Implementation Agreement

Southern Nevada Public Land Management Act of 1998
Public Law 105-263 (as amended)

Federal Land Transaction Facilitation Act of 2000
Public Law 106-248

June 2004

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I. INTRODUCTION

The Southern Nevada Public Land Management Act of 1998

The Southern Nevada Public Land Management Act (P.L. 105-263) (SNPLMA) was passed by Congress and signed into law in October 1998. The SNPLMA provides for the disposal of public land within a specific area in the Las Vegas Valley and creates a Special Account (SNPLMA Special Account) into which 85% of the revenue generated by land sales or exchanges in the Las Vegas Valley is deposited. The remaining 15% is split between the State (5%) and the Southern Nevada Water Authority (10%).

Additional legislation has amended the SNPLMA by including additional public land in the disposal area, authorizing deposit of certain land sale revenues into the SNPLMA Special Account, adding Conservation Initiatives as a new expenditure category, adding Lake Tahoe Restoration Act projects as another category, and authorizing certain revenues be set aside for specific purposes. The amending legislative acts are:

- Consolidated Appropriation Act of 1999 (P.L. 106-113);
- Ivanpah Valley Airport Public Lands Transfer Act of 2000 (P.L. 106-362);
- Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282); and
- Department of Interior and Related Agencies Appropriation Act (P.L. 108-108).

The SNPLMA, as amended, authorizes the Secretary of the Interior to approve expenditure of the revenue in the SNPLMA Special Account for the following categories:

- Acquisition of environmentally sensitive land in Nevada, with priority given to lands within Clark County;
- 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 (BLM) in Clark County, and the Spring Mountain National Recreation Area;
- Development of a multi-species habitat conservation plan (MSHCP) in Clark County;
- Development of parks, trails, and natural areas in Clark County pursuant to a cooperative agreement with units of local government or regional governmental entities;
- Conservation Initiatives on Federal land in Clark County, Nevada, administered by the Department of Interior or the Department of Agriculture;
- Federal Environmental Restoration projects under section 6 and 7 of the Lake Tahoe Restoration Act, Environmental Improvement Payments under section 2(g) of Public Law

96-586, and any Federal environmental restoration project included in the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 (as amended) "*in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts"* as directed in Appropriation Bill 108-108, Section 341 & 342 (2003); and

- Reimbursement of costs incurred by the BLM in arranging sales or exchanges under the SNPLMA. Language in Senate Report 106-99 (on S-192) provided clarification to this provision, noting that it was the intent of Congress that this *"shall include not only the direct costs for these sales and exchanges, but also other BLM administrative costs associated with implementing the provisions of the Act."*

Certain revenues deposited into the SNPLMA Special Account are designated and set aside for specific purposes. These set asides include:

- Acquisition of in holdings within the Mojave National Preserve in California and protection and management of petroglyph resources in Clark County, utilizing revenues from the disposal of lands in the Ivanpah Valley for an airport. These revenues are not available until the lands are transferred to Clark County, Nevada, and a final Record of Decision pursuant to the National Environmental Policy Act of 1969 has been issued which permits development of the airport at the Ivanpah site;

- Acquisition of environmentally sensitive land in the Lake Tahoe Basin pursuant to the Santini-Burton Act of 1980 (P.L. 96-586), utilizing revenue deposited in the SNPLMA special account from the conveyance (e.g., sale, lease, etc.) of parcels within the SNPLMA disposal boundary which are also within the disposal boundary established by the Santini-Burton Act; and

- Development of a MSHCP for the Virgin River and associated groundwater monitoring utilizing revenue from the sale of certain land to the City of Mesquite.

The SNPLMA grants the Secretary of the Interior and the Secretary of Agriculture the authority to determine whether land proposed for acquisition is "environmentally sensitive," defined in the Act as land that would:

> " *...promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife and other values contributing to the public enjoyment and biological diversity; enhance recreational opportunities and public access; provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or otherwise serve the public interests.*"

The SNPLMA requires the Secretary of the Interior to "coordinate the use of the [SNPLMA] special account with the Secretary of Agriculture, the State of Nevada, local governments, and interested persons, to ensure accountability and demonstrated results," and to cooperate with the Secretary of Agriculture in submitting an annual report to Congress.

As noted above, Appropriation Bill 108-108, Section 341 & 342 (2003), authorizes the Secretary of Interior to transfer funds to the Secretary of Agriculture, or if the Secretary of Agriculture enters into a cooperative agreement with another Federal agency, the head of the Federal agency, for Federal environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354), environmental improvement payments under section 2(g) of Public law 96-586 (94 Stat. 3382) and any Federal environmental restoration projects included in the Environmental Improvement Program (EIP) adopted by the Tahoe Regional Planning Agency in February 1998 (as amended). The amount of funds shall be "in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts."

The Federal Land Transaction Facilitation Act of 2000

The Federal Land Transaction Facilitation Act (P.L. 106-248) (FLTFA), commonly referred to as the "Baca Act", was passed by Congress and signed into law on July 25, 2000. The FLTFA provides for the revenues from the disposal of public land nationwide, identified for disposal as of the date of passage of the FLTFA, to be deposited into a Special Account (FLTFA Account) created by the FLTFA. Ninety-six (96%) of the revenue generated by eligible land sales or exchanges is deposited into the FLTFA Account and the remaining 4% is distributed to the State.

The FLTFA authorizes the Secretary of the Interior and the Secretary of Agriculture to expend the revenue in the FLTFA Account for:

- Acquisition of in holdings within the boundaries of federally designated areas, and lands adjacent to federally designated areas which contain exceptional resources as defined in the Act. Not less than 80% of the amount deposited into the FLTFA Account shall be used for such acquisitions, and not less than 80% of amount allocated for acquisitions must be expended within the State in which the funds were generated. Up to 20% of the amount allocated for acquisitions may be expended in any other State; and

- Reimbursement of administrative and other expenses incurred by the BLM necessary to carry out the land disposal program under the FLTFA. No more than 20% of the amount deposited into the FLTFA Account may be used for this purpose.

The FLTFA directs the Secretary of the Interior to report activities under the FLTFA in the annual publication of the Public Land Statistics. Effective on May 5, 2003, the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and USDA Forest Service (FS) entered into a national-level Memorandum of Understanding (FLTFA MOU) for the interagency implementation of the FLTFA. The FLTFA MOU further allocated the acquisitions amount to each agency as follows: 60% to BLM, 20% to FS, 10% to FWS, and 10% to NPS. Consistent with the FLTFA, the Secretary of the Interior and the Secretary of Agriculture may mutually decide to allocate funds to a specific acquisition project, notwithstanding the allocations set forth in the FLTFA MOU. In addition, the FLTFA MOU established the Land Transaction Facilitation Council, consisting of the signatories of the FLTFA MOU, and directed the preparation of state-level implementation plans.

Development and Maintenance of the Implementation Agreement

The Implementation Agreement was first developed for the SNPLMA in 1999 by a team of representatives from the BLM, FWS, FS, and NPS. The purpose of the agreement was to address how the Federal agencies could work together to implement the portions of the SNPLMA that require coordination both within the Department of the Interior and between the Department of the Interior and the Department of Agriculture. The team also addressed the requirements related to coordination and consultation with the State of Nevada, local governments, and interested parties. The team assembled a document, entitled *The Federal Partners Charter*, which outlined a collaborative process for developing a recommendation for the Secretary of the Interior regarding the SNPLMA Special Account expenditures. *The Federal Partners Charter* was executed to produce the Round 1 Recommendation for the expenditure of the SNPLMA Special Account.

The lessons learned in executing the process have proven valuable in modifying certain terms of the Charter in order to make the process more efficient and effective. A continuous improvement approach was adopted, and the Charter has been revised on an annual basis.

The first revision, completed in May 2000, added State and local government representatives to the committees that generate the recommendation; added a second public comment opportunity following development of the preliminary recommendation; refined the criteria used to rank nominations for land acquisitions; and renamed the Charter: *The Southern Nevada Public Land Management Act (SNPLMA) Implementation Agreement*.

The second revision, completed in May 2001, added a representative of rural Nevada (appointed by the Governor) to the Partners Working Group; added a fourth representative of local government on the Clark County Projects Sub-Group; added a section on the process and documentation requirements for obligation of and reimbursement from the SNPLMA Special Account following approval; allowed for Federal agencies to be reimbursed for direct labor on capital improvement projects; and changed the SNPLMA Special Account Reserve (SAR) from a percentage (15%) to a fixed amount ($5 million).

The third revision, modified the land nomination package requirements, including the requirement to include a "willing agency letter" from the Federal agency that would have management responsibility for the property if acquired; provided for acquisitions and projects to be placed "on-hold" due to extenuating circumstances; allowed, where appropriate, for early appraisal of nominated lands prior to availability of funds; modified funding criteria for all categories, including MSHCP requirements; established definitions and criteria for the Conservation Initiative category, and updated appendices to reflect modifications to documentation requirements for task orders and reimbursement requests.

This, the fourth revision, incorporates the state-level implementation of the FLTFA, modifies the land nomination package requirements to incorporate requirements of the FLTFA, adopts definitions and criteria for projects and payment of expenditures for Lake Tahoe restoration projects, and renames the Implementation Agreement: *The Southern Nevada Public Land Management Act and Federal Land Transaction Facilitation Act Implementation Agreement*.

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;

- Final processing of approved reimbursements to ensure these are paid accurately and on a timely basis;

- 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;

- Manage 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, approve, and process reimbursements 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. <u>The Tahoe Regional Executive Committee</u>

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. <u>The Partners Working Group</u>

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. **<u>The Tahoe Working Group</u>**

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. <u>Lake Tahoe Federal Advisory Committee</u>

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. <u>Lake Tahoe Research and Science Consortium</u>

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.

Not withstanding 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.

