

Other significant administrative and management changes include implementation procedures for expenditure of the Mesquite land sale proceeds; addition of references to regional governmental entities where appropriate and inclusion of these entities in the Park, Trail, and Natural Area subgroup due to their addition as eligible entities for SNPLMA funds under the park, trail, and natural area expenditure category; provides that the amount to be requested for the SNPLMA Special Account Reserve (SAR) shall be determined annually for each round rather than pre-established at \$5 million as previously set for the SNPLMA SAR and allows for a separate Special Account Reserve for the FLTFA; refinement of methods of reimbursement for certain project categories; incorporate changes in reimbursement policies for appraisal costs; modifies and clarifies allowable costs in all categories; and provides guidelines regarding project equipment; as well as other clarifications and additions to administrative processes and procedures. The changes in allowed costs, processes, and procedures, authorized in this revision apply to all acquisitions and projects which have not yet been completed or terminated.

This fourth revision also sets out the process whereby Lake Tahoe Restoration Projects will be nominated, selected and recommended parallel to but outside the SNPLMA nomination process carried out by the SNPLMA subgroups and SNPLMA Partners Working Group, with the Final Recommendation for Lake Tahoe being forwarded to the SNPLMA Executive Committee for its consideration and inclusion in the SNPLMA Final Recommendation transmitted to the Secretary of Interior for approval.

II. OBJECTIVES

The objectives of the Implementation Agreement are to:

- Clarify the respective roles of the Federal agencies, the State of Nevada, local and regional governmental entities throughout Nevada, and interested parties in order that they might work together effectively to implement the SNPLMA and FLTFA;
- Effectively involve the State of Nevada, local and regional governmental entities, and interested parties in the process of assembling the recommendation;
- Encourage the Federal agencies to act consistently in their efforts to acquire lands or interests in land as authorized under the SNPLMA and FLTFA, and make other authorized expenditures; and
- Encourage the expenditure of the Special Accounts in a manner that is consistent with the intent of the SNPLMA and FLTFA, and that produces tangible results.

III. ORGANIZATION, RESPONSIBILITIES AND RELATIONSHIPS

Secretary, United States Department of the Interior

The Secretary of the Interior is charged with implementation of the SNPLMA, and the Secretary of the Interior and the Secretary of Agriculture are jointly charged with implementation of the

FLTFA. In September 2000, the Secretary of the Interior assigned the responsibility for implementing the SNPLMA to the Bureau of Land Management, and the FLTFA MOU assigns national responsibility for implementing the FLTFA. The Secretary of the Interior has maintained approval authority over the expenditure of the SNPLMA Account, and the Secretary of the Interior and the Secretary of Agriculture have jointly maintained approval authority over the expenditure of the FLTFA Account. However, the Secretaries may, at their discretion, delegate this approval authority to others. The Secretary of the Interior has delegated authority for implementation of the SNPLMA to the Bureau of Land Management; approval of the annual implementation budget is delegated to the BLM Nevada State Director who also serves as the Chairman of the SNPLMA Executive Committee.

Bureau of Land Management-Nevada State Office (NSO) Division of Support Services

The BLM established the Nevada State Office, Division of Support Services (NSO Division) to manage partial implementation of the SNPLMA and FLTFA in Nevada. The role of the NSO Division is to:

- Manage, in coordination with the BLM's National Business Center, the Special Accounts, including accounting for, investing, and disbursing funds;
- Archiving all documentation needed to support the use of the revenue;
- Special account funds control and review and coordination for approval of SNPLMA operating budget;
- Provide guidance and support to Nevada BLM field offices on the collection of revenues;
- Manage the process of issuing task orders and processing reimbursements for Lake Tahoe Restoration Projects under umbrella agreements executed for that purpose and serve as the Contracting Officer's Representative (COR) on Lake Tahoe umbrella agreements; and
- Process commitment funding for approved SNPLMA acquisitions and projects as funds become available in order to ensure that financial reports reflect the fact that such funds are needed for approved acquisitions and projects even though not yet obligated.

