTION 40601

PHASE 1 STATE FORMULA GRANT GUIDANCE – JULY 2023

I. INTRODUCTION

President Biden signed the Bipartisan Infrastructure Law (BIL; [Public Law 117-58](#)) on November 15, 2021, making a once-in-a-generation investment in the Nation’s infrastructure and economic competitiveness. This landmark investment will rebuild America’s critical infrastructure, tackle the climate crisis, address legacy polluted sites, advance environmental justice, and drive the creation of good-paying jobs that provide a free and fair chance to join a union. By addressing long overdue infrastructure and environmental improvements and strengthening our resilience to the changing climate, this investment in our communities across the country will grow the economy sustainably and equitably for decades to come.

Section 40601 of the BIL creates an orphaned well site plugging, remediation, and reclamation program within the Department of the Interior (DOI) to address orphaned wells and well sites on Federal lands.¹ Subsection (d) creates a grant program for Tribes, and subsection (c) creates three types of grants for states:

1. Initial grants (Section 40601(c)(3))
2. Formula grants (Section 40601(c)(4))
3. Performance grants (Section 40601(c)(5))

On January 10, 2023, Secretary Haaland issued Secretary’s Order 3409 to establish an Orphaned Wells Program Office (OWPO) to ensure effective, accountable, and efficient implementation of the BIL’s historic investment in orphaned well clean-up. The OWPO, in the Office of Policy, Management and Budget, will carry out the Secretary’s responsibilities under Section 40601 of the BIL, including issuing, administering, and overseeing State grants.

This document sets forth the application process for States to receive Phase 1 Formula grants and provides requirements for carrying out activities under the State Formula grants authorized by Sec. 40601(c)(4) of the BIL. Formula grant funding is based on the Notice of Intent data provided by the States in December 2021 and the formula established by the Secretary. Attachment B shows how much each State is eligible to

¹ Section 40601 amends Section 349 of the Energy Policy Act of 2005, but for simplicity all references to the amended Section 349 will be written as components of Section 40601 of the BIL in this document.

receive in total Formula grants and in Phase 1 grants. In Phase 1, States may apply for a grant of up to \$25 million *or* for a grant of up to 25% of the State’s total formula eligibility, whichever of the two is greater, and without exceeding the State’s total formula eligibility as shown in Attachment B. In Phase 1, States with a total formula eligibility of less than \$25 million may apply for the total formula grant amount identified in Attachment B. States eligible to receive more than \$25 million in total funds may submit additional Formula grant applications in future phases until the State has been awarded the entire amount it is eligible to receive.

For additional information on State Formula Grants, including phasing, please see the Frequently Asked Questions and Answers document released by the Orphaned Wells Program Office.²

This document indicates the information that is **required** to be included in an application for a Phase 1 Formula grant and for expenditure of the grant funding. States are required to apply these practices to meet the requirements of Sec. 40601(c)(4), to promote consistent standards for well plugging and reclamation activities and facilitate the proper tracking of the program’s benefits.

II. DEFINITIONS

“Administrative costs” identified in Sec. 40601(c)(2)(B)(i) and 40601(c)(4)(B)(ii)(V), limited to not more than 10 percent of the funds received, are those costs that cannot be directly attributed to activities listed under Sec. 40601(c)(2)(A), i through viii, but instead to general grants management or program administration. Administrative costs can be expended for personnel or non-personnel costs, and can be direct or indirect, but should represent the costs to the State for managing the overall grant-funded work rather than preparation for and execution of individual projects.³

“Award Date” is the date the award is signed by the Agreements Officer and may coincide with or precede the effective date of the grant (see “Date of receipt of the funds” below), based on project needs and discussions between the State and the Agreements Officer.

“Communities of color” are those communities with a higher than national average percent of individuals in a block group who list their racial status as a race other than white alone and/or list their ethnicity as Hispanic or Latino. That is, all people other than non-Hispanic white-alone individuals. The word "alone" in this case indicates that the

² State Formula Grant Guidance: Frequently Asked Questions and Answers. July 2023. The document is available at: <https://doi.gov/sites/doi.gov/files/faqs-formula-grants-07.07.2023.pdf>

³ The Interior Business Center plans to provide technical assistance tools to assist states with questions related to administrative costs.

person is of a single race, not multiracial. A block group is an area defined by the Census Bureau that usually has in the range of 600-3,000 people living in it.⁴

“Community” – either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions.⁵

“Date of receipt of the funds”, as identified in Sec. 40601(c)(4)(D), is the effective date of the grant, which is the start of its period of performance, as determined by the DOI Agreement Officer in consultation with the receiving State. The effective date begins the 5-year period within which the State must obligate funds or return such unobligated funds to DOI.

“Documented Well” is a well for which the State or other regulatory agency has a drilling report, completion report, inspection report, or other record establishing the existence of the well, including its precise location. (i.e., latitude and longitude in decimal degrees) The term “undocumented” refers to a well that is entirely unknown to the agency or a well of which the agency has some evidence, but which requires further records research or field investigation for verification.⁶

“Equipment” as defined in [2 CFR § 200.313](#) is tangible personal property (including information technology systems) having a useful life of more than one (1) year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. See [2 CFR § 200.313](#) for the title, use, management, and disposition of equipment purchased with State Formula grant funds.

“Federal land” is defined in Sec. 40601(a)(1) as land administered by a land management agency within the Department of Agriculture or the Department of the Interior.

“Federal wells” – Orphaned wells and well sites on Federal land are considered “Federal wells” and are eligible for funding under the Sec. 40601(b) Federal Program. Orphaned wells—and well sites associated with such wells—that were drilled subject to a federal permit to drill may be considered Federal wells eligible for funding under the Sec. 40601(b) Federal Program, regardless of surface ownership. A State may use grant funds received under Sec. 40601 to plug and remediate Federal wells located on State or private land, with Federal subsurface, and may include those wells in its inventory of

⁴ This definition is adopted from USEPA’s EJSCREEN definitions at: <https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen#demoindex>

⁵ Definition from OMB and CEQ Interim Implementation Guidance for the Justice40 Initiative (M-21-28) dated July 20, 2021.

⁶ Idle and Orphan Oil and Gas Wells: State and Provincial Regulatory Strategies 2021. Interstate Oil and Gas Compact Commission, page 4. This report is available at: https://iogcc.ok.gov/sites/g/files/gmc836/f/documents/2022/iogcc_idle_and_orphan_wells_2021_final_web_0.pdf

documented orphaned wells on State or private land. Any plugging and reclamation activities on such split-estate orphaned wells would be subject to the Federal government's onshore plugging and reclamation standards and DOI approval prior to the start of operations.

"Low-income communities" are those communities that in the last 12 months had a median household income less than twice the poverty level.⁷

"Orphaned Well" – The term "orphaned well", with respect to Federal or Tribal land, means a well that is not used for an authorized purpose, such as production, injection, or monitoring, and for which no operator can be located, the operator of which is unable to plug the well and to remediate and reclaim the well site, or that is in the National Petroleum Reserve - Alaska. With respect to State or private land, the term:

- (1) has the meaning given the term by the applicable State; or
- (2) if that State uses different terminology, has the meaning given another term used by the State to describe a well eligible for plugging, remediation, and reclamation by the State.

"Pre-Award Costs" – The Federal Awarding Agency waives the prior written approval requirements for pre-award project costs that were incurred within 90 calendar days before the Federal award effective date. All costs incurred prior to the effective date are at the recipient's risk of non-reimbursement if the costs are not determined to be allowable, allocable, and reasonable. (2 CFR 200.407 & 2 CFR 200.308)

"Reclamation, restoration, or remediation" – These terms, with respect to State or private land, have the meaning given these or similar terms by the applicable State.

