

period prior to its consideration by the Tahoe Regional Executive Committee (TREX). This comment period may be conducted over the Internet, but the Lake Tahoe Basin Executive Committee (LTBEC) who are members of the Tahoe Working Group will provide a summary of the comments to the TREX along with their Final Recommendation for Lake Tahoe.

3. Submission of Lake Tahoe Final Recommendation to SNPLMA Executive Committee.

The TREX will review their Final Recommendation for Lake Tahoe and the written comments before it is sent to the Executive Committee for its consideration and inclusion in the SNPLMA Final Recommendation that is transmitted to the Secretary for approval.

G. Land Transaction Facilitation Council

The Land Transaction Facilitation Council considers the Nevada FLTFA Recommendation of the Executive Committee for FLTFA acquisitions and assembles a Final FLTFA Recommendation. The Final FLTFA Recommendation specifies the land and/or interest in land recommended for acquisition under the FLTFA in all states. The Final FLTFA Recommendation is transmitted by the Council to the Secretary of the Interior and the Secretary of Agriculture.

H. Secretarial Review and Approval

The Secretary of the Interior makes the final decision regarding expenditures under the SNPLMA, and the Secretary of the Interior and the Secretary of Agriculture jointly make the final decision regarding expenditures under the FLTFA. The Secretaries' decisions consist of a list, in priority order, of acquisitions and projects for each category of allowable expenditure and a budget figure for each category under each Act. Because the allocation of funds is based on estimated costs, it is expected that actual costs will vary. In order to ensure that funds are available to complete acquisitions and projects, the budget for each category will also include a 10% contingency amount per project. Any unspent balance will be available for the next priority acquisition or project within each budget category.

The LSA Division will allocate the funds in each category according to the priorities and the funding available in the Special Accounts, in order to accomplish as many of the acquisitions and projects as possible within the approved budget. This budgeted amount will remain available in each of the allowable categories until expended. Any remaining funds will be carried over into the next round of approvals.

V. SPECIAL ACCOUNT OBLIGATION AND REIMBURSEMENT PROCESS

This section describes the process associated with implementing the Secretaries' decisions for spending funds in the Special Accounts, as applicable. The process is designed to ensure that funding allocated under the Acts is spent for the intended purposes. It specifies the documentation required to initiate a project and to be reimbursed for the acquisition or project, including certain associated direct costs. As funds are received in the SNPLMA Special Account, the Bureau of Land Management-Nevada State Office (NSO) Division of Support

Services will immediately process commitment funding documentation for those acquisitions and projects which have reached funding availability. The commitment funding process ensures that SNPLMA financial reports reflect the fact that these funds are required for approved projects and acquisitions even though task orders obligating those funds have not yet been issued.

Indirect costs associated with carrying out approved projects and acquisitions shall not be sought by the receiving agency or local or regional governmental entity nor shall indirect costs be reimbursed from any of the Special Accounts discussed in this document. Federal agencies and local and regional governmental agencies are solely responsible for seeking any waivers from their headquarters and resolving any issues internally regarding the impact of not being allowed to assess indirect costs

A. Obligation and Reimbursement for Land Acquisitions

The acquisition process is depicted in Figure 2 (Process Flow Chart: Land Acquisitions). Each box represents a step in the process that is described below. The first box depicted on the flow chart is identical to the final step in the Recommendation Development Process, in which the Secretaries approve the final decisions regarding all planned expenditures of SNPLMA and FLTFA funds for the coming year. The description of the realty-related actions to purchase land is general and may vary somewhat by agency. Certain allowed acquisition costs, as noted below and in Appendices B, B-1 and B-2, will be reimbursable regardless of whether or not the acquisition is completed. This is in recognition of the unique nature of land acquisitions whereby agencies must conduct a series of studies and evaluations in order to determine whether or not the land meets Federal and agency-specific standards for acquisition. These assessments are not discretionary and the final determination regarding acceptability of the land for acquisition is based solely on the results of the assessments. In addition, certain labor and travel costs have been added to the allowed costs as a means to help increase agency capacity to conduct acquisitions concurrently and in a time efficient manner.

Process - Land Acquisitions

1. Submit Required Documentation to Request Task Order

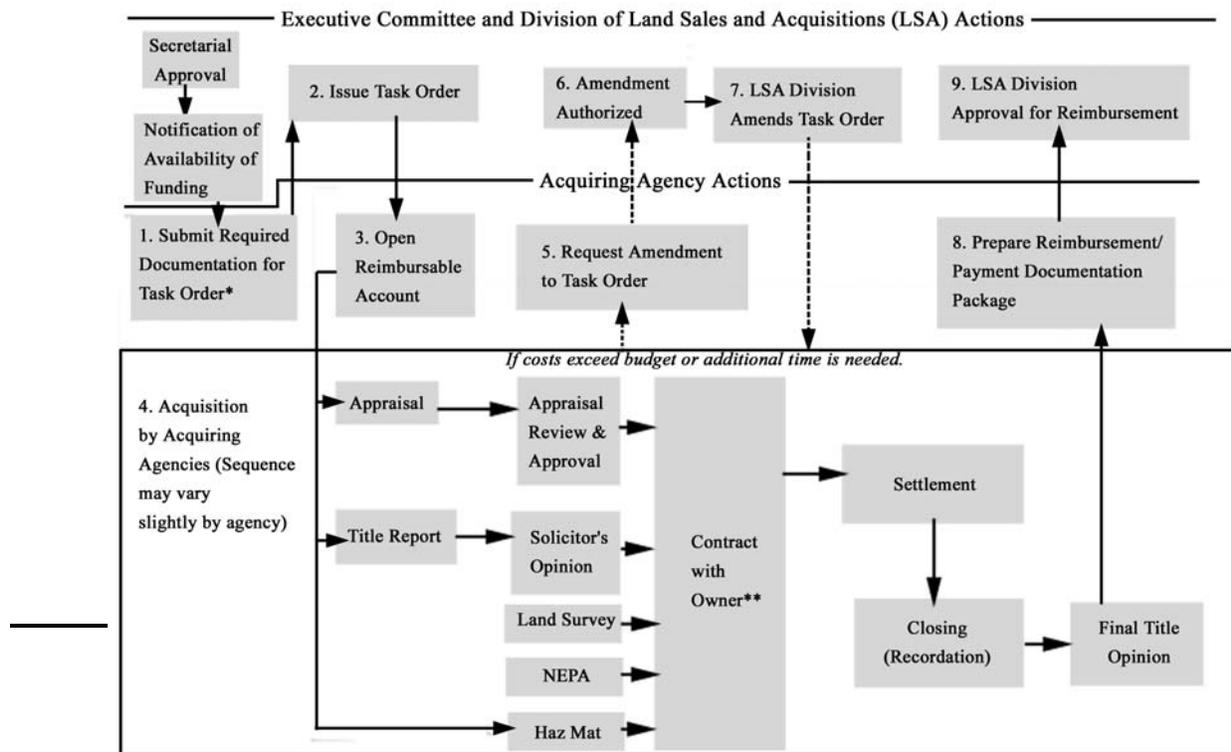
The LSA Division will notify the Federal agencies of the Secretaries' decisions. Acquisitions are funded in the order approved by the Secretaries as revenue accumulates in the Special Accounts for distribution between all expenditure categories. The LSA Division will notify the Federal agencies when the balance of the applicable Special Account(s) is sufficient to fund a particular acquisition. However, if the Secretary approves priority funding for one or more expenditure categories as part of the Decision Document for any given Round, revenue accumulated in the SNPLMA Special Account will be distributed to those categories in the priority order authorized by the Secretary before funds are distributed to the other categories. Following notification of availability of funds, the acquiring agency prepares and submits to the LSA Division, a package of the required documentation as detailed in Appendix H to request a Task Order. The estimated direct costs sheet (Appendices B-1 and B-2) contained in the request package must include the 10% contingency reserve funds unless the agency knows these additional funds will not be needed. The 10% contingency funds will cease to be available if not requested as part of the task

order. The acquiring agency has one year from the date of notification of funding to submit the documentation required to open a Task Order. Any land acquisition that has not been issued a Task Order within one year from the date of notification of availability of funds will be returned to the agency to be re-submitted in a subsequent round.