Figure 1: Recommendation Development Process

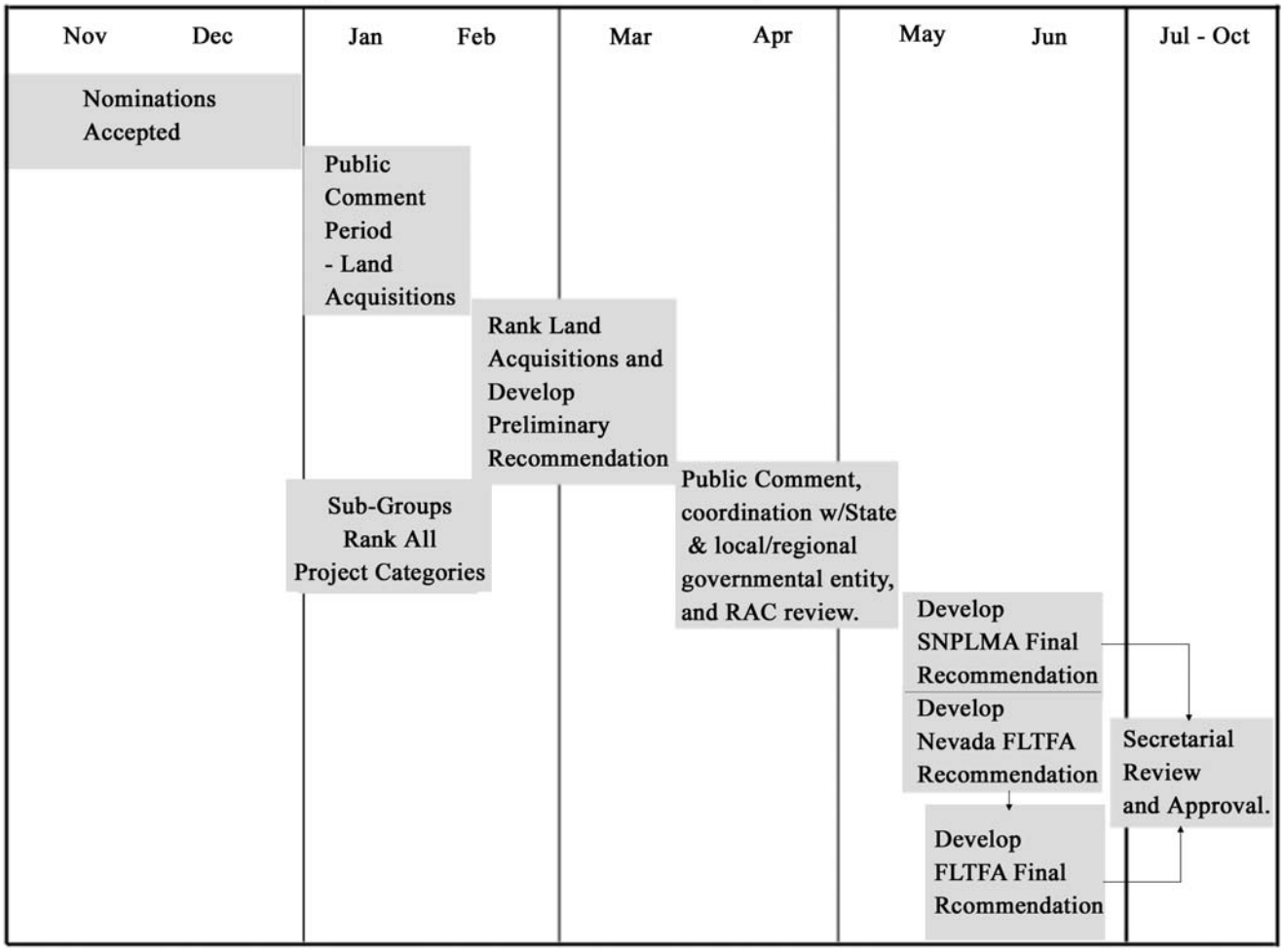
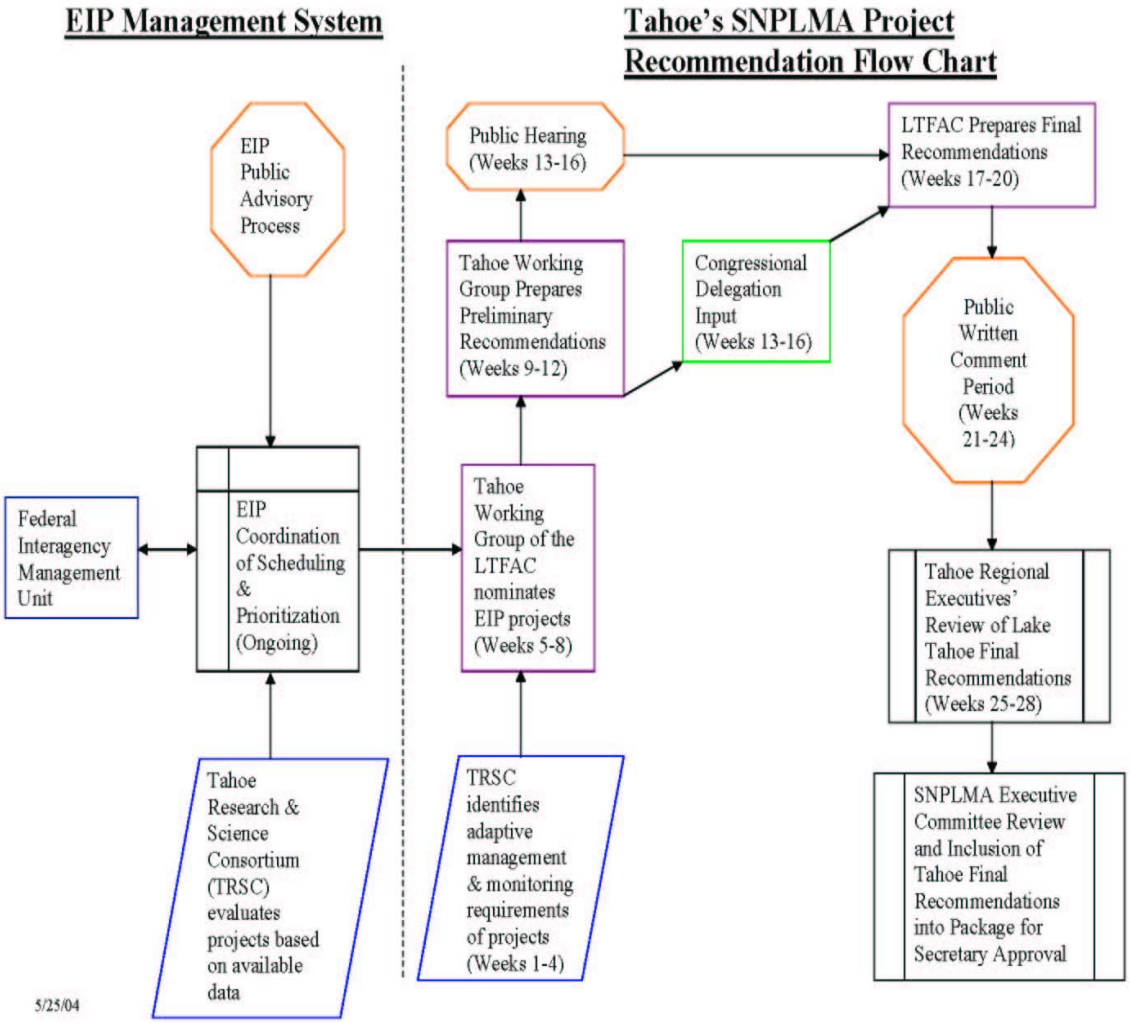


FIGURE 1-A: Lake Tahoe Recommendation Development Process



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

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

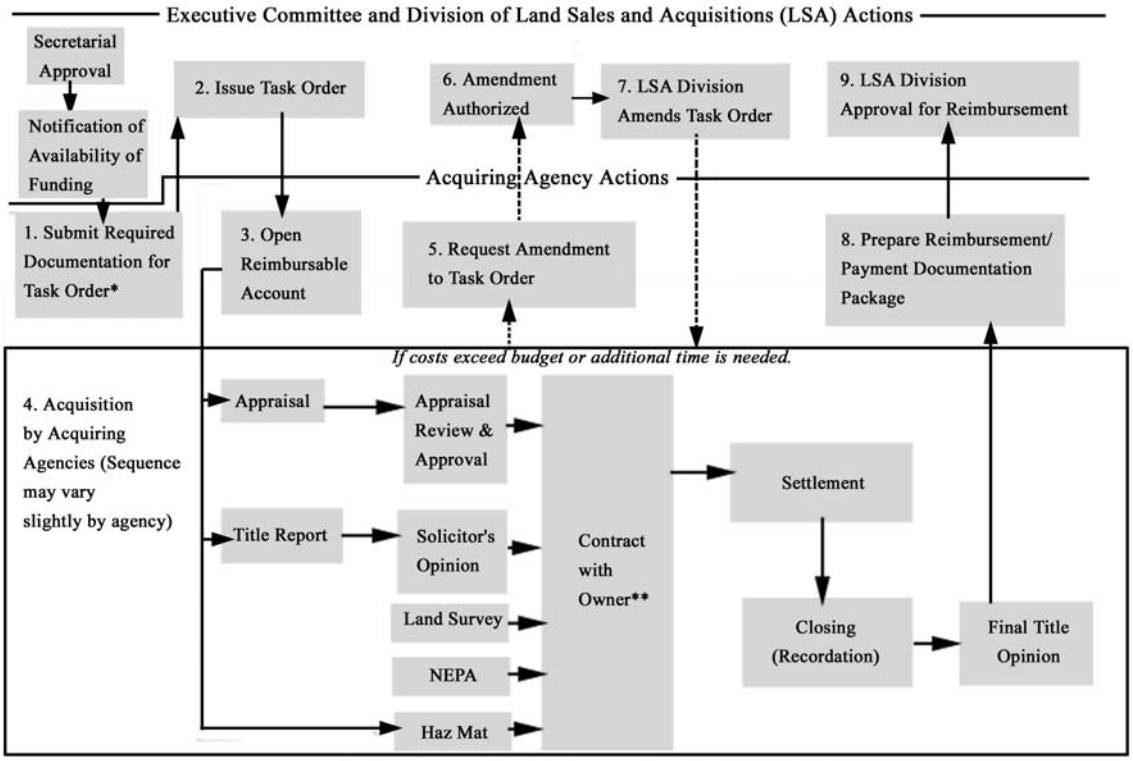
The LSA Division will notify the Federal agencies of the Secretaries' decisions. Acquisitions are funded in the order approved by the Secretaries as revenue accumulates in the Special Accounts for distribution between all expenditure categories. The LSA Division will notify the Federal agencies when 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 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 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 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 that all necessary documents are included as outlined in Appendix H. The LSA Division will then authorize payment, and maintain a file of documents to support the disbursement from the Special Account. 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

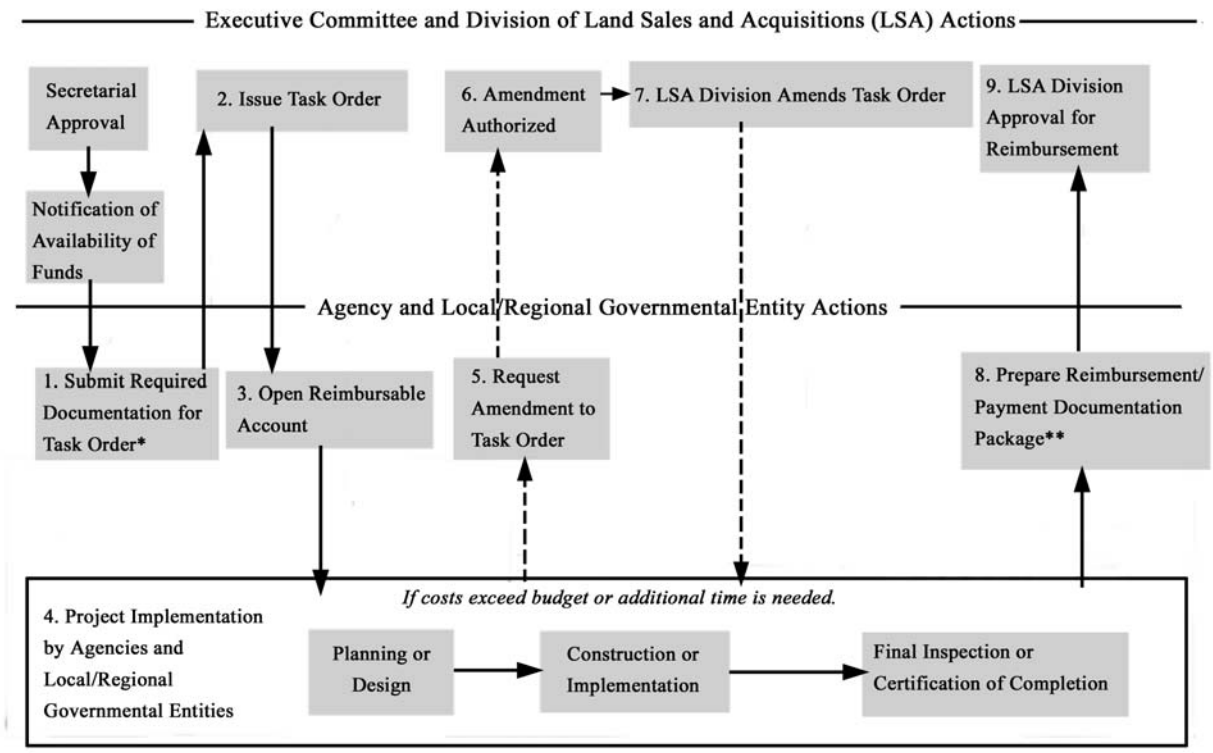
The process for obligation and reimbursement for capital improvements; parks, trails, and natural areas; conservation initiatives; and development of a MSHCP is depicted in Figure 3 (Process Flow Chart: Projects). The first box depicted on the flow chart is identical to the final step in the Recommendation 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 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)

<u>Requests for Additional Funds.</u> 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:

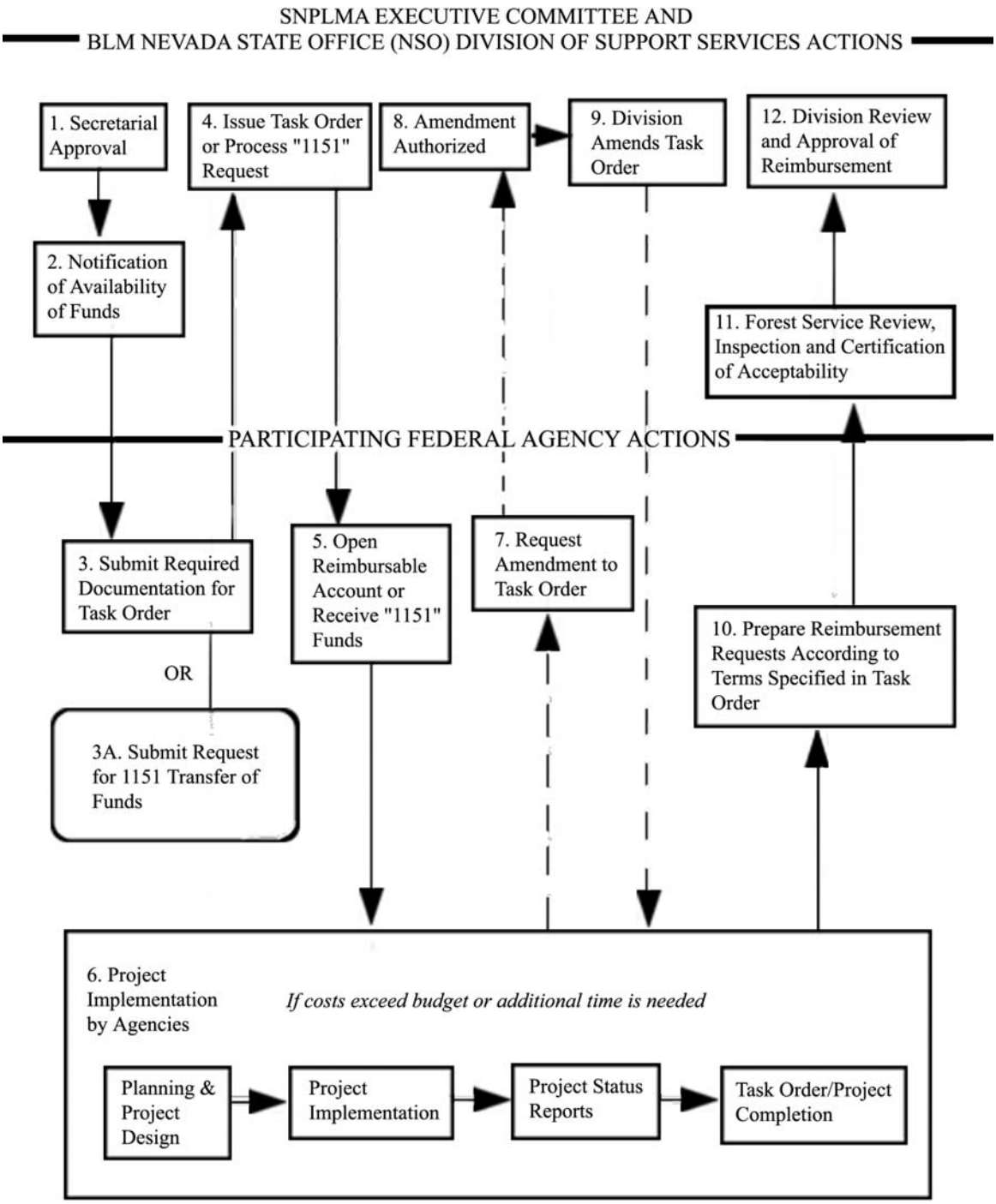
- If non-completion is without the fault or negligence of the recipient, as agreed to by the Bureau(s) and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous task order or under a single task order which allows partial payments shall remain with 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 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)

<u>Requests for Additional Funds.</u> 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.

B. Requests for Special Account Reserve Funds for a New Land Acquisition or Projects

Funds from the Special Accounts Reserves (SAR) may also be requested to serve as a response to safety issues that pose an imminent threat and require immediate remediation, and respond to unique opportunities or unanticipated circumstances that require fast action. Such circumstances would result in a request for SAR funds to accomplish a new project or acquisition not included in the Secretary's approval

The Special Accounts Reserves are not meant to circumvent the normal nomination and approval process. Federal agencies and local and regional governmental entities should recognize that new acquisitions and projects funded from the Special Accounts Reserves will not have received the same kind of consultation, coordination and collaboration that occurs as a part of the normal nomination process. Thus, every attempt should be made to use the normal nomination process where possible.

Requests for funding of new projects or acquisitions from the SARs must include all the documentation required for a nomination of any type under the normal process. In addition, the request should include a cover letter which explains the special circumstances that warrant consideration for funding from the Special Account Reserve. Requests are to be submitted to the LSA Division. This office will coordinate the quick review of the SARs request by the pertinent Subgroup and the Partners Working Group. Requests that are recommended by the Working Group are then forwarded to the Executive Committee for approval. The Executive Committee will consider the political sensitivity of the request and may condition the approval with consultation or other requirements as they see fit.

VII. IMPLEMENTATION AGREEMENT MAINTENANCE

This Implementation Agreement is expected to evolve during the life of the Acts. Maintenance of the Implementation Agreement is the responsibility of the Partners Working Group. The Land Sales & Acquisitions Division will prepare draft revisions based on processes put into place with the Executive Committee since the previous version was approved, LSA Division recommendations, Executive Committee decisions regarding changes in policy, comments and suggestions from Federal managers and SNPLMA Subgroup members, and Working Group recommendations. The LSA Division will distribute the draft revisions for review and comment by the subgroups and others involved in implementation of the Acts. A final draft approved by the Working Group will be submitted to the Executive Committee. All proposed changes must be approved by the Executive Committee before they take effect.

VIII. APPROVALS

Approved _____ 6-15-04
Robert V. Abbey
State Director, Nevada
Bureau of Land Management
Date

Approved _____ _____
Steve Thompson
Manager, California/Nevada Operations Office
U.S. Fish & Wildlife Service
Date

Approved _____ _____
Jonathan Jarvis
Regional Director, Pacific West Region
National Park Service
Date

Approved _____ _____
Jack G. Troyer
Regional Forester, Intermountain Region
USDA Forest Service
Date

VIII. APPROVALS

Approved _____ _____

Robert V. Abbey
State Director, Nevada
Bureau of Land Management

Date

Approved Steve Thompson 6/10/2004

Steve Thompson
Manager, California/Nevada Operations Office
U.S. Fish & Wildlife Service

Date

Approved _____ _____

Jonathan Jarvis
Regional Director, Pacific West Region
National Park Service

Date

Approved _____ _____

Jack G. Troyer
Regional Forester, Intermountain Region
USDA Forest Service

Date

VIII. APPROVALS

Approved _____ _____

Robert V. Abbey
State Director, Nevada
Bureau of Land Management

Date

Approved _____ _____

Steve Thompson
Manager, California/Nevada Operations Office
U.S. Fish & Wildlife Service

Date

Approved _____ 6/7/2004

Jonathan Jarvis
Regional Director, Pacific West Region
National Park Service

Date

Approved _____ _____

Jack G. Troyer
Regional Forester, Intermountain Region
USDA Forest Service

Date

VIII. APPROVALS

Approved _____ _____

Robert V. Abbey
State Director, Nevada
Bureau of Land Management

Date

Approved _____ _____

Steve Thompson
Manager, California/Nevada Operations Office
U.S. Fish & Wildlife Service

Date

Approved _____ _____

Jonathan Jarvis
Regional Director, Pacific West Region
National Park Service

Date

Approved _____ June 8, 2004

Jack G. Troyer
Regional Forester, Intermountain Region
USDA Forest Service

Date

Appendix A

DEFINITIONS

<u>As used in this Implementation Agreement</u>

The term **"unit of local government"** means a County and/or an incorporated municipality.

The term **"regional governmental entity"** means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District formerly referred to as the Clark County Water Reclamation District.

The term **"Agreement"** means the agreement entitled "The Interim Cooperative Management Agreement between the United States Department of the Interior - Bureau of Land Management and Clark County," dated November 4, 1992.

The term **"Special Account"** means one of the accounts in the Treasury of the United States established under the Southern Nevada Public Land Management Act and the Federal Land Transaction Facilitation Act.

The term **"SNPLMA Special Account"** means the Special Account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act.

The term **"FLTFA Account"** means the Special Account established under section 206(a) of the Federal Land Transaction Facilitation Act.

The term **"Recreation and Public Purposes Act"** refers to the Act entitled "An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes," approved June 14, 1926 (43 U.S.C. 869 et seq.).

The term **"FLTFA MOU"** means the Memorandum of Understanding for Interagency Implementation of the Federal Land Transaction Facilitation Act of 2000, effective May 5, 2003.

The term "**SNPLMA Assistance Agreement**" means the Assistance Agreements executed between the BLM and each local and regional governmental entity to provide SNPLMA funds for park, trail, and natural area projects, which agreements meet the requirement in the Southern Nevada Public Land Management Act that development of park, trail, and natural area projects be "pursuant to a cooperative agreement" with the local and regional governmental entities.

Appendix B

ALLOWABLE COSTS

Direct Costs

Direct costs incurred under the Acts included in this Implementation Agreement will be reimbursable from the Special Accounts up to the amount available per project or acquisition as approved in the decision document. Agency overhead and indirect costs are not eligible for reimbursement.

1. Direct Costs Associated with Land Acquisitions

Unless otherwise noted, the following costs may be reimbursed under both Acts limited to the budgeted amounts approved by the Secretary of Interior.

- Land acquisition cost (amount paid for the land not to exceed the federally approved appraised value);
- Appraisal*:
  The cost of one appraisal and, if approved in advance by the LSA Division, one update of that appraisal by the same firm due to expiration of the appraisal prior to completion of the acquisition will be reimbursed.
- Land survey costs**
- Environmental site assessment and NEPA costs (NEPA costs are not reimbursable under the FLTFA)**
- Water Rights Analysis (to verify transferability of water rights, amount, type, etc.)**
- Mineral Potential Report (only when authorized in advance by Executive Committee as being cost effective; mineral exploration (drilling & testing) is not reimbursable)**
- Cost to obtain Title Evidence* and escrow fees;
- Recording fees;
- The pro-rata share of any pre-paid real property taxes or assessments;
- Other miscellaneous closing costs;
- Penalty costs and other charges for prepayment of any pre-existing recorded mortgage, deed of trust, or other security instrument that encumbers the real property;
- Relocation payments to eligible tenants; and
- Direct Federal labor or contracted labor cost 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 COR to procure and administer acquisition contracts [not allowed for FLTFA acquisitions]*
- Travel, including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.) [not allowed for FLTFA acquisitions]*

- Pro rata cost for use of Official Vehicles when required to carry out case management (e.g., site inspections required for document preparation or experts to review reports, etc.) [not allowed for FLTFA acquisitions]*

*These costs are reimbursable even if the acquisition cannot be completed.

**If these studies are contracted, the cost is ONLY reimbursable if the acquisition cannot be completed in those cases where the study(ies) must be obtained prior to appraisal in order to provide information to the appraiser for consideration in determining the value. Although payroll for direct labor is reimbursable even if the acquisition cannot be completed, agencies should refrain from utilizing direct labor to conduct these studies internally prior to obtaining an appraisal except where the information from the study must be provided to the appraiser for consideration in determining the value.

2. Direct Costs Associated with Capital Improvements

- Planning, Environmental Compliance, and Preconstruction Engineering & Design (contracted and/or direct labor services), which include the following:
  - ⇒ Pre-design (sketches & conceptual drawings)
  - ⇒ Environmental assessment and permitting including NEPA and specialist surveys/reports for archaeology, wildlife, biology, etc.
  - ⇒ Architectural and engineering analysis, design, surveying and other field investigations
  - ⇒ Construction drawings, specifications, cost estimates, engineering technical reports

- Construction Costs, including the following:
  - ⇒ Construction Contract (labor, supplies & materials, equipment, construction management, etc.)
  - ⇒ Sampling/testing
  - ⇒ Site Restoration
  - ⇒ Government-furnished supplies and materials
  - ⇒ Direct labor (payroll) for personnel to perform the project if not contracted

- Project Equipment (see guidelines in section 8 below)

- Travel, including per diem, when official travel status is required for agency personnel to perform the project (e.g., act as COR, experts to review contracted reports, etc.)

- Pro rata cost for use of Official Vehicles when required to carry out project administration or for agency personnel to perform the project

- Project Administration
  - ⇒ Direct labor (payroll) for the following services:
    - Agency personnel (e.g., contracting officer) performing required project procurements and budget tracking
    - Contracting officer's representative (COR)

- Project inspector (PI)
- Agency personnel assigned as NEPA lead
- Agency personnel assigned to review contracted surveys, designs/drawings, reports, etc., including travel and per diem when agency experts must be in official travel status to perform such reviews,
- Project manager and/or project supervisor

⇒ Contracted costs for project manager and/or project supervisor

Planning, Environmental Compliance and Pre-Construction Engineering & Design Cap. This first expense category may not exceed 27% of the total project cost. This percentage has been established based in large part on a National Academy of Public Administration evaluation of construction cost categories prepared in conjunction with a review of the National Park Service's construction program in 1998 and 2002. However, because smaller projects may have disproportionately higher costs for tasks such as environmental compliance, an agency may submit nominations based on a programmatic application of the percentage where proposed projects with a lower percentage for this cost category would be cited to balance out projects with a higher percentage for this cost category. If this option is utilized, the average expenditure for this category over all agency projects approved in a given round cannot exceed 27%. For rounds in which this option is utilized, the agency will certify as part of each task order request for projects within the round that this expenditure has been evaluated and the average percentage is being maintained at no more than 27%.