"Tribal and indigenous communities" are communities whose members make up a Federally recognized Indian Tribe, a State-recognized Indian Tribe, an Alaska Native community or organization, a Native Hawaiian organization, or any other community of indigenous people located in a State, including indigenous persons residing in urban communities.

"Unobligated amounts" - For purposes of determining the amount of reimbursement required under Sec. 40601(c)(4)(D), "unobligated amounts" covers any funding that is not subject to a definite commitment that creates a legal liability of the State for an immediate or future payment for goods or services ordered or received, including by contract or sub-contract award.⁸

⁷ This definition is similar to USEPA's EJSCREEN definition at <https://www.epa.gov/ejscreen/ejscreen-map-descriptions#category-demographics>

⁸ See Government Accountability Office definitions at: <https://www.gao.gov/assets/gao-05-734sp.pdf>

III. PERMISSIBLE USES OF FORMULA GRANT FUNDS AND RELATED ELEMENTS

- A. As provided under Section 40601(c)(2), a State may use funding for any of the following purposes:
- i. To plug, remediate, and reclaim orphaned wells located on State-owned or privately-owned land;
 - ii. To identify and characterize undocumented orphaned wells on State and private land;
 - iii. To rank orphaned wells based on factors including public health and safety, potential environmental harm, and other land use priorities;
 - iv. To make information regarding the use of funds received available on a public website;
 - v. To measure and track -
 - (a) emissions of methane and other gases associated with orphaned wells; and
 - (b) contamination of groundwater or surface water associated with orphaned wells;
 - vi. To remediate soil and restore native species habitat that has been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure;
 - vii. To remediate land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure;
 - viii. To identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities of color, low-income communities, and Tribal and indigenous communities; and
 - ix. To administer a program designed to carry out any activities described in i. through viii.
- B. Formula grants are available for such activities where the surface or subsurface estate is owned by the State or by a private party, including, potentially, individually owned Indian properties that are held in trust by the Secretary of the Interior but deemed by the State to be ‘orphaned wells’ on ‘private land,’ for purposes of compliance with this guidance. To the extent formula grant funds are used in the split estate context, the State must coordinate with the Orphaned Wells Program Office and the appropriate Federal agency, and/or Indian Tribe, as applicable.
- C. Section 40601(c)(4) allows States to apply for a Formula grant up to the State’s eligible amount as determined by DOI in accordance with Section 40601(C)(4)(A) and published by DOI in Attachment B.
- D. Section 40601(c)(4)(D) - Unobligated Funds: A State that receives funds under the Formula grant authority shall reimburse the Secretary in an amount equal to the

amount of funds that remain unobligated on the date that is **five years** after the “date of receipt of the funds”. In other words, all funds must be obligated within five years of the effective date of award, otherwise unobligated funds shall be reimbursed to the Secretary.

- E. States may use funds from their formula grants to display signage at orphaned well plugging and remediation sites during any or all of a project’s activity to increase the transparency of projects funded in whole or in part by the Bipartisan Infrastructure Law (P.L. 117-58) and to make visible to the public the effectiveness of Federal and State Government efforts to rebuild our Nation’s infrastructure, including tackling legacy pollution. Costs to procure, distribute, and install signage are considered administrative costs. If a State displays signs at orphaned well sites, they shall meet the specific design requirements of the Investing in America Signage Guidelines.⁹
- F. States must comply with all applicable Federal grant award requirements, including but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR 200](#)).

IV. INSTRUCTIONS FOR FORMULA GRANT APPLICATIONS

A. Application Date

- i. States may apply for Phase 1 Formula grants in any amount up to but not exceeding each State’s Phase 1 eligible amount identified in Attachment B upon release of this guidance until December 31, 2023.
- ii. Applications must be submitted via GrantSolutions at the following link: <https://home.grantsolutions.gov/home/>

B. Eligibility

To be eligible for a Phase 1 Formula grant, in addition to the requirements in Attachment D, a State must have submitted a Notice of Intent to DOI by December 31, 2021. The list of eligible States appears in Attachment B.

C. Other Required Elements

To be complete, the application must include sufficient details as described below to provide assurances regarding the ability of the state to properly carry out and oversee the activities to be funded. All Required Elements are Standard Forms or approved forms under OMB Control No. 1093-0012.

⁹ Investing in America Signage Guidelines: <https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf>

- i. Federal Forms: The following Federal forms with the latest versions are available at [Grants.gov](https://www.grants.gov) and must be submitted for a Formula grant request for funding (the application) to be complete. Digital signatures are acceptable:
 - (a) [SF-424v4](#) Application for Federal Assistance¹⁰
 - (b) [SF-424A](#) Budget Information for Non-Construction Programs
 - 1. An SF-424A is a standard form that provides an estimate of the work's major budget categories (e.g., personnel, fringe benefits, travel, equipment, supplies, contractual, constructions, other costs, direct, and indirect charges), where the sum total of the budget justification equals the overall Formula grant request. Within the form, establish a category for Administrative Costs and separate and track those from all other costs.
 - (c) [SF-LLL](#) Disclosure of Lobbying Activities (if applicable)
 - 1. The SF-LLL is required when the applicant uses non-federal funds to lobby in connection with the proposal AND the federal share of the proposal exceeds \$100,000. If the grant applicant does not engage in lobbying activities, it is sufficient to mark the SF-LLL form "N/A" for Not Applicable.
 - (d) [OMB 4040-0013](#) Certification Regarding Lobbying Form
 - (e) [OMB 4040-0010](#) Key Contacts Form
 - (f) OMB Control No. 1093-0012 (see subsection v. below)
- ii. Detailed Budget Proposal/Justification: The budget must include a detailed narrative description of the budget categories and a clear delineation between project costs and administrative costs. This information supports and identifies the estimated costs provided in the SF-424A and includes an itemized budget breakdown with unit costs for the period of the Formula grant funding and the costs of personnel salaries, fringe benefits, project staff travel, materials and supplies, equipment, and consultants and contracts, e.g., for well plugging, site remediation, and site reclamation. The budget must include planned obligations and drawdowns per FY.
- iii. Federal Approved Indirect Cost Rate Agreement: A federally approved Indirect Cost Rate Agreement or statement regarding the State's intention to negotiate or utilize the de minimis rate.
- iv. Project Abstract Summary (OMB 4040-0019): A project abstract of not more than one page will include the project purpose, activities to be performed,

¹⁰ Forms must be signed by the authorized official. Instructions on how to complete SF-424 can be found at Grants.gov: <https://www.grants.gov/web/grants/forms/sf-424-family.html>

expected deliverables or outcomes, intended beneficiaries, and subrecipient activities (if known).

- v. Work Plan/Proposal:¹¹ A State shall submit an application that includes the following:
- (a) a description of—
 - 1. the State program for orphaned well plugging, remediation, and restoration, including legal authorities, processes the State currently uses to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the State to carry out proposed activities using the grant, including summary descriptions of:
 - a. the State’s plugging standards, including the witnessing requirements (qualifications of witnesses, documentation);
 - b. how salvaged material and equipment will be reused, recycled, or sold for scrap (with any resulting income reported to DOI and incorporated into the grant budget for eligible activities upon approval by DOI);¹²
 - c. the State’s authorities to enter private property, or a State’s procedures to obtain landowner consent to enter such property, and in the event that any wells to be plugged will be accessed from Federal or Tribal land, how the State will gain access;
 - 2. how the State will prioritize (i.e., rank for remediation activity) orphaned wells based on threats to public health and safety, environmental harm – particularly harms due to methane emissions – and other land use priorities, including the remediation of hazardous sites in overburdened and underserved communities.¹³
 - 3. the details of each activity to be carried out with the grant, including a preliminary work schedule covering the period of performance of the Formula grant and an identification of the estimated health, safety, habitat, and environmental benefits of plugging, remediating, or reclaiming orphaned wells. Each activity must include a schedule and resources needed for

¹¹ Particularly during the initial launch of state orphaned wells programs, DOI provides states with direct technical assistance on their workplans in advance of the dispersal of funds.