Task Order for an Early Appraisal. The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions may recommend to the agency, or approve a request from the agency, to obtain an early appraisal prior to funding of the acquisition (and prior to opening a Task Order). Given the lead time for appraisals, beginning this process earlier will enable the agency to determine early in the acquisition process whether there is truly a willing seller resulting from an agreement to the appraised value/purchase price. Early appraisal can facilitate more efficient and timely acquisitions, and prevent the expenditure of resources on acquisitions that fail and terminate when the owner will not sell the property at the appraised value. Where there is a written agreement on price, early appraisal may also lead to an early purchase agreement, which would be conditioned on the completion of all required clearances, notifications and approvals.

If an early appraisal is approved by the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions, a separate Early Appraisal Task Order will be issued for the estimated cost of the appraisal only. Early Appraisal Task Orders will be issued for a term of one year and are not eligible for extension. Funding for early appraisals will initially be provided through the accounting code for the SNPLMA implementation budget. In all instances, when funding reaches the acquisition, the funding source for the early appraisal will be modified to reflect the accounting code for that specific acquisition in order to accurately track expenditures under the approved budget for acquisition of environmentally sensitive land.

Figure 2: Process Flowchart: Land and/or Interest in Land Acquisitions



* Must be issued within 12 months of notification of availability of funds.

** Must be signed within 12 months of issuance of Task Order.

- If the early appraisal is not completed during the year allowed, after funding becomes available for the acquisition, the agency may request a task order for the full amount available for the acquisition if the acquisition is still viable; request the acquisition be placed on hold; or terminate the acquisition. The LSA Division will process the appropriate task order amendment depending on which action the agency chooses.
- If the early appraisal is completed within the year allowed but agreement on price is not reached, the agency is expected to terminate the acquisition and submit a request for reimbursement of the cost of the appraisal. The request for reimbursement of the cost of the appraisal must include a copy of the appraisal, the agency review document approving the appraisal, and a copy of the appraisal invoice. The LSA Division will take appropriate steps to change the funding source to the accounting code for that specific acquisition when funding becomes available.
- If the early appraisal is completed within the year allowed and the agency obtains a written agreement on price, when funds become available for the acquisition, the agency submits the required documentation to issue a Task Order for the full amount available for the acquisition. The LSA Division shall amend the appraisal task order to modify the amount, change the description to reflect that the task order is for the full acquisition, and change the funding source to the accounting code for that specific acquisition.

2. Issue Task Order

Upon receiving the required documentation, the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will submit the draft task order to the BLM Contracting Office at the BLM National Business Center, which will finalize and issue the Task Order. The Task Order is first signed by an authorized representative of the acquiring agency and then by the BLM Contracting Officer. The Task Order obligates funding from the applicable Special Account(s) for the specific acquisition.

Issuance of the Task Order for the acquisition starts a 12-month clock within which a signed sale contract with the landowner must be completed. If more time is required to obtain the contract, the agency must (a) request a time extension, subject to the provisions of Step 5 of this section; (b) request the acquisition be placed “on-hold”, subject to the provision of Step 6 of this section; or (c) at the agency’s option, re-submit the acquisition in a subsequent nomination process.

3. Open Reimbursable Account

A Task Order allows individual agencies to open a reimbursable account for the acquisition. Agencies may then charge allowed direct costs against this account. Agencies are to ensure that the reimbursable account number is identified on the task order by the agency authorized representative before signing the task order and returning to the BLM Contracting Officer for signature. BLM Task Orders are assigned an internal-reimbursable account by the BLM National Business Center and allowed direct costs are then charged against the internal reimbursable account.

A reimbursable account is more like a charge account than a checking account. This account is backed by an agreement (Task Order) to pay when the purchase is completed and all documentation is in order. The funding to cover allowable costs will come from the applicable Special Account(s). If, for any reason, the acquisition cannot be completed, the individual agency may request reimbursement for those allowed costs which are reimbursable regardless of whether the acquisition is completed as described below, but must cover any other expenditures from other funding sources. Reimbursable accounts are generally “no-year” accounts, so they need not be settled at the end of a fiscal year.

Use of a reimbursable account is an option. If an agency so chooses and the appropriate budget arrangements are made, all or part of the acquisition costs can be charged against appropriated funds and reimbursed later from the applicable Special Account(s). However, only costs incurred after the Secretaries’ approval of the acquisition are reimbursable.

4. Land Acquisition Costs

Certain costs associated with land acquisitions can be reimbursed from the Special Accounts. These reimbursable costs are specified in Appendix A and on the Estimated Direct Cost Form (Appendix B-1) for SNPLMA acquisitions and the Estimated Direct Cost Form (Appendix B-2) for FLTFA acquisitions. Costs that are not reimbursable will be the responsibility of the acquiring agency. Several changes and additions have been made to the allowed costs and some costs are now reimbursable even if the acquisition cannot be completed. These changes are discussed below.

Cost for One Appraisal: The SNPLMA Special Account will now reimburse the cost of one federally approved appraisal regardless of whether or not the acquisition is completed. If the acquisition cannot be completed before the appraisal expires, with advance approval, the SNPLMA Special Account will also reimburse the cost of one update of the original appraisal if carried out by the same firm. Failure to agree on price following the original appraisal is not justification for reimbursement of an update to that appraisal. The cost of any additional appraisals or updates sought by the acquiring agency, regardless of the reason, will be paid by the agency. This policy applies to all approved acquisitions which have not yet been completed or terminated by decision issued by the Executive Committee Chair on November 7, 2003.

Certain Costs for Case Management: In order to help increase agency capacity to manage increasing numbers of complex land acquisitions, the SNPLMA Special Account will reimburse payroll for appropriate and reasonable direct federal labor or the cost of contracted labor for case management as follows: title records management; review of title documents (land, water, mineral, etc.) as well as legal description verification; preparation and review of appraisals, environmental and hazardous substance reports, water rights analyses, mineral rights analyses for title purposes, and surveys; and preparation of requests for preliminary and final title opinion, conveyance documents, and escrow closing instructions; as well as payroll for agency personnel (e.g., contracting officer) and contracting officer’s representative (COR) to procure and administer acquisition contracts [not allowed for FLTFA acquisitions].

Cost for Certain Mineral Studies: There is an increasing occurrence of nominations of patented mining claims and properties which include patented mining claims. There have also been occasional occurrences of nominations where a third party has retained ownership of mineral rights. In such instances, the SNPLMA will not reimburse the cost of mineral exploration in order to provide detailed drilling and testing data necessary to value mineral rights. Such exploration is the responsibility of the owner. However, certain mineral valuation situations may be addressed by obtaining a mineral potential assessment report which also addresses market feasibility although it does not specifically determine a value for the minerals. If the acquiring agency believes such a report is appropriate, a request for prior authorization of the expense for a mineral potential assessment report, including an explanation of the need for the report and justification supporting the cost effectiveness of the report compared to the likely overall value of the property, should be submitted to the LSA Division for approval by the Executive Committee.

Certain Allowed Costs Reimbursable Even if the Acquisition Cannot be Completed. Regardless of whether or not an acquisition is completed, the cost of the appraisal as explained above and the cost to obtain the title evidence (title report, preliminary title commitment, and other necessary title evidence) will be reimbursed. In addition, travel expenses where official travel status is required to carry out case management duties (e.g., experts to review studies) and pro rata use of official vehicles where required to carry out case management will be reimbursable even if the acquisition cannot be completed. This change in policy recognizes the labor and time intensive nature of the critical acquisition steps which must be conducted by Federal agencies and is made in order to provide agencies with more capacity to carry out multiple acquisition transactions concurrently. Also, in order to ensure that agencies are able to increase capacity as intended, the allowed direct payroll or contracted labor cost for case management will also be reimbursable even if the acquisition cannot be completed. However, these are not applicable to acquisitions under the provisions of the FLTFA National Memorandum of Understanding.

In addition, the cost of contracted studies which must be obtained prior to appraisal in order to provide information from those studies to the appraiser for consideration in determining the value will be reimbursable even if the acquisition cannot be completed. Such studies could include a survey to resolve boundary and acreage discrepancies which would affect value, a water rights analysis/report to validate water rights in order to determine a value for those water rights, or an environmental site assessment addressing hazardous conditions and mitigation needs that would impact value. Reimbursement requests for such contract costs must include a full explanation of why the studies were required prior to obtaining the appraisal.

5. Request Amendment to Task Order (if required)

Requests for Additional Funds. If the total acquisition costs exceed the original approved budget amount by more than the 10% contingency amount, the agency must request approval by the Executive Committee for additional funds from the Special Account Reserve. The request must be submitted to the LSA Division and include a justification statement explaining the reason for the cost overruns. Approved requests will be documented in an Amendment to the Task Order. Requests for additional funds associated with work outside the scope of the original approved acquisition will not be considered.

Requests for Time Extensions. If a contract has not been executed for the acquisition within the term of the task order (one year from the effective date of the task order), the agency must request an Amendment to extend the Task Order accompanied by a justification statement. The LSA Division can approve up to two time extensions of up to six months each for acquisitions as follows: (a) one time extension request of six months or less to allow additional time to execute a contract and/or (b) one extension of six months or less to allow time to complete the acquisition after a contract has been signed. The Executive Committee must approve (a) any single time extension request of greater than six months, (b) requests for a second 6-month extension when no contract has been signed following expiration of an initial 6-month extension by the LSA Division, and (3) requests for any extension beyond the two six-month extensions which can be authorized by the LSA Division. Approved requests will be documented in an Amendment to the Task Order. Failure to agree on price following receipt of a federally approved appraisal is not, in and of itself, sufficient justification for a time extension.

Requests for Change in Scope. Lands and/or interests in land are evaluated, scored, ranked, and approved by the Secretary based on their resource values and public benefit. Changes in the acreage, parcels, or rights to be acquired could dramatically impact the values on which the ranking and approval were based. Any such changes should be identified and notification of the changes submitted in writing prior to or at the time a task order is requested, if possible, or as soon as circumstances develop which would prevent acquisition of the property as nominated and approved. The notification must include a description of the change in acreage, number of parcels, and/or rights being offered, and an explanation of how the change impacts the resource values on which approval of the acquisition was based. If the resources are negatively impacted or measurably reduced, but the agency believes the acquisition should move forward, provide a thorough justification for completing the acquisition in spite of the negative impact created by the change in scope.

Significant changes from what was originally nominated and approved or changes which negatively impact or reduce the resource values require approval by the Executive Committee before the acquisition can be completed. The LSA Division will review the notification received from the agency and, when appropriate, submit the notification and a request to proceed with the acquisition to the Executive Committee for approval.

6. On-Hold Status

The acquiring agency may request that an acquisition be placed into “On-Hold” status to allow time to resolve unanticipated issues in completing the purchase process. Issues that would justify placing an acquisition on-hold would be ones which impact the agency’s ability to enter into a contract within the time-frame outlined above. An acquisition may be placed on-hold one time only for up to one year. This can be before or after issuance of a task order. The request for on-hold status must be in writing and include an explanation of the issues and actions planned to resolve the issues. Generally, failure to agree on the purchase price will not qualify an acquisition to be placed on hold unless the acquiring agency can present a reasonable expectation that negotiations will result in a price agreement. In order to reactivate the acquisition the agency must submit a request to reactivate the acquisition which includes confirmation that the

issues which caused the acquisition to be placed into on-hold status have been satisfactorily resolved and no longer create an obstacle to completing the acquisition.

On-hold status prior to issuance of a task order will effectively extend the time period required to request a task order. If one year or more has elapsed since notification of availability of funds was provided, the agency must include a task order request as part of its request to reactivate the acquisition.

On-hold status after issuance of a task order will suspend the time period allowed under the original task order, not extend it. For example, an agency having four months remaining on its task order will still have four months to execute a contract after the acquisition is taken off on-hold status and reactivated. Requests for additional time to complete the acquisition must be submitted to the LSA division as explained above.

On-hold status will result in funds previously committed or obligated for an acquisition being moved down the list to the next priority acquisitions. If funds have been obligated through a task order, the task order must be terminated in order to deobligate the funds so they can be made available to other acquisitions on the priority list. In this instance, any costs already incurred against the task order must be transferred by the agency to another funding source. After a new task order is issued, all previously incurred allowed costs may be transferred to the reimbursable account established by the new task order.

When the acquisition is reactivated, the acquisition will be in line for funding based on its original priority. A suspended task order “clock” will not restart until funds are again available to proceed and a new task order is issued.

If the agency is unable to resolve the issues leading to on-hold status in order to reactivate the acquisition within the allowed one-year hold period, the acquisition will be removed from the list and returned to the agency. At this time, if costs were incurred for an appraisal, a request for reimbursement including appropriate documentation should be submitted to the LSA Division. The agency may, if the issues are later resolved, elect to resubmit the acquisition in a subsequent round.

7. Executive Committee Authorizes Amendment to the Task Order (if required)

The Executive Committee will consider amendment requests expeditiously, and has committed to render such decisions within two weeks whenever possible.

8. BLM – Las Vegas Field Office Division of Land Sales and Acquisitions Amend the Task Order (if required)

When the LSA Division or the Executive Committee approves an amendment request as described above, the LSA Division will process an amendment to the Task Order.

9. Prepare and Submit Reimbursement/Payment Documentation Package

Once the land acquisition is complete, the agency will prepare and submit to the LSA Division a reimbursement/payment documentation package that includes the information shown in Appendix H.

10. Reimbursement

The LSA Division will review the reimbursement package to ensure all necessary documents are included as outlined in Appendix H. The LSA Division will review and accept the package, maintain a file copy to support disbursement from the Special Account, and submit the package to the NBC for approval and payment. No funds will be reimbursed for expenditures made prior to the Secretary's approval of the acquisition. Allowable costs incurred after the Secretarial approval, but prior to issuance of a notification of available funding are reimbursable.

In those instances where an acquisition cannot be completed because of inability to agree on price or due to the results of other assessments, the Agency should immediately notify the LSA Division. The agency should prepare and submit a reimbursement package for those allowed costs which can be reimbursed even though the acquisition can't be completed. The reimbursement package must be submitted in a timely manner because it is important to deobligate unneeded funds in order to make them available to other acquisitions when the subject acquisition is terminated. If at all possible this reimbursement package should be submitted along with the notification of termination, but in all cases within 30 days of such notification.

B. Obligation and Reimbursement for Capital Improvements; Parks, Trails, and Natural Areas; Conservation Initiatives; Development of Multi-Species Habitat Conservation Plans for Clark County and the Virgin River

