



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



Decision Briefing for Action by the Secretary

Date: MAY 02 2019

TO: David L. Bernhardt, Secretary

THROUGH: Joseph R. Balash, Assistant Secretary – Land and Minerals Management

FROM: Brian C. Steed, Deputy Director, Policy and Programs-- Bureau of Land Management

Bureau/Office: Bureau of Land Management

STATEMENT OF ISSUE:

The Executive Committee for the Southern Nevada Public Land Management Act (SNPLMA) requests the Secretary of the Interior (Secretary) approve the following:

1. Authorize the total expenditure of \$106,865,253 from the SNPLMA Special Account for Round 17, including estimated expenditures of the following:

Expenditure Category	Total Funding
Parks, Trails, and Natural Areas	\$26,796,123
Capital Improvements	\$27,720,465
Conservation Initiatives	\$13,271,086
Environmentally Sensitive Land Acquisitions	\$21,645,600
Hazardous Fuels Reduction and Wildfire Prevention	\$5,082,290
Eastern Nevada Landscape Restoration Project	\$6,157,618
Multi-species Habitat Conservation Plan	\$1,192,071
Category Totals	\$101,865,253
Special Account Reserve	\$5,000,000
Total Round 17 Recommendation	\$106,865,253

Attachment A lists the projects recommended for funding by the SNPLMA Executive Committee (EC).

2. Authorize an increase in funding of \$3,200,000 for the City of North Las Vegas, Round 16B, Craig Ranch Regional Park 20.57-Acre Acquisition project. This recommendation will result in the project allocation increasing from \$4,025,000 to \$7,225,000. When the City originally developed the project proposal in April 2016, the property value was estimated based on recent confirmed sales and acquisitions of vacant land, rather than an actual appraisal. An official appraisal for the property was completed in May 2017 and indicated a much higher property value than the original estimate. Acquiring the 20.57 acres included in this project will preserve this open space opportunity and allow the City of North Las Vegas to increase the recreational facilities for its growing residential population and visitors to the Las Vegas Valley.
3. Simultaneously approve the use of financial assistance agreements in support of SNPLMA projects to meet the requirements of the *DOI Guidance for Financial Assistance Actions Effective in Fiscal Year 2018* memorandum issued by the Principal Deputy Assistant Secretary for Policy, Management and Budget, dated December 28, 2017. The memorandum establishes a new review requirement for discretionary funding through grants and cooperative agreements. This review requirement would apply to the SNPLMA cooperative agreements for the Parks, Trails, and Natural Areas category and all non-federal cooperative agreements for the Hazardous Fuels Reduction and Wildfire Prevention category. Absent a simultaneous approval to release funds for projects that would be funded through grants or cooperative agreements, those projects would be required to undergo an additional review later this year. As such, non-federal partners with approved projects in either of the listed categories would likely experience unnecessary delays with the implementation of their projects.
4. Authorize the establishment of a reserve within the Special Account in the amount of \$5,000,000 for expenditure at the discretion of the EC toward allowable expenditures under the SNPLMA and in accordance with the *SNPLMA Implementation Agreement*. Round 17 Special Account Reserve (SAR) availability would expire when the Secretary approves Round 18. These SAR funds are authorized to address unexpected shortfalls between estimated and actual costs for approved projects, respond to safety issues that pose an imminent threat and require immediate remediation, and respond to unique opportunities or unanticipated circumstances that require immediate action. All expenditures from the SAR will be undertaken in compliance with established procedures and internal controls as well as all applicable laws, regulations, and policies. Funds in the SAR that are not obligated or allocated during Round 17 would be returned to the Special Account for allocation in future rounds.
5. Reiterate the expectation that approved projects will be implemented in accordance with the project purpose and deliverables and within the timeframe specified in the project nomination, with appropriate time allocated for project startup and closeout as agreed upon in the work plan approved by the BLM. Requests for extension of time for project completion should be considered exceptions to the expected practice of timely implementation of projects and therefore limited in number and scope.

