

Implementation Agreement

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

PART TWO

APPENDICES*

November 20, 2018

*These appendices are intended to be used only in conjunction with Part One of the Implementation Agreement for the Southern Nevada Public Land Management Act (SNPLMA). The Appendices have been published as a separate document for ease of use only and do not contain all relevant policies, procedures, and business rules for implementing the SNPLMA.

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APPENDIX A

EXAMPLES OF PURPOSE STATEMENTS AND DELIVERABLES

Project Purpose Statement Examples

- **Land Acquisition:** The U.S. Forest Service (USFS) will acquire +/-250 acres of environmentally sensitive land on the east side of Mount Moriah in White Pine County for the protection of critical resource values, including threatened and endangered species, improved recreation opportunities, and consolidation of Federal land ownership. Final acreage will depend upon completion of a boundary survey and legal description review. Acquisition of water rights, if available, will depend upon review of a water rights ownership report and determination of the quantity of water that the USFS can put to beneficial use.
- **Capital Improvement:** The National Park Service (NPS) will construct two launch ramps at the Overton Arm of Lake Mead National Recreation Area to provide access to the water and other recreation resources. The size, configuration, material, and siting of the ramps within the Overton Arm, and whether the ramps will be new or extensions of existing ramps, will be determined following public scoping, compliance with the National Environmental Policy Act (NEPA), and design and engineering studies, as well as budgetary constraints.
- **Hazardous Fuels:** The USFS will treat 400 to 1,000 acres of hazardous fuels within the Mt. Rose planning area to reduce the risk of catastrophic wildfire and increase protection to the public and to restore a natural fire regime in this area. Final acres treated and the specific site of the treatments within the Mt. Rose planning area will be determined by NEPA, analysis of appropriate methods of treatment, and cost determination to carry out the treatments in order to remain within the project budget.
- **PTNA:** Clark County will construct a community park on a 10-acre parcel owned by the County at the intersection of Lone Mountain and Durango to serve the community by providing passive recreational opportunities to include a picnic area, exercise/walking trail, children's play area, restrooms, landscaping, lighting, and parking lot. Design, siting, and quantity/size of park amenities will be determined by public scoping, design and engineering studies, and budgetary constraints.
- **Conservation Initiative:** The Southern Nevada Agency Partnership Interagency Environmental Education Team (EE Team) will conduct up to 10 environmental education training sessions for students and teachers in Clark County, NV, to improve environmental awareness and improve communication with community partners and youth. Final determination of the type and number of training sessions will be determined by the EE Team following consultation with the Clark County School District as well as budgetary constraints.
- **Conservation Initiative:** The NPS Great Basin National Park will conduct archaeological and historic research, and, through stabilization, preserve the six standing structures within the Johnson Lake Mine Historic District, located on the east side of the South Snake Range within

Great Basin National Park, in White Pine County, Nevada. This project will develop a comprehensive preservation plan for the site as well as produce interpretive materials, such as signs and brochures. The outcomes of this project are to preserve important cultural resources, enhance recreational opportunities, promote education, and ensure future protection of important resources.

Deliverable Examples

The examples below illustrate that primary and anticipated deliverables should address whether the size, quantity, specific siting within the physical location at the management area, or other factors will be based on final planning and design, cost estimates, public scoping, or other studies or reports.

- **Primary Deliverables:** Primary deliverables are those that must be completed in order to complete the project and accomplish the purpose. For example:
 - Replace 3 to 5 picnic tables in picnic area A within XYZ Park and reconstruct the roof on 2 picnic pavilions;
 - Acquire title to the XYZ Property, approximately 250 acres with riparian habitat and wetlands of +/- 100 acres where the actual acreage will be determined following review of surveys, plats, and similar documentation regarding property size and boundaries;
 - Construct a non-motorized 6-foot wide trail from point X to point Y, approximately 2.5 miles in length. The final length will be determined based on the best alignment between the two points as determined through planning and design.

- **Anticipated Deliverables:** Those deliverables (specify size and quantity where applicable) that are not critical to meeting the purpose or completion of the project but where inclusion of the deliverable would be beneficial or desirable and for which inclusion will be based on final planning and design, cost estimates, public scoping, or other studies. For example:
 - Construct 1 new picnic pavilion in picnic area A in XYZ Park pending public scoping results that indicate the pavilion will be utilized and considering budget constraints;
 - Acquire water rights if available for XYZ Property pending review of a water rights ownership report and determination of the quantity that can be put to beneficial use and can be acquired within the approved budget;
 - Include lighting along the trail from point X to point Y if final cost estimates for construction allow inclusion within the amount requested to complete the project.