Use of Direct Labor. Agencies are encouraged to contract with the private sector for services associated with the design and construction of projects, however, where it is in the best interest of and creates the best value for the government, reimbursement of certain direct labor and other costs may be authorized, including construction work performed by agency in-house construction crews. These costs may include salary, materials, supplies and equipment expenses directly related to the project. Utilization of direct labor shall be indicated as part of the nomination package cost estimate if possible. Utilization of direct labor must be indicated on the cost estimate sheet submitted with the task order request. If a determination is made to utilize direct labor after the task order is initiated, a request to amend the task order along with an amended cost estimate sheet must be submitted to the BLM's LSA Division.

A determination that the use of direct Federal labor for carrying out the project is in the best interest of and creates the best value for the government will be made by the Federal agency implementing the project. The determination must be supported by a written justification signed by an authorized agency official and submitted with the task order request. Justification for use of Federal direct labor for a project must relate specifically to the project and may include reasons of cost effectiveness, resource protection, visitor safety, visitor convenience, security, timeliness of implementation, or other such considerations.

If any question or disagreement arises between the requesting Federal agency and the Land Sales & Acquisitions Division regarding the justification provided for utilization of direct Federal labor, the Executive Committee retains the authority to make the final decision regarding use of direct Federal labor.

3. Direct Costs Associated with Parks, Trails and Natural Areas Land Acquisitions (Land, Easement, or Right of Way)

- Acquisition cost (amount paid for the land, easement, or right of way, not to exceed the approved appraised value)
- Appraisal*:
  Appraisals must be consistent with Uniform Appraisal Standards for Professional Appraisal Practices (USPAP) and Uniform Appraisal Standards for Federal acquisitions). The cost of one appraisal and, if approved in advance by the Land Sales & Acquisitions Division, one update by the same firm of that appraisal due to expiration of the appraisal, will be reimbursed from the SNPLMA Special Account
- Land survey costs**
- Environmental site assessment and, if required, NEPA costs**
- Water Rights Analysis (to verify transferability of water rights, amount, type, etc.)**
- Mineral Potential Report (only when authorized in advance by Executive Committee as being cost effective; mineral exploration (drilling & testing) is not reimbursable)**
- Title Evidence* and escrow fees
- Recording fees
- The pro-rata share of any pre-paid real property taxes or assessments
- Other miscellaneous closing costs
- Penalty costs and other charges for prepayment of any pre-existing recorded mortgage, deed of trust, or other security instrument that encumbers the real property
- Relocation payments to eligible tenants
- Direct labor or contracted labor cost for case management as follows: title review; title records management; appraisal review; potential hazardous substance review; and preparation of deed, preliminary and final title opinion requests, and escrow closing instructions needed to complete the acquisition, as well as payroll for agency personnel (e.g., contracting officer) and COR to procure and administer acquisition contracts*
- Travel, including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.)*
- Pro rata cost for use of Official Vehicles when required to carry out case management (e.g., site inspections required for document preparation or experts to review reports, etc.)*

*These costs are reimbursable even if the acquisition cannot be completed.

**If these studies are contracted, the cost is ONLY reimbursable if the acquisition cannot be completed in those cases where the study(ies) must be obtained prior to appraisal in order to provide information to the appraiser for consideration in determining the value. Although payroll for direct labor is reimbursable even if the acquisition cannot be completed, agencies should refrain from utilizing direct labor to conduct these studies internally prior to obtaining an appraisal except where the information from the study must be provided to the appraiser for consideration in determining the value.

4. Direct Costs Associated with Parks, Trails, and Natural Areas Projects

- Planning, Environmental Compliance, and Preconstruction Engineering & Design (contracted and/or direct labor services), which include the following:
  - ⇒ Pre-design (sketches & conceptual drawings)
  - ⇒ Environmental assessment and permitting including NEPA and specialist surveys/reports for archaeology, wildlife, biology, etc.
  - ⇒ Architectural and engineering analysis, design, surveying and other field investigations
  - ⇒ Construction drawings, specifications, cost estimates, engineering technical reports
- Construction Costs, including the following:
  - ⇒ Construction Contract (labor, supplies & materials, construction management, etc.)
  - ⇒ Sampling/testing
  - ⇒ Site Restoration
  - ⇒ Local/Regional government-furnished supplies and materials
  - ⇒ Direct labor (payroll) for personnel to perform the project if not contracted
- Project Equipment (see guidelines in section 8 below)
- Pro rata cost for use of Official Vehicles when required to carry out project administration or for local/regional governmental personnel to perform the project
- Project Administration
  - ⇒ Direct labor (payroll) for the following services:
    - Agency personnel (e.g., contracting officer) performing required project procurements and budget tracking
    - Contracting officer's representative (COR)
    - Project inspector (PI)
    - Local/Regional government personnel assigned as NEPA lead
    - Local/Regional government personnel assigned to review contracted surveys, designs/drawings, reports, etc.
    - Project manager and/or project supervisor
  - ⇒ Contracted costs for project manager and/or project supervisor

The guidelines under section "2" above pertaining to the 27% percent cap on "Planning, Environmental Compliance, and Preconstruction Engineering & Design" and to utilization of direct labor also apply to Park, Trail, and Natural Area projects.

5. Direct Costs Associated with Projects for the Development of a MSHCP

- Planning and environmental assessment costs (specialist surveys/reports including cultural resources, archaeology, wildlife, biology, environmental documentation including NEPA, if required, etc.)
- Direct labor (payroll) for personnel to perform the work if not contracted
- Project Equipment (see guidelines in section 8 below)
- Travel, including per diem, when official travel status is required for agency personnel to perform the project (e.g., act as COR, experts to review contracted reports, etc.)
- Pro rata cost for use of Official Vehicles when required to carry out project administration or for local/regional governmental or agency personnel to perform the project

- Costs of contracts, grants and/or agreements to perform project
- Project Administration:
  ⇒ Direct labor (payroll) for the following services:
    - Agency personnel (e.g., contracting officer) performing required project procurements and budget tracking
    - Contracting officer's representative (COR)
    - Project inspector (PI)
    - Agency personnel assigned as NEPA lead
    - Agency personnel assigned to review contracted surveys, designs/drawings, reports, etc.
    - Project manager and/or project supervisor
  ⇒ Contracted costs for project manager and/or project

  The guidelines under section "2" pertaining to the 27% percent cap on "Planning, Environmental Compliance, and Preconstruction Engineering & Design" and utilization of direct labor also apply to MSHCP projects.

6. Direct Costs Associated with Conservation Initiatives

- Planning and environmental assessment costs (specialist surveys/reports including cultural resources, archaeology, wildlife, biology, environmental documentation including NEPA, if required, etc.)
- Direct labor (payroll) for personnel to perform the work if not contracted
- Direct labor for one dedicated lead/team member from each involved agency
- Project Equipment (see guidelines in section 8 below); includes specialized equipment, uniforms, weapons, etc. required for resource protection positions funded through a project
- Government-furnished supplies and materials
- Travel, including per diem, when official travel status is required for agency personnel to perform the project (e.g., act as COR, experts to review contracted reports, etc.)
- Pro rata cost for use of Official Vehicles when required to carry out project administration or for agency personnel to perform the project
- Cost associated with required training for resource protection positions funded through a project
- Cost of contracts, grants and agreements to perform project
- Project Administration:
  ⇒ Direct labor (payroll) for the following services:
    - Agency personnel (e.g., contracting officer) performing required project procurements and budget tracking
    - Contracting officer's representative (COR)
    - Project inspector (PI)
    - Agency personnel assigned as NEPA lead
    - Agency personnel assigned to review contracted surveys, designs/drawings, reports, etc.
    - Project manager and/or project supervisor
    - Contracted costs for project manager and/or project supervisor

The guidelines under section "2" above pertaining to the 27% cap on "Planning, Environmental Compliance, and Preconstruction Engineering & Design" and to utilization of direct labor also apply to Conservation Initiative projects.

7. Direct Costs Associated Direct Lake Tahoe Restoration Projects and Environmental Improvement Payments.

- Planning, environmental assessment, and Research costs (specialist surveys and reports -- including cultural resources, archaeology, wildlife, biology, etc., -- monitoring, data collection, analysis, NEPA, etc.)
- Direct labor (payroll) for personnel to perform the project
- Project Equipment (see guidelines below); includes specialized equipment, tools, software
- Travel, including per diem, when official travel status is required for agency personnel to perform the project (e.g., act as COR, experts to review contracted reports, etc.)
- Pro rata cost for use of Official Vehicles when required to carry out project administration or for agency personnel to perform the project
- Cost of contracts, grants and/or agreements to perform project
- Project Administration:
  ⇒ Direct labor (payroll) for the following services:
    - Agency personnel (e.g., contracting officer) performing required project procurements and budget tracking
    - Contracting officer's representative (COR)
    - Project inspector (PI)
    - Agency personnel assigned as NEPA lead
    - Agency personnel assigned to review contracted surveys, designs/drawings, reports, data, perform analysis of data, etc.
    - Project manager and/or project supervisor
    - Contracted costs for project manager and/or project supervisor

8. Direct Costs for Project Equipment As an Allowed Cost

Because SNPLMA funds are not "grant" funds, but rather are Federal funds approved by the Secretary of the Interior to be obligated and reimbursed on a per project basis for project-related allowed direct costs only, special consideration should be given in making decisions for acquiring and utilizing equipment necessary for completion of an approved project. SNPLMA can reimburse only those equipment costs directly associated with completion of the approved project.

A. Newly Acquired Equipment. Project Equipment newly acquired with SNPLMA funds is intended to be used solely for the project for which it was acquired throughout the duration of the project. Agencies are expected to follow all agency policies and procedures for acquisition of equipment (e.g., vehicles, IT equipment, etc.). Leasing equipment is preferred over purchase of equipment. Leased equipment must be leased solely for use by the approved project and only for the time period the equipment will actually be needed for the project or the minimum time period allowed by the vendor selected by the contracting officer. If purchasing equipment is less expensive than leasing the equipment for the time period needed for the project, thus resulting in

a cost savings over leasing, then the purchase price of the equipment will be fully reimbursable even if the equipment will be used elsewhere after it's no longer needed for the approved project. In this instance, no reimbursement to the SNPLMA account will be required regardless of the value of the equipment upon completion of the project (see below) due to the overall cost savings compared to leasing.

B. Previously Acquired Equipment. Previously leased equipment may be reimbursed if the equipment will be partially used, or solely used for a specified time, by an approved project. Such reimbursements for previously leased equipment will be in proportion to the percentage utilized for the approved project (e.g., 50% project usage will result in a 50% reimbursement) only for those lease payments covering the time period the equipment is used by the project. Equipment previously acquired by purchase which is used on a project will not receive any reimbursement of purchase price already paid.

C. Disposition of Equipment upon Project Completion. Upon completion of the project, if the current value of purchased equipment is less than $5,000, the equipment may be retained by the recipient with no obligation to refund the SNPLMA Special Account. This guideline is based on regulations in 43 CFR, Part 12, Subpart C §12.72(e)(1). However, if the "per unit fair market value" of purchased equipment is more than $5,000 at the time of completion of the project, the CFR states that the grantor is entitled to recover it's "ownership" share of that value. Therefore, if SNPLMA fully funds the purchase of the equipment and current value is more than $5,000, the current value of the equipment will be a deduction in the final reimbursement amount for the project. If another funding source is utilized for a portion of the equipment purchase, the deduction will be prorated based on the percentage of SNPLMA funds used for the purchase. As explained above, this policy will not apply where outright purchase of equipment resulted in a cost savings over leasing the project equipment when the lease would have been for the sole use of the project and only for the time period required by the project.

D. Equipment Management. Federal agency rules and regulations must be followed in managing, maintaining, securing, and inventorying Project Equipment. In the event purchased equipment is to be used for more than one approved project, the cost must be distributed as applicable between the multiple projects with appropriate prorated reimbursement made from the funds obligated for each project. When equipment is leased, the lease should be terminated upon completion of the project or lease costs transferred to another funding source. SNPLMA cannot reimburse costs for equipment required as part of the operation and management of projects.