ISSUE BACKGROUND:

Of the revenue generated through the SNPLMA, as amended, 85 percent is deposited into the SNPLMA Special Account to fund specified kinds of projects. The projects include parks, trails, and natural areas that benefit certain cities and counties in Nevada; capital improvements for certain federally managed areas; conservation initiatives on Federal land in certain counties in Nevada; a multi-species habitat conservation plan; environmentally sensitive land acquisitions; hazardous fuels reduction projects; implementation of the Eastern Nevada Landscape Restoration Project; and Lake Tahoe Restoration Act projects. The remaining 15 percent is distributed to the State of Nevada's general education program (5 percent) and the Southern Nevada Water Authority (10 percent) for water treatment and transmission facility infrastructure in Clark County, Nevada.

- a. All project funds not expended to complete the projects will be returned to the Special Account to be used for future rounds, the SAR, and other authorized purposes. No reallocation of excess funds by the EC to new or previously approved projects is authorized.
- b. Authorization for expenditures for projects submitted in Round 17 as set forth in this Decision Document will not be construed as a final approval for any particular expenditure. The amounts authorized herein are not approved for expenditure unless and until all requisite procedures are followed as outlined in this document and in the *SNPLMA Implementation Agreement*.
- c. The estimated cost for land acquisitions under both the Environmentally Sensitive Land Acquisition and Parks, Trails, and Natural Area categories reflects the owner's asking price plus estimated costs for other necessary expenses such as appraisals and case management, but does not reflect the actual value of any property or the actual price to be paid for any property. The actual purchase price will be based on the appraised fair market value determined consistent with appraisal requirements outlined in the *SNPLMA Implementation Agreement*. Acquisitions of land and interests in land using funds from the SNPLMA Special Account will be made in all cases from willing sellers and will comply with the land acquisition authorities of the acquiring agency or entity. Acquisitions by the United States will also comply with the guidance for such acquisitions established by the Department of Justice. Final purchase of any property, including final determination of the purchase price, will depend upon successful completion of the acquisition process under these authorities, as well as the *SNPLMA Implementation Agreement*.
- d. For Federal projects, no amount authorized herein will be considered to be an amount approved for expenditure until the following have been met:
 - 1) A notice of availability of funding has been issued.
 - 2) A work plan has been submitted by the proponent and accepted by the BLM. The work plan will set forth a schedule of milestones with associated expenditures.

- 3) A task order or authorization to expend transfer funds between the recipient Federal agency and the BLM is executed.

e. For non-federal projects, no amount authorized herein will be considered to be an amount approved for expenditure until all of the following have been met:

- 1) A notice of availability of funding has been issued.
- 2) A work plan has been submitted by the proponent and accepted by the BLM or other Federal agency. The work plan must set forth a schedule of milestones with associated expenditures.
- 3) A cooperative agreement or grant between the recipient entity and the BLM or other Federal agency has been fully executed.

CONSTRAINTS ON SECRETARY OR DEPUTY SECRETARY FOR ACTION (include Office of Solicitor input if legal rationale is provided as a limitation on action):

Section 4(e)(3)(B) of the SNPLMA requires the Secretary to “coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons to ensure accountability and demonstrated results.”

Section 4(e)(3)(A)(iii) of the SNPLMA requires development of parks, trails, and natural areas pursuant to a cooperative agreement with a unit of local government or regional governmental entity.

PLEASE INDICATE IF TIME SENSITIVE:

OPTION 1:

Approve the following:

- The SNPLMA Round 17 expenditures totaling \$106,865,253;
- An increase in funding of \$3,200,000 for the City of North Las Vegas, Round 16B, Craig Ranch Regional Park 20.57-Acre Acquisition project; and
- The use of financial assistance agreements, grants, and cooperative agreements for projects submitted by non-federal partners without additional review per the guidelines in the DOI Guidance for Financial Assistance Actions Effective in Fiscal Year 2018 memorandum dated December 28, 2017.