¹² Resulting salvage income will be additive to the grant and must be incorporated into the grant budget and approved by DOI.

¹³ Recommend using the [Climate and Economic Justice Screening Tool](https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5) to identify overburdened and underserved census tracts. Available at <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>.

- getting the work completed, which must cover the entire project period;
4. proposed performance goals including a schedule of milestones for completing the activities of (3) above and to achieve the objectives of the workplan,
 5. the means by which the information regarding the activities of the State under this grant will be made available on a public website; and
 6. the process the state follows to identify and pursue all potentially responsible parties that may be legally liable for plugging, remediating, or restoring orphaned wells in the state.
- (b) an estimate that the Department acknowledges is a snapshot in time and subject to change as circumstances on the ground dictate, of—
1. the number of orphaned wells or sites, categorized by the region in the State that the State forecasts may be plugged, remediated, or reclaimed using Phase 1 formula grant funds;
 2. the projected cost, including the basis of estimates, of—
 - a. plugging, remediating, or reclaiming orphaned wells;
 - b. remediating or reclaiming adjacent land; and
 - c. decommissioning or removing associated pipelines, facilities, and infrastructure;
 3. the amount of that projected cost that will be offset by the forfeiture of financial assurance instruments, the estimated salvage of well site equipment, or other proceeds from the orphaned wells and adjacent land;
 4. the number of jobs that will be created or saved through the activities to be funded under this grant and the assumptions and methodology to develop the estimate; and
 5. to the extent possible, the miles and diameter(s) of associated pipelines and number and description of associated facilities and infrastructure assets that will be decommissioned or removed.
- (c) if practical, the latitude/longitude, type of well, the well ID (API number), surface ownership, and mineral ownership for those wells that are likely to be plugged, remediated, or reclaimed.
- (d) the definitions and processes used by the State to formally identify a well as—
- a. an orphaned well; or
 - b. if the State uses different terminology, otherwise eligible for plugging, remediation, and reclamation by the State.

- (e) Details of how the State will identify and prioritize the highest methane emitters and how the State will identify and prioritize well plugging and site reclamation that are intended to address disproportionate burdens of adverse human health or environmental impacts of orphaned wells on communities of color, low-income communities, and Tribal and indigenous communities. Consistent with Sec. 40601(c)(2)(A)(viii), States will identify and factor into their project prioritizations orphaned wells within 0.5 miles of communities of color, low-income communities, and Tribal and Indigenous communities. Identification of such communities will utilize established tools, such as CEJST. Decision points and underlying assumptions, such as the number and type of environmental indicators, must be described in the application,^{14,15}
- (f) The methodology, including field indicators, sampling, and modeling approaches, to be used by the State to measure and track contamination of groundwater and surface water associated with orphaned wells, including how the State will assess the effectiveness of plugging activities in reducing or eliminating such contamination;
- (g) Methods to be used to decommission or remove associated pipelines, facilities, and infrastructure and to remediate soil and restore habitat that has been degraded due to the presence of orphaned wells and associated infrastructure, including a description of how salvaged material and equipment will be reused, recycled, or sold for scrap (with any resulting income reported to DOI);
- (h) Methods the State will use to solicit recommendations from local officials and the public regarding the prioritization of well plugging and site remediation activities, and any other processes the State will use to solicit feedback on the program from local governments and the public;
- (i) How the State will use funding to locate currently undocumented orphaned wells;
- (j) Plans the State has to engage third parties in partnerships around well plugging and site remediation, or any existing similar partnerships the State currently belongs to;

¹⁴ See [Climate and Economic Justice Screening Tool](#). Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST) (M-23-09) dated January 27, 2023, provides supplemental guidance to Federal agencies on using the CEJST tool; version 1 was released on November 22, 2022.

¹⁵ Actions taken by states under paragraph (e), including attempting to prioritize the plugging of specific wells, may be considered program costs, and the state should work with the Department during the application window and its period of performance to guarantee this outcome.

- (k) Plans the State has to support opportunities for all workers and vendors, including workers underrepresented in well plugging or site remediation, workers in traditional energy communities impacted by changing markets and technology, and workers from underserved communities to be trained and placed in good-paying jobs directly related to the project, including through workforce development programs and incorporating workforce strategies into project development;
- (l) A description of:
 - 1. Training programs, including pre-apprenticeships, registered apprenticeships, local and economic hire agreements for workers, and engagement with relevant labor unions with which the State intends to conduct outreach, partner, or fund in well plugging or site remediation;
 - 2. Plans the State may or may not have to use procurement processes that incentivize contractors to hire current or former employees of the oil and gas industry;
 - 3. Whether the State plans to bundle and aggregate projects into larger state-wide or regional contracts as part of their procurement processes;
 - 4. Whether the State plans to support safe, equitable, and fair labor practices by adopting, requiring, or encouraging contractors to adopt collective bargaining agreements, local hiring provisions, project labor agreements, and community benefits agreements; and
 - 5. Whether, and if so, how, the State plans to use a program to help determine if a contractor is “responsible,” such as a responsible contractor ordinance, pre-qualification requirements or similar programs.
- (m) Procedures the State will use to coordinate with Federal or Tribal agencies to determine whether efficiencies may exist by combining field survey, plugging, or surface remediation work across private, State, Federal, and Tribal land; and
- (n) A plan to monitor the reclaimed locations to ensure remediation and reclamation success. Such plan should include methodology and chronology of monitoring, data collection, and a plan for additional reclamation should the initial attempt be unsuccessful, and the activities outlined in the plan should be incorporated into the preliminary work schedule required in section IV.C.v.(a)3.

D. *Restrictions and instructions on funding*

- i. States may not use more than 10 percent of the funds received as authorized under Sec. 40601(c)(2)(B)(i) for administrative costs associated with activities listed in Section III. Administrative costs are defined in section II above.
- ii. In Phase 1, States may apply for no more than the eligible amount determined by the formula as published by DOI in Attachment B.
- iii. In accordance with the Buy America Preference provided in the BIL and Office of Management and Budget's (OMB) Memorandum [M-22-11 Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#) none of the Funds made available for this program may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. See Attachment C of this Guidance for additional information regarding the Buy America Preference and Waivers.¹⁶ Questions regarding the applicability to Buy America, such as the location of the orphaned well, should be addressed to each State's financial assistance officer for a fact-specific determination.
- iv. States may not use wells plugged with formula grant funds to monetize, generate, or collect carbon credits or otherwise use the plugging of wells funded with formula grants to generate income of any type by offsetting another party's greenhouse gas emissions.

E. *Certifications* (digital signatures are acceptable)

For Formula grant applications, a certification (see Attachment A) must be submitted to the Department with the application package certifying that:

- i. Any financial assurance instruments available to cover plugging, remediation, or reclamation costs will be used by the State; and
- ii. The State acknowledges the Davis-Bacon Act requirements for the award or project and confirms that all laborers and mechanics performing construction, alteration, or repair work on projects in excess of \$2,000 funded directly by or assisted in whole or in part by funding under the award are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code. The state acknowledges that it must include a provision to comply with the provision of

¹⁶ [DOI Buy America general applicability waivers](#)

the Davis-Bacon Act in all its contracts, in accordance with 2 CFR Appendix II to Part 200(D).