- **Standard Deliverables:** Those deliverables which are generally accepted throughout the Federal or local government community and/or applicable industry as necessary interim or routine steps toward completing the Primary and Anticipated Deliverables. For example:
 - Standard deliverables typically addressed in the cost estimate form but not always identified as deliverables in the nomination could include:
 - NEPA for construction in a picnic area or acquisition of land;
 - Appraisal to determine market value of rights in land to be acquired;
 - Boundary survey to determine acreage; or
 - Surveys for trail construction.

- Standard deliverables that may not be a line item in the budget estimates (however, the cost of completion must always be included somewhere in the budget) or specifically identified in the nomination but that must be completed to accomplish the Primary or Anticipated Deliverables could include:
 - appraisal;
 - public scoping;
 - developing scopes of work for contracts;
 - writing a request for bids/proposals;
 - submitting and obtaining management approval of project documents;
 - submittal of documentation for review and approval by a board of county commissioners or supervisor; or
 - specialist review of project documents.

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APPENDIX B

NECESSARY EXPENSES

1. Necessary Expenses in General

The IA Part One, Section VI.C.1(b) provides the explanation of the Necessary Expense Doctrine of appropriations law, as well as the criteria for a cost to be considered a “necessary expenses,” and basic business rules for application of this doctrine to SNPLMA. This Appendix B provides additional information on certain types of necessary expenses as they relate to SNPLMA.

As stated in the IA Part One, agency/entity standard overhead percent based on the total project cost is not payable by SNPLMA. Federal agencies and local and regional governmental agencies are solely responsible for seeking any waivers from their headquarters and resolving any issues internally regarding not being allowed to assess standard agency/entity overhead charges based on the project amount.

Necessary expenses required to carry out projects include the following cost categories:

- Planning, environmental compliance, preconstruction engineering and design (combined these are limited to 27 percent of total project cost for all projects with a construction component such as capital improvements and PTNA) *(See the IA Part One, Section V.A.10 (c) and (d) for requirements if this 27 percent cap must be exceeded.)*
- Contract/Agreement/Grant costs to carry out all or a portion of the project
- Contracted or in-house labor to carry out the project. (For interagency conservation initiative teams, only labor for one dedicated lead/team member from each involved agency is payable by SNPLMA for participation on the team. Labor for other agency personnel who perform project work is, as with all projects, reimbursable.)
- Supplies and Materials
- Training and Equipment for Law Enforcement Officers under Conservation Initiatives
- Training if required to carry out the project (advance review by SNPLMA Program Manager recommended)
- Travel cost for official travel status necessary to completion of the approved project
- Official vehicle use necessary to completion of the approved project (pro rata cost)
- FWS consultation for the Endangered Species Act
- Project equipment *(see paragraph 3.A through G, and paragraph 4.A. through G. of this Appendix B for important new information on project equipment – See also IA Part One, Section VI.C.1.(b), last bullet regarding project equipment.)*
- For Environmentally Sensitive, PTNA, and MSHCP land acquisitions costs can also include:
 - Purchase price (not to exceed appraised value)
 - Land/boundary Survey
 - Phase I Environmental Site Assessment (ESA) & NEPA
 - Water rights title work if water rights are to be acquired
 - Mineral rights analysis; however a formal “mineral feasibility report” must be approved in advance as necessary by the SNPLMA Program Manager
 - Title report, escrow fees, and miscellaneous closing costs
 - Recording fees
 - Pro-rata share of any pre-paid property taxes or assessments
 - Penalty costs and other charges for prepayment of pre-existing recorded mortgage, deed of trust, or other security instrument encumbering the property
 - Relocation payments to eligible displaced persons under the Uniform Relocation Assistance

and Real Property Acquisition Policies Act of 1970 (P.L. 910-646; 49 CFR Part 24, Final Rules Effective February 3, 2005).

- Other Necessary Expenses (see Appendix B-3)

2. Contracts/Agreement/Grants as Necessary Expenses

Recipient agencies and entities are encouraged to contract with the private sector for completion of projects when doing so is the most efficient and most cost effective way to complete the project work. Entering into a contract, an inter-agency agreement, or assistance agreement for another entity to perform all or a part of the project may provide the “best value” overall. Such contract or agreement costs are payable by SNPLMA as a necessary expense of the project so long as the contract(s) or agreement adheres to the scope and purpose of the project and the costs meet the criteria to be considered as necessary expenses. *(See the IA Part One, Sections VII.D. and XII.C.3. regarding contracts that extend beyond the end date of the project’s period of performance in the financial instrument.)*

3. Project Equipment as a Necessary Expense

“Equipment” does not include office furnishings or equipment for operation and maintenance of the project once completed. Once the Secretary approves funding for a project, that amount is deemed to be appropriated for that project and that project only. Therefore, special consideration should be given in making decisions for acquiring and utilizing equipment to complete an approved project. SNPLMA project funds can be used only to pay those equipment costs directly associated with completion of the approved project.¹

Leased Equipment: Leasing equipment is generally preferred over purchase of equipment unless it can be demonstrated that purchase of the equipment is less expensive than leasing the equipment for the time period needed for the project. Newly leased equipment must be leased solely for use by the approved project(s) and only for the time period the equipment will actually be needed for the project(s) or the minimum time period allowed by the vendor selected by the contracting officer. If leased for use on more than one approved project, the lease payments must be shared by the projects in proportion to the percentage utilized 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.

Purchased Equipment: Title for equipment purchased for completion of a SNPLMA project will reside with the purchasing agency/entity, subject to the following conditions:

- Use the equipment for the authorized purposes of the approved SNPLMA project during the period of performance, or until the equipment is no longer needed for the purposes of the project.
 - Purchase of the equipment is subject to the approval of the BLM SNPLMA Division or pass-through agency/entity.
 - Use and disposal of the equipment in accordance with sections A, B, C, and E below.
- A. State Governments must use, manage, and dispose of equipment purchased under a SNPLMA project in accordance with state laws and procedures.
- B. Non-Federal entities must follow sections C through E below.

¹ The information in this paragraph 3 is guided by Title 2 Code of Federal Regulations (CFR), Subtitle A, Chapter II, Part 200, Subpart D, section 200.313 which is the revised regulations regarding post federal award requirements related to project equipment.

C. Equipment Use. The following is guidance for use of SNPLMA-funded equipment, whether in part or whole, for completion of the approved project.

- 1) Equipment must be used in the project or program for which it was purchased as long as needed, subject to the following conditions:
 - i. Whether or not the project or program continues to be supported by the Federal award, and
 - ii. The non-Federal entity must not purchase the equipment without prior approval of the Federal awarding agency.
- 2) When the equipment is no longer needed for the original project or program, the equipment may be used in other activities supported by the Federal awarding agency, in the following order of priority:
 - i. Current/ongoing projects funded by SNPLMA.
 - ii. Current/ongoing projects funded by other Federal agencies.
- 3) During the time the equipment is used on the project or program for which it was purchased, the non-Federal entity must also make the equipment available for use on other projects or programs currently or previously supported by the Federal government, provided it will not interfere with the work on the projects or programs for which it was originally purchased, subject to the following conditions:
 - i. First preference for other use must be given to other projects or programs supported by the SNPLMA program.
 - ii. Second preference must be given to projects or programs under Federal awards from other Federal agencies.
 - iii. Use on non-Federally-funded projects or programs is also allowed.
- 4) The recipient must not use the equipment purchased with SNPLMA funds to provide services for a fee that is less than private companies charge for equivalent services for as long as the Federal Government retains an interest in the equipment.

SNPLMA project funds can be used only to pay those equipment costs directly associated with completion of the approved project.

D. Equipment Management. Procedures for managing equipment, whether purchased in part or in whole with SNPLMA funds, until disposition takes place will, as a minimum, meet the following requirements:

- 1) Maintain records of the equipment that include a description, a serial number or other identification number, the source of funding, who holds title, the purchase date, and the cost of the equipment, the percentage of Federal participation in the project costs for the Federal award under which the equipment was purchased, the location, use and condition of the equipment, and any ultimate disposition data including the date of disposal and sale price of the equipment.
- 2) A physical inventory of the equipment must be taken and reconciled against the equipment record (above) at least once every two years.
- 3) A control system must be used to ensure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft must be investigated.
- 4) Adequate maintenance procedures must be used or developed and used to keep the property in good condition.

- 5) If the non-Federal entity is authorized or required to sell the equipment, proper sales procedures must be established to ensure highest possible return.
- E. Disposition of Equipment upon Project Completion. When original or replacement equipment purchased with SNPLMA funds is no longer needed for the original project or program or for other activities currently or previously supported by SNPLMA or another Federal awarding agency, the following rules for disposing of equipment apply:
- 1) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.
 - 2) Items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The SNPLMA Program or Federal awarding agency administering a pass through award is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
 - 3) The non-Federal entity may transfer title to the property to the Federal government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.
 - 4) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.
- F. Previously Acquired Equipment: Previously leased equipment may be paid for using SNPLMA funds if the equipment will be partially used, or solely used for a specified time, by an approved project. Such payments for previously leased equipment will be in proportion to the percentage utilized for the approved project (e.g., 50 percent project usage will result in a 50 percent payment) 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 or other payment from SNPLMA funds of the purchase price already paid.
- G. Documentation for Payment of Equipment Costs. See Appendix J paragraph F.1.r. for documentation requirements at project closeout regarding project equipment.

4. Additional Rules Applicable to Equipment and Other Capital Expenditures²

This section covers additional information and requirements to consider and apply when purchasing, leasing, renting, or using existing equipment for the completion of a SNPLMA project or deliverables of a SNPLMA project. The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general purpose equipment, buildings, and land are not allowed as necessary expenses, except with the prior written approval of the SNPLMA Division or the Federal pass-through agency.

² This information in this section is guided by Title 2 Code of Federal Regulations (CFR), Subtitle A, Chapter II, Part 200, Subpart D, Section 200.439.

- B. Capital expenditures for special purpose equipment are allowable as necessary expenses, provided that items with a unit cost of \$5,000 or more have the prior written approval of the SNPLMA Division or the Federal pass-through agency.
- C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are not allowed as a necessary expenses except with the prior written approval of the SNPLMA Division or the Federal pass-through agency.
- D. When approved as a necessary expenses, as indicated in A-C above, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- E. In some instances, the unamortized portion of equipment that had been previously written off, may be allowed by claiming the otherwise allowable depreciation on the capital equipment (*see 2 CFR Section 200.436 for rules on the allowability of depreciation as a necessary expense*).
- F. If a non-Federal entity is instructed by the Federal awarding agency to dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.
- G. Equipment and other capital expenditures are not allowed as indirect costs.

5. Limit on Planning, Environmental Compliance and Pre-Construction Engineering & Design Necessary Expenses

This expense category for projects with a construction component (e.g., capital improvements, and PTNA) may not exceed 27 percent of the total project cost. If an entity anticipates the project being nominated may exceed the 27 percent cap on these expenses, the issue should be addressed in the nomination with a clear explanation of the factors expected to lead to exceeding the cap. Expenditures in excess of the 27 percent cap must be pre-authorized by the SNPLMA Executive Committee (EC) in the nomination prior to Secretarial approval or pre-approved as a waiver of business rules by the EC. Retroactive authorizations to exceed this cap are not allowed as a business rule waiver; agencies/entities that overspend in this area without pre-authorization or pre-approval to do so as described above are required to cover the amount over 27 percent with other non-SNPLMA funds.³

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³ This revision complies with the EC decision memorandum approved on 1/15/2014.

APPENDIX B-1

ESTIMATED NECESSARY EXPENSE FORM FOR A LAND ACQUISITION

EXAMPLE ONLY – FORMS WILL BE PUBLISHED EACH ROUND FOR EACH CATEGORY

Property Name: _____	Entity: _____	Date: _____
Project #: <u>N/A in Nomination</u>	Priority #: <u>N/A in Nomination</u>	
Prepared by: _____	Phone #: _____	

	\$	Percent
1. Land Purchase Price (Not to exceed fair market value.)	\$0	_____
2. Appraisal (For PTNA or MSHCP must be consistent with Uniform Appraisal Standards for Professional Appraisal Practices (USPAP) and Uniform Appraisal Standards for Federal Appraisals (UASFA))	\$0	_____
3. Land/Boundary Survey	\$0	_____
4. Environmental Site Assessment and NEPA	\$0	_____
5. FWS Consultation—Endangered Species Act	\$0	_____
6. Water and/or Mineral Rights Analysis (for Title Purposes)	\$0	_____
8. Title Report, Escrow Fees, Misc. Closing Costs	\$0	_____
9. Recording Fees	\$0	_____
10. Pro-rata Share of Any Pre-Paid Property Taxes or Assessments	\$0	_____
11. Penalty Costs and Other Charges (for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property)	\$0	_____
12. Relocation Payments to Eligible Displaced Persons Under the Uniform Act	\$0	_____
13. Agency or Contracted Labor Costs: For acquisition processing including site inspections, document preparation, title evidence review, legal description verification; preparation and review of technical reports such as Phase I ESA, water rights, surveys; preparation of requests for preliminary and final title opinion, escrow closing instructions.	\$0	_____
14. Travel including per diem, when official travel status is required for entity personnel to perform case management (e.g., agency experts to review contracted appraisals, to perform surveys, etc.)	\$0	_____
15. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out case management)	\$0	_____
16. Other Necessary Expenses (See Appendix B-3)	\$0	_____
TOTAL:*	\$0	_____

Describe Commitment(s) for Either Cash or In-Kind Contributions to Complete the Nominated Project:
General Comments:

APPENDIX B-2

GENERIC ESTIMATED NECESSARY EXPENSE FORM

EXAMPLE ONLY – FORMS WILL BE PUBLISHED EACH ROUND FOR EACH CATEGORY

Project Name:			
Project #:		Priority #:	
Agency(ies):			
Prepared by:			
Phone:		Initial	<input type="checkbox"/>
Date:		Updated	<input type="checkbox"/> <input type="checkbox"/> Percent
1. Planning & Environmental Documentation			
(Surveys/ reports for cultural, natural, biological, archaeological resources, NEPA documentation, etc.)		\$ -	
2. FWS Consultation - Endangered Species Act			
(direct expenses for FWS if consultation is required)		\$ -	
3. Direct Federal Labor to Implement Project (Payroll)			
(Interagency nominations: include one dedicated lead/team member per agency)		\$ -	
4. Project Equipment and/or Supplies/ Materials			
(include specialized equipment for Law Enforcement Officers, supplies and materials not included in contracts/ agreements)		\$ -	
5. Travel & Per Diem for Implementation			
		\$ -	
6. Official Vehicle Use			
(Based on agencies procedures for use, fuel, equipment, and mileage charges)		\$ -	
7. Required Training to Implement Project			
(includes initial and annual training for LEOs under CIs and training necessary to implement project)		\$ -	
8. Contracts, Grants, and/or Agreements			
(CESU, IGO, Assistance Agreement, IDIQ Task Orders, etc.)		\$ -	
9. Other Necessary Expenses - See Appendix B-3			
		\$ -	
TOTAL		\$ -	
Describe Commitment(s) for Either Cash or In-Kind Contributions to Complete the Nominated Project:			
General Comments:			

APPENDIX B-3

EXAMPLES OF OTHER NECESSARY EXPENSES

ADMINISTRATION COSTS
Budget Tracking/Accounting and Execution
Allocation of Transferred Funds to the Region and to the Field
Preparation of OMB Reports Required in Association with Transferred Funds
Project Procurements and Contract Oversight (If any in addition to Direct Labor for the CO, COR, and PI already included on the Estimated Expense sheet)
Preparing Transfer Requests
Transfer of Station cost (PCS) for Hiring Project Personnel
Managing Allocation of Transferred Funds
Financial Audit Support
Supervision and Oversight of SNPLMA-Funded Staff and/or Contractors
Travel Administration for Required Project Travel
Human Resource/Relations Tasks for SNPLMA-funded Personnel
Preparing Quarterly Status Reports
Tracking Project Activities, Expenses, IAAs, Task Orders (e.g., project database management)
IT Services to Install Hardware/Wiring, Project-Required Software, and Maintain/Trouble Shoot Computers Used for SNPLMA Projects. Hours and costs must be tracked by project and based on percentage of time the computer(s) are used for those projects.
A percent of Project-Related Indirect Costs for Support Based on Staff Time Spent on the Project(s), provided these expenses meet the three criteria of necessary expenses and are not covered elsewhere in the cost estimate (Examples of such indirect costs would be secretarial support, printing, copying, cost-center expenses, etc.)
PROJECT CONSTRUCTION, CONSULTATION AND MANAGEMENT
Duties of Project Manager/Supervisor (If not already included on the Estimated Expense Sheet)
Construction Trailers and Utilities
Required Project Consultations (e.g., safety and fire; cultural and historic, ADA, etc.)
Public Scoping and/or Meetings for Environmental Review, Project Design, etc. (Does not include ribbon cutting or opening ceremonies for projects at or near completion.)
Review of Contracted Surveys, Assessments, Designs/Drawings, Reports (If not already included on the Estimated Necessary Expense Sheet)
Construction Site Security
Cell Phones, Cell Service, Radios for Project Personnel Primarily in the Field
Required Cultural, Wildlife, Biological, and other Similar Surveys (If not already included on the Estimated Necessary Expense Sheet)
Interest Required to be Paid on Construction Contract Retention Amounts
TEMPORARY OFFICE SPACE
Lease Costs for New Temporary Space
Design and Installation of Modifications to Meet Space Plan Needs
Set Up Fees for Utilities (Gas, Electricity, etc.)
Furniture and Fixtures
Required Modifications to Meet Codes
Computer Equipment (See section on equipment costs for limiting conditions)
Installation Costs for Computer Networks, Telephone Service

APPENDIX C

LANDS--ELIGIBILITY, STRATEGIC GOALS, MINIMUM CRITERIA

In order to implement the SNPLMA, the following eligibility qualifications, strategic goals, and minimum criteria, will be used to identify land or interests in land for nomination under the Environmentally Sensitive Land Acquisition category in the state of Nevada for acquisition by the Federal government. Pursuant to SNPLMA, the land or interest in land must be "environmentally sensitive," with priority given to lands located within Clark County.

Eligibility

The Bureau of Land Management (BLM), NPS, U.S. Fish and Wildlife Service (FWS), USFS and Bureau of Reclamation (BOR) may receive funding for environmentally sensitive land acquisitions. Any eligible entity or other interested party may nominate land and/or interests in land (e.g., conservation easements, water rights) for acquisition provided the nomination includes a willing seller letter signed by the owner of record and a statement from the acquiring eligible agency accepting the nomination, providing certain assurances regarding the land and resources, and agreeing to acquire and manage the land.

Definition of “Environmentally Sensitive Land”

The following definition is contained in the SNPLMA legislation:

- “(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;
- (B) enhance recreational opportunities and public access;
- (C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or
- (D) otherwise serve the public interest.”

Strategic Goals⁴

The Environmentally Sensitive Land Acquisitions category will maintain flexibility in order to take advantage of opportunities to acquire land that has high value and is at risk of development, even if the cost of such an acquisition exceeds estimated Round funding amounts. Land is considered to be high value when its acquisition will accomplish 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. Within the confines of the SNPLMA legislation, the EC defines “high value lands” as those that contribute to sustainability of the landscape and/or connectivity of habitat and migratory corridors for sensitive species, and those values that are at risk of being lost to development. The category Subgroup will continue to rank and evaluate all nominations that meet the criteria of Environmentally Sensitive Land as defined in the SNPLMA.

⁴ The strategic goals come from the *SNPLMA Strategic Plan FY2015 – FY2019* and guidance provided by the EC for Round 15 relative to consideration of high value land acquisitions. See IA Part One, Section V.A.11 (a), (d) and (e) for information on nominating high-value land acquisitions under Environmentally Sensitive Lands, PTNA, and MSCHP respectively, and Section V.A.13 for information on off-cycle nomination of high value land acquisitions in these three categories.

Minimum Criteria

In addition to having resource values consistent with the SNPLMA definition of “environmentally sensitive land,” all four of the following criteria must be met for a parcel of land or interest in land to be nominated for acquisition by an eligible Federal agency.

- The nominated land is currently identified for protection or acquisition in an approved Federal land management plan, or is an in-holding within a specially designated area, This will be documented in the nomination.
- There is a willing seller. This will be documented by inclusion of an “Owner Statement” in the nomination.
- There is an eligible Federal agency willing to acquire the property. The Federal agency that will have management responsibility for the land if acquired, must agree to the nomination and be willing to acquire and manage the nominated lands. This and other information relative to the land or interest in land being nominated will be addressed in an “Agency Statement” included in the nomination.
- The nominated land proposed for Federal acquisition presents no health, safety, or liability concerns that cannot be mitigated. This will be documented in the “Agency Statement” which will identify any potential concerns and explain specifically how those concerns would be mitigated.

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APPENDIX D

CIP--ELIGIBILITY, STRATEGIC GOALS, MINIMUM CRITERIA

The SNPLMA, Section 4(b)(3)(ii) allows money from the Special Account to be expended for:

“ . . . capital improvements at the Lake Mead National Recreation Area [LMNRA], the Desert National Wildlife Refuge [Complex], the Red Rock Canyon National Conservation Area, the Great Basin National Park and other areas administered by the Bureau of Land Management and the Forest Service in Clark, Lincoln, and White Pine Counties, and the Spring Mountains National Recreation Area.”

The SNPLMA limits the amount available for Capital Improvement (CIP) projects to not more than 25 percent (25%) of the amounts available in the Special Account in any fiscal year, “determined without taking into account amounts deposited under subsection (g)(4).” (*Subsection (g)(4) refers to payments made by Clark County to the Special Account for the sale, lease or other conveyance of CMA lands conveyed to the County by the BLM pursuant to section 4(g) of the SNPLMA*).

The area covered by the capital improvement provision is managed by five different Federal agencies: BLM, NPS, BOR at the LMNRA, FWS, and the USFS. Existing infrastructure in the eligible designated areas identified in the legislation 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 additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life. In addition capital improvements include those that: 1) accommodate a change in function or unmet programmatic need, 2) incorporate a new technology, 3) correct deficiencies where there is non-compliance to codes or regulatory requirements, and 4) renovation of a capital asset that has reached the end of its useful lifecycle in order to restore and/or extend the life of the asset without change of function.⁵

Cultural or historic properties present a special case relative to capital improvements. Cultural or historic properties are defined as a district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, state, or local level. It would be the responsibility of the nominating agency to fully explain the significance of the property. In many instances, inclusion on, or eligibility for, the National Register of Historic Places would be sufficient to meet this definition. Work to restore and stabilize the cultural or historic asset to regain an original appearance and function or work necessary to maintain the asset in an "arrested state of decay" for interpretation and education of the public would be considered. However, work to repurpose or repair a cultural or historic asset for other uses would not be considered.⁶

Nominated projects may not include maintenance or deferred maintenance as defined in Appendix Q because these costs are not covered by SNPLMA.⁷

⁵ This definition of Capital Improvements was approved by the EC in a decision memorandum signed on 3/10/2016.

⁶ The definition and guidance regarding cultural or historic properties was approved by the EC in a decision memorandum signed on 3/10/2016.

⁷ This rule and referenced definition comply with a decision memorandum approved by the EC on 3/10/2016.

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 five 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 and minimum criteria, as well as the ranking criteria published for each round of nominations were developed.

Eligibility

Capital Improvement projects may be nominated by any of the five Federal land management agencies (BLM, NPS, BOR, FWS and FS) on land that they manage within the eligible designated areas. BOR is eligible for projects on land it manages within the Lake Mead National Recreation Area “except projects related to power generation or transmission.”⁸

Strategic Goals for Capital Improvements⁹

The Capital Improvement category will promote projects that provide opportunities for the public to meaningfully engage in the outdoors, protect the integrity of significant resource values, improve public awareness and engage the public in the conservation and protection of the surrounding natural environment, or improve the quality of the environment. These projects should be designed and scaled so that they do not create unsustainable future operations and maintenance burdens for the implementing agency (i.e., low cost projects with low operations and maintenance expenses).

Some examples of the types of Capital Improvements projects that may meet these goals and contribute to the strategic direction of the SNPLMA Program are construction of new recreation sites and expansion or upgrade of existing recreation sites including, day-use, camping areas, picnic areas, trails, and trailheads.

Minimum Criteria

The following criteria must be met for a nomination in the CIP category to be accepted.

- The project is located within the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area, the Great Basin National Park and other areas administered by the Bureau of Land Management and the Forest Service in Clark, Lincoln and White Pine Counties; and the Spring Mountain 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.

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⁸ BOR eligibility for capital improvements is on land it manages at the Lake Mead National Recreation Area “except projects related to power generation or transmission” was approved in a decision memorandum by the Executive Committee on 9/28/06 after consultation with the DOI’s Regional Solicitor’s Office.

⁹ The strategic goals come from the *SNPLMA Strategic Plan FY2015 – FY2019*.

APPENDIX E

PTNA--ELIGIBILITY, STRATEGIC GOALS, MINIMUM CRITERIA

The SNPLMA, Section 4(e)(3)(A)(iv), as amended, allows for money from the Special Account to be expended for:

“ . . . development of parks, trails, and natural areas in Clark, Lincoln, and White Pine Counties, and Washoe County (Subject to Paragraph (4)),¹⁰ and Carson City (subject to paragraph (5)), Nevada, pursuant to a cooperative agreement with a unit of local government or regional governmental entity.”

Location eligibility rules are set out in the IA Part One, Section V.A.11(d).

Paragraph (5) limits Carson City’s eligibility to lands within the boundary of Carson City and adjacent to or within the floodplain of the Carson River.

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.

PTNA project proposals which include the development of primary streets are not eligible. Projects which include required half-street road improvements along the boundary of a PTNA project are allowed, but such half-street improvement work would be limited to 10 percent of the total project nomination cost. Other road improvements would be limited to minor connections to parking lots and internal roads if the development is minimal in nature and required for immediate access within the project site. (*See the IA Part One, Section XIII.B.6. for additional details on PTNA projects with road construction elements.*)

PTNA project proposals may not include maintenance or deferred maintenance as defined in Appendix Q because these costs are not covered by SNPLMA.¹¹

Eligibility

PTNA projects may be nominated by a unit of local government which is defined as Clark County, the City of Las Vegas, the City of North Las Vegas, the City of Henderson, Lincoln County, White Pine County, Carson City within the limits described above, as well as by a regional government entity defined as the Southern Nevada Water Authority, the Regional Flood Control District or the Clark County Sanitation District.

¹⁰ The quote is accurate, however, Washoe County’s eligibility expired on December 31, 2015.

¹¹ This rule and referenced definition comply with a decision memorandum approved by the EC on 3/10/2016.

Strategic Goals¹²

The PTNA category will focus on projects that connect people with the outdoors, fostering an interaction with and increased understanding and appreciation of the natural environment. Project nominations will describe how the project will connect people with the outdoors and should consider (1) methods by which the park, trail, or natural area will be accessed by the public (e.g., proximity to public transportation, or walking distance to public facilities such as schools, hospitals, or libraries); (2) how the project will provide connectivity to community facilities; and (3) how the project will create a more unified and comprehensive system of recreation opportunities.

In addition, projects that provide opportunities for underserved communities are high priority. For the purposes of this category, underserved community is defined as follows:

“Communities or identified populations in communities that have been traditionally underserved in the provisions of parks, trails, and natural areas facilities and services. This includes communities who have faced social or economic barriers that have limited their access or connection to healthy natural environments.”

Nominations for projects to address underserved community needs will describe the community served, and how the project meets the need.

The nominating entity must demonstrate the commitment to be responsible for the future operations and maintenance costs, ensuring the fiscal sustainability of the project into the future.

Minimum Criteria

The following criteria must be met for a nomination in the CIP category to be accepted.

- The project is located in Clark, Lincoln, or White Pine Counties, Nevada, or in Carson City adjacent to or within the 100-year FEMA Floodplain of the Carson River; and
- The nominating local government or regional governmental entity must be able to enter into a Cooperative Agreement (i.e., Assistance Agreement) with the BLM in order to carry out the project. Certain projects may also 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.

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¹² The strategic goals come from the *SNPLMA Strategic Plan FY2015 – FY2019*.

APPENDIX F

MSHCP--ELIGIBILITY, STRATEGIC GOALS, MINIMUM CRITERIA

Funding for a Clark County Multi-Species Habitat Conservation Plan (MSHCP) is provided for in Section 4 (e)(3)(A)(iii), of the SNPLMA, as amended:

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

The term “MSHCP Development and Implementation 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. Projects 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;
- inter-agency GIS capacity coordination and enhancement;
- development of ecosystem conservation strategies;
- proposals to enhance land management efficiency and effectiveness;
- 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; and
- acquisition of land for purposes consistent with implementation of the County’s Multiple Species Habitat Plan (HCP).¹³

Development and implementation of the MSHCP also includes necessary expenses required to participate in and administer the MSHCP in accordance with the necessary expenses outlined in this document and include NEPA compliance necessary for the development of the MSHCP.

Eligibility

BLM, FWS, FS, NPS, and Clark County may submit nominations in this category within Clark County.

¹³ When referring to the project category, the terminology and spelling from the SNPLMA is used which is “Multi-Species” or the acronym “MSHCP.” The term “Multiple Species” is used when referring to the name of the actual plan developed and being implemented by Clark County and the acronym used in the IA is “HCP” to differentiate from references to the SNPLMA category.

Strategic Goals

The MSHCP category will emphasize habitat enhancement and outreach projects. Projects in this category will simultaneously implement the goals and objectives of Clark County’s “ HCP and the SNPLMA Strategic Plan.”¹⁴

The primary emphasis of Clark County’s 2000 HCP is “to fund measures which further conservation goals for Covered Species.” In summary the 2000 HCP allows the applicants and participants to review Clark County’s landscape toward achieving the HCP’s goals. In summary the goals of the 2000 HCP include:¹⁵

- to better understand the relationship among the various ecosystems within [Clark County],
- to determine which species inhabit those ecoregions,
- to determine stressors and threats applicable to each ecoregion and species,
- to review existing rules and regulations in place to address and reduce the effects of such stressors and threats,
- and to make preliminary determinations regarding conservation measures which might be funded to allow the USFWS to issue permit(s) for the species covered [by the plan].

Minimum Criteria

The following criteria must be met for a nomination in the CIP category to be accepted.

- The proposed project furthers the goal of development or implementation of the MSHCP;
- Clark County confirms its ability to carry out its project management responsibilities under its Assistance Agreement with BLM for the proposed project; and
- If applicable, the Federal agency impacted by the proposed project confirms its support of the proposal and ability to carry out its responsibilities associated with the proposal if any.

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¹⁴ The strategic goals come from the *SNPLMA Strategic Plan FY2015 – FY2019*.

¹⁵ The information on the purpose and goals of the 2000 HCP come from Chapter 1 of the HCP. Detailed descriptions of all 2000 HCP goals can be found in Chapter 1 of the Clark County HCP. As of October 2018, the HCP can be found on the internet at <http://www.clarkcountynv.gov/airquality/dcp/Pages/CurrentHCP.aspx>.

APPENDIX G

CI--ELIGIBILITY, STRATEGIC GOALS, MINIMUM CRITERIA

The Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282, Title VI) amended the SNPLMA to include the Conservation Initiatives (CI) project category. As amended, the SNPLMA allows

“up to 10 percent (10 %) of amounts available, to be used for conservation initiatives on Federal Land in Clark, Lincoln, and White Pine Counties, and Carson City (with limitations), Nevada, administered by the Department of the Interior or the Department of Agriculture.”

CIs 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. Research projects must demonstrate a practical application to management of Federal lands in order to be accepted for consideration.

Eligibility

The BLM, NPS, FWS, USFS, and BOR may receive funding for CIs.

Strategic Goals¹

The Conservation Initiatives category will focus on the following priority project types: habitat enhancement, cultural resources, and public health and safety (e.g., litter/dumping cleanup, information kiosks and signs, abandoned mine land with a habitat restoration component, resolving illegal use of public lands such as marijuana grow sites). Outreach and law enforcement are recognized to be important components for successful implementation of these priority project types. In order to efficiently manage law enforcement components, consolidated project nominations for law enforcement will be considered as long as the project deliverables clearly identify the nexus between law enforcement activities and habitat enhancement, cultural resources protection, and/or public health and safety.

Minimum Criteria

- