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.

Figure 1: Recommendation Development Process

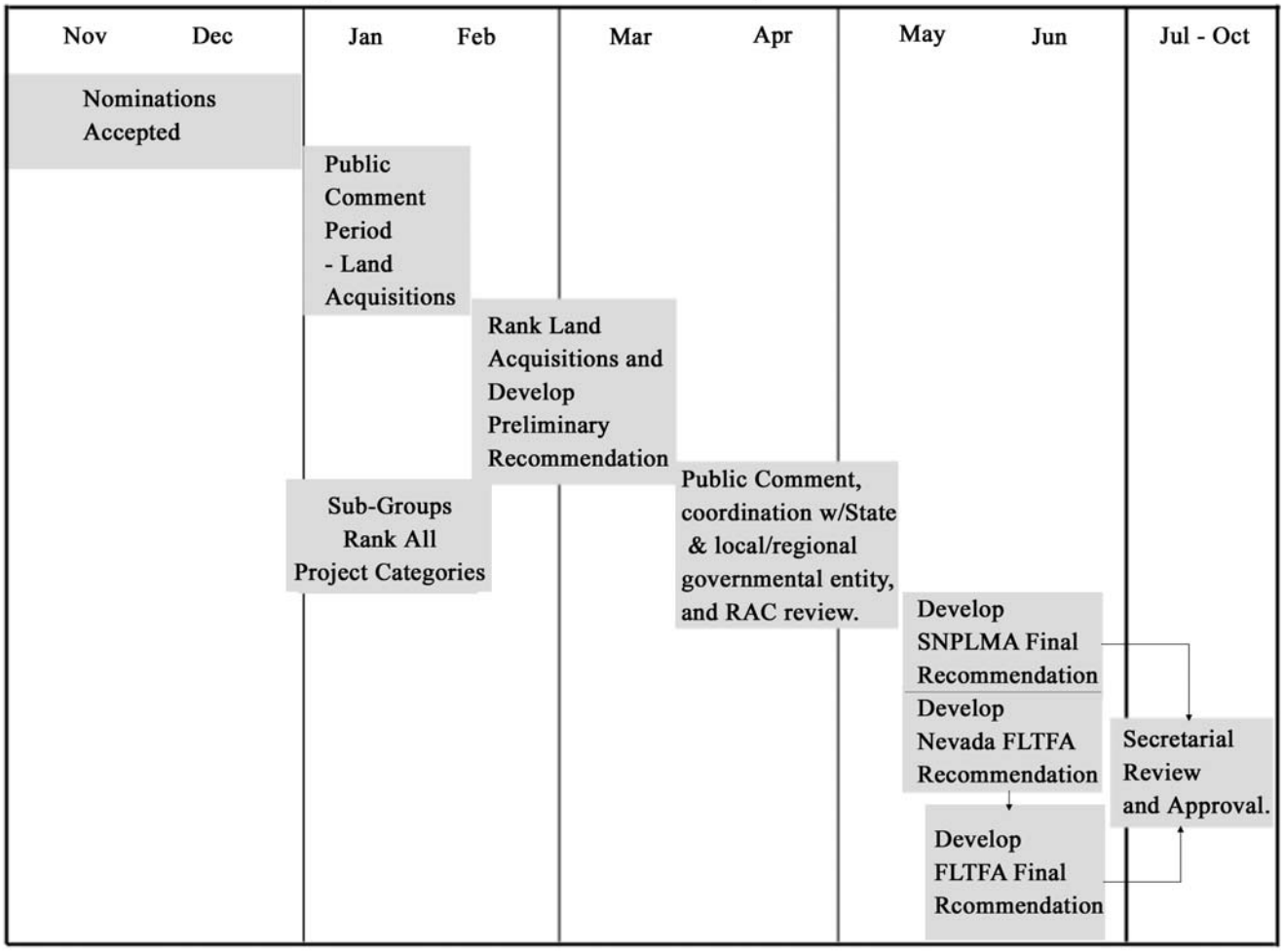
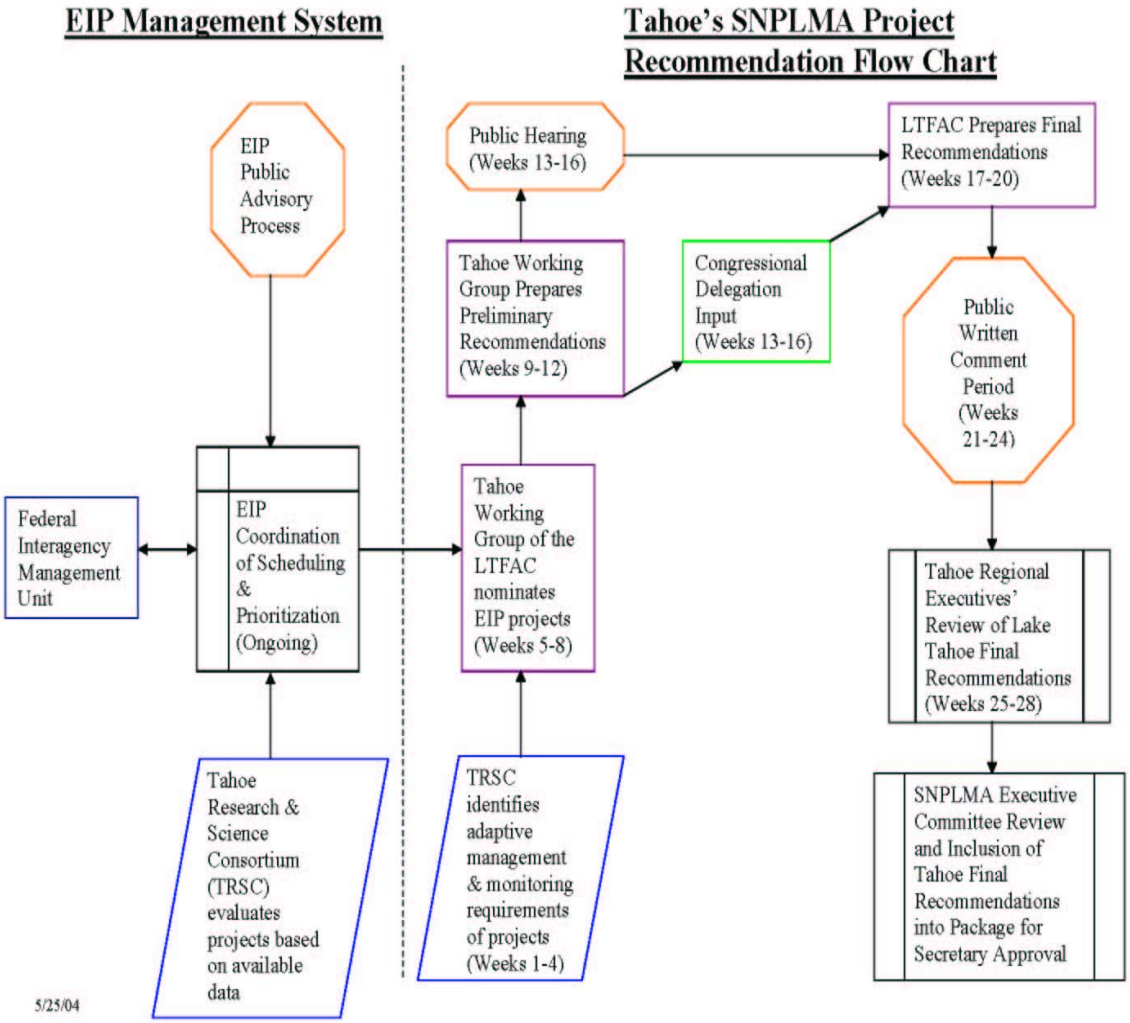


FIGURE 1-A: Lake Tahoe Recommendation Development Process



A. Nomination Period

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and USDA Forest Service may receive funding for land acquisitions. Any entity or interested party may nominate land and/or interest in land (such as conservation easements, water rights, mineral rights, etc.) for acquisition, provided that the acquiring eligible agency is willing to support the nomination and provide an "agency statement" as specified in the nomination requirements package for acquisition of environmentally sensitive lands and interests in land.

- Capital Improvement projects may be nominated by any of the four Federal land management agencies (BLM, NPS, FWS, and FS).

- Park, Trail, and Natural Area projects may be nominated by a unit of local government (Clark County, the City of Las Vegas, the City of North Las Vegas, or the City of Henderson) as well as by a regional government entity (Southern Nevada Water Authority, the Regional Flood Control District or the Clark County Sanitation District formerly referred to as the Clark County Water Reclamation District) providing the entity has entered into a Cooperative Agreement as specified in the SNPLMA. Local and regional governmental entities will, however, as part of their planning process consult with BLM prior to submitting a nomination regarding impacts of proposed projects on Federal lands and any application approvals which will be required for the project (e.g., R&PP leases, NEPA, etc.).

- MSHCP Development projects may be nominated by Clark County, BLM, NPS, FWS, or FS.

- Conservation Initiative projects may be nominated by any of the four Federal land management agencies (BLM, NPS, FWS, and FS). Any entity, however, may suggest a project to one of these agencies, but the nomination must be made by one or more of the four Federal land management agencies.

- Lake Tahoe Restoration projects may be nominated by any entity but projects must be vetted through the federal interagency EIP management unit (described below) and must be the responsibility of the Federal government in the Tahoe Environmental Improvement Program (which projects may be part of a larger project that involves non-Federal entities) and have a willing and ready Federal sponsor. The process for submitting and reviewing Lake Tahoe Restoration projects is distinct but parallel to the SNPLMA process.

<u>SNPLMA Nominations</u>. Nominations for all categories except Lake Tahoe Restoration Projects must be submitted to the Division of Land Sales and Acquisitions, BLM Las Vegas Field Office by the due date specified during each nomination round. Late packages cannot be considered. Nomination packages must include all required documentation as outlined in the appropriate "nomination package requirements" document provided by the Division of Land Sales and Acquisitions (LSA Division). The LSA Division will review the nomination packages for completeness. Time permitting, nominators will be notified regarding incomplete packages and

given an opportunity to supply missing information. Packages that remain incomplete cannot be considered. Complete packages for Capital Improvements; Park, Trail and Natural Area Projects; Conservation Initiatives, and development of the MSHCP are forwarded to the respective sub-group for review and ranking based on the applicable criteria. The LSA Division will make the land acquisition nominations public for a 30-day comment period and forward the land nominations to the Partners Working Group. Copies of the land nomination packages as accepted by the acquiring agency are to be forwarded to the affected local governments by the acquiring agency as soon as possible after receipt, but no later than the beginning of the 30-day public comment period.

Nomination of Lake Tahoe Restoration Projects. The Lake Tahoe nomination process is parallel to, but separate from, the SNPLMA nomination process. The Tahoe Working Group (TWG) receives nominated projects, which must have all required documentation as outlined in the Nomination Package Information for Lake Tahoe Restoration Projects provided in Appendix I. The TWG will consider projects that have been vetted through the federal interagency EIP management unit, which consists of representatives from federal agencies that implement EIP projects and the TRPA. This federal interagency management unit is responsible for providing the TWG with a prioritized schedule of projects to facilitate a rational and informed nomination process. The minimum standards for nominated projects for Lake Tahoe considered by the TWG are that the projects (1) are responsibilities of the federal government in the EIP (which may be part of a larger project that involves non-federal agencies), and (2) have a willing and ready federal sponsor that confirms that a project has been programmed through a federal interagency EIP Management unit that follows the objective and basic implementing measures. The USDA Forest Service submits its agency's projects to the federal interagency EIP management unit from the Priority List required under the Lake Tahoe Restoration Act.

B. Public Comment: Lands and/or Interest in Lands Nominated for Acquisition

During the 30 days following the public release of the list of lands and/or interest in lands nominated for acquisition, the Federal agencies, the State of Nevada, any local government statewide, and any interested party may submit comments. This opportunity is meant to satisfy, in part, the consultation requirement in the SNPLMA, which states that:

> *"Before initiating efforts to acquire land...the Secretary [of the Interior] or the Secretary of Agriculture shall consult with the State of Nevada and with local governments within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition."*

This opportunity is also meant to satisfy the consultation requirement in the FLTFA MOU, which states that:

> *"The acquiring agency shall coordinate potential purchases with State and local governments, Tribes, landowners, and other interested parties in order to ensure that each party is informed*

in a timely manner and afforded an opportunity to comment before a final decision to acquire a property or an interest therein occurs."

All comments will be forwarded to the Partners Working Group for consideration in scoring and ranking the acquisition nominations.

C. Ranking Nominations

Ranking Nominations for Acquisition of Land and/or Interest in Land

The Partners Working Group will apply the criteria in this Implementation Agreement (Appendix C) to score and rank nominations for acquisition of land and/or interest in land, determine the eligibility of the nominations for funding under each Act, and make recommendations as to the most appropriate funding source(s) for each nomination. Funding for a nomination may be considered from one or both of the Special Accounts, as applicable. The Partners Working Group will take into consideration the public comments received during the 30 day public comment period following the public release of the lands nominations as well as all information provided in the nomination packages.

Ranking Nominations for Capital Improvements

The Capital Improvements Subgroup will apply the criteria in this Implementation Agreement (Appendix D) to screen and rank proposals for capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Spring Mountain National Recreation Area, the Red Rock Canyon National Conservation Area, and other areas administered by the BLM in Clark County. The Subgroup shall submit a recommendation to the Partners Working Group. The recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the subgroup's recommendations and rationale during the development of their Preliminary Recommendation to the Executive Committee.

Ranking Nominations for Parks, Trails, and Natural Areas

The Parks, Trails, and Natural Areas Subgroup will apply this criteria in the Implementation Agreement (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 unit of local and/or regional governmental entity. The subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the subgroup's recommendations and rationale during the development of their Preliminary Recommendation to the Executive Committee.

Ranking Nominations for Development of Multi-Species Habitat Conservation Plans

The Clark County MSHCP Development Subgroup will assemble a recommendation of MSHCP Development Projects in priority order using the criteria and requirements listed in Appendix F. The subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the Subgroups' recommendations and rationale during the development of their Preliminary Recommendations to the Executive Committee.

Ranking Nominations for Conservation Initiatives

The Conservation Initiatives Subgroup will apply the criteria in this Implementation Agreement (Appendix G) to screen and rank proposals for 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 subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the Subgroups' recommendations and rationale during the development of their Preliminary Recommendations to the Executive Committee.

Nominations for Lake Tahoe Restoration Projects

The Tahoe Working Group (TWG) will consider nominated projects based primarily on the general guidance set forth in the Environmental Improvement Program (EIP), and further guided, as needed, by the following considerations:

1. Timing
    a. Urgency for action
    b. Readiness
2. Fiscal Considerations
    a. Comparative cost/benefit analysis
    b. Level of nonfederal contribution and partnership in funding, design, construction, operation, and maintenance (applicable only for partnership type projects that involve leveraging funds between agencies)
    c. Funding and operational capacity to operate/maintain desired improvement
3. Support
    a. Breadth and depth of support from federal, state, local stakeholders
    b. Capacity and authority of implementing agency to perform (including operation and maintenance)
4. Science and Research Considerations (i.e. Adaptive Management)
    a. Anticipated environmental threshold benefits of the proposed projects
    b. Likelihood of contributing to achievement of environmental thresholds
    c. Anticipated impacts of the proposed projects on environmental improvements

d. Certainty of the impacts of the proposed projects
e. Risk to the environment from unintended impacts or failure of the proposed projects
f. Applicability of project monitoring to adaptive management guidelines

The existing Lake Tahoe Research and Science Consortium (TRSC) will advise the TWG on the adaptive management considerations described under item 4 above. The TRSC will identify those nominated projects that provide the best opportunities for improving the effectiveness of environmental restoration activities through field monitoring and research activities. The TRSC will develop and forward this information in a report to the TWG. The TWG will use this report in developing the list of projects to be included in the Preliminary Recommendation Package.

D. Assembly of a Preliminary Recommendation Package

SNLMA & FLTFA Preliminary Recommendation

The Partners Working Group will develop a Preliminary Recommendation package for the Executive Committee that includes, but is not limited to: 1) funding levels for all of the SNPLMA and FLTFA expenditure categories, taking into account the projected balances of the Special Accounts; 2) a prioritized list of properties for land acquisition and recommended funding source(s) for each property; and 3) a finding of support, or recommended modifications to the priority list, for projects submitted from the Subgroups for Capital Improvements; Parks, Trails, and Natural Areas; MSHCP Development, and Conservation Initiatives. Each category in the Preliminary Recommendation Package may be divided into those acquisitions and projects which are recommended for funding, those recommended with certain conditions, those not recommended, and those which are deemed not to qualify under a given category. Acquisitions or projects which are withdrawn, for whatever reason, by the nominating entity prior to development of the Preliminary Recommendation Package will not be addressed in the recommendation package or forwarded to the Executive Committee. The Partners Working Group may also elect to submit recommendations to the Executive Committee at this time for changes to the SNPLMA/FLTFA Implementation Agreement and changes to other operational and financial procedures.

Lake Tahoe Restoration Projects Preliminary Recommendation

The TWG prepares the Preliminary Recommendation for Lake Tahoe, which includes all of the recommended projects, costs estimates and allowable expenses, and funding levels for the Lake Tahoe expenditure categories, taking into account the projected balance of the SNPLMA Special Account. The Preliminary Recommendation includes one list of the primary projects (Primary Category) that total the amount of funding being requested to the Secretary in a given round on a per project basis, and a second category (Secondary Category) of projects.

Of the amount recommended for approval for Lake Tahoe, a general guideline of approximately 10% of the overall funding for Lake Tahoe projects in a given round will be directed towards monitoring and analysis of the effectiveness of restoration projects and attainment of environmental threshold standards. The amount of funding necessary for monitoring and analysis may vary from year to year, dependent upon the current state of the science within the

Tahoe Basin and the types of proposed projects. Of the amount recommended for approval for Lake Tahoe, funds for each project may be reserved as contingency funding for unexpected project cost overruns.

E. Public Review of the Preliminary Recommendation Package

SNPLMA and FLTA Public Review

The Preliminary Recommendation is made public for a 30- to 60-day comment period. It is also sent under formal letterhead to the State and to every County in Nevada. This opportunity for comment is meant to satisfy, in part, the requirement in the SNPLMA that:

> *"The Secretary [of the Interior] shall coordinate the use of the special account [SNPLMA Special Account] with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.*"

This opportunity is also meant to satisfy the consultation requirement in the FLTFA MOU, which states that:

> *"The acquiring agency shall coordinate potential purchases with State and local governments, Tribes, landowners, and other interested parties in order to ensure that each party is informed in a timely manner and afforded an opportunity to comment before a final decision to acquire a property or an interest therein occurs."*