E. Documentation for Reimbursement. When requesting reimbursement for Project Equipment, the requestor must (a) identify the equipment and its project function, (b) certify the percent utilized by the project and the time period required by the project, (c) note whether equipment is previously leased, newly leased or purchased, and (d) explain circumstances where purchase resulted in cost saving over leasing. Upon completion of the project, the final reimbursement request should, in the case of purchased equipment, certify the "per unit fair market value" including the source or method for determining the value and make appropriate deductions if necessary, or, in the case of leased equipment, certify that the lease has been terminated and/or lease costs transferred to another funding source.

Appendix B-1

SNPLMA LAND ACQUISITION PROPOSAL
ESTIMATED DIRECT COSTS

Property Name: _____ Agency: _____ Date: _____

Project #: _____ Priority #: _____

Prepared by: _____ Phone: _____

Bureaus agree to furnish the necessary equipment, materials, facilities, services, personnel, and other costs except as specified below:

1. Land (purchase price not to exceed fair market value)	$ _____	_____ %
2. Appraisal	$ _____	_____ %
3. Land/Boundary Survey	$ _____	_____ %
4. Environmental Site Assessment and NEPA	$ _____	_____ %
5. Water Rights or Mineral Analysis (for Title Purposes)	$ _____	_____ %
6. Mineral Potential Report (Prior approval required)	$ _____	_____ %
7. Title Report, Escrow Fees, Misc. Closing Costs	$ _____	_____ %
8. Recording Fees	$ _____	_____ %
9. Pro-rata Share of any pre-paid property taxes or assessments	$ _____	_____ %
10. Penalty Costs and Other Charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property	$ _____	_____ %
11. Relocation Payments to Eligible Tenants	$ _____	_____ %
12. Case Management Direct Labor or Contracted Labor Costs for: 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; payroll for agency personnel to procure and administer acquisition contracts (e.g., contracting officer and COR)	$ _____	_____ %
13. Travel including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.)	$ _____	_____ %
14. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out case management)	$ _____	_____ %
15. Balance of 10% Contingency Funds	$ _____	_____ %
TOTAL*:	$ _____	_____ %

*Total dollar percentage may not exceed 110%; the approved amount plus a 10% contingency.

COMMENTS: _____

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Appendix B-2

FLTFA LAND ACQUISITION PROPOSAL
ESTIMATED DIRECT COSTS

Parcel Name: _____ Agency: _____ Date: _____

Prepared by: _____ Phone: _____

Bureaus agree to furnish the necessary equipment, materials, facilities, services, personnel, and other costs except as specified below:

1. Land (purchase price not to exceed fair market value)	$ _____	_____	%
2. Appraisal	$ _____	_____	%
3. Land Survey	$ _____	_____	%
4. Environmental Site Assessment	$ _____	_____	%
5. Title and Escrow Fees	$ _____	_____	%
6. Recording Fees	$ _____	_____	%
7. Pro-rata Share of any pre-paid property taxes or assessments	$ _____	_____	%
8. Other Miscellaneous Closing Costs	$ _____	_____	%
9. Penalty Costs and Other Charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property	$ _____	_____	%
10. Relocation Payments to Eligible Tenants	$ _____	_____	%
11. Balance of 10% Contingency Funds	$ _____	_____	%
TOTAL*:	$ _____	_____	%

*Total dollar percentage may not exceed 110%; the approved amount plus a 10% contingency.

COMMENTS: _____

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Appendix B-3

CAPITAL IMPROVEMENT PROPOSAL
ESTIMATED DIRECT COSTS & KEY MILESTONE DATES

Project Name: _____ Agency: _____

Project #: _____ Priority # _____

Prepared by: _____ Phone: _____ Date: _____

Identify estimated costs of eligible reimbursement expenses:

1. Planning, Environmental Compliance, & Preconstruction Engineering & Design* (pre-design sketches & conceptual drawings; environmental assessment and permitting, specialist surveys/reports for archaeology, wildlife, biology, etc.; architectural & engineering analysis, design, surveying, & field investigations; construction drawings, specifications, cost estimates, and engineering technical reports	$	_____	_____ %
2. Construction Contract Costs (including labor, supplies & materials, construction management, etc.; sampling/ testing; site restoration; and government furnished supplies and materials)	$	_____	_____ %
3. Project Equipment	$	_____	_____ %
4. Travel (including per diem where official travel status is required to carry out project, such as serve as COR, experts to review reports, etc.)	$	_____	_____ %
5. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)	$	_____	_____ %
6. Project Administration Costs (direct labor for agency personnel to do project procurements and budget tracking; COR; PI; agency personnel assigned as NEPA lead; agency personnel assigned to review contracted surveys, designs/drawings, reports, etc.; project manager and/or project supervisor; contracted costs for project manager and/or project supervisor)	$	_____	_____ %
7. Federal Direct Labor (to perform project construction)	$	_____	_____ %
8. Balance of 10% Contingency Funds	$	_____	_____ %
TOTAL:**	$	_____	_____ %

Estimated Key Milestone Dates:

Environmental Decision Notice/FONSI Date: _____

Construction Contract Award Date (list for each contract): _____

Final Completion Date (mm/dd/yyyy – must be through reimbursement request submittal): _____

*Total not to exceed 27% of total project cost, even if Federal labor is used to perform this work.
**Total dollar percentage may not exceed 110%--the approved amount plus a 10% contingency.

COMMENTS: _____

_____

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Appendix B-4

PARKS, TRAILS, AND NATURAL AREAS ACQUISITION PROPOSAL
(LAND AND INTERESTS IN LAND INCLUDING EASEMENT OR RIGHT OF WAY)
ESTIMATED DIRECT COSTS

Project Name: _____ County/City: _____

Project #: _____ Priority # _____

Prepared by: _____ Phone: _____ Date: _____

Local/regional governmental entity agrees to furnish the necessary equipment, materials, facilities, services, personnel and other costs except as specified below:

1.	**Purchase Price** (not to exceed fair market value)	$ _____	_____ %
2.	**Appraisal Costs** (must be consistent with Uniform Appraisal Standards for Professional Appraisal Practices (USPAP) and Uniform Appraisal Standards for Federal acquisitions)	$ _____	_____ %
3.	**Land Survey Costs**	$ _____	_____ %
4.	**Environmental Site Assessment and NEPA Costs**	$ _____	_____ %
5.	**Title and Escrow Fees**	$ _____	_____ %
6.	**Recording Fees**	$ _____	_____ %
7.	**Pro-rata Share of any pre-paid property taxes or assessments**	$ _____	_____ %
8.	**Other Miscellaneous Closing Costs**	$ _____	_____ %
9.	**Penalty Costs and Other Charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumber the real property**	$ _____	_____ %
10.	**Relocation Payments to Eligible Tenants**	$ _____	_____ %
11.	**Case Management Direct Labor or Contracted Labor Costs for:** 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; payroll for agency personnel to procure and administer acquisition contracts (e.g., contracting officer and COR)	$ _____	_____ %
12.	**Travel** including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.)	$ _____	_____ %
13.	**Official Vehicle Use** (pro rata cost for use of Official Vehicles when required to carry out case management)	$ _____	_____ %
14.	**Balance of 10% Contingency Funds**	$ _____	_____ %
	TOTAL*:	$ _____	_____ %

*Total dollar percentage may not exceed 110%; the approved amount plus a 10% contingency.

COMMENTS: _____

Appendix B-5

PARKS, TRAILS, AND NATURAL AREAS PROJECTS
ESTIMATED DIRECT COSTS & KEY MILESTONE DATES

Project Name: _____ County/City: _____

Project #: _____ Priority # _____ _____

Prepared by: _____ Phone: _____ Date: _____

Identify estimated costs of eligible reimbursement expenses:

1. Planning, Environmental Compliance, & Preconstruction Engineering & Design* (pre-design sketches & conceptual drawings; environmental assessment and permitting, specialist surveys/reports for archaeology, wildlife, biology, etc.; architectural & engineering analysis, design, surveying, & field investigations; construction drawings, specifications, cost estimates, and engineering technical reports	$ _____	_____	%
2. Construction Contract Costs (including labor, supplies & materials, construction management, etc.; sampling/ testing; site restoration; and recipient-furnished supplies and materials)	$ _____	_____	%
3. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)	$ _____	_____	%
4. Acceptable Project Administration Costs (direct labor for local/regional government personnel to do project procurements and budget tracking; COR; PI; personnel assigned as NEPA lead; personnel assigned to review contracted surveys, designs/drawings, reports, etc.; project manager and/or project supervisor; and contracted costs for project manager and/or project supervisor	$ _____	_____	%
5. Direct Labor (to perform project construction)	$ _____	_____	%
6. Balance of 10% Contingency Funds	$ _____	_____	%
TOTAL:**	$ _____	_____	%

Estimated Key Milestone Dates:

- Environmental Decision Notice/FONSI Date: _____
- Construction Contract Award Date (list for each contract): _____
- Final Completion Date (mm/dd/yyyy – must be through reimbursement request submittal): _____

*Item #1not to exceed 27% of total project cost, even if recipient labor is used to perform this work.
**Total dollar percentage may not exceed 110%; the approved amount plus a 10% contingency.

COMMENTS: _____

_____

_____

Appendix B-6

DEVELOPMENT OF A MSHCP
ESTIMATED DIRECT COSTS & KEY MILESTONE DATES

Name of MSHCP: _____

Project Name: _____ County/City: _____

Prepared by: _____ Phone: _____ Date: _____

Identify estimated costs of eligible reimbursement expenses:

4. Planning and Environmental Assessment Costs (specialist surveys/reports including cultural resources, archaeology, wildlife, biology, environmental documentation, NEPA if required, etc.)	$ _____	_____	%
5. Direct Labor (Payroll) to Perform the Project (if work not contracted)	$ _____	_____	%
6. Project Equipment	$ _____	_____	%
7. Travel (including per diem where official travel status required to carry out project, such as serve as COR, experts to review reports, etc.)	$ _____	_____	%
8. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)	$ _____	_____	%
9. Cost of Contracts, Grants and/or Agreements to Perform the Project	$ _____	_____	%
10. Acceptable Project Administration Costs (direct labor for personnel to do project procurements and budget tracking; COR; PI; personnel assigned as NEPA lead; personnel assigned to review contracted surveys, designs/drawings, reports, etc.; project manager and/or project supervisor; and contracted costs for project manager and/or project supervisor	$ _____	_____	%
11. Balance of 10% Contingency Funds	$ _____	_____	%
TOTAL*:	$ _____	_____	%

Estimated Key Milestone Dates:

- Contract Award Date (list for each contract): _____
- Final Completion Date (mm/dd/yyyy – must be through reimbursement request submittal): _____

*Total dollar percentage may not exceed 110%; the approved amount plus a 10% contingency.

COMMENTS: _____

_____

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Appendix B-7

CONSERVATION INITIATIVES
ESTIMATED DIRECT COSTS & KEY MILESTONE DATES

Project Name: _____ County/City: _____
Project #: _____ Priority # _____
Prepared by: _____ Phone: _____ Date: _____

Identify estimated costs of eligible reimbursement expenses:

		_____	_____
1.	**Planning and Environmental Assessment Costs** (specialist surveys/reports including cultural resources, archaeology, wildlife, biology, environ-mental documentation, NEPA if required, etc.)	$ _____	_____ %
2.	**Direct Labor (Payroll) to Perform the Project** (including one dedicated lead/team member per agency)	$ _____	_____ %
3.	**Project Equipment** (including specialized equipment for resource protection officers)	$ _____	_____ %
4.	**Travel** (including per diem where official travel status required to carry out project, such as serve as COR, experts to review reports, etc.)	$ _____	_____ %
5.	**Official Vehicle Use** (pro rata cost for use of Official Vehicles when required to carry out project)	$ _____	_____ %
6.	**Required Training for Resource Protection Positions Funded by the Project** (e.g., tuition and required books, etc.)	$ _____	_____ %
7.	**Cost of Contracts, Grants and/or Agreements to Perform the Project**	$ _____	_____ %
8.	**Acceptable Project Administration Costs** (direct labor for agency personnel to do project procurements and budget tracking; COR; PI; personnel assigned as NEPA lead; personnel assigned to review contracted surveys, designs/drawings, reports, etc.; project manager and/or project supervisor; and contracted costs for project manager and/or project supervisor if contracted separately	$ _____	_____ %
9.	**Balance of 10% Contingency Funds**	$ _____	_____ %
	TOTAL*:	$ _____	_____ %

Estimated Key Milestone Dates:

- Contract Award Date (list for each contract): _____
- Final Completion Date (mm/dd/yyyy – must be through reimbursement request submittal): _____

*Total dollar percentage may be as much as 110% of amount approved by Secretary due to the allowed 10% contingency figure. Updated information on costs or preliminary bids may result in a total amount that is lower than the amount approved by the Secretary and a percent less than 100%.