Bureau of Land Management-Nevada State Office (NSO) Division of Natural Resources, Land, and Planning

The BLM established the Nevada State Office, Division of Natural Resources, Lands, and Planning to manage implementation of the FLTFA in Nevada. The role of this Division regarding disposals, acquisitions and other expenditures is to:

- Coordinate land disposal activities with, and provide guidance and support to, the Nevada BLM field offices and promote appropriate coordination with units of local government. Land disposal transactions (sales and exchanges) are processed by Nevada BLM Field Offices;

- Promote collaboration among the Federal agencies in identifying properties and projects with the greatest public benefit, regardless of agency jurisdiction;
- Facilitate the development, continuous improvement, and implementation of procedures and guidelines for nominating expenditures for land acquisitions, in coordination with the SNPLMA process, and prepare the Nevada Final Recommendation package for transmittal to the Lands Transaction Facilitation Council and for Secretarial approval;
- Ensure that coordination and consultation occurs with the BLM Resource Advisory Councils (RACs), State of Nevada, local governments, and interested parties, in coordination with the offices responsible for implementation of the SNPLMA regarding proposed acquisitions and other uses of the FLTFA Account;
- Manage the FLTFA Account, including development of annual work plans and allocation of funds for reimbursement of administrative expenses, to carry out the land disposal program; and providing guidance and support to Nevada BLM field offices on the collection of revenues; and
- Facilitate the development and coordination of annual reporting of FLTFA activities in the Public Land Statistics.

Bureau of Land Management National Business Center

The BLM's National Business Center (NBC) located in Denver Colorado has national responsibility for BLM financial accounting processes and procedures, contracting, implementation of OMB and other federal financial regulations throughout the BLM, as well as facilitation and coordination of financial audits. The NBC assists with implementation of the SNPLMA by providing the following services:

- Management of the SNPLMA investment program in order to ensure that the maximum possible funds are effectively invested at all times as required by the Act while maintaining an adequate cash account availability to cover disbursements;
- Provides contracting functions for SNPLMA task orders and certain acquisition and project-related procurements;
- Provide determination of sufficiency of reimbursement documentation for expenditures for approved projects and acquisitions and ensure accurate and timely payment;
- Provides input to the SNPLMA Annual Report to Congress;
- Preparation of a monthly financial status report and monthly investment reports; and
- Coordinate with the BLM Las Vegas Field Office Land Sales and Acquisitions Division regarding processing of task orders, reimbursements, anticipated disbursements affecting cash account requirements; financial updates, and the SNPLMA Grand Matrix to ensure

accuracy of tracking and account numbers and financial information utilized by both offices.

Bureau of Land Management-Las Vegas Field Office (LVFO) Land Sales and Acquisitions Division

The BLM established the Las Vegas Field Office Division of Land Sales and Acquisitions to manage implementation of the SNPLMA. The role of this Division regarding disposals, acquisitions and other expenditures is to:

- Coordinate land disposal activities with local governments;
- Conduct all land disposals under the SNPLMA (two auctions a year, sales directed by legislation, and in unique circumstances modified competitive or direct sales). Prepare land for sale by completing Preliminary Environmental Site Assessments (ESA); writing Environmental Assessments; ordering appraisals; preparing Master Title Plats and maps; and preparing a Notice of Realty Action (NORA) for publication in the Federal Register and local newspaper and mail copies of the NORA to adjacent property owners and to other interested parties. Post sale activities include preparing the a Final ESA, mailing notices to high bidders, collecting final payments, and transmittal of case files to the BLM Nevada State Office;
- Promote collaboration among the Federal agencies in identifying properties and projects with the greatest public benefit, regardless of agency jurisdiction;
- Facilitate the development, continuous improvement, and implementation of procedures and guidelines for nominating expenditures for land acquisitions; capital improvements; parks, trails & natural areas; Clark County MSHCP; and conservation initiatives in coordination with the offices responsible for implementation of FLTFA; and prepare the recommendation package(s) for Secretarial approval;
- Ensure that coordination and consultation occurs with the BLM Resource Advisory Councils (RACs), State of Nevada, local governments, and interested parties, in coordination with the offices responsible for implementation of FLTFA;
- Provide input for management of the SNPLMA Special Account, including development of annual work plans and allocation of funds for reimbursement of administrative expenses to carry out the land disposal program and implementation of the SNPLMA, archiving all documentation needed to support the use of the revenue;
- Implement the processes and procedures outlined in this document to manage the nomination process, obligate funds for approved acquisitions and projects; assure compliance with documentation and other requirements; review and process reimbursement requests for completed acquisitions and projects; help ensure accountability and demonstrated results as required by the SNPLMA; and
- Develop and coordinate the SNPLMA Annual Report to Congress.

The Four Federal Land Management Agencies

The four Federal land management agencies directly involved in implementation of both Acts are the Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service in the Department of the Interior; and the Forest Service in the Department of Agriculture. Successful implementation of the Acts requires these agencies to work together to ensure that the public benefit is maximized for current and future generations of Americans.

In signing this agreement, each agency agrees to:

- Participate in the process established in this agreement to identify land or interests in lands, for acquisition and other allowable expenditures under the Acts to provide the greatest public benefit;
- Consult with the State of Nevada, local governments, and interested persons for all properties nominated for acquisition regarding the need for the acquisition and the potential impacts to State and local governments;
- Follow any and all applicable policies, procedures and guidelines in the acquisition of land; developing capital improvements; performing MSHCP projects, conservation initiatives, and Lake Tahoe Restoration projects; establishing and implementing cooperative agreements; and taking any other actions related to implementing the Secretaries' decisions regarding use of the Special Accounts; and
- Provide all documentation determined by the Bureau of Land Management – Nevada State Office and Las Vegas Field Office Division of Land Sales and Acquisitions, as applicable, to be necessary to support expenditures of the Special Accounts and/or to prepare the annual reports required by the Acts.

Interagency and Intergovernmental Work Groups and Committees

A Federal Partners Executive Committee, Partners Working Group, and several subgroups have been established to achieve the objectives outlined above. These groups have varying degrees of representation by State and local and regional governmental entities. It is important to note that the process of developing a recommendation for the Secretaries' consideration is designed to be as open and inclusive as possible without bias for or against any particular unit of government or interested party. The "Recommendation Development Process" section of this Implementation Agreement details the opportunities that the State, local and regional governmental entities, federal agencies and interested parties have to participate in the process.

A. The Federal Partners Executive Committee

The Federal Partners Executive Committee (Executive Committee) is structured to act on behalf of the Secretaries of Interior and Agriculture in preparing the Final Recommendation. The Federal Partners Executive Committee is composed of each member agency's State or Regional Director or Manager as listed below:

- Bureau of Land Management - State Director, Nevada State Office
- National Park Service - Regional Director, Pacific West Region
- U.S. Fish & Wildlife Service - Manager, California/Nevada Operations Office
- USDA Forest Service - Regional Forester, Inter-Mountain Region (Region 4)

The coordination required between the Department of the Interior and the Department of Agriculture occurs within this Committee. The Executive Committee prepares and transmits the final recommendations for acquisitions and other expenditures of the funds in the Special Accounts to the Land Transaction Facilitation Council for the FLTFA or the Secretary of the Interior for the SNPLMA. The Land Transaction Facilitation Council reviews the FLTFA proposals and makes recommendations to the Secretaries. The USDA Forest Service Region 4 member also represents Forest Service interests regarding Lake Tahoe Restoration Projects. The Executive Committee forwards the Recommendation for Lake Tahoe Restoration Projects to the Secretary of Agriculture for approval and to the Secretary of Interior for inclusion in the SNPLMA Special Account budget. The Secretaries make the final decisions regarding expenditures under the Acts unless further delegated. Once approvals are received, the Executive Committee oversees the use of the funds in the Special Accounts to achieve the desired objectives. The Executive Committee also directs the expenditure of the Special Accounts' Reserves as applicable, approves requests for task order amendments as required, and approves all changes to the Implementation Agreement.

B. The Tahoe Regional Executive Committee

The existing Tahoe Regional Executive Committee (TREX), established pursuant to Executive Order 13057, dated July 26, 1997, will serve as the advisory body for reviewing and determining the priorities for the Recommendations for Lake Tahoe. The TREX will transmit their Final Recommendations for Lake Tahoe expenditures from the SNPLMA Special Account to the SNPLMA Executive Committee. The TREX is composed of each agency's Regional Director or Manager as listed below:

- USDA Forest Service
- USDA Natural Resources Conservation Service
- Environmental Protection Agency
- U.S. Department of Transportation
- U.S. Geological Survey
- U.S. Army Corps of Engineers
- Bureau of Reclamation
- Bureau of Land Management
- U.S. Fish & Wildlife Service

C. The Partners Working Group

The Partners Working Group is composed of one representative each from the:

- State of Nevada (appointed by the Governor)

- Representative of local & regional governmental entities in southern Nevada (selected annually by the Parks, Trails, and Natural Areas subgroup)
- Rural Nevada (appointed by the Governor)
- Bureau of Land Management
- National Park Service
- U.S. Fish and Wildlife Service
- USDA Forest Service
- Bureau of Reclamation (ex-officio member)

The primary function of the Partners Working Group is to develop a SNPLMA and FLTFA Preliminary Recommendation for consideration by the Executive Committee. This includes:

- Reviewing and developing a prioritized list of lands or interests in lands for acquisition within Nevada under the SNPLMA and FLTFA, including the recommended funding source, as described in Appendix C. The National Park Service will independently develop a prioritized list of lands or interests in lands for acquisition within the Mojave National Preserve in California for inclusion in the recommendation;
- Incorporating the recommendations from each of the sub-groups for capital improvements, development of the Multi-Species Habitat Conservation Plan (MSHCP) in Clark County, conservation initiatives, and development of parks, trails and natural areas into the Preliminary Recommendation; and
- Developing a proposed budget for each expenditure category based upon revenue projections.

The Partners Working Group also coordinates the implementation of the Secretaries' decisions, and forwards recommended changes to the Implementation Agreement to the Executive Committee.

D. The Tahoe Working Group

The Lake Tahoe Federal Advisory Committee (LTFAC) shall establish a Tahoe Working Group (TWG), which includes the members of the Lake Tahoe Basin Executive Committee (LTBEC), for the purpose of receiving nominated projects and developing a Preliminary Recommendation for Lake Tahoe. The TWG is composed of one representative each from the following:

- U.S. Department of Agriculture, Forest Service
- U.S. Department of Agriculture, Natural Resources Conservation Service
- U.S. Department of Interior, Bureau of Reclamation
- U.S. Department of Interior, Fish & Wildlife Service
- U.S. Department of Interior, Geological Survey
- U.S. Department of Transportation, Federal Highway Administration
- U.S. Department of Defense, Army Corps of Engineers
- U.S. Environmental Protection Agency
- California Tahoe Conservancy

- Nevada Division of State Lands
- Tahoe Regional Planning Agency (TRPA)
- Science and research
- California local government
- Nevada local government
- Washoe Tribe
- Business representative
- Environmental representative
- Transportation representative

E. Lake Tahoe Federal Advisory Committee

The existing Lake Tahoe Federal Advisory Committee (LTFAC) Charter shall be renewed primarily for the purpose of reviewing the Priority List under the Lake Tahoe Restoration Act, and assist in developing the Recommendations for Lake Tahoe by the Tahoe Regional Executive Committee (TREX) under the SNPLMA. The renewed LTFAC shall consist of the following representatives:

- Gaming industry
- Local environmental*
- National environmental
- Ski resorts
- North Shore economic/recreation
- South Shore economic/recreation*
- Resort Associations
- Education
- Property rights advocates
- Science and research*
- California local government*
- Nevada local government*
- Washoe Tribe*
- State of California*
- State of Nevada*
- Tahoe Regional Planning Agency*
- Labor
- Transportation*
- Two at-large members

(* Denotes a member of the Tahoe Working Group)

F. Lake Tahoe Research and Science Consortium

The Tahoe Research and Science Consortium (TRSC) is being formed based on a formal Memorandum of Understanding (MOU) between the Tahoe Regional Planning Agency (TRPA), the University of California at Davis, the Desert Research Institute, University of Nevada at

Reno, United States Geological Survey and USDA Forest Service Pacific Southwest Research Station. The primary focus for the TRSC is to prioritize research, monitoring, evaluation and outreach supporting Tahoe Basin management goals. A new MOU is being developed to more clearly define the roles and responsibilities of the TRSC in the SNPLMA project recommendation process.

TRSC Responsibility for Science, Research, and Monitoring. To effectively inform restoration activities within the Lake Tahoe Basin in an Adaptive Management Framework, the research community must be able to report on the effectiveness of previously implemented restoration projects based on available data and in developing a research plan for the Basin. To accomplish this, the TRSC will be implement a Lake Tahoe project approved by the Secretary for administering research and monitoring activities within the Basin. It is recommended that the TRSC report directly to the Tahoe Working Group in this capacity.

G. Subgroups

Subgroups are structured around the categories of allowable expenditures of the Special Accounts. The applicable Special Account for each subgroup is shown in parentheses at the end of each heading. The subgroups apply the criteria and ranking systems established in the Implementation Agreement. Each subgroup develops and forwards a recommendation to the Partners Working Group.

Capital Improvements Subgroup (SNPLMA)

The Capital Improvements Subgroup applies the criteria listed in Appendix D to screen proposals and forward recommendations to the Partners Working Group related to capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area and other areas administered by the BLM in Clark County, and the Spring Mountain National Recreation Area. The membership of the Capital Improvements Subgroup consists of:

- Field Manager, Bureau of Land Management, Las Vegas Field Office
- Superintendent, National Park Service, Lake Mead National Recreational Area
- Deputy Forest Supervisor, USDA Forest Service, Humboldt-Toiyabe National Forest, Spring Mountain National Recreation Area
- Project Leader, U.S. Fish and Wildlife Service, Desert National Wildlife Refuge Complex

Parks, Trails, and Natural Areas Subgroup (SNPLMA)

The Parks, Trails, and Natural Areas Subgroup applies the criteria listed in Appendix E to screen proposals and forward recommendations to the Partners Working Group related to the development of parks, trails, and natural areas in Clark County pursuant to a cooperative agreement with a local or regional governmental entity. This subgroup is composed of the four members of the Capital Improvements Subgroup, four representatives of local government (Clark County, City of Las Vegas, City of North Las Vegas and City of Henderson) and three representatives of regional governmental entities as specified in the Act as the Southern Nevada

Water Authority (SNWA), the Clark County Regional Flood Control District, and the Clark County Sanitation District.

Clark County Multi-Species Habitat Conservation Plan (MSHCP) Development Subgroup (SNPLMA)

The Clark County MSHCP Implementation and Monitoring Committee (IMC) is a standing committee appointed by Clark County with a set membership of representatives from Federal, State and local governments, and interest groups.

Because this group is an existing committee that includes representatives of the Federal land management agencies, the MSHCP IMC also serves as the Clark County MSHCP Development Subgroup using the criteria from the MSHCP Memorandum of Agreement listed in Appendix F and forwarding their recommendations to the Partners Working Group. Because the Clark County MSHCP IMC is also the subgroup which reviews nomination packages for this category, the due date for submitting nomination packages in each nomination round will be 45 days after the due date for the other nomination categories. This limit is necessary in order to allow time to forward the MSHCP to the Partners Working Group prior to their meeting at the end of the first public comment period on land acquisitions.

Notwithstanding the critical role of the MSHCP IMC, the administrative document, which controls the BLM's cooperative effort with Clark County for the development of the MSHCP, is an assistance agreement executed with Clark County. This document requires that Clark County take certain responsibilities for overseeing contractors and assuring satisfactory completion of contracts funded for development of the MSHCP. This requirement is included in the minimum criteria for proposed MSHCP development projects.

Conservation Initiatives Subgroup (SNPLMA)

The Conservation Initiatives Subgroup applies the criteria and ranking system listed in Appendix G to screen proposals and forward recommendations to the Partners Working Group related to conservation initiatives from the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Spring Mountains National Recreation Area, the Red Rock Canyon National Conservation Area, and other areas administered by the Department of the Interior or Department of Agriculture in Clark County. The membership of the Conservation Initiatives Subgroup consists of:

- Field Manager, Bureau of Land Management, Las Vegas Field Office
- Superintendent, National Park Service, Lake Mead National Recreational Area
- Deputy Forest Supervisor, USDA Forest Service, Humboldt-Toiyabe National Forest-Spring Mountains National Recreation Area
- Project Leader, U.S. Fish and Wildlife Service, Desert National Wildlife Refuge Complex
- Regional representative, Bureau of Reclamation

F. Resource Advisory Councils

There are five Resource Advisory Councils (RACs) in Nevada: the Northeast Great Basin (NGB) RAC, the Sierra Front Northwest Great Basin (SFNGB) RAC, the Mojave Southern Great Basin (MOSO) RAC, the Northeastern California RAC (includes those portions of Nevada administered by the Eagle Lake Field Office (Susanville, CA) and the Surprise Field Office (Cedarville, CA), and the Lower Snake River District RAC (includes those portions of Nevada administered by the Jarbridge Field Office (Twin Falls, ID). The California Desert District Advisory Council in California encompasses the area in which the Mojave National Preserve is located. These RACs are composed of citizen advisors appointed by the Secretary of the Interior and are designed to have a balance of interests represented. They are sanctioned under the Federal Advisory Committee Act. The RACs meet independently between 4 and 6 times a year and the NGB, SFNGB, and MOSO RACs have one joint meeting per year. RAC meetings are open public meetings with published agendas and open public comment periods.

The BLM will forward nomination and recommendation information to the five Nevada RACs through the RAC chairman, the Nation Park Service will supply such information to the California Desert District RAC, and BLM will provide program updates at meetings as requested in order to provide the RACs with the opportunity to offer advice on any aspect of the program. RACs may jointly or individually formulate recommendations regarding the properties proposed for acquisition within their area of jurisdiction. Since certain of the allowable expenditures are for southern Nevada only, the Mojave Southern Great Basin RAC may offer recommendations regarding proposed parks, trails, and natural areas; conservation initiatives, and development of a MSHCP for Clark County, as well as capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management in Clark County, and the Spring Mountains National Recreation Area.

IV. RECOMMENDATION DEVELOPMENT PROCESS

The Recommendation Development Process explains the steps involved in assembling a recommendation for the Secretaries as to how the revenue in the Special Accounts would be spent with approval. This process includes the organizational entities described in Section III and provides several opportunities for any Federal, State or local governmental entities or other interested parties to participate. Figure 1 depicts the SNPLMA process and typical annual time-line. Each step in the process is then described in more detail. The actual time line will vary because Secretarial approval is required on the previous round of nominations before beginning a new round. The Lake Tahoe Recommendation Process is separate but parallel to the SNPLMA process and is depicted in Figure 1-A below.