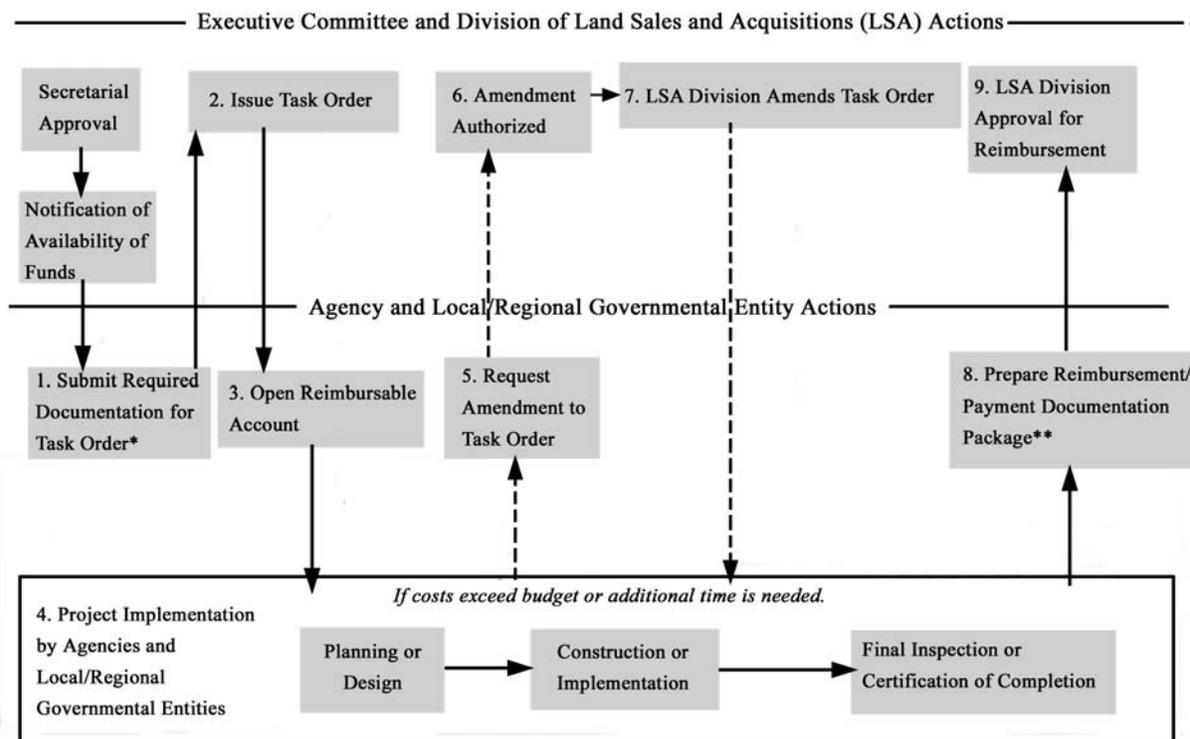
The process for obligation and reimbursement for capital improvements; parks, trails, and natural areas; conservation initiatives; and development of a MSHCP is depicted in Figure 3 (Process Flow Chart: Projects). The first box depicted on the flow chart is identical to the final step in the Recommendation Development Process, in which the Secretary of the Interior approves the final decision regarding all planned expenditures of the SNPLMA funds for the coming year and the Secretary of the Interior and the Secretary of Agriculture jointly approve the final decision regarding all planned expenditures of the FLTFA funds.

Regarding Development of a Virgin River MSHCP. The exception to the flow chart is that approval of funding for development of a Virgin River Multi-Species Habitat Conservation Plan was provided by Congress in P.L. 107-282. That act provides that the proceeds of sale of certain land to the City of Mesquite shall be used first, to pay for the cost of selling the land, second to develop a multi-species habitat conservation plan for the Virgin River including any associated water monitoring plan, and third, for the purposes (expenditure categories) identified in section 4(e)(3) of the SNPLMA. Therefore, separate approval by the Secretary of Interior for Virgin River MSHCP projects is not required. Thus, the process for the Virgin River MSHCP projects begins with submitting the required documentation for a task order (item number one in the flow chart). The U.S. Fish & Wildlife Service has been selected to take the lead on development of a MSHCP for the Virgin River and as such is the agency to which the task orders are issued and funds made available for this task.

Regarding Parks, Trails, and Natural Areas. SNPLMA Special Account funds may be provided for acquisition of lands, easements, or rights of way necessary to develop parks, trails, and natural areas as well as for construction of such projects by local and regional governmental entities. SNPLMA will reimburse no more than the fair market value of the land, easement, or right of way as determined by an appraisal prepared consistent with the Uniform Standards for Professional Appraisal Practices and Uniform Appraisal Standards for Federal acquisitions. The deed for such land, easement, or right of way acquired with SNPLMA funds must contain a restrictive covenant satisfactory to the BLM and the Regional Solicitor that requires the local entity to utilize the land, easement, or right of way for the intended purpose in perpetuity. Reimbursement documentation requirements for land, easements, or rights of way for parks, trails and natural areas can be found in Appendix H-2.

In addition to perpetual ownership of acquired land, easements, or rights of way, the SNPLMA Assistance Agreements between the BLM and the local and regional governmental entities requires that the governmental entities own and maintain in perpetuity any facilities, trails, or other features which are constructed using SNPLMA funds. This requirement does not prohibit the governmental entities from entering into agreements with third parties to perform necessary

Figure 3: Process Flow Chart - Projects



* Must be requested within 12 months of notification of availability of funds.

** Project must be completed and reimbursement requested prior to expiration of the Task Order.

and appropriate maintenance of SNPLMA funded PTNA projects. Such agreements, however, cannot give or otherwise transfer ownership of the SNPLMA-funded PTNA project or project

elements to a third party nor can such agreements abdicate the local or regional governmental entities' ultimate responsibility for such maintenance.

Certain relatively low cost, short-term PTNA projects with an intended life of 10 years or less (such as an equestrian dirt trail with signage in an existing road right of way not yet needed for road construction or widening) may be nominated and considered for funding based on less than perpetual ownership and maintenance. This would not be an option if SNPLMA funds were used to acquire the land, easement, or right of way for construction of such a project. Such project nominations must clearly state the intended minimum life of the project, why the project must be considered for a short term use rather than use in perpetuity, and justify the estimated cost to value to the government for the use of SNPLMA funds over the intended life of the project. Such projects, if approved, would not require reimbursement to SNPLMA if and when the project is decommissioned at or after the minimum life specified in the nomination.

Local and regional governmental entities may request quarterly reimbursement for larger Park, Trail, and Natural Area projects and multi-year projects. The governmental entities will submit required reimbursement documentation, progress reports, invoices, etc. (see Appendix H-3).

Regarding Capital Improvements. Large (multi-million dollar), multi-year capital improvement projects may be carried out under more than one task order where each task order has a well-defined, tangible end product(s). Each task order will be reimbursed separately upon completion of the product specified in the task order. Federal agencies will work with the LSA Division to clearly define the costs covered by each task order to ensure that percentage maximums for pre-construction costs for the whole project and application of the 10% contingency are accounted for in the cumulative total of multiple task orders for a single project. Certain documentation will be required for reimbursement of each individual task order and for reimbursement of the task order which completes the project (see Appendix H-1).

Regarding MSHCP Development Projects and Conservation Initiatives. Partial reimbursements will be on a quarterly basis as established in the task order. The agency or governmental entity will submit required reimbursement documentation, progress reports, invoices, etc. (see Appendix H-4 and H-5).

Process for Projects: Capital Improvements; Parks, Trails, and Natural Areas; Conservation Initiatives, and Development of a MSHCP

1. Submit Required Documentation

The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will notify the Federal agencies and the local and regional governmental entities of the Secretaries' decisions. Projects are funded in the order approved by the Secretaries as revenue accumulates in the Special Account for distribution between all expenditure categories. The LSA Division will notify the Federal agencies and the local and regional governmental entities when the balance of the applicable Special Account is sufficient to fund a particular project. However, if the Secretary approves priority funding for one or more expenditure categories as part of the Decision Document for any given Round, revenue accumulated in the SNPLMA Special

Account will be distributed to those categories in the priority order authorized by the Secretary before funds are distributed to the other categories.

Once the funding notification is received, agencies and local and regional governmental entities with approved projects will prepare a time-line and submit it as a part of the documentation package required to open a task order as detailed in Appendix H-1 through H-5, including estimated completion dates for the major milestones. The estimated direct costs sheet (Appendix B-3 through B-7) contained in the request package should include the 10% contingency reserve funds unless it is known that these additional funds will not be needed. Once the Task Order is issued, the 10% reserve will no longer be available.

The documentation to open a Task Order must be submitted within one year from the date of notification of availability of funds. For projects utilizing multiple task orders, the first task order must be requested within the one-year time frame following notification of availability of funds. Any project that has not been issued a Task Order within one year from the date of the notification of funding will be returned to the agency or to the local or regional governmental entity for re-submission in a subsequent round.

Regarding Inter-Agency Conservation Initiatives. For inter-agency Conservation Initiative projects requiring multiple task orders, the first task order must be requested within the one-year time frame following notification of availability of funds. However, all task orders associated with an inter-agency Conservation Initiative project must be submitted within the budgetary time frame established in the nomination package approved by the Secretary. Documentation to open a Task Order for an inter-agency Conservation Initiative project shall include an explanation of how the available funds and project tasks will be divided among the involved agencies, a time-line for completion of the project tasks to be performed by the requesting agency, and a time-line for completion of the project as a whole. Each agency must request a separate task order for those project tasks for which it will be responsible and each agency will be assigned a separate project number for its part of the project.