COMMENTS: _____

_____

_____

_____

Appendix B-8

LAKE TAHOE RESTORATION PROJECTS
ESTIMATED DIRECT COSTS & KEY MILESTONE DATES

Project Name: _____ Agency: _____
Prepared by: _____ Phone: _____ EIP #: _____
SNPLMA Project #:_____

Identify estimated costs of eligible reimbursement expenses:

1. **Planning, Environmental Assessment and Research Costs** (specialist surveys, reports, monitoring, data collection, analysis, NEPA, etc.) $ _____ _____ %
2. **Direct Labor (Payroll) to Perform the Project** $ _____ _____ %
3. **Project Equipment** (tools, software, specialized equipment, etc.) $ _____ _____ %
4. **Travel** (including per diem where official travel status required to carry out project, such as serve as COR, experts to review reports, etc.) $ _____ _____ %
5. **Official Vehicle Use** (pro rata cost for use of Official Vehicles when required to carry out project) $ _____ _____ %
6. **Cost of Contracts, Grants and/or Agreements to Perform the Project** $ _____ _____ %
7. **Project Administration Costs** (direct labor for agency personnel to do project procurements and budget tracking; COR; PI; personnel assigned as NEPA lead; personnel assigned to review contracted surveys, designs/drawings, reports, etc.; project manager and/or project supervisor; and contracted costs for project manager and/or project supervisor if contracted separately $ _____ _____ %

TOTAL*: $ _____ _____ %

Estimated Key Milestone Dates:

Milestones/Deliverables:	Date:
Final Completion Date:	

COMMENTS:

_____
_____
_____
_____

Appendix C

LAND AND/OR INTEREST IN LAND ACQUISITION FUNDING CRITERIA

In order to implement the Southern Nevada Public Land Management Act of 1998 (SNPLMA) and the Federal Land Transaction Facilitation Act of 2000 (FLTFA) (the Acts), the following strategic goals, minimum criteria, and ranking criteria will be used to identify land or interest in land in the state of Nevada for acquisition by the Federal government. Under the SNPLMA, the land or interest in land must be "environmentally sensitive," with priority given to lands located within Clark County. Under the FLTFA, the lands must be an in holding within a federally designated area as defined in the Act, or adjacent to a federally designated area and containing exceptional resources as defined in the Act.

Eligibility

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 propose land and/or interest in land (such as conservation easements, water rights, mineral rights, etc.) for acquisition to an eligible entity.

Strategic Goals for Land Acquisition

- Promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife and other values contributing to public enjoyment and biological diversity;
- Enhance recreation opportunities and public access; and
- Provide the opportunity to achieve more efficient management of public lands through consolidation of ownership, including in holdings within federally designated areas.

Minimum Criteria

All three of the following criteria must be met for a parcel of land or interest in land to be acquired by a Federal entity. The first two criteria must be addressed in the "willing agency" letter, and the third in a "willing seller" letter, both to be included in the nomination package:

- The nominated land is currently identified for protection or acquisition in an approved Federal land management plan;
- The acquisition proposed for Federal acquisition presents no health, safety, or liability concerns that cannot be mitigated. This will be documented by a statement from the acquiring agency identifying any potential concerns and explaining specifically how it would be mitigated; and
- There is a willing seller.

Ranking Criteria

Each potential acquisition that meets all of the minimum criteria is scored by adding up points it receives from meeting one or more of the following "ranking criteria." Points between 0 and the indicated maximum number are awarded for each criterion, depending on the degree to which the acquisition would satisfy each criterion. Factors used by the Working Group members to assign points are listed under each criterion.

Each potential acquisition is first evaluated based on resource issues, manageability, and other considerations, and a subtotal score is calculated. Additional points are awarded if the property is located within Clark County as a criterion for prioritization under the SNPLMA. The eligibility for funding under the FLTFA (in holding, or adjacent to a federally designated area and containing exceptional resource values) is determined and the date the in holding was established, as defined in the FLTFA, as a criterion for prioritization under the FLTFA.

1. Contributes toward preservation of a specially designated species. Points 20

   Factors:
   - The relative significance of the acquisition in contributing towards preservation of specially designated species;
   - The number and types of special status species associated with the property and season of habitat;
   - The listing status of each special status species present; and
   - The trend in population of each species.

2. Preserves a significant natural, aesthetic or scientific feature; or preserves a significant historic, or cultural site. Points 20

   Factors:
   - Number and types of values associated with the site;
   - Eligibility for a special designation;
   - Relative significance of the acquisition in preserving the resource values (including bio-diversity); and
   - Existence of specific management plans for the resource values involved.

3. Contains a wetland, or riparian value that provides substantial public benefit. Points 10

   Factors:
   - Quantity and season of water on the site (perennial, ephemeral, or intermittent);
   - Nature of public benefits;
   - Number and types of riparian values;
   - Significance of the acquisition in protecting the values; and
   - Significance of the property in the watershed.

4. Enhances recreational opportunities or improves public access. Points 15

Factors:
- Number and types of recreation values associated with the site;
- Relative significance of the acquisition in providing recreation or access in the area; and
- Existence of specific management plans for the resource values involved.

5. Provides the opportunity to achieve better management of public land through consolidation of Federal ownership. Points 10

Factors:
- Nature and significance of the acquisition in achieving better management of public lands;
- Property is an inholding in a specially designated area and the degree to which the property supports the primary purpose of the area; and
- Consistency with local planning and zoning.

6. Involves non-federal funding contributions for the acquisition itself, or for the development or management of the property once acquired. Points 05

Factors:
- Value of the contribution;
- Percent of the overall costs;
- Permanence of the contribution (Does the contributor expect to be reimbursed?);
- Duration of the commitment (one-time, or continuing?); and
- Number, nature, and relative significance of funding partnerships.

7. Has the support of the State, local governments, other agencies, and/or other interested parties (provide verification of support). Points 10

Factors:
- Entities that support or oppose the acquisition;
- Nature of support or opposition; and
- How support or opposition is demonstrated.

8. Other Considerations: Points 05

Factors:
- Urgency of action; and
- Prevent incompatible uses.

SUBTOTAL POSSIBLE POINTS: 95

9. Proposed Federal acquisition is in Clark County, Nevada. Points 20

TOTAL POSSIBLE POINTS 115

10. Inholding, or adjacent to, Federally designated area and contains exceptional resource(s). As defined in Sec. 203 of the FLTFA: Yes/No

"In holding" means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.
"Federally designated area" means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o)) that on the date of enactment of this Act was within the boundary of--

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;
(B) a unit of the National Park System;
(C) a unit of the National Wildlife Refuge System;
(D) an area of the National Forest System designated for special management by an Act of Congress; or
(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as--

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);
(ii) a wilderness study area;
(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or
(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C.1241 et seq.).

"Exceptional resource" means a resource of (1) scientific, natural, historic, cultural, or recreational value (2) that has been documented by a Federal, State, or local governmental authority, and (3) for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency (4) in order to maintain the resource for the benefit of the public [numbering added].

11. Date inholding established. As defined in Sec. 204(c)(2) of the FLTFA, this date shall be: Month/Year

(A) the earlier of
  (i) the date on which the land was withdrawn from the public domain, or
  (ii) the date on which the land was established or designated for special management, or
(B) the date on which the inholding was acquired by the current owner.

Appendix D

CAPITAL IMPROVEMENTS FUNDING CRITERIA

The Southern Nevada Public Lands Management Act of 1998, Section 4(b)(3)(ii) allows money from the Special Account to be expended for:

> *". . . 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.*"

The Act limits the amount available for capital improvements to not more than 25% of the amounts available in the Special Account in any fiscal year, determined without taking into account amounts deposited under the Santini-Burton provisions.

The area covered by the capital improvement provision is 6.1 million acres managed by four different Federal agencies: Bureau of Land Management, U.S. National Park Service, Fish and Wildlife Service, and the USDA Forest Service. Each agency has a different congressional mandate yet all have come together locally to share a common vision for the overall Clark County area within individual legislative constraints. Existing infrastructure in all four jurisdictions is old and woefully inadequate to meet present-day demands and standards. The existing infrastructure needs to be re-capitalized and new facilities must be built to meet increased visitation and the changing needs of a diversified public.

Capital Improvement projects may include repair or rehabilitation of existing infrastructure, new construction, or improvements needed to protect resource values. All projects that are submitted for funding consideration must conform with approved management plans for the Federal unit involved. Each project should materially contribute to effective resource protection, the visitor experience and/or improved unit operations. Since the capital improvement needs of the four Federal agencies are great and funding is limited, the funding priorities need to incorporate a strong cost management system and ethic. It is with this philosophical concept in mind that the following strategic goals, minimum criteria, and rating criteria were developed.

Eligibility

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

Strategic Goal for Capital Improvements

Refurbish existing facilities and construct new facilities to:

- Provide safe facilities for visitors and employees;
- Provide more and better visitor facilities to meet increasing demand levels and changing demographics;

- Provide more and better education opportunities (environmental, historical, cultural, scientific);
- Protect the integrity of significant resource values or improve the quality of the environment; and
- Improve the efficiency and effectiveness of natural resource management activities.

Minimum Criteria

- The project is located within the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area, or other areas administered by the Bureau of Land Management in Clark County and the Spring Mountains National Recreation Area; and

- The administering agency has addressed the need for operations and maintenance of the facility in order to operate and maintain the facility for the foreseeable future.

Ranking Criteria

1. Provides safe facilities for visitors and employees. Points 10

   Factors:
   - The nature of the safety concern;
   - Urgency and risk;
   - Number of visitors and employees affected; and
   - Nature of remedy and alternatives.

2. Provides more and better visitor facilities to meet increasing demands and changing demographics. Points 10

   Factors:
   - The nature of the project;
   - Demand for the facility and regional significance; and
   - Number and/or demographics of visitors.

3. Provides more and better information and education services/opportunities. Points 10

   Factors:
   - The nature of the project;
   - Demand and regional significance; and
   - Number and/or demographics of visitors.

4. Protects the integrity of significant resource values or improves the quality of the environment. Points 10

   Factors:
   - Number and significance of resource values involved (including cultural, historical, natural and scientific values);
   - Nature of the project and relative significance of desired outcomes; and
   - Nature of the threat to the resource values and urgency for action.

5. Improves the efficiency and effectiveness of management activities. Points 10

   Factors:
   - The nature of the project and desired outcomes;
   - Significance of the impacts in consideration of the investment required; and
   - Urgency for action.

6. Involves partnership in the funding, design, construction, operation, and/or maintenance (other than SNPLMA sources). Only confirmed partnerships (as opposed to potential partnerships) are eligible for consideration. Points 10

   Factors:
   - Number, nature, and relative significance of funding partnerships.

7. Has the support of State, local governments, interested parties and/or other agencies. Points 10

   Factors:
   - Agencies and/or other interested parties that support or oppose the project;
   - Nature of support or opposition; and
   - How support or opposition is demonstrated.

8. Other Considerations: Points 10

   Factors:
   a. Urgency (emergency situations);
   b. Spatial distribution of projects; and
   c. Projects designed to address changing demographics.

TOTAL POSSIBLE POINTS: 80

Appendix E

PARKS, TRAILS, AND NATURAL AREAS FUNDING CRITERIA

The Southern Nevada Public Lands Management Act on 1998, Section 4 (e)(3)(A)(iv) allows for money from the Special Account to be expended for:

"*. . . development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government. . .*"

The Park, Trail, and Natural Area (PTNA) category is inherently intended to fund outdoor projects aimed at accomplishing the strategic goals below. The PTNA category is not intended to fund capital improvement-type projects where the primary goal of the nomination is construction, renovation, or expansion of buildings (e.g., museums, schools, office or administrative buildings, theaters, auditoriums, etc.). However, funding may be provided for PTNA projects which, due to the nature of the project, require incidental building construction (e.g., restrooms, maintenance sheds, group picnic shelters, shade structures, small visitor greeting areas, etc.). In addition, funding may be provided for PTNA projects which include, or where the primary purpose is, more significant building construction, such as a visitor center with nature displays tied to the park's theme, when the proposed building is deemed an integral part of a larger PTNA project and critical to accomplishing the goals of that larger project.

Eligibility

Parks, Trails, and Natural Areas 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).

Strategic Goal for Contributing to the Development of Parks, Trails and Naturals Areas

Partner with local government in Clark County to develop more and better parks, trails and natural areas to:

- Meet increasing demand and changing demographics for outdoor recreation;
- Provide more and better education opportunities (environmental, historical, cultural, scientific);
- Protect and preserve significant resource values (including historical, cultural, scientific and natural resource values) and improve the quality of the environment; and/or
- Link the urban area with the public lands as a part of a regional trail system.