V. STANDARDS FOR MEASUREMENT, PLUGGING, REMEDIATION, AND WORKFORCE

A. Pre- and Post-Plugging Measurement of Air and Water Pollution

- i. States will conduct an inspection of each orphaned well site being considered under this grant to screen for leaks of methane and other gases—and if identified to measure the rate of such leaks—and to identify potential surface water or groundwater contamination. Such inspections may be performed immediately prior to commencement of plugging and abandonment, as long as the requisite pre-plugging information is documented. State agencies also will conduct or supervise post-plugging inspections within 12 months of the plugging activity to verify the lack of gaseous emissions and water contamination from plugged wells and the achievement of vegetation performance standards appropriate to the site’s future land uses, if applicable. Or, alternatively, an arms-length entity the State ensures is qualified may also conduct post-plugging inspections. Such post-plugging inspections must be documented to create a verifiable record of activities performed under the grant. To the extent practical, each well should be physically or electronically tagged after it is plugged, with tags indicating the date the well was plugged and the contractor(s) responsible for the plugging.
- ii. States will follow, as the minimum standard, the DOI methane emission guidelines (and subsequent revisions), including all recommendations therein.¹⁷ The technology and approaches for methane detection, quantification, and monitoring are rapidly improving and evolving. As such, the DOI methane emission guidelines and requirements will also evolve over time in a manner intended to reduce the costs and burdens on states of detecting and quantifying methane emissions from orphaned wells, including the use of models and estimation tools while achieving the goals of Sec. 40601 of the BIL.
- iii. Pre- and post-plugging values of gaseous emissions (particularly methane), water contamination, and acres restored must be included, per well, in the quarterly and final performance reports described in Section VIII.D. below.

¹⁷ Assessing Methane Emissions from Orphaned Wells to Meet Reporting Requirements of the 2021 Infrastructure Investment and Jobs Act (BIL): Federal Program Guidelines. April 11, 2022. Available at: <https://www.doi.gov/sites/doi.gov/files/federal-orphaned-wells-methane-measurement-guidelines-final-for-posting-v2.pdf>

B. Well Plugging and Site Remediation Standards

- i. States with established and documented well plugging standards and regulations will require their contractors to meet those requirements. For a State that does not have established well plugging standards, the work must reflect, at a minimum: the plugging standards in the Bureau of Land Management's Onshore Oil and Gas Order No. 2 Section III.G for plugging wells, https://www.blm.gov/sites/blm.gov/files/energy_onshoreorder2.pdf; or, for offshore wells, the provisions of 30 CFR Part 250.
- ii. States will meet or exceed any well plug witnessing and documentation requirements pursuant to State law.
- iii. For States with established well abandonment standards (inclusive of those actions necessary to complete surface reclamation and revegetation), all well closures shall meet those requirements. If a State does not have well abandonment standards, a well site must reflect, at minimum, the Bureau of Land Management's Reclamation and Abandonment Standards. For additional details, see: <https://www.blm.gov/sites/blm.gov/files/Chapter%206%20-%20Reclamation%20and%20Abandonment.pdf>.
- iv. Remediation and reclamation of contaminants in soil, water, or other medium resulting from orphaned wells shall be conducted in accordance with applicable state or federal laws.

C. Workforce Standards

- i. For projects or aggregated projects in excess of \$1 million, States are encouraged to require contractors, consistent with State applicable law, to provide:
 - (a) a certification that the project uses a unionized project workforce;
 - (b) a certification that the project includes a project labor agreement; or a project workforce continuity plan detailing:
 1. How the contractor ensured the project had ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality work throughout the life of the project, including a description of any required professional certifications and/or in-house training programs, and partnerships with unions, community colleges, or community-based groups;
 2. How the contractor minimized risks of labor disputes and disruptions that would have jeopardize the timeliness and cost-effectiveness of the project;

3. How the contractor provided a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
4. Whether workers on the project received wages and benefits that secured an appropriately skilled workforce in the context of the local or regional labor market;
5. Whether the project had a Community Benefit Agreement, with a description of any such agreement; and
6. Whether the project prioritized local hires.

VI. EQUIPMENT AND SUPPLIES

A. Equipment.

- i. In accordance with 2 CFR 200.439, “Equipment”, title to equipment (i.e., tangible nonexpendable personal property charged directly to the award having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit, such as vehicles, computer equipment, etc.) acquired by a recipient with DOI funds shall vest in the recipient. The equipment may not be encumbered without the approval of the awarding agency. The equipment will be used for authorized purposes if it is needed whether the project or program continues to be supported by federal funds. When the recipient no longer needs the equipment, it may use it for other activities in accordance with agency procedures or dispose of it upon approval from the awarding agency. Equipment owned by the federal government shall be identified to indicate federal ownership. The recipient shall take a physical inventory of equipment and reconcile the results with the equipment records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the cause of the difference.
- ii. Equipment records shall be maintained accurately and shall include the following information:
 - (a) A description of the equipment;
 - (b) Manufacturer’s serial number, model number, or other identification number;
 - (c) Source of the equipment including the award number;
 - (d) Whether title vests in the recipient or the federal government;
 - (e) Acquisition date (or date received, if the equipment was furnished by the federal government) and cost;

- (f) Information from which one can calculate the percentage of DOI's share in the cost of the equipment (not applicable to equipment furnished by the federal government);
 - (g) Location and condition of the equipment and the date the information was reported;
 - (h) Unit acquisition cost; and
 - (i) Ultimate disposition data including date of disposal and sale price or, when a recipient compensates the DOI awarding agency for its share, the method used to determine current fair market value.
- B. Intangible Property. As specified in 2 CFR 200.315, "Intangible Property, title to intangible property, as defined in 2 CFR 200.1 "Intangible property", purchased or otherwise acquired under an award or sub-award vests upon acquisition in the recipient. The recipient shall use that property for the originally authorized purpose, and the recipient shall not encumber the property without approval of the DOI awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with agency procedure.
- C. Supplies. In accordance with 2 CFR 200.314, "Supplies", title to tangible property, as defined in 2 CFR 200.1 "Supplies", purchased, or otherwise acquired under an award or sub-award vests upon acquisition in the recipient. The recipient shall use that property for the originally authorized purpose, and the recipient shall not encumber the property without approval of the DOI awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with agency procedure.

VII. FEDERAL AND TRIBAL COORDINATION

- A. Efficiency and cost-effectiveness in well plugging and site remediation will be maximized by ensuring proper coordination in these activities among States, Tribes, and the Federal government. As early as practical—preferably before State grant applications are submitted—States should provide a primary contact for coordination with the relevant offices of Tribal or Federal land management agencies to Orphanedwells@ios.doi.gov. States may reach out to DOI's Orphaned Wells Program Office for a list of appropriate contacts for the relevant offices of Tribal and Federal land management agencies.
- B. When undertaking work on Federal land under a cost-sharing, Good Neighbor, or other arrangement with the Federal government, States must collect the data required to be reported under the BIL for wells plugged and sites remediated on Federal land, unless all such data collection is otherwise captured in the terms of a lawful agreement between the State and the Federal land manager (e.g., cooperative agreement). Early coordination with Federal agencies is encouraged to ensure that

States are collecting the proper data in a format that can most easily be transferred to the Federal government.

- C. When undertaking work on private or State land adjacent to Tribal or Federal land, States are encouraged to communicate with Federal agencies and Tribal representatives to ensure appropriate and efficient collaboration on compliance issues (e.g., cultural resources, endangered species, sacred sites) and to minimize disruption of planned events, operations, or land management activities.
- D. Expenses associated with State, Tribal, and Federal coordination, such as Tribal cultural monitoring, may be charged to a formula grant as administrative costs or, when concerning a particular project, as project direct costs.

VIII. REPORTING REQUIREMENTS

- A. *Quarterly Reports:* Consistent with 2 C.F.R. § 200.328, States must submit quarterly financial and performance reports to the DOI within 30 days of the close of each Federal fiscal quarter. In Quarterly Reports, States will report on activities that occurred within the past Federal fiscal quarter.

Federal Financial Report (SF-425):

- i. Financial reports must be completed using the [SF-425](#) form.