A lead agency shall be established for inter-agency Conservation Initiative projects among the agencies involved, with the named lead agency being responsible for certifying overall progress and satisfactory completion of the project as a whole in coordination with the LSA Division's Conservation Initiative Program Manager. Each agency involved in the inter-agency project will be responsible for submitting the required documentation relative to the tasks to be performed under its Task Order, including status/progress reports, in order to obtain reimbursement for allowed costs associated with its project tasks as outlined in the Task Order.

2. Issue Task Order

Upon receiving the required documentation, the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will process the task order through the BLM National Business Center Contracting Office which will issue a Task Order. This Task Order is first signed by a representative of the Federal agency or the local or regional governmental entity and then by the BLM Contracting Officer. The Task Order obligates funding from the applicable Special Account.

The completion time for all projects will be specified in the Task Order based on the estimated time-frames provided by the agency (key milestone dates identified in Appendix B-3 through B-7). The agency must complete the project and request reimbursement within the time-frame identified in the Task Order. If more time is required to complete the project, the agency must (a) request a time extension, subject to the provisions of Step 5 of this section; (b) request the project be placed “on-hold,” subject to the provision of Step 6 of this section; or (c) terminate the task order and re-submit the project in a subsequent nomination process. Agencies will be required to provide quarterly updates to the BLM – LSA Division on project status.

3. Open Reimbursable Account

A Task Order allows individual agencies to open a reimbursable account for the project. Agencies may then charge all allowed costs against this reimbursable account. Agencies are to ensure that the reimbursable account number is identified on the task order by the agency authorized representative before signing the task order and returning to the BLM Contracting Officer for signature. BLM Task Orders are assigned an internal reimbursable account by the BLM National Business Center and allowed costs are then charged against the internal reimbursable account.

A reimbursable account is more like a charge account than a checking account. This account is backed by an agreement (Task Order) to pay in accordance with the specific provisions contained in the Task Order. The funding to cover allowable costs will come from the applicable Special Account(s).

Reimbursable accounts are generally “no-year” accounts, so they need not be settled at the end of a fiscal year. Use of a reimbursable account is an option. If an agency so chooses and the appropriate budget arrangements are made, all or part of the allowable costs can be charged against appropriated funds and then reimbursed later from the applicable Special Account. However, only costs incurred after the Secretaries’ approval are reimbursable.

4. Project Costs

Certain costs associated with capital improvements; parks, trails and natural areas; MSHCP; and conservation initiatives projects can be reimbursed from the SNPLMA Account. These costs are specified in Appendix B and in the Estimated Direct Cost Forms shown in Appendices, B-3, B-4, B-5, B-6, and B-7. Agencies are expected to cover all other costs from their own resources.

5. Request Amendment to Task Order (if required)

Requests for Additional Funds. If the total project costs exceed the original approved budget amount by more than the 10% contingency amount, the agency, local government, or regional governmental entity must request approval by the Executive Committee for additional funds from the Special Account Reserve (SAR). The request must be submitted to the LSA Division and include a justification statement explaining the reason for the cost overruns. Approved requests will be documented in an Amendment to the Task Order. Requests for additional funds

associated with work outside the scope of the original approved acquisition will not be considered.

Requests for Change in Scope. Amendments associated with work outside the scope of the original approved project (expanded scope) will not be considered. If a project cannot be completed as described in the nomination and approved by the Secretary (reduced or altered scope), the agency, local or regional governmental entity may elect to either terminate the project or request approval of a change in scope by the Executive Committee. Changes in scope are discouraged, as there is a responsibility to utilize funds to complete the project as approved by the Secretary. However, the Executive Committee may consider extreme or unusual extenuating circumstances. Requests for approval of a change of scope should be made prior to or at the time the initial task order is requested if at all possible, or as soon as circumstances preventing completion of the project as nominated and approved are known. The request must be submitted to the LSA Division and include a justification statement explaining the circumstances impacting the project, description of the final project if completed under the altered scope, plans for ultimately completing the entire project as originally proposed, revised cost estimate sheet based on the reduced or altered scope, and steps that will be taken to avoid similar problems on future projects.

Requests for Time Extensions. If the project cannot be completed by the date identified in the task order, the agency must request an Amendment to extend the Task Order. The request must be submitted to the LSA Division and include a justification statement. The LSA Division can approve a one time extension request of six months or less for projects; however, the Executive Committee must rule on additional time extension requests and requests greater than six months.

6. On-Hold Status

Agencies and local or regional governmental entities may request that a project be placed into “On-Hold” status to allow time to resolve unanticipated issues in completing the project. Issues that would justify placing a project on-hold would be ones which impact the agency’s ability to request a task order or complete a project within the time-frame outlined above, such as: severe weather, material shortages, etc. A project may be placed on-hold one time only for up to one year. This can be before or after issuance of a task order. The request for on-hold status must be in writing and include an explanation of the issues and the actions planned to resolve the issues. In order to reactivate the project the agency or local or regional governmental entity must submit a reactivation request which includes confirmation that the issues which caused the project to be placed into on-hold status have been satisfactorily resolved and no longer create an obstacle to completing the project.

On-hold status prior to issuance of a task order will effectively extend the time period required to request a task order. If one year or more has elapsed since notification of availability of funds was provided, the agency must include a task order request as part of its request to reactivate the project.

On-hold status will suspend the time-frame allowed under the original task order for completion. For example, an agency having four months remaining on its task order will still have four

months after the project is reactivated. Requests for additional time to complete the project must be submitted to the LSA division as explained above.

On-hold status will result in funds previously committed or obligated for a project being moved down the list to the next priority projects. If funds have been obligated through a task order, the task order must be terminated in order to deobligate the funds so they can be made available to other projects on the priority list. In this instance, any costs already incurred against the task order must be transferred by the agency to another funding source. After a new task order is issued, all previously incurred allowed costs may be transferred to the reimbursable account established by the new task order.

When the project is reactivated, it will be in line for funding based on its original priority. A suspended task order “clock” will not restart until funds are again available to proceed and a new task order is issued.

If the agency is unable to resolve the issues leading to on-hold status in order to reactivate the project within the allowed one-year hold period, the project will be removed from the list and returned to the agency. The agency may, if the issues are later resolved, elect to resubmit the project in a subsequent round.

7. Executive Committee Authorizes Amendment to the Task Order (if required)

When Executive Committee approval is required, the Executive Committee will consider amendment requests as expeditiously as possible and has committed to render such decisions within two weeks whenever possible. Amendment requests for projects that would normally require Executive Committee approval, but which are time critical in nature so that a decision is required in less than two weeks, will be forwarded by the LSA Division to the appropriate subgroup for evaluation. The Subgroup will present their recommendation to the LSA Division for final approval.

8. BLM—Las Vegas Field Office Division of Land Sales and Acquisitions Amends the Task Order (if required)

When amendment requests are approved, the LSA Division will process the amendment to the Task Order.

9. Prepare and Submit Reimbursement/Payment Documentation Package

Once the capital improvement; parks, trails, and natural areas; conservation initiatives, or MSHCP development project is complete, the agency will prepare and submit a reimbursement/payment documentation package that includes the information shown in Appendix H-1, H-2, H-3, H-4 or H-5.

10. Reimbursement

The LSA Division will review the reimbursement package to ensure that all necessary documents are included. The LSA Division will then authorize payment for allowable costs and

maintain a file of documents to support the disbursement from the Special Accounts. No funds will be reimbursed for expenditures made prior to the Secretary's approval of the project. Allowable costs incurred after the Secretarial approval, but prior to issuance of a notification of available funding are reimbursable.

There is more than one possible reimbursement mechanism. Reimbursement may be made at the completion of the project. For large, multi-year capital improvement projects utilizing multiple task orders, reimbursement will be made upon completion of the end product identified in each task order. Large, multi-year park, trail, and natural area projects may request partial reimbursements on a quarterly basis for costs incurred as specified in the project task order. MSHCP and Conservation Initiative projects will be reimbursed on a quarterly basis for costs incurred. All funding mechanisms require fiscal accounting of expenditures.

For Projects With a Single Task Order and Reimbursement Upon Completion. If, for some reason, a project funded under a single task order with full reimbursement to occur upon completion of the project cannot be completed, the individual agency must cover any expenditure from other funding sources. Projects that must be terminated due to circumstances outside the control of the agency may be eligible for partial or full reimbursement as determined by the Executive Committee.