Minimum Criteria

- The project is located in Clark County; and
- A Cooperative Agreement between a Federal land management agency and a unit of local government or regional governmental entity is in place. (The SNPLMA Assistance

Agreements with eligible local and regional governmental entities satisfy this requirement. However specific projects may require a separate cooperative agreement with one or more of the Federal land management agencies to address management and/or operation of the finished project or to meet some other legal requirement.)

Ranking Criteria

1. Does the project provide or improve parks, trails, or natural areas to meet the demands and changing demographics of Southern Nevada residents and visitors? If yes, provide a short narrative, which Describes any or all of the following factors: Points 20

   Factors:
   - The nature of the project;
   - How the project meets an unfilled demand or deficiency for parks, trails, or natural areas; and
   - How the project provides educational opportunities.

2. Does the project protect the integrity of significant resource values, improve the quality of the environment, or protect open space resources? If yes, describe the following: Points 15

   Factors:
   - Significance of cultural, historical, scientific, or open space resources and
   - Nature of any threat to the resource values, urgency for action, and/or desired outcomes

3. Discuss the regional significance of the project and address the following factors: Points 15

   Factors:
   - Is the park, trail, or natural area part of an approved federal or regional plan;
   - Does the project provide connectivity to a previously approved SNPLMA project, a regional park, trail, or natural area, and/or federal lands; and
   - Describe any project coordination with adjacent jurisdictions.

4. Describe any other considerations that contribute to the significance. of the project, which may include the following factors: Points 05

   Factors:
   - Number of funding partnerships and amount of money contributed to the project;
   - Support of the State, other local governments, interested parties, and/or federal agencies; and
   - Other unique elements of the project not previously addressed

TOTAL POSSIBLE POINTS: 55

Appendix F

MULTI-SPECIES HABITAT CONSERVATION PLAN CRITERIA

Funding for a Clark County MSHCP: In the section on availability of the SNPLMA Special Account, the Southern Nevada Public Land Management Act of 1998 states:

"Amounts deposited in the special account may be expended for ... development of a multi-species habitat conservation plan in Clark County, Nevada."

Funding for a Virgin River MSHCP: Section 901 of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282) amends the Mesquite Lands Act by providing that the proceeds of sale of certain land to the City of Mesquite shall be:

"deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public land Management Act of 1998 (112 Stat. 2345); and shall be available for use by the Secretary –

"(A) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this section;

"(B) for the development of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada, including any associated groundwater monitoring plan; and

"(C) as provided in section 4(e)(3) of that Act (112 Stat. 2346)."

Section 4(e)(3) of the SNPLMA (112 Stat. 2346) establishes the expenditure categories addressed in this document. In accordance with P.L. 107-282, funds from the Mesquite land sale will not be utilized for those categories until after development of the Virgin River Multi-Species Conservation Plan and Groundwater Monitoring Plan is complete.

The term "MSHCP Development Project" includes projects and proposals specifically designed to improve and conserve the status of species and habitats on both federal and non-federal lands within Clark County, and shall include, but not be limited to, programs and proposals approved by the U.S. Fish and Wildlife Service that involve data collection, monitoring, basic and applied research, field manipulations and other experimentation, adaptive management efforts, development and redevelopment of management plans for all species, habitats and the ecosystems that support them, conservation initiatives, mapping, interagency GIS capacity coordination and enhancement, development of ecosystem conservation strategies, proposals to enhance land management efficiency and effectiveness, and development of public education and outreach strategies, including programs and documentation designed to improve public awareness of the importance of habitat and species conservation within Clark County.

Development of the MSHCP also includes some portion of the expense required to participate in and administer the MSHCP, including but not limited to NEPA compliance necessary for the development of the MSHCP.

As stated in the section dealing with allocations for the development of parks, trails and natural areas, MSHCP development projects which may be eligible for funding under this provision should show a positive benefit to the Federal estate or mission from the sale of a Federal asset.

Eligibility

BLM, FWS, FS, NPS, and Clark County may submit nominations in this category in Clark County. FWS is eligible to receive funding for projects to develop a Virgin River MSHCP, but nominations for Secretarial approval are not required since Congress designated the Mesquite Land Sale funds for this purpose.

Strategic Goal - Development of a MSHCP for Clark County or the Virgin River

- Support the continuing development of a MSHCP for Clark County or the Virgin River as applicable.

Minimum Criteria

- The proposed initiative furthers the goal of development of the MSHCP;
- Clark County and the FWS confirm their ability to carry out their project management responsibilities under their Assistance Agreements or Intra-Agency Agreement with BLM for the proposed initiative; and
- The proposed initiative has a positive benefit to the federal estate or mission.
- The Federal Agency impacted by the proposed initiative confirms its support of the proposal and ability to carry out its responsibilities associated with the proposal.

Ranking Criteria

(The Rating System used for ranking is defined in the existing MSHCP process, and not in this document**)**

1. The proposal addresses an issue that is of concern to the MSHCP and furthers the goals, development, or implementation of the MSHCP or a related Conservation Strategy, and maintenance of the incidental take permit.
2. Consequences of not doing the project at this time.
3. Proposal is scientifically and technically adequate.
4. Project goals and objectives are clearly defined.
5. Project evaluation process is clearly defined.
6. Data management process is clearly defined with milestones and deliverables.

Appendix G

CONSERVATION INITITIATIVES FUNDING CRITERIA

P.L. 107-282 of November 6, 2002 amends the Southern Nevada Public Land Management Act to include an additional expenditure category, which allows "up to 10 percent of amounts available, to be used for conservation initiatives on Federal Land in Clark County, Nevada, administered by the Department of the Interior or the Department of Agriculture."

"Conservation Initiatives" are federal agency activities which promote conservation on federal lands including planning, implementation, monitoring, environmental impact statements, NEPA compliance and delivery of programs such as, but not limited to, litter and desert dumping clean-up and prevention, natural and cultural resource protection, recreation, habitat restoration, species management, environmental education, volunteerism and site stewardship.

Eligibility

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, USDA Forest Service, and Bureau of Reclamation may receive funding for conservation initiatives. Any entity or interested party may propose a conservation initiative project to an eligible entity.

Strategic Goals for Implementation of Conservation Initiatives

- Provide opportunities to inform and educate the public about the environment and responsible use on federal lands;
- Results in the improved quality and/or management of federal lands; and
- Enhances interagency and other partnerships in the promotion of conservation initiatives.

Minimum Criteria

- Project is sponsored by the four federal land management agencies, the National Park Service, Bureau of Land Management, USDA Forest Service and U.S. Fish and Wildlife Service in Clark County.

Ranking Criteria

1. Provide opportunities to inform and educate the public about the environment and responsible use on federal lands; Points 20

   Factors:
   - Incorporates environmental education program for children or adults;
   - Includes public information process;
   - Includes "hands-on" learning opportunities for the public; and
   - Demonstrates the principles of responsible use of public lands.

- Uses well-supervised and trained citizen groups and organizations to accomplish resource management goals; and
- Involves citizens, groups or organizations in the development of over-arching resources management and/or environmental education strategies

2. Results in the improved quality and/or management of federal lands Points 20

   Factors:
   - Protects cultural and/or natural resources;
   - Rehabilitates cultural and/or natural resources;
   - Advances knowledge of cultural resources, natural resources, or ecological systems;
   - Results in an understanding and implementation of improved resource management practices on federal lands; and
   - Results in efficient delivery of management programs.

3. Enhances interagency and other partnerships in the promotion of conservation initiatives. Points 20

   Factors:
   - Addresses the needs of more than one agency;
   - Has broad interagency benefit; and
   - Involves non-federal partners.

4. Project evaluation processes are built in Points 20

   Factors
   - Incorporates effectiveness monitoring.

TOTAL POSSIBLE POINTS: 80

Appendix H

DOCUMENTATION REQUIREMENTS FOR ACQUISITION OF LAND AND INTERESTS IN LAND (SNPLMA & FLTFA)

Task Order

1. Cover Letter requesting task order in compliance with the Intra-/Inter-Agency Agreement (IA). Include IA number and the amount of the task order funding request as approved by the Secretary plus the 10% contingency amount.

2. Draft Form 1681-3, Task Order Intra/Inter-Agency Agreement.

3. Acquisition Schedule (i.e., time line for executing contract and completing acquisition)

4. SNPLMA Land Acquisition Proposal - Estimated Direct Costs (Form Appendix B-1).

Reimbursement/Payment

1. Cover Letter requesting payment and attesting to compliance with Intra-/Inter-Agency Agreement (specify IA number), the acquisition Task Order, the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 (Pl-91-646), and all applicable agency acquisition policies.

2. Final Title Opinion.

3. Invoices/Receipts for Direct Costs (e.g., settlement statement for escrow/title fees, invoices for contracted appraisals, etc.).

4. Recorded Deed (conformed copy is acceptable).

5. Copy of appraisal report and agency appraisal review approving the report and establishing the approved value.

6. If reimbursement for case management is being requested submit either (a) Final Payment Invoice for contracted case management with an explanation of functions performed under the contract if not evident on the invoice; or (b) Agency Fiscal Records for direct labor costs for allowed case management (such documentation should provide the name of individuals, function performed, hours being charged to the acquisition, and pay rate). [Not available for FLTFA acquisitions]

7. Agency fiscal records for eligible travel and official vehicle use. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. For official vehicle use, if not included in fiscal records, provide detailed vehicle use logs and/or other documentation demonstrating appropriate case management use of official vehicles and costs. [Not available for FLTFA acquisitions]

If acquisition can not be completed: Submit documentation for costs which are reimbursable even if the acquisition cannot be completed – cost of title evidence (e.g., title report), cost of appraisal, above documentation for direct labor, travel, and official vehicle use. If other studies were required prior to appraisal for input to the appraiser for consideration in determining the value, include a full explanation of why the studies were required prior to obtaining appraisal as well as invoices/receipts.

Appendix H-1

DOCUMENTATION REQUIREMENTS FOR CAPITAL IMPROVEMENTS

Task Order

1. Cover Letter requesting task order in compliance with the Inter-/Intra-Agency Agreement (IA). Include the IA number and the amount of the task order funding request as approved by the Secretary. If multiple task orders will be utilized for a project, include a description of phasing of project, how many task orders will be requested, what the "well-defined tangible end product" is for the requested task order.

2. Estimated Direct Cost Sheet (Appendix B-3) for the project as a whole or the amount required for those tasks to be accomplished under this task order when multiple task orders are being utilized for one project (total of single or multiple task orders not to exceed the amount approved by the Secretary plus 10% contingency funds).

3. Draft Form 1681-3, Task Order Inter/Intra Agency Agreement.

Payment/Reimbursement Upon Completion of the Project or Completion of Deliverables Identified in Each Task Order when Utilizing Multiple Task Orders

1. Cover Letter requesting payment and attesting to compliance with Intra-/Inter-Agency Agreement (include IA number), Task Order (include TO number), Federal Acquisition Regulations, and agency contracting and constructing policies.

2. Agency Inspection Report for work completed under task order or Final Inspection Report upon completion of the project under the final task order.

3. Primary and Sub-Contractor Notices of Completion and Release of Claims for any contract completed under a given task order. BLM, FWS, and NPS should utilize standard DOI Release of Claims form DI-137 (Rev. July 1996). FS should utilize a comparable Department of Agriculture form.

4. Receipts for Direct Costs (e.g., government furnished supplies/materials).

5. Final Payment Invoice for any contracts completed under a given task order.

6. Agency fiscal records for eligible direct labor, travel, and official vehicle use. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. For official vehicle use, if not included in fiscal records, provide detailed vehicle use logs and/or other documentation demonstrating appropriate project use of official vehicles and costs.

7. Project Equipment: (a) identify the equipment and its project function, (b) certify the percent utilized by the project and the time period required by the project, (c) note whether equipment is previously leased, newly leased or purchased, and (d) explain circumstances where purchase resulted in cost saving over leasing. In the case of purchased equipment, the final reimbursement request should certify the "per unit fair market value" including the source or method for determining the value and make appropriate deductions if necessary. In the case of leased equipment, the final reimbursement should certify that the lease has been terminated and/or lease costs transferred to another funding source.

Appendix H-2

DOCUMENTATION REQUIREMENTS FOR PARKS, TRAILS, AND NATURAL AREAS LAND ACQUISITION, EASEMENTS, AND RIGHT OF WAYS TASK ORDERS AND PAYMENT/REIMBURSEMENT

Task Order

1. Cover Letter requesting task order in compliance with the Assistance Agreement (AA). Include AA number and the amount of the task order funding request as approved by the Secretary plus the 10% contingency amount.