Federal Technical Performance Report:

- i. The narrative technical report must contain the grant number, in accordance with 2 CFR 200.329, Monitoring and Reporting Program Performance.
- ii. The report must cover the period of performance and the period the report covers.
- iii. Must list and describe progress towards achieving all performance goals and milestones included in the approved workplan, and in the Notice of Award.
- iv. Must contain a comparison of actual accomplishments compared to the performance goals and milestones of the award as proposed in the workplan.
- v. Must contain a reason why the performance goals and milestones were not accomplished, if applicable.
- vi. Must include additional relevant information regarding the project, as appropriate. Instructions on where to submit the Technical Performance Reports will be located in the Notice of Award.
- vii. In addition, the data described in section VIII(E) Data Collection and Reporting must be submitted with these reports.

- B. *Personal Property report:* States are required to submit an annual Tangible Personal Property Report (using form SF-428) if grant funds are used to purchase equipment.

C. *Significant Developments* (2 CFR 200.329): Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, the State must inform DOI as soon as the following types of conditions become known:

- i. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
- ii. Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.
- iii. Consistent with 2 CFR 200.308 “Revisions of Budget and Program Plans”, changes in scope of effort, project leader, project partner must receive the prior written approval of the appropriate DOI official.

D. *Final Financial and Performance Reports*: Consistent with 2 C.F.R. § 200.329, States must submit final financial and performance reports to the DOI within 120 days of the period of performance end date.

- i. For Final Technical Performance Reports: The narrative Final Performance Report must provide a detailed summary of all project goals and accomplishments for the entire period of performance of the grant.
- ii. Reports must be submitted by the deadline listed on the notice of award.
- iii. Requests for extensions to submit reports must be received in writing at least five business days prior to the deadline. Must contain a comparison of actual accomplishments compared to the performance goals of the award.
- iv. Must include additional relevant information regarding the project, as appropriate. States are encouraged to include relevant best practices and lessons learned over the course of the period of performance of the grant in each report.
- v. Instructions on where to submit the Final Technical Performance Reports will be located in the Notice of Award.

E. *Data Collection and Reporting*

- i. In order to standardize reporting requirements and ensure that the Federal resources are well-spent and meet statutory objectives, States must track and report (pursuant to A and D of this section) the data outlined below for all actions taken using orphaned well grant funding. As appropriate, data tracking

may be accomplished through existing systems such as the Groundwater Protection Council's Risk Based Data Management System (RBDMS):

- (a) well location information (e.g., latitude/longitude);
- (b) well type (e.g., orphaned production or disposal well);
- (c) pre-plugging methane emission measurement (unless initial screening was non-detect);
- (d) If applicable, post-plugging methane emission measurement (or non-detect screening);
- (e) If applicable, surface water contamination identified;
- (f) If applicable, surface water contamination remediated;
- (g) If applicable, groundwater contamination identified;
- (h) If applicable, groundwater contamination remediated;
- (i) If applicable, revegetation performance standard monitoring start date;
- (j) If applicable, revegetation performance standard attainment date (project complete);
- (k) Actual total cost per well of plugging and surface reclamation, or an estimate of per-well costs if plugging services were procured at a multi-well project level; and
- (l) If applicable, identification of projects located in a community of color, low-income community, or Tribal and indigenous community.

This list highlights important parameters that DOI will report to Congress annually and is a subset of the larger data set the States must report as part of the performance reports (VIII.A and D.) and detailed in the Orphaned Wells [Data Reporting Template](#) available on the State Orphaned Wells Program [webpage](#). States must update the Data Reporting Template information in conjunction with the quarterly and final reporting required by VIII.A and D.

- ii. Corrections to any errors that are subsequently identified in data that has been submitted in conjunction with the quarterly reporting required by VIII.A shall be corrected and reported to DOI in conjunction with the first quarterly report that is submitted after the error is identified. If the correction relates to the final quarterly report submitted under the grant, the correction should be incorporated into the final reporting required by VIII.D.
 - iii. States that apply for a Formula grant should note that non-sensitive information regarding the activities under such grants are required to be posted on a public website under Sec. 40601(c)(4)(B)(i)(III).
- F. After providing the grantee an opportunity to redact personally identifiable or proprietary information, the Department of the Interior may post awarded grant applications on a publicly available website.

- G. The Department of the Interior may publish a summary of performance accomplishments on a publicly available web site, following submission by the States of the reports and data required in Section VIII. of this guidance.

IX. DAVIS-BACON ACT REQUIREMENTS

- A. All laborers and mechanics employed by the applicant, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work on an award or project in excess of \$2,000 funded directly by or assisted in whole or in part by funds made available under Formula grants shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the “Davis-Bacon Act” (DBA).
- B. Applicants shall provide written assurance acknowledging the DBA requirements for the award or project and confirming that all laborers and mechanics performing construction, alteration, or repair work on projects in excess of \$2,000 funded directly by or assisted in whole or in part by and through funding under the award are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act). Such acknowledgment is included in the accompanying Formula Grant Certification to serve as written assurance by the applicant.
- C. Recipients of funding will also be required to undergo DBA compliance training and to maintain competency in DBA compliance. The U.S. Department of Labor offers free Prevailing Wage Seminars several times a year that meet this requirement, at <https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events>.
- D. For additional guidance on how to comply with DBA provisions and clauses, see [DOL: Davis-Bacon Act](#)

X. DOI STANDARD AWARD TERMS AND CONDITIONS

- A. DOI Standard Award Terms and Conditions will be included in all Formula grants, at the time of award. These standard terms and conditions can be found at: [Standard Award Terms and Conditions](#).
- B. Under 2 C.F.R. § 200.329, the Federal awarding agency may make site visits as warranted to ensure appropriate fiscal accountability and oversight. States shall provide Federal awarding agency access to relevant documentation in State

possession and facilitate, to the extent allowable under State law, Federal awarding agency access to project sites.

- C. The DOI Freedom of Information Act Office provides guidelines to requestors of grant applications around what information may be redacted from applications. This information includes patent rights, confidential financial information, personally identifiable information (PII), and detailed budget, consultant, and business assets information. 2 CFR § 200.338 places limitations on public access to award-related documents.
- D. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products.
- E. Unmanned Aircraft Systems (UAS) Drones: Pursuant to the [DOI Secretarial Order 3379](#), only specific models of unmanned aircraft that have capabilities that are considered trusted and secure by the Department of Defense are authorized for use of Federal funds under this award. A list of approved unmanned aircraft and technology packages may be found here: <https://www.diu.mil/blue-uas>. Any equipment purchases related to unmanned aircraft or technology-related items to support the use of unmanned aircraft, such as software, must be approved in advance and comport with Secretarial Order 3379. Further, employee or contractor time to fly unmanned aircraft that does not meet this requirement is not an allowable expense under this award.

Any grant funding for the purchase or use of Unmanned Aircraft Systems for operations must have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending such funds. The term "unmanned aircraft systems" encompasses unmanned aerial systems, drones, and similar technology, including component parts, that are remotely controlled and

subject to Federal Aviation Administration regulations. It covers activities conducted in furtherance of the Department's mission, using Department funds, or for purposes identified in a cooperative agreement, contract, grant, or other agreement between the Department and another party. Designated components of UAS include and are not limited to hardware and software components necessary for collecting, storing, and transmitting data or similar information.

ATTACHMENT A

State Certification
Orphaned Well Site Plugging, Remediation, And Restoration
Formula Grant

Consistent with Sections 40601(c)(4)(A)(iii) and 40601(c)(4)(B)(iii) of the Infrastructure Investment and Jobs Act (aka Bipartisan Infrastructure Law), the State or Commonwealth of _____ certifies that:

1. Any financial assurance instruments available to cover plugging, remediation, or reclamation costs will be used by the State;¹⁸ and
2. The State acknowledges the Davis-Bacon Act requirements for the award or project and confirms that all laborers and mechanics performing construction, alteration, or repair work on projects in excess of \$2,000 funded directly by or assisted in whole or in part by funding under the award are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code.