Views of other DOI Bureaus (if applicable):

The National Park Service (NPS), the United States Fish and Wildlife Service (FWS) and the Bureau of Reclamation (BOR) all support the option.

Consistent with relevant Executive Orders (EO) or Secretary's Orders (SO)? (specify):
The SNPLMA Round 17 projects support SO 3347 (Conservation Stewardship and Outdoor Recreation (3/27/2017)), SO 3356 (Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories (9/15/2017)), and SO 3362 (Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors (2/9/2018)) as follows:

- Encourage, promote and facilitate greater public access to Federal lands;
- Identify specific actions to improve habitat for fish and wildlife;
- Restore degraded winter range in parts of eastern Nevada by removing encroaching trees from sagebrush ecosystems;
- Rehabilitate winter range damaged by fire;
- Treat exotic/invasive vegetation;
- Provide access through private lands for recreation; and
- Identify partnership opportunities.

In addition the SNPLMA Round 17 fuels projects support the Secretarial Memorandum, titled Wildland Fire Directive (9/12/2017), in the following ways.

- Address vegetation composition and structure;
- Alter fuel loads to reduce hazards;
- Allow the Forest Service, the BLM, local governments, tribes and others in northern and southern Nevada to update two multi-jurisdictional fire management plans; and
- Help Federal land management agencies achieve their programs' and units' resource and land management objectives.

Secretarial Priorities Advanced by Option:

Option 1 will advance Secretarial priorities 1 (Create a conservation stewardship legacy second only to Teddy Roosevelt), 3 (Restore trust and be a good neighbor), 8 (Modernize our infrastructure), and 10 (Achieve our goals and lead our team forward).

Outside Perspectives - Members of Congress, Federal, State, Tribal, Territorial, local government, and Citizen groups:

The SNPLMA Round 17 process has involved the public, several DOI Bureaus, the United States Forest Service, the State of Nevada, affected units of local and regional governments in Clark, Lincoln, and White Pine counties, and Carson City and Lake Tahoe stakeholders. During the comment period, the BLM received 30 comments from members of the public and Federal partners that were in support of nominated projects. In addition, there were 136 support letters included in the project nominations.

Approval - _____

OPTION 2 (preferred option):

Approve option 1 and an additional 10 projects (totaling \$28,862,977.00) for funding in Round 17. This option is the formal recommendation by the Assistant Secretary for Land and Minerals Management and BLM Deputy Director for Policy and Programs. It has received additional sign off from Fish, Wildlife, and Parks, and Water and Science leadership.

Views of other DOI Bureaus (if applicable): The NPS, the FWS, and the BOR, as well as all the Assistant Secretaries, support this option.

Consistent with relevant EOs or SOs? (specify):

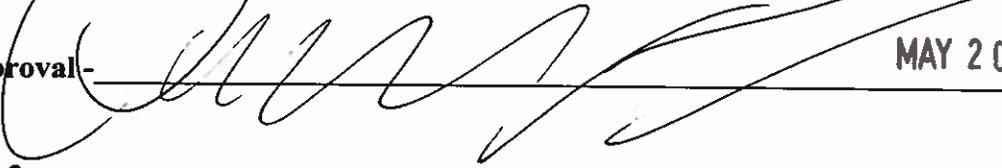
- SO 3347, "Conservation Stewardship and Outdoor Recreation"
- SO 3356, "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes and Territories"
- SO 3362, "Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors"
- SO 3366, "Increasing Recreational Opportunities on Lands and Waters Managed by the Department of the Interior"

Secretarial Priorities Advanced by Option:

- Create a conservation stewardship legacy
- Restore trust and be a good neighbor
- Modernize our infrastructure
- Increase recreation and access opportunities

Outside Perspectives – Members of Congress, Federal, State, Tribal, Territorial, local government, and Citizen groups: Approving additional projects will likely be supported by most of these groups since each of these groups benefit from SNPLMA funds or projects. Other eligible DOI Bureaus or local government entities may question why some of their projects were not included in this recommendation to fund additional projects.