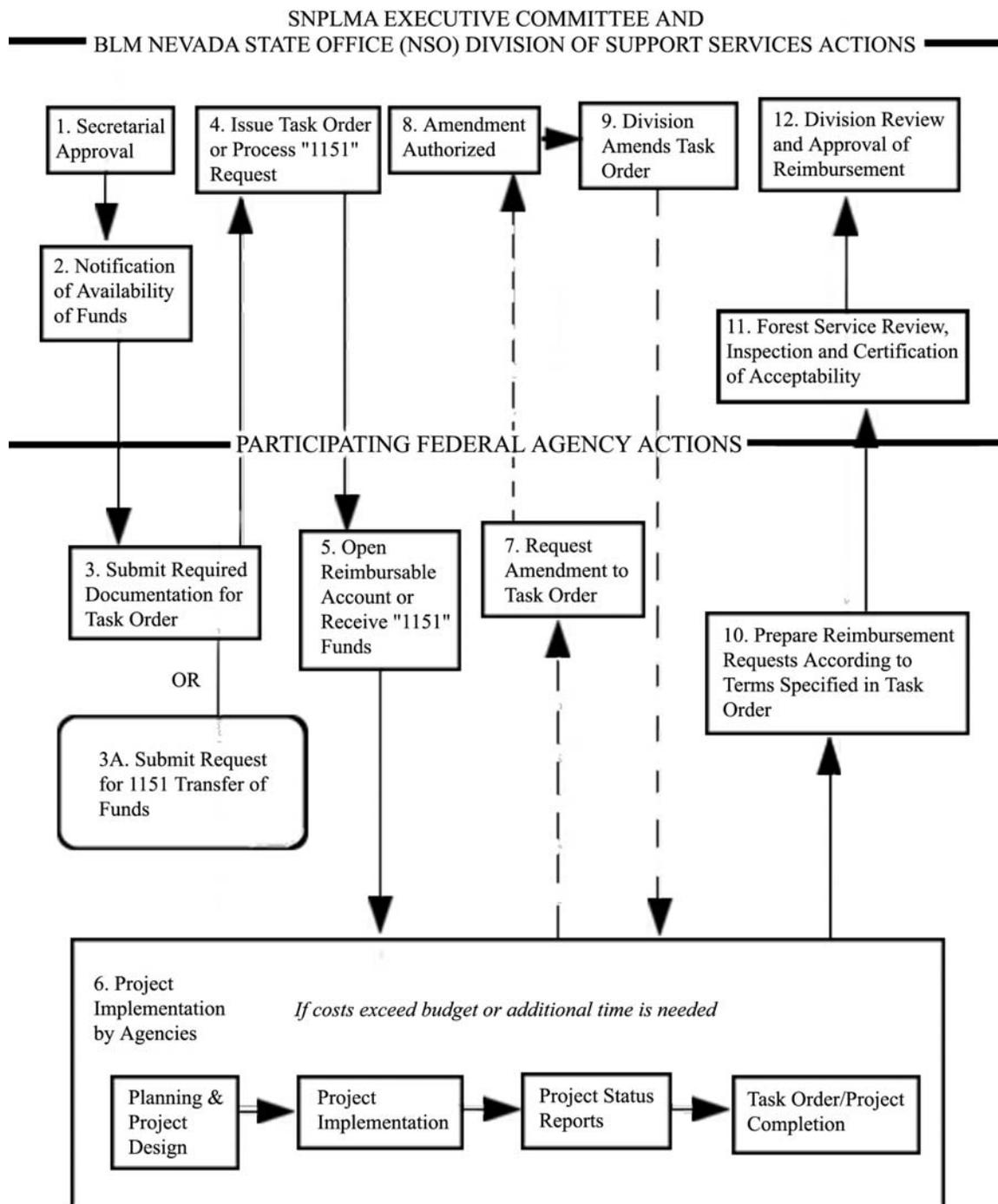
For Projects with Multiple Task Orders and/or Utilizing Partial Reimbursements. A recent modification to the SNPLMA Inter-Intra/Agency Agreements and Assistance Agreements with local and regional governmental entities addresses reimbursement of incomplete projects when projects are funded using multiple task orders or when a single task order utilizes partial payments. Under these two circumstances, if the project cannot be completed, the following rules apply:

- If non-completion is without the fault or negligence of the recipient, as agreed to by the Bureau(s) and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous task order or under a single task order which allows partial payments shall remain with the recipient as reimbursement for costs incurred.
- If the non-completion is due to the fault or negligence of the recipient, as agreed between the Bureau(s) and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous task orders or under a single task order which allows partial payments shall be repaid by the recipient to the SNPLMA Special Account.

C. Obligation and Reimbursement for Lake Tahoe Restoration Projects

The process for obligation and reimbursement for Lake Tahoe Restoration Projects is described below and depicted in Figure 4 (Process Flow Chart: Lake Tahoe Restoration Projects). The process essentially mirrors the process for the other SNPLMA project categories with a few differences. Program and implementation responsibilities will be under the BLM oversight as authorized in the SNPLMA. The responsibilities for administration and financial management of SNPLMA funds approved for Lake Tahoe will be with the BLM in accordance with Section 4(e) of the SNPLMA. The BLM's contracting officer's representative (COR) at the NSO Division of

Figure 4: Process Flow Chart: Lake Tahoe Restoration Projects



Support Services is responsible for processing task orders and reimbursement requests, and financial reporting.

The BLM may consider contracting with the USDA Forest Service or others, if authorized, to provide oversight and administrative functions which may include, but not be limited to:

- Administer and support the TWG and LTFAC by organizing meetings, preparing reports, facilitating the development of the Preliminary Recommendation Package and Lake Tahoe Restoration Projects Package and other administrative needs of the TWG and LTFAC;
- Organize the TREX review;
- Administer the public comment period, including any notice requirements, for the Lake Tahoe Restoration Projects Package, and ensure its timely delivery to the TREX and subsequent submittal to the Executive Committee for the Final Recommendation; and
- Coordinate and consult with the LTFAC, Tahoe Regional Planning Agency, Lake Tahoe Transportation and Water Quality Coalition, States of California and Nevada, federal agencies and other parties interested in the use of Tahoe SNPLMA funds.

Inter-agency agreements or memorandums of understanding (IA/MOU) will be executed for each participating Federal agency. Each agreement will be a tri-party agreement executed by the BLM, the USDA Forest Service, and the participating Federal agency. The BLM will sign based on its implementation, oversight, and financial management responsibilities for the SNPLMA Special Account. The USDA Forest Service will execute in its role as representing the Secretary of Agriculture and recipient of funds pursuant to Appropriations Act 108-108 as well as in its role as the entity responsible for inspection and acceptance of projects as qualified restoration projects under the applicable laws. Finally, each participating agency will execute the cooperative agreement in order to create the mechanism by which funds can be provided to these agencies for performance of the projects in accordance with Appropriations Act 108-108.

The approved funding available for Lake Tahoe projects in each SNPLMA round may be reprogrammed from the Primary Category to the Secondary Category in the event that a project(s) in the Primary Category becomes infeasible or actual costs are less than estimated costs. In cases where actual costs for any given project in either the Primary or Secondary Category exceed the amount approved by the Secretary, any funds available from the current approved round as a result of other projects being terminated or actual costs being less than estimated may be made available to cover the higher than expected costs for other projects. In such cases as these, the federal interagency EIP management unit shall notify and present the issue to the Tahoe Regional Executive Committee (TREX) for final approval. Cost overruns may also be covered by requesting and gaining approval of additional funds for the project in a future round.

Any approved funds that remain from a given round shall be carried over and available for the next round of approvals for Lake Tahoe Restoration Projects. If circumstances warrant, funding

for cost overruns for Lake Tahoe Restoration Projects may be requested from the SNPLMA Special Account Reserve where such requests must be approved by the SNPLMA Executive Committee. Any such SAR funds which are made available will count toward the cumulative total funds to be made available for Lake Tahoe Restoration Projects pursuant to Appropriation Bill 108-108, Section 341 and 342 (2003).