Certifying Official Name

Title

Certifying Official Signature

Date

¹⁸ Available financial assurance instruments are not required to be forfeit before the State performs the work, and financial assurance instruments collected by the State may be used to plug, remediate, or reclaim orphaned wells other than the well(s) for which the financial assurance instrument was originally intended.

ATTACHMENT B

Total and Phase 1 State Formula Grant Eligibility

	State	State Reported Projected Cost (12/31/21)	# Orphaned Wells Reported (12/31/21)	Job Loss	Total Formula Grant Eligibility	Phase One Eligibility
1	Alabama	\$4,230,000	91	(117)	\$1,681,430	\$1,681,430
2	Alaska	\$42,616,250	12	(3,300)	\$28,336,497	\$25,000,000
3	Arizona	\$12,969,230	245	(344)	\$4,871,791	\$4,871,791
4	Arkansas	\$6,375,000	425	(388)	\$5,589,721	\$5,589,721
5	California	\$974,949,035	5,356	(4,750)	\$140,870,510	\$35,217,628
6	Colorado	\$47,343,791	625	(6,251)	\$54,064,506	\$25,000,000
7	Illinois	\$163,355,000	4,415	(189)	\$36,875,485	\$25,000,000
8	Indiana	\$77,688,521	1,459	(62)	\$14,076,668	\$14,076,668
9	Kansas	\$35,765,917	5,477	(401)	\$33,666,697	\$25,000,000
10	Kentucky	\$235,034,398	11,728	(93)	\$78,980,737	\$25,000,000
11	Louisiana	\$401,704,649	4,605	(4,112)	\$86,449,520	\$25,000,000
12	Michigan	\$31,861,500	439	(146)	\$5,873,295	\$5,873,295
13	Mississippi	\$1,120,000	14	(885)	\$6,830,345	\$6,830,345
14	Missouri	\$29,094,000	4,849	-	\$26,925,384	\$25,000,000
15	Montana	\$14,254,250	279	(343)	\$5,139,423	\$5,139,423
16	Nebraska	\$19,311,000	471	(29)	\$4,151,076	\$4,151,076
17	New Mexico	\$290,611,502	1,741	(5,335)	\$72,260,163	\$25,000,000
18	New York	\$248,062,500	4,897	(1)	\$44,672,162	\$25,000,000
19	North Dakota	\$38,758,000	186	(6,797)	\$55,266,234	\$25,000,000
20	Ohio	\$1,548,851,635	19,662	(998)	\$231,028,206	\$57,757,052
21	Oklahoma	\$501,876,011	17,865	(9,884)	\$205,226,972	\$51,306,743
22	Pennsylvania	\$1,831,573,744	26,908	(3,021)	\$305,625,896	\$76,406,474
23	Texas	\$481,800,000	7,396	(32,200)	\$318,695,029	\$79,673,757
24	Utah	\$1,534,852	41	(650)	\$5,229,389	\$5,229,389
25	West Virginia	\$991,000,000	6,309	(762)	\$116,932,226	\$29,233,057
26	Wyoming	\$19,927,595	1,311	(4,304)	\$40,680,639	\$25,000,000
	Total	\$8,051,668,380	126,806	(85,362)	\$1,930,000,000	\$658,037,849

ATTACHMENT C

Buy America Preference for DOI Grants

I. Buy America Domestic Procurement Preference.

As required by [Section 70914 of the BIL](#), on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of Federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. All iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For further information on the Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

II. Waivers

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers.

If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than fifteen (15) days. Waiver requests will also be reviewed by the OMB Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DOI Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).

10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant [PSC](#) or [NAICS](#) code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

Approved waivers will be posted at www.doi.gov/grants/BuyAmerica/ApprovedWaivers; recipients requesting a waiver will be notified of their waiver request determination by an awarding officer. Questions pertaining to waivers should be directed to the financial assistance awarding officer.

III. Definitions

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

“Construction Materials” does **not** include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States

ATTACHMENT D

Annex to the Phase 1 Formula grant guidance - This Annex provides instructions and awareness on standard grants management requirements that are part of applying for a Federal award.

1. Unique Entity Identifier and System for Award Management (SAM)
2. Conflict of Interest Disclosure
3. Single Audit Reporting Statement
4. Certification Regarding Lobbying and Disclosure Requirements
5. Data Availability
6. Agency Review Process
7. Additional Reporting Requirements
 - (a) Conflict of Interest Disclosures
 - (b) Other Mandatory Disclosures
 - (c) Reporting Matters Related to Recipient Integrity and Performance
8. Payments

1. Unique Entity Identifier and System for Award Management (SAM)

Before submitting an application, applicants must be registered in SAM.gov and have a Unique Entity Identifier (UEI) which replaces the Data Universal Numbering System (DUNS) number from Dun & Bradstreet in April 2022. Registration is through the SAM.gov website, which has user guides and other information to assist you with registration under the “Help” tab if you are not already registered. The Grants.gov “Register with SAM” page also provides detailed instructions, and applicants can contact the supporting Federal Service Desk for help as needed. A Federal award may not be made to an applicant that has not completed the SAM.gov registration. Federal award recipients must renew and validate their SAM registration at least once every 12 months to maintain an active SAM.gov registration with current information through the life of their Federal award(s).

Applicants that are registered with SAM just need to login to get their UEI, SAM generates it automatically.

2. Conflict of Interest Disclosure

Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §1402.112, applicants must state in their application if any actual or potential conflict-of-interest exists at the time of submission.

(a) Applicability.

- (1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict-of-interest provisions in 2 CFR 200.318 apply.

(b) Notification.

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Grants Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(c) Restrictions on lobbying. Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR part 18 and 31 U.S.C. 1352.

(d) Review procedures. The Grants Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(e) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.339, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR part 180).

3. Single Audit Reporting Statement

All non-Federal entities expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. U.S. States must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year in your application. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the EIN (Tax ID) associated with that report and state if it is available through the Federal Audit Clearinghouse website.

4. Certification Regarding Lobbying and Disclosure Requirements

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If this application requests more than \$100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

Applicants and recipients must not use any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress in connection with the award. Applicants and recipients must complete and submit the SF-LLL, "Disclosure of Lobbying Activities" form if the Federal share of the proposal or award is more than \$100,000 and the applicant or recipient has made or has agreed to make any payment using non-appropriated funds for lobbying in connection with the application or award. The SF-LLL form is available with this Funding Opportunity on Grants.gov. See 43 CFR, Subpart 18.100 for more information on when additional submission of this form is required.

5. Data Availability

Per the Financial Assistance Interior Regulation (FAIR): 2 CFR §1402.315

- (a) All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the DOI, including being available in a manner that is sufficient for independent verification.
- (b) The Federal Government has the right to:
 - (1) Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
 - (2) Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

6. Agency Review Process

The awarding agency conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award. The awarding agency cannot award funds to entities or their key project personnel identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

Prior to award, the awarding agency will evaluate the risk posed by applicants as required in 2 CFR 200.205. The awarding agency documents applicant risk evaluations using DOI's "Financial Assistance Recipient Risk Assessment" form. Prior to approving awards for Federal funding in excess of the simplified acquisition threshold (currently \$250,000), the awarding agency is required to review and consider any information about or from the applicant found in the Federal Awardee Performance and Integrity Information System. The awarding agency will consider this information when completing the risk review. The awarding agency uses the results of the risk evaluation to establish monitoring plans, recipient reporting frequency requirements, and to determine if one or more of the specific award conditions in 2 CFR 200.207 should be applied to the award.

7. Additional Reporting Requirements

- (a) Conflict-of-Interest Disclosures. Recipients must notify the program immediately in writing of any conflict of interest that arises during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethics website for more information on these restrictions. The awarding agency will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, the awarding agency will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the awarding agency may result in any of the remedies described in 2 CFR 200.339 Remedies for Noncompliance, including termination of the award.

- (b) Other Mandatory Disclosures. Applicants must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 Remedies for Noncompliance, including suspension or debarment.
- (c) Reporting Matters Related to Recipient Integrity and Performance. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings in accordance with Appendix XII to 2 CFR 200.

8. Payments

Domestic recipients are required to register in and receive payment through the U.S. Treasury's Automated Standard Application for Payments (ASAP), unless approved for a waiver by the awarding agency program. The recipient will be notified of the ASAP enrollment process, or if already enrolled, the process to link their ASAP account to the Agency.

Data Element	US Well ID/API/Other Unique State Well Identifier	Well ID Data Source	Well Name	Well Type	Producing or Targeted Geologic Formation(s)	Surface Managing Entity	Surface Managing Name	Surface Managing Entity	Subsurface Managing Entity	Subsurface Managing Entry Name	State	Tribe	County	Latitude	Longitude	Horizontal Datum	Location Accuracy	Methane Screening Detection?	Methane Detection Screening Method/Instrumentation	If Detection is "Yes," Pre-Plugging Methane Emissions (grams/hr)
Example	1542687456544	US Well ID	Durham Ranches Fed Com	Oil	Mesquite	State	State Land Commission	Private	N/A	N/A	AL	Littletown	34.620457	-74.453259	NAD83	Estimated	Yes	Gas rover		

If Detection is "Yes," Post-Plugging Methane Emissions (grams/hr)	Methane Measurement Methodology/Instrumentation	Habitat and/or Surface Restored with Bipartisan Infrastructure Law Funds	If Yes, Habitat and/or Surface Restored	If Applicable, Habitat and/or Surface Restored (Unit of Measurement)	If Applicable, Restoration Endpoint	If Applicable, Restoration Complete	If Surface Water Contamination is "Yes," Surface Water Contamination Indicators	If Surface Water Contamination is "Yes," Surface Water Contamination Indicators	Surface Water Remediation Method	Surface Water Remediation Date	If Groundwater Contamination is "Yes," Groundwater Contamination Indicators	Groundwater Remediated
ND	High Flow Sampling	Yes	3.00 Acres			6/22/2022	Yes	Sheen		2/23/2022	No	N/A

Groundwater Remediation Method	Groundwater Remediation Completion Date	Total Cost of Complete P&A (\$ USD)	Well Status	Witnessing	Plugged Date
	2/22/2022	\$5,994	Unplugged	Yes, the well plugging was witnessed	3/13/2022

Data Element	US Well ID (12 Digit)/API (14 Digit)/Other Unique State Well Identifier	Well ID Data Source	Well Name	Well Type	Producing or Targeted Geologic Formation(s)	Surface Managing Entity	Surface Managing Entity Name	Subsurface Managing Entity	Subsurface Managing Entity Name	State	Tribe	County	Latitude	Longitude	Horizontal Datum	Location Accuracy
		US Well ID		Oil	Identify one or several, if known	Private	BLM	Private	BLM	AL					NAD83	Estimated
		API		Gas	Geologic field is acceptable if formation is unknown	State	BIA	State	BIA	AK					NAD27	Measured
		If other Unique State Well Identifier, please identify		Condensate	Unknown is acceptable if geologic field and formation are unknown	Federal	BOEM/BSSE	Federal	BOEM/BSSE	AZ						
				Injection		Tribal	NPS	Tribal	NPS	AR						
				If other, please identify		Other	USFS USFWS If ESAs, enter the appropriate State Agency If Private, enter N/A	Unknown Other	USFS USFWS If ESAs, enter the appropriate State Agency If Private, enter N/A	AS CA						
				Unknown						CO CT DE DC FL GA GU HI ID IL IN IA KS KY LA ME MD MA MI MN MS MO MT NE NH NJ NM NV NC ND OH OK OR PA PR RI SC SD TN TX UT VT VA VI WA WV WY N/A						

Surface Water Contamination	If Surface Water Contamination is "Yes," Surface Water Contamination Indicators	Surface Water Remediation	Surface Water Remediation Method	Surface Water Remediation Completion Date	Groundwater Contamination	If Groundwater Contamination is "Yes," Groundwater Contamination Indicators	Groundwater Remediated	Groundwater Remediation Method
Yes	Sheen	Yes			Yes		Yes	
No	Odor	No			No		No	
N/A	Reduced vegetation visible oil on ground If others, please identify	N/A			N/A		N/A	

Groundwater Remediation Completion Date **Total Cost of Complete P&A (\$ USD)** **Well Status** **Witnessing** **Plugged Date**

Total cost need not include administrative costs Or, an estimate of per-well costs if plugging services were procured at a multi-well project level

Unplugged
Plugged

Yes, the well plugging was witnessed
No, the well plugging was not witnessed

Date
N/A

N/A

Jobs Created	Jobs Saved
6500	1000

Reporting Template Definitions (as of October 2023)

The reporting template consists of the data fields listed below. Each data field includes a unit, if applicable, field type, validation, and a description.

<p>US Well ID/API/Other Unique State Well Identifier - (Numerical, limited to 14 digits)</p> <p>The API Well Number is a unique, permanent, numeric identifier assigned to a well (hole-in-the-ground) which is drilled or producing oil and/or gas or providing related services, used universally for well identification purposes. This field will accommodate both *API Well Number and US Well ID or another unique state well identifier if API or US Well ID not available or known. This ID number can be up to 14 digits long in the format 11-222-33333-44-55:</p> <ul style="list-style-type: none"> 11 – State Code (numeric) 222 – County Code (numeric) 33333 – Unique Well Identifier (numeric) 44 – Directional Sidetrack Code (numeric) 55 – Event Sequence Code (numeric) <p>API ownership was transferred to the Professional Petroleum Data Management (PPDM) Association in 2010, which updated well identifier standards to the currently used US Well Number which takes the following format: 11-222-33333-44-5A:</p> <ul style="list-style-type: none"> 11 – State Code (numeric) 222 – County Code (numeric) 33333 – Well (numeric) 44 – Wellbore (numeric) 5A – Extensional (optional) (alphanumeric/special characters) <p>Sources: API, 1979</p>
<p>Well ID Source - (Text)</p> <p>PPDM, 2014</p>
<p>Well Name - (Text)</p> <p>Enter "US Well ID", "API", or identify the Other Unique State Well Identifier used</p> <p>Any secondary well identifier that is used in addition to API/US Well ID/Unique State Well Identifier.</p> <p>Sources: State data (various), AFMSS, USFS (Draft), AML</p>
<p>Well Type - (Text)</p> <p>Identify original intent of well: either gas, oil, condensate, injection or other if known by state. Unknown is also an acceptable response.</p> <p>Sources: AFMSS, AML</p>
<p>Producing or Targeted Geologic Formation(s) - (Text)</p> <p>If geologic formation is known, states may enter the appropriate geologic field. Please list all formations if multiple formations are targeted. If formation and field are both unknown, <i>unknown</i> is an acceptable response</p>
<p>Surface Managing Entity - (Single Select)</p> <p>The type of entity, <i>Private Ownership</i>, <i>State</i>, <i>Federal</i>, <i>Tribal</i>, that owns the land surface.</p> <p>States are expected to enter either "State" or "Private"</p> <p>"Other" is an acceptable option.</p> <p>Sources: BLM, NPS, BIA, USEFWS</p>
<p>Surface Managing Entity Name (Text)</p> <p>If Federal select the specific federal agency: <i>Bureau of Land Management</i>, <i>Bureau of Indian Affairs</i>, <i>Bureau of Ocean Energy Management/Bureau of Safety and Environmental Enforcement</i>, <i>National Park Service</i>, <i>United States Forest Service</i>, otherwise select N/A</p> <p>If State, enter the appropriate state agency that manages the land surface</p> <p>If Private, enter N/A</p>
<p>Subsurface Managing Entity - (Single Select)</p> <p>The type of entity, <i>private ownership</i>, <i>State</i>, <i>Federal</i>, <i>Tribal</i> that owns the subsurface mineral rights. "Unknown" and "Other" are options.</p> <p>Sources: BLM, NPS, BIA, USEFWS</p>
<p>Subsurface Managing Entity Name (Text)</p> <p>If Federal, select the specific federal agency: <i>Bureau of Land Management</i>, <i>Bureau of Indian Affairs</i>, <i>Bureau of Ocean Energy Management/Bureau of Safety and Environmental Enforcement</i>, <i>National Park Service</i>, <i>United States Forest Service</i>, otherwise select N/A</p> <p>If State, enter the appropriate state agency that manages the subsurface mineral rights</p> <p>If Private, enter N/A</p>

State - (Single Select) The 2-letter abbreviation for the state the well is located in.
Tribes - (Text) If the well is located on tribal land, enter the name of the tribe and/or Indian Allottee.
County - (Text) The county the top hole of the well is located in.
Latitude - (Numerical, 6 Decimals, Decimal Degrees) The latitude where the well head or borehole is located. For offshore wells the subsurface location of the borehole. Sources: NPS, IHS
Longitude - (Numerical, 6 Decimals, Decimal Degrees) The longitude where the well head or borehole is located. For offshore wells the subsurface location of the borehole. Sources: NPS, IHS
Horizontal Datum - (Single Select) The reference datum used to calculate latitude and longitude. Either <i>NAD83</i> or <i>NAD27</i> . Sources: USGS, AFMSS, TMS
Location Accuracy - (Single Select) Whether the coordinates are extrapolated or <i>measured</i> . Sources: USGS, NPS, TMS
Methane Screening: Detection? - (Single Select) Consistent with the federal protocol, are methane emissions higher than background levels detected at the well site: Yes or No .
Methane Detection Screening Method/Instrumentation - (Text) Gas lover, sniffer, trace gas analyzer, OGI, if other please identify If Detection is "Yes," Pre-Plugging measured Methane Emissions - (Numerical, g/hr) Pre-Plugging measured methane emissions, units in grams per hour. Enter ND if no methane is detected during screening. <i>Note: If field measurements cannot be recorded in g/hr, please contact the Department for conversion questions and assistance.</i> Sources: Methane Measurement Interagency Team
If Detection is "Yes," Post-Plugging Methane Emissions - (Numerical, g/hr) Post-Plugging measured methane emissions, units in grams per hour. Enter ND if no methane is detected during screening. <i>Note: If field measurements cannot be recorded in g/hr, please contact the Department for conversion questions and assistance.</i> Sources: Methane Measurement Interagency Team
Methane Measurement Methodology/Instrumentation - (Text) Indicate Methodology (e.g., Federal Methane Measurement Guidelines, ACR)/instrumentation of methane measurement used. Source: Methane Measurement Interagency Team
Habitat and/or Surface Restored with Bipartisan Infrastructure Law (BIL) Funds - (Single Select) Yes No - no further BIL-funded work will occur or restoration was funded by a non-BIL funding source. Pending - work will occur in the future and will be funded by the BIL. N/A - no restoration needed.
If Yes, Habitat and/or Surface Restored - (Text) This is intended to be a broad metric not limited to only habitat restoration but also include surface restoration. The reporting entity (Federal agency, Tribe, or State) is expected to document the total amount of land (acres or square feet) that was associated with the well and the well site and has been restored and returned to a condition suitable for other uses. This <i>is not intended</i> to capture disturbance caused by the project itself, such as creating and restoring access roads.
If Applicable, Habitat and/or Surface Restored (Unit of Measurement) - (Single Select) Select the single unit of measurement (acres or square feet) the reporting entity is using to report habitat restored.
If Applicable, Restoration Endpoint - (Text)
If Applicable, Date Restoration Complete - (DD/MM/YYYY) Performance Standards are met for restoration. On State or private land, the date restoration is completed to state standards. Surface Water Contamination - (Single Select)

<p>Whether contaminated surface water is present. <i>Yes</i> or <i>No</i>. <i>N/A</i> if not investigated.</p> <p>If Surface Water Contamination is "Yes"; Surface Water Contamination Indicators - (Text)</p> <p>Sheen, odor, reduced vegetation, visible oil on ground, if others please identify.</p>
<p>Surface Water Remediation - (Single Select)</p> <p>Whether surface water has been remediated <i>Yes</i> or <i>No</i>. <i>N/A</i> if not contaminated or investigated.</p>
<p>Surface Water Remediation Method - (Text)</p> <p>Method of surface water contamination remediation</p> <p>Surface Water Remediation Completion Date - (Date, MM/DD/YYYY)</p> <p>Groundwater Contamination - (Single Select)</p> <p>Whether contaminated groundwater is present. <i>Yes</i> or <i>No</i>. <i>N/A</i> if not contaminated or investigated.</p> <p>If Groundwater Contamination is "Yes"; Groundwater Contamination Indicators - (Text)</p>
<p>Groundwater Remediation - (Single Select)</p> <p>Whether groundwater has been remediated <i>Yes</i> or <i>No</i>. <i>N/A</i> if not contaminated or investigated.</p> <p>Groundwater Remediation Method - (Text)</p> <p>Method of groundwater contamination remediation</p> <p>Groundwater Remediation Completion Date - (Date, DD/MM/YYYY)</p> <p>Total Cost - (Numerical, 2 Decimals, Dollars)</p> <p>The "costs of plugging, remediation, and reclamation for each orphaned well"; this is understood to mean capturing the P&A costs associated with a well site and its associated infrastructure and restoration. Total costs do not need to include all administrative, personnel, travel, and compliance costs on a per-well basis; States should indicate in the corresponding quarterly report what expenses are covered for this data element. States may estimate per-well P&A costs if plugging services were procured at a multi-well project level.</p>
<p>Well Status - (Single Select)</p> <p>The status of the well. <i>unplugged</i>, <i>plugged</i>, or <i>N/A</i>. Current State, tribal, and federal standards will be applied to each status.</p> <p><i>unplugged</i> – the well is unplugged; no action has been taken to permanently plug the well and to remediate and reclaim the well site.</p> <p><i>plugged</i> – the well has been plugged according to relevant standards.</p> <p><i>N/A</i> – this project does not require the plugging of a well.</p> <p>Witnessing - (Text)</p> <p>If witnessed, select "Yes, the well plugging was witnessed"</p> <p>If not witnessed, select "No, the well plugging was not witnessed"</p> <p>Plugged Date - (Date, MM/DD/YYYY)</p> <p>If on private or state lands, the date the well was plugged pursuant to the state's regulations and laws.</p> <p><i>N/A</i> – if not a plugging site</p>
<p>Jobs Created - (Numerical, No Decimal)</p> <p>The estimated number of additional positions to implement program, including agency personnel, contractors, and field crews. States are expected to provide this information only if the estimates provided in the initial or formula grant applications have been updated or corrected.</p> <p>Sources: Bureau of Labor Statistic (BLS), 2022</p> <p>Jobs Saved - (Numerical, No Decimal)</p> <p>The estimated number of jobs that have been saved that would have been considered layoffs if not for the Federal Orphan Oil and Gas Well Program. States are expected to provide this information only if the estimates provided in the initial or formula grant applications have been updated or corrected.</p> <p>Sources: BLS, 2016</p> <p>At-Risk Wells - (Numerical, No Decimal)</p> <p>The number of wells in Federal minerals that are at-risk of being orphaned (idle).</p> <p>States are not expected to identify the number of at-risk wells as part of this data reporting template.</p> <p>Source: BIL</p>