Approval -



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OPTION 3:

Approve option 1 and do not approve the additional 10 projects (totaling \$28,862,977.00) for funding in Round 17, as recommended by the ASLM and BLM Deputy Director.

Views of other DOI Bureaus (if applicable): The SNPLMA Round 17 package, including this memorandum recommending the 10 additional projects, will be forwarded to the other relevant DOI Bureaus for surnaming before submission to the Secretary.

Consistent with relevant EOs or SOs? (specify): Choosing not to approve the additional projects would not add any additional support for existing EOs or SOs.

Secretarial Priorities Advanced by Option: Choosing not to approve the additional projects would not add any additional support for advancing current Secretarial priorities.

Outside Perspectives – Members of Congress, Federal, State, Tribal, Territorial, local government, and Citizen groups: Each of these groups benefit from SNPLMA funds or projects. Members of these groups may question why additional projects were not approved since the projected balance in the SNPLMA Special Account if the Round 17 Final Recommendation is funded would be in excess of \$250 million.

Approval - _____

OPTION 4:

Approve some but not all of the Final Recommendation:

- Portions of the SNPLMA Round 17 expenditures¹ totaling \$106,865,253;
- An increase in funding of \$3,200,000 for the City of North Las Vegas, Round 16B, Craig Ranch Regional Park 20.57-Acre Acquisition project; and
- The use of financial assistance agreements, grants, and cooperative agreements for projects submitted by non-federal partners without additional review per the guidelines in the DOI Guidance for Financial Assistance Actions Effective in Fiscal Year 2018 memorandum dated December 28, 2017.

Views of other DOI Bureaus (if applicable):

Representatives from the NPS and the FWS played a key role in developing the final recommendation (as well as other Federal and non-federal partners). Approving some but not all elements of the Round 17 final recommendation could diminish the collaborative effort and multi-phase review and recommendation process that SNPLMA recommendations undergo.

Consistent with relevant EOs or SOs? (specify):

The SNPLMA Round 17 projects support SO 3347 (Conservation Stewardship and Outdoor Recreation (3/27/2017)), SO 3356 (Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories (9/15/2017)), and SO 3362 (Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors (2/9/2018)) as follows:

- Encourage, promote and facilitate greater public access to Federal lands;
- Identify specific actions to improve habitat for fish and wildlife;
- Restore degraded winter range in parts of eastern Nevada by removing encroaching trees from sagebrush ecosystems;
- Rehabilitating winter range damaged by fire;
- Treat exotic/invasive vegetation;

¹ This will require the modification of Appendix A

- Provide access through private lands for recreation; and
- Identify partnership opportunities.

In addition the SNPLMA Round 17 fuels projects support the Secretarial Memorandum, titled Wildland Fire Directive (9/12/2017), in the following ways.

- Address vegetation composition and structure;
- Alter fuel loads to reduce hazards;
- Allow the Forest Service, the BLM, local governments, tribes and others in northern and southern Nevada to update two multi-jurisdictional fire management plans; and
- Help federal land management agencies achieve their programs' and units' resource and land management objectives.

Secretarial Priorities Advanced by Option:

Secretarial priorities 1, 3, 8, and 10 may be advanced depending on what portions of the Round 17 expenditures are approved.

Outside Perspectives - Members of Congress, Federal, State, Tribal, Territorial, local government, and Citizen groups:

Approving portions of the SNPLMA Round 17 final recommendations would not be supported by the States of California and Nevada, regional governments, local governments and citizen groups. All previous rounds of SNPLMA funding have been approved as recommended. If only a portion of the Round 17 recommendation is approved, members of congress may question why the State of Nevada, local governments, and other interested persons, object. Disapproval of portions of the SNPLMA Round 17 project funding may result in the loss of an opportunity to advance Secretarial priorities.

Approval - _____

OPTION 5:

No action/Disapprove the following:

- The SNPLMA Round 17 expenditures totaling \$106,865,253;
- An increase in funding of \$3,200,000 for the City of North Las Vegas, Round 16B, Craig Ranch Regional Park 20.57-Acre Acquisition project; and
- The use of financial assistance agreements, grants, and cooperative agreements for projects submitted by non-federal partners without additional review per the guidelines in the DOI Guidance for Financial Assistance Actions Effective in Fiscal Year 2018 memorandum dated December 28, 2017.

Views of other DOI Bureaus (if applicable):

Representatives from the NPS and the FWS played a key role in developing the final recommendation (as well as other Federal and non-federal partners). Disapproving the Round 17 final recommendation could diminish the collaborative effort and multi-phase review and recommendation process that SNPLMA recommendations undergo.

Consistent with relevant EOs or SOs? (specify):

None.

Secretarial Priorities Advanced by Option:

None.

Outside Perspectives - Members of Congress, Federal, State, Tribal, Territorial, local government, and Citizen groups:

Disapproving the SNPLMA Round 17 final recommendations would not be supported by the States of California and Nevada, regional governments, local governments and citizen groups. All previous rounds of SNPLMA funding have been approved as recommended; if none of the SNPLMA Round 17 recommendation are approved, members of congress may question why, given the SNPLMA requires the Secretary to coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results, the process was identical to the previous Round and involved extensive collaboration between Federal, state, and local stakeholders to develop the final recommendation. Additionally, disapproval of all the SNPLMA Round 17 project funding would result in the loss of an opportunity to advance Secretarial priorities.

Approval - _____

ATTACHMENT A
Southern Nevada Public Land Management Act of 1998 (Public Law 105-263, as amended)
Round 17 Final Recommendation

Subgroup Ranking	Project Title	Requesting Entity	Amount Requested
Parks, Trails, and Natural Areas			
1	Kiel Ranch Historic Park Phase IV	City of North Las Vegas	\$1,995,300
3	Jack Caylor Park Phase II	White Pine County	\$492,271
4	Harris Marion Park and Trailhead	City of Las Vegas	\$3,700,000
5	Southwest Regional Sports Park Multi-Use 5k Trail	Clark County	\$2,673,177
6	Lincoln County Fairgrounds Recreation Park Phase III	Lincoln County	\$1,106,455
7	Milestone Park Phase I	City of North Las Vegas	\$2,208,475
9	Ruth Memorial Mining Park	White Pine County	\$677,109
10	Bunkerville Park Improvements	Clark County	\$1,890,174
11	Hollywood Regional Park Walking Trail	Clark County	\$1,248,698
12	White Pine County Courthouse Park Improvements Phase III – Duck Pond Renovation	White Pine County	\$1,188,535
13	Adaptive Use Park – Home Field	City of Henderson	\$8,477,808
Parks, Trails, and Natural Areas Total			\$25,658,002
Capital Improvements			
1	Lower Lehman Campground Reconstruction	NPS	\$3,714,695
2	Hoover Dam Visitor Center – Exhibit Level Refurbishment	BOR	\$6,890,500
3	Hoover Dam Monument Plaza Renovation	BOR	\$3,589,750
4	Bristlecone Recreation Area and Summit Trailhead Reconstruction	NPS	\$2,371,575
5	East Creek Campground Reconstruction	FS	\$396,255
6	Woody Wildlife Water Development Improvements	FWS	\$67,370
7	Highland Range Multipurpose Trails	BLM	\$1,452,451
8	Cold Spring Restoration and Upper Carson Slough Trail Construction	FWS	\$1,615,349
Capital Improvements Total			\$20,097,945

ATTACHMENT A - continued
Southern Nevada Public Land Management Act of 1998 (Public Law 105-263, as amended)
Round 17 Final Recommendation

Subgroup Ranking	Project Title	Requesting Entity	Amount Requested
Conservation Initiatives			
1	Spring Stewardship and Restoration in Southern Nevada	FS	\$2,860,566
2	Protecting Lehman Caves through Improved Infrastructure and Outreach	NPS	\$1,564,000
3	Gold Butte Integrated Activity Plan	BLM	\$1,610,700
4	Fostering Stewardship through Community Engagement	FWS	\$4,371,147
5	Protect Bonneville Cutthroat Trout using High Elevation Refugia	NPS	\$898,673
Conservation Initiatives Total			\$11,305,086
Environmentally Sensitive Land Acquisitions			
1	Van Sickle Station Ranch Conservation Easement	BLM	\$4,465,300
3	Mountain Springs In-holdings	FS	\$2,264,000
Environmentally Sensitive Land Acquisitions Total			\$6,729,300
Hazardous Fuels Reduction and Wildfire Prevention			
1	Truckee Watershed Fuels Reduction Planning	FS	\$1,367,160
2	Tahoe Douglas Fire Adapted Communities	Tahoe Douglas Fire Protection District	\$250,000
3	Carson Range Multi-Jurisdictional Hazardous Fuels Reduction and Wildfire Prevention 10-Year Strategy Update	FS	\$230,200
4	Spring Mountains Multi-Jurisdictional Hazardous Fuels Reduction and Wildfire Prevention 10-Year Strategy Update	FS	\$242,200
5	Lake Tahoe West Restoration Partnership Joint Environmental Planning	FS	\$2,992,730
Hazardous Fuels Reduction and Wildfire Prevention Total			\$5,082,290

ATTACHMENT A - continued
Southern Nevada Public Land Management Act of 1998 (Public Law 105-263, as amended)
Round 17 Final Recommendation

Subgroup Ranking	Project Title	Requesting Entity	Amount Requested
Eastern Nevada Landscape Restoration Project			
1	Atlanta Road Sage-Grouse Habitat Improvement Completion	BLM	\$793,840
2	Ward Mountain Implementation Phase II	FS	\$1,168,592
3	Strawberry Creek Fire Watershed Restoration and Stabilization	NPS	\$975,150
Eastern Nevada Landscape Restoration Project Total			
\$2,937,582			
Multi-Species Habitat Conservation Plan			
1	Covered Species Surveys and Refinement of Species Distribution Models	Clark County	\$400,000
2	Desert Tortoise Monitoring on Translocation Sites	Clark County	\$442,071
3	Evaluating Desert Tortoise Habitat Restoration Methods in the Mojave Desert	Clark County	\$350,000
Multi-Species Habitat Conservation Plan Total			
\$1,192,071			
All Categories Total			\$73,002,276
Special Account Reserve			\$5,000,000
Round 17 Total Budget			\$78,002,276

ATTACHMENT B
Southern Nevada Public Land Management Act of 1998 (Public Law 105-263, as amended)
Additional Projects Recommended by the BLM for Round 17 SNPLMA Funding

Subgroup Ranking	Project Title	Requesting Entity	Amount Requested
	Parks, Trails, and Natural Areas		
2	Pueblo Trail Enhancements	City of Henderson	\$1,138,121
	Capital Improvements		
9	Sagebrush Discovery Trail	BLM	\$379,375
10	Timber Creek Campground Renovation Phase II	FS	\$1,053,075
12	Construct Grade Control Structure in Las Vegas Wash	NPS	\$6,190,070
	Conservation Initiatives		
7	Area 10 Mule Deer Conservation Project, Phase I	BLM	\$1,966,000
	Environmentally Sensitive Land Acquisitions		
2	Dangberg Home Ranch Conservation Easement	BLM	\$13,774,700
5	Hunter Creek	FS	\$1,141,600
	Eastern Nevada Landscape Restoration Project		
4	Multi-Jurisdictional Noxious and Invasive Weed Partnership	FS	\$1,287,440
5	Kern Mountain Habitat Restoration Phase II	BLM	\$1,114,841
6	Clover Mountains Habitat Improvement Project	BLM	\$817,755
	Total Additional Funding Recommended		\$28,862,977
	Total Round 17 Project Funding Recommended by SNPLMA Executive Committee		\$73,002,276
	Round 17 Special Account Reserve Recommended by SNPLMA Executive Committee		\$5,000,000
	Revised Round 17 Total Budget Based on Recommended Additions		\$106,865,253