Projects may be carried out under more than one task order where each task order has a well-defined, tangible end product(s)/deliverable. Where multiple task orders are utilized, each task order will be reimbursed separately upon completion of the product/deliverable specified in the task order. Federal agencies will work with the NSO Division of Support Services to clearly define the costs covered by each task order to ensure that the cumulative total of multiple task orders does not exceed the total available for the project. Certain documentation will be required for reimbursement of each individual task order and for reimbursement of the task order which completes the project (see Appendix H-6). Projects which utilize a single task order will be reimbursed upon completion of the project following submission of the required documentation and approval process described below.

The Federal agencies may request an “1151 Transfer” of funds from the SNPLMA Special Account directly to the agency where those funds are intended to be passed through to non-federal entities (e.g., local governments, environmental groups, etc.) similar to grant programs. The purpose of such “1151 Transfers” is to meet the requirement of “environmental payments” to non-federal entities under the Lake Tahoe Restoration Act (114 Stat. 2354). In accordance with that Act the total of “1151 Transfers” to meet this requirement shall be \$10 million annually. The “1151 Transfer” process requires the involvement of the BLM Washington Office to facilitate the transfer. In addition, investment of the funds by the Federal agency will be required if the funds are to be “held” by the agency any longer than one week before the pass through to the recipient. Investment of funds in the SNPLMA Special Account is a requirement of the SNPLMA legislation.

As stated above, and consistent with all other expenditure categories under the SNPLMA, indirect costs associated with carrying out approved projects shall not be sought by the receiving Federal agency nor shall indirect costs be reimbursed from the SNPLMA Special Account. Federal agencies are solely responsible for seeking any waivers from their headquarters and resolving any issues internally regarding the impact of not being allowed to assess indirect costs.

Each sponsoring Federal agency for Lake Tahoe will be responsible for implementing their respective projects. For example, the TRSC will develop a Request for Proposals (RFP) for its Research and Monitoring Projects that are part of the Final Recommendation approved by the Secretary once funding for Lake Tahoe Restoration Projects is available. The TRSC will then administer the review of these proposals and the oversight of the Research and Monitoring projects funded through the RFP. The Federal agencies will follow the process below for obtaining funds to implement approved projects.

1. Submit Required Documentation

The BLM – Las Vegas Field Office Division of Land Sales and Acquisitions will notify the Federal agencies of the Secretary's decisions. Projects are funded in the order approved by the Secretary as revenue accumulates in the SNPLMA Special Account for distribution between all expenditure categories based on their pro rata share of the overall SNPLMA budget. The LSA Division will notify the Federal agencies when the balance of the SNPLMA Special Account is sufficient to fund a particular Tahoe project. However, if the Secretary approves priority funding for one or more expenditure categories as part of the Decision Document for any given Round, revenue accumulated in the SNPLMA Special Account will be distributed to those categories in the priority order authorized by the Secretary before funds are distributed to the other categories.

Requesting a Task Order. Once the funding notification is received, the Federal agencies with approved projects will prepare a time-line and submit it to the Nevada State Office Division of Support Services (NSO Division) as a part of the documentation package, as detailed in Appendix H-6, required to open a task order under the applicable IA/MOU, including estimated completion dates for the major milestones. The estimated direct costs sheet (Appendix B-8) contained in the request package should include the 10% contingency reserve funds unless it is known that these additional funds will not be needed. Once the NSO Division issues the Task Order, the 10% reserve will no longer be available.

The documentation to open a Task Order must be submitted within one year from the date of notification of availability of funds. For projects utilizing multiple task orders, the first task order must be requested within the one-year time frame following notification of availability of funds. Any project that has not been issued a Task Order within one year from the date of the notification of funding will be returned to the agency or to the local or regional governmental entity and may be considered by that agency for re-submission in a subsequent round.

Requesting an “1151 Transfer of Funds”. If circumstances warrant, the Federal agencies may submit a request to the NSO Division of Support Services for an “1151 Transfer of Funds” in order to fund non-federal “environmental payments” pursuant to the Lake Tahoe Restoration Act as a pass through to the non-federal recipient. The request must include a description of the nature of the project, the time line for the project, and anticipated completion date. Upon completion of the project the Federal agency shall submit a completion report to the NSO Division of Support Services. The report shall describe the project accomplishments compared to the original described purpose and certifies appropriate utilization of funds for the intended purpose.

The “1151 Transfer” process requires the involvement of the BLM Washington Office to facilitate the transfer. The NSO Division will coordinate the processing of the “1151 Transfer” through the BLM Washington Office. The NSO Division will also track the cumulative total amount provided for this purpose through “1151 Transfers” in order not to exceed the annual \$10 million limit specified in the Lake Tahoe Restoration Act. The request for such 1151 transfers should include the total amount required and the payment schedule as determined by the requirements of each particular non-federal entity project pass through. Establishment of a payment schedule is intended to avoid funds remaining with the agency for more than a week and thus necessitating investment of the funds pursuant to the requirements of the SNPLMA.

2. Issue Task Order

Upon receiving the required documentation, the NSO Division will process the task order through the BLM National Business Center Contracting Office which will issue a Task Order. This Task Order is first signed by a representative of the Federal agency and then by the BLM Contracting Officer. The Task Order obligates funding from the SNPLMA Special Account.

The completion time for all projects will be specified in the Task Order based on the estimated time-frames provided by the Federal agency (key milestone dates identified in Appendix B-8). The agency must complete the project and request reimbursement within the time-frame identified in the Task Order. If more time is required to complete the project, the agency must (a) request a time extension, subject to the provisions of Step 5 of this section; (b) request the project be placed “on-hold,” subject to the provision of Step 6 of this section; or (c) terminate the task order in which case the agency can re-submit the project in a subsequent nomination process if deemed appropriate by the agency. Agencies will be required to provide quarterly updates to the NSO Division on project status.

3. Open Reimbursable Account

A Task Order allows individual agencies to open a reimbursable account for the project. Agencies may then charge all allowed costs against this reimbursable account. Agencies are to ensure that the reimbursable account number is identified on the task order by the agency authorized representative before signing the task order and returning to the BLM Contracting Officer for signature.

A reimbursable account is more like a charge account than a checking account. This account is backed by an agreement (Task Order) to pay in accordance with the specific provisions contained in the Task Order. The funding to cover allowable costs will come from the applicable Special Account(s).

Reimbursable accounts are generally “no-year” accounts, so they need not be settled at the end of a fiscal year. Use of a reimbursable account is an option. If an agency so chooses and the appropriate budget arrangements are made, all or part of the allowable costs can be charged against appropriated funds and then reimbursed later from the applicable Special Account. However, only costs incurred after the Secretaries’ approval are reimbursable.

4. Project Costs

Certain costs associated with Lake Tahoe Restoration Projects can be reimbursed from the SNPLMA Special Account. These costs are specified in the Estimated Direct Cost forms shown on Appendix B-8. Agencies are expected to cover all other costs from their own resources.

5. Request Amendment to Task Order (if required)

Requests for Additional Funds. If the total project costs exceed the original approved budget

amount, any funds available from the current approved round as a result of other projects being terminated or actual costs being less than estimated may be made available to cover the higher than expected costs for other projects. In such cases as these, the federal interagency EIP management unit shall notify and present the issue to the Tahoe Regional Executive Committee (TREX) for final approval to utilize funds originally designated for another project. The agency will then submit its request for a task order amendment to increase available funds for the affected project to the NSO Division of Support Services. The request should include a copy of the TREX approval document and, if not included in that document, an explanation of project(s) from which funds are being diverted. This is critical in order for the NSO Division to adjust to ensure that all necessary task orders are amended to show the revised amounts available for the affected projects.

If additional funds are not available from other projects through the above process to cover cost overruns for Lake Tahoe Restoration Projects, Federal agencies may be request approval by the Executive Committee for additional funds from the SNPLMA Special Account Reserve (SAR). The request must be submitted to the NSO Division of Support Services which will coordinate with the BLM Land Sales & Acquisitions Division to process and submit the request to the SNPLMA Executive Committee for approval. The request must include a justification statement explaining the reason for the cost overruns. Approved requests will be documented in an Amendment to the Task Order processed by the NSO Division. SAR Requests for additional funds associated with work outside the scope of the original approved project will not be considered. SAR funds provided for Lake Tahoe projects will count toward the cumulative amount authorized for such projects pursuant to Appropriation Bill 108-108.

Reprogramming. The approved funding available for Lake Tahoe projects in each SNPLMA round may be reprogrammed from the Primary Category to the Secondary Category in the event that a project(s) in the Primary Category becomes infeasible or actual costs are less than estimated costs. In such event, the federal interagency EIP management unit shall notify and present the issue to the TREX for final approval. The agency will then submit its request for a task order amendment(s) to reduce funding or terminate funding for the affected Primary Category project(s) and create a task order for the Secondary Category project which is to be funded. The request shall include a copy of the TREX approval document and an explanation of which project(s) are impacted within each category (e.g., decreasing funds by a specific amount, terminating a project, etc.). This is critical in order for the NSO Division create accurate obligations as well as to maintain accurate financial records and tracking documents as well as ensure that all necessary task orders are amended to show the revised amounts available for the affected projects.

Requests for Change in Scope. If a project cannot be completed as described in the nomination and approved by the Secretary (reduced or altered scope), the Federal agency may elect to either terminate the project or request approval of a change in scope by the Tahoe Regional Executive Committee (TREX). Changes in scope are discouraged, as there is a responsibility to utilize funds to complete the project as approved by the Secretary. However, the TREX may consider extreme or unusual extenuating circumstances. Requests for approval of a change of scope should be made prior to the initial task order if at all possible, or as soon as circumstances preventing completion of the project as nominated and approved are known. Following TREX

approval of a change in scope, the agency submits a request for an initial task order or request to amend the project task order to reflect the change in scope to the NSO Division of Support Services. The request must explain the change in scope, any impact on funding, source of any additional funds if such is needed, and include a copy of the TREX decision document authorizing the change in scope.

Requests for Time Extensions. If the project cannot be completed by the date identified in the task order, the agency must request an Amendment to extend the Task Order. The request must be submitted to the NSO Division of Support Services and include a justification statement. The NSO Division can approve a one time extension request of six months or less for projects; however, the Tahoe Regional Executive Committee must rule on additional time extension requests and requests greater than six months.

6. On-Hold Status

Agencies may request that a project be placed into “On-Hold” status to allow time to resolve unanticipated issues in completing the project. Issues that would justify placing a project on-hold would be ones which impact the agency’s ability to request a task order or complete a project within the time-frame outlined above, such as: severe weather, material shortages, etc. A project may be placed on-hold one time only for up to one year. This can be before or after issuance of a task order. The request for on-hold status must be in writing and include an explanation of the issues and the actions planned to resolve the issues. In order to reactivate the project the agency must submit a reactivation request which includes confirmation that the issues which caused the project to be placed into on-hold status have been satisfactorily resolved and no longer create an obstacle to completing the project. Requests for on-hold status and reactivation of projects in on-hold status are to be submitted to the NSO Division of Support Services.

On-hold status prior to issuance of a task order will effectively extend the time period required to request a task order. If one year or more has elapsed since notification of availability of funds was provided, the agency must include a task order request as part of its request to reactivate the project.

On-hold status will suspend the time-frame allowed under the original task order for completion of the project. For example, an agency having four months remaining on its task order will still have four months after the project is reactivated. Requests for additional time to complete the project must be submitted to the NSO Division of Support Services as explained above.

On-hold status will result in funds previously committed or obligated for a project being moved down the list to the next priority projects. If funds have been obligated through a task order, the task order must be terminated in order to de-obligate the funds so they can be made available to other projects on the priority list. In this instance, any costs already incurred against the task order must be transferred by the agency from the reimbursable account to another funding source. After a new task order is issued, all previously incurred allowed costs may be transferred back to the reimbursable account established by the new task order.

When the project is reactivated, it will be in line for funding based on its original priority. A suspended task order “clock” will not restart until funds are again available to proceed and a new task order is issued.

If the agency is unable to resolve the issues leading to on-hold status in order to reactivate the project within the allowed one-year hold period, the project will be terminated and removed from the list. The agency may, if the issues are later resolved, elect to resubmit the project in a subsequent round.

7. Executive Committee Authorizes Amendment to the Task Order (if required)

When SNPLMA Executive Committee approval is required, the SNPLMA Executive Committee will consider amendment requests expeditiously and has committed to render such decisions within two weeks whenever possible.

8. BLM NSO Division of Support Services Amends the Task Order (if required)

When amendment requests are approved, the NSO Division will process the amendment to the Task Order.

9. Prepare and Submit Reimbursement/Payment Documentation Package

Once the Lake Tahoe Restoration project is complete, the agency will prepare and submit a reimbursement/payment documentation package that includes the information shown in Appendix H-6. This package will be submitted to the USDA Forest Service designated representative (to be determined). The USDA Forest Service will serve a role similar to a project inspector by certifying “acceptance of the project as a qualified restoration project under the applicable law(s).” When multiple task orders are utilized for a project, the USDA Forest Service representative will review the task order reimbursement package and certify that the completed product/deliverable is acceptable and consistent with the scope of the approved project. The USDA Forest Service will then forward the reimbursement package along with its “Certification of Acceptability” or, if appropriate, statement regarding acceptability to the completed product/deliverable to the NSO Division of Support Services.

10. Reimbursement

The NSO Division of Support Services will review the reimbursement package to ensure (a) all necessary documents are included, (b) accuracy of mathematical computations, and (c) only reimbursement of allowed costs are included. The NSO Division will then authorize payment for allowable costs and maintain a file of documents to support the disbursement from the Special Accounts. No funds will be reimbursed for expenditures made prior to the Secretary’s approval of the project. Any exception to this rule would have to be approved by the Secretary through the Decision Document for the affected round. Allowable costs incurred after the Secretarial approval, but prior to issuance of a notification of available funding are reimbursable.

There is more than one possible reimbursement mechanism. When a single task order is issued for the full amount available for the project, reimbursement may be made at the completion of

the project. When agencies elect to utilize multiple task orders for larger or multi-year projects, reimbursement will be made upon completion of the end product/deliverable identified in each task order. In no case shall the receiving agency initiate a payment (IPAC transaction) prior to receiving notification that the NSO Division of Support Services has approved the reimbursement package for payment.

Non-Completion of Projects With a Single Task Order. If, for some reason, a project funded under a single task order with full reimbursement to occur upon completion of the project cannot be completed, the individual agency must cover any expenditure from other funding sources. Projects that must be terminated due to circumstances outside the control of the agency may be eligible for partial or full reimbursement as determined by the SNPLMA Executive Committee. Such requests are to be coordinated with the USDA Forest Service .

Non-Completion of Projects with Multiple Task Orders. If, for some reason, a project funded under multiple task orders with reimbursement to occur at the completion of the deliverable identified in each task order cannot be completed, the following rules apply:

- If non-completion is without the fault or negligence of the recipient, as agreed to by the Agency and the BLM, all past payments made under previous task orders shall remain with the recipient as reimbursement for costs incurred.
- If the non-completion is due to the fault or negligence of the recipient, as agreed between the Agency and the BLM, all past payments made under previous task orders shall be repaid by the recipient to the SNPLMA Special Account.

VII. SPECIAL ACCOUNTS RESERVES (SAR)

During each Round, the Secretary may be asked to approve a specific amount as a reserve for each special account. The primary purpose of the Special Accounts Reserves (SAR) is to fund unexpected shortfalls between estimated and actual costs for approved land acquisitions and projects. SAR funds may also be requested to respond to safety issues that pose an imminent threat and require immediate remediation, and respond to unique opportunities or unanticipated circumstances that require fast action. These SARs are expended as directed by the Executive Committee.

A. Requests to Cover Unexpected Shortfalls Between Estimated and Actual Costs

SAR requests should be submitted to the BLM – Las Vegas Field Office Division of Land Sales and Acquisitions in writing. Requests should include an explanation of the circumstances leading to the shortfall, any efforts taken to minimize the shortfall or otherwise achieve cost savings, and the amount required to complete the acquisition or project as approved by the Secretary. The LSA Division will review the request and forward pertinent documentation to the Executive Committee for their consideration and decision.