2. Task Order Application (Form 1511-1).

3. Application for Federal Assistance (Standard Form 424).

4. Estimated Direct Costs Form for each property (Form Appendix B-4).

5. Acquisition Schedule (e.g., timeline for acquisition)

Payment/Reimbursement

1. Cover Letter requesting payment, attesting to compliance with the Assistance Agreement including the AA number, and attesting to compliance with Nevada Revised Statutes 244.275.

2. Standard Form 270, "Request For Advance or Reimbursement." Must be signed by certifying official of recipient organization (required for requests from State and Local governments).

3. Preliminary Title Report or Statement of Assurance that there are no restrictions or encumbrances that would prohibit the property from being used for its intended purpose.

4. Phase I Environmental Site Assessment or a Statement of Assurance that no hazardous materials, health, safety or other liabilities exist which would negatively impact the intended use or prohibit the intended use of the property, including an explanation of how this determination was made.

5. Receipts for Direct Costs (e.g., settlement statement, appraisal invoice).

6. Copy of Recorded Deed (including book and page—conformed copy is acceptable).

7. Copy of County/City Acquired Appraisal Report prepared in compliance with the Uniform Standards of Professional Appraisal Practices (USPAP) and county/city regulations; and a statement of assurance that the appraisal has been reviewed, accepted, and the value approved by the County/City.

8. If reimbursement for case management is being requested submit (a) Final payment invoice showing total cost for contracted case management with an explanation of functions performed under the contract if not evident on the invoice, or (b) Local or Regional governmental entity Fiscal Records for direct labor costs for allowed case management (such documentation should provide the name of individuals, function performed, hours being charged to the acquisition, and pay rate).

Appendix H-3

DOCUMENTATION REQUIREMENTS FOR PARKS, TRAILS & NATURAL AREAS

Task Order

1. Cover Letter requesting task order in compliance with the Assistance Agreement (AA). Include the AA number and the amount of the task order funding request as approved by the Secretary.

2. Draft Task Order Form 1511-1 (Assistance Agreement).

3. Application for Federal Assistance (Standard Form 424).

4. Estimated Direct Costs & Project Schedule - Planned Dates for Major Project Milestones (Form Appendix B-5).

Payment/Reimbursement for Partial Reimbursement:

1. Cover Letter requesting payment and attesting to compliance with the NAA000002 (Clark County), NAA010002 (Las Vegas), NAA010005 (Henderson), or NAA010003 (North Las Vegas), or NAA010001 (Boulder City which may have projects only if sponsored by Clark County); the project Task Order; procurement and other governmental policies applicable to the project, and taking into account any partial payments already requested/received.

2. Receipts for Direct Costs incurred including Contract invoices paid to date/or final invoice.

3. Local/Regional Government Fiscal Records for Eligible Direct Labor Costs and travel costs.

4. Status/Progress Report and Inspection Report certifying satisfactory progress to date.

5. Standard Form 270, "Request For Advance or Reimbursement." Must be signed by certifying official of recipient organization (required for requests from State and Local governments).

6. Local/Regional Government fiscal records for eligible direct labor, travel, and official vehicle use. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. For official vehicle use, if not included in fiscal records, provide detailed vehicle use logs and/or other documentation demonstrating appropriate project use of official vehicles and costs.

7. Project Equipment: (a) identify the equipment and its project function, (b) certify the percent utilized by the project and the time period required by the project, (c) note whether equipment is previously leased, newly leased or purchased, and (d) explain circumstances where purchase resulted in cost saving over leasing. In the case of purchased equipment, the final reimbursement request should certify the "per unit fair market value" including the source or method for determining the value and make appropriate deductions if necessary. In the case of leased equipment, the final reimbursement should certify that the lease has been terminated and/or lease costs transferred to another funding source.

Payment/Reimbursement Upon Completion and for Final Reimbursement when Utilizing Partial Reimbursements:

1. Items number 1 -3 and 5-7 above.

2. Local or Regional governmental entity Final Inspection/Acceptance Report.

3. Contractor and, if appropriate Subcontractor, Notice of Completion/Release of Claim.

4. If acquisition of easements or rights of ways was included, submit items 3 through 7 from Appendix H-2.

Appendix H-4

DOCUMENTATION REQUIREMENTS FOR MSHCP DEVELOPMENT

Task Order

For Federal Agency MSHCP Development Projects for Clark County and the Virgin River:

1. Cover Letter requesting task order in compliance with the Inter-/Intra-Agency Agreement (IA). Include the IA number and the amount of the task order funding request (as approved by the Secretary for Clark County MSHCP projects).

2. Estimated Cost Sheet for the MSHCP including planned dates for major project milestones (total request no greater than the amount approved by the Secretary plus 10% contingency reserve funds). In the case of the Virgin River MSHCP, the cumulative total requested for all task orders may not exceed the amount set aside for this purpose in the SNPLMA Special Account from revenue generated by the Mesquite land sale. The amount requested in each task order must be supported by the projects to be completed under the task order and must conform to the allowed MSHCP direct costs.

3. Draft Form 1681-3, Task Order Inter-/Intra-Agency Agreement.

For Clark County MSHCP Development Projects:

1. Task Order Application (Form 1511-1).

2. Application for Federal Assistance and Budget Information Sheet (Standard Form 424).

3. Estimated Cost Sheet MSHCP including planned dates for major project milestones (total requested not to exceed amount approved by the Secretary plus 10% contingency reserve).

Payment/Reimbursement – Applies to Clark County and Federal Agencies

1. Cover Letter requesting payment and attesting to compliance with Assistance Agreement including AA number and project Task Order, confirming satisfactory progress or completion of the projects to be paid.

2. Project Record Sheet showing progress on milestones or completion of projects for which payment is requested.

3. Receipts for Direct Costs for which payment is requested.

4. Standard Form 270, "Request For Advance or Reimbursement." Must be signed by certifying official of recipient organization (required for requests from Local governments).

5. Fiscal records for eligible direct labor, travel, contract administration, and contract monitoring costs. If not included on fiscal records for direct labor provide the name(s), role on the project, number of hours, and pay rate per hour. If not provided on fiscal travel records, provide traveler name and purpose of travel.

6. Project Equipment Reimbursements: Requests which include costs for Project Equipment must include, (a) identification of the equipment and its project function, (b) certify the percent utilized by the project, (c) certify that Federal agency rules and regulations are being followed in managing, maintaining, securing, and inventorying the equipment, and (d) as with all direct costs provide a receipt for lease payment(s) or copy of purchase receipt. The final project reimbursement request must specify the current value of the equipment and the basis for that value determination and relate the value to the amount requested for reimbursement. In the case of leased equipment, provide certification that the lease cost was less than outright purchase and certify that the lease has been terminated or the cost transferred to another funding source. (See Appendix B, Allowed Costs, item 8, "Direct Costs for Project Equipment" for further guidance.)

Appendix H-5

DOCUMENTATION REQUIREMENTS FOR CONSERVATION INITIATIVES

Task Order

1. Cover Letter requesting task order in compliance with the Inter-/Intra-Agency Agreement (IA). Include the IA number and the amount of the task order funding request as approved by the Secretary. For Inter-Agency Conservation Initiatives, the cover letter shall include an explanation of how the available funds and project tasks will be divided among the involved agencies.

2. Estimated Cost Sheet for Conservation Initiative (total request no greater than the amount approved by the Secretary plus 10% contingency funds). For inter-agency Conservation Initiatives, each involved agency may request a separate task order; the total requested under all task orders for a single project cannot exceed the amount approved by the Secretary plus 10% contingency funds.

3. Draft Form 168-31, Task Order Inter-/Intra-Agency Agreement.

4. Project Schedule - Planned Dates for Major Project Milestones. For inter-agency Conservation Initiatives, include a schedule & milestones for the tasks to be performed by the requesting agency, and also include a summary of the time line for completion of the project as a whole.

Payment/Reimbursement for Partial Reimbursement:

1. Cover Letter requesting payment and attesting to compliance with applicable Intra-/Inter-Agency Agreement (include IA number), project Task Order (include TO number), Federal Acquisition Regulations, and agency contracting and constructing policies.

2. Receipts for Direct Costs incurred including Contract invoices paid to date/or final invoice.

3. Agency Fiscal Records for eligible direct labor, travel, official vehicle use, and project administration costs. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. If not included in fiscal records for official vehicle use, provide detailed vehicle use logs and/or other documentation demonstrating appropriate project use and costs.

4. Project Equipment Reimbursements: Requests which include costs for Project Equipment must include, (a) identification of the equipment and its project function, (b) certify the percent utilized by the project, (c) certify that Federal agency rules and regulations are being followed in managing, maintaining, securing, and inventorying the equipment, and (d) as with all direct costs provide a receipt for lease payment(s) or copy of purchase receipt. The final project reimbursement request must specify the current value of the equipment and the basis for that value determination and relate the value to the amount requested for reimbursement. In the case of leased equipment, provide certification that the lease cost was less than outright purchase and certify that the lease has been terminated or the cost transferred to another funding source. (See Appendix B, Allowed Costs, item 8, "Direct Costs for Project Equipment" for further guidance.)

5. Status/Progress Report and Inspection Report certifying satisfactory progress to date.

Payment/Reimbursement Upon Completion (Final Reimbursement):

1. Items number 1, 2, 3, and 4 above.

2. Agency Final Status Report certifying satisfactory completion of project and receipt of deliverables.

3. Contractor, and if appropriate Subcontractor, Notice of Completion/Release of Claim.

Appendix H-6

DOCUMENTATION REQUIREMENTS FOR LAKE TAHOE RESTORATION PROJECTS

Documentation to Request Task Order

1. Cover Letter addressed to NSO Division of Support Services (NSO Division) requesting task order in compliance with the Inter-/Intra-Agency Agreement (IA) or Memorandum of Understanding (MOU). Include the IA/MOU number and the amount of the task order funding request as approved by the Secretary. If multiple task orders will be utilized for a project, include an description of phasing of project, how many task orders will be requested, what the "well-defined tangible end product" is for the requested task order.

2. Estimated Cost Sheet for the project as a whole or the amount required for those tasks to be accomplished under this task order when multiple task orders are being utilized for one project.

3. Draft Form 1681-3, Task Order Inter-/Intra-Agency Agreement.

4. Project Schedule – Planned Dates for Major Project Milestones/Accomplishments and completion date for the project (or completion of the end product/deliverable when multiple task orders are being utilized).

Payment/Reimbursement Upon Completion of the Project or Completion of Deliverables Identified in Each Task Order when Utilizing Multiple Task Orders

1. Cover Letter requesting payment and attesting to compliance with Inter-/Intra-Agency Agreement or Memorandum of Understanding (include IA/MOU number), Task Order (include TO number), Federal Acquisition Regulations, and agency contracting, construction, and other applicable policies.

2. Agency Final Inspection Report and Project Record showing satisfactory completion of project or of the end product/deliverable for which payment is requested.

3. Receipts for Direct Costs.

4. Final Payment Invoice for contracts and contractor notice of completion/release of claims.

5. Agency fiscal records for eligible direct labor (e.g., for project performance, allowed project administration) and travel (e.g., travel vouchers, official vehicle records).

Reimbursement requests should be addressed to the NSO Division of Support Services, but submitted to the USDA Forest Service representative. The Forest Service serves as inspector to certify "acceptance of the project as a qualified restoration project under the applicable laws" and/or certify that the end product/deliverable when multiple task orders are utilized are acceptable and consistent with the scope of the project. The Forest Service forwards the package along with its certification to the NSO Division.

APPENDIX I

NOMINATION PACKAGE INFORMATION FOR LAKE TAHOE RESTORATION PROJECTS

Request: _____ **Agency:** _____

Description:

Program/Authorities:

Program Activity Components:

Readiness:

Match:

Threshold Attainment:

Justification:

Amount Requested:

Appendix I-1
TAHOE PROJECT PROPOSAL

Project Name: **EIP #:**

Lead Agency: **Contact:**

Phone Number:

Threshold: **Email Address:**

Threshold Standard: **Total Project Cost:**

Project Description:

Describe the purpose and need for the project:

Describe the goals and objective of the project (For Science & Research Projects describe Key Management Questions being addressed):

Describe the anticipated project accomplishments:

Describe the "readiness" of this project to move forward (Environmental documentation, etc.):

Describe partnerships for this project. (Include documentation):

For Science & Research Projects describe how this project will guide future management activities:

Include an 8 ½ X 11 map depicting the project, or research/study area.