Lake Tahoe Restoration Projects Public Review

The Tahoe Working Group or the Lake Tahoe Federal Advisory Committee (LTFAC) shall conduct a public hearing to review the Preliminary Recommendation Package. In addition, the LTFAC shall provide the Preliminary Recommendation to the congressional delegation for input prior to the preparation of the Final Recommendation for Lake Tahoe

F. Development of Final Recommendation

SNPLMA Final Recommendation and Nevada FLTFA Final Recommendation

The Executive Committee considers the recommendations of the Partners Working Group and the comments received during both public comment periods, and then assembles a SNPLMA Final Recommendation and a Nevada FLTFA Recommendation. The SNPLMA Final Recommendation specifies the lands and/or interests in land recommended for acquisition and the projects recommended under the other expenditure categories pursuant to the SNPLMA. The Nevada FLTFA Recommendation specifies the lands and/or interests in land recommended for acquisition under the FLTFA. Both recommendations provide a maximum budget for each category based upon the estimated costs of allowable expenses and projected revenues. In addition, the recommendation will include, in order, a list of any expenditure categories which are to be fully funded from funds available before revenues are distributed among the remaining expenditure categories, and may include any special line item funding requests. Instances in which funding for an acquisition is recommended from both the SNPLMA and FLTFA Special

Accounts will be noted. The Nevada FLTFA Recommendation for acquisitions under the FLTFA is transmitted separately to the Land Transaction Facilitation Council. The SNPLMA Final Recommendation for the acquisition and project categories pursuant to the SNPLMA are transmitted to the Secretary of the Interior.

Lake Tahoe Restoration Projects Final Recommendation

1. Development of Lake Tahoe Final Recommendation.

The LTFAC will request that administrative staff with the Forest Service (see below) prepare the Final Recommendation for Lake Tahoe for its review based on the Preliminary Recommendation, minutes of the public hearing, and input from the congressional delegation. The LTFAC role is to incorporate the input that is received regarding the nominated projects along with its own views, and to reconcile the nominated projects with the available funding. The LTFAC will also be responsible for assuring that the projects included in the Lake Tahoe Restoration Projects Recommendation maximize the use of all available funding prior to recommending SNPLMA funds being used. For example, the acquisition of environmentally sensitive land should come, first, from other sources, such as Section 4 of SNPLMA, Santini-Burton, and the Land and Water Conservation Fund, whenever possible.

The Final Recommendation shall specify a certain total funding amount derived from a per project basis for the Lake Tahoe projects included in the Primary Category. The Final Recommendation shall allow for the flexibility to replace projects from the Secondary to Primary Category for Lake Tahoe Restoration Projects based on available funding approved by the Secretary, subject to the following guidelines. All projects that are funded shall come first from the Primary Category and then, if funds are available, to projects in the Secondary Category. A project from the Secondary Category may be funded only if a project from the Primary Category becomes infeasible or if actual costs of such a project are lower than estimated costs, and if the TWG determines that all other projects in the Primary Category are adequately funded. The TWG shall prioritize projects in the Secondary Category so that, if funds are available for such projects, the project with the highest priority for the amount of funding that becomes available shall be implemented. Conversely, if the Secretary approves funding that is less than the total amount of the Primary Category, the TWG will determine which project(s) shall be moved from the Primary Category to the Secondary Category.

The anticipated amount for funding recommendations from the SNPLMA Special Account for the Lake Tahoe Restoration Projects is expected to be approximately $37.5 million annually until the amount allocated in accordance with section 342 of P.L. 108-108 is expended. In allocating each round of funding among Federal agencies for Lake Tahoe, if available, the Forest Service receives a minimum allocation of $20 million, which includes any congressional earmarks, but would be in addition to fund allocations for Santini-Burton land acquisition and erosion control purposes to other Federal agencies.

2. Public Review of Lake Tahoe Final Recommendation.

The Final Recommendation for Lake Tahoe will be subject to a 30-day public written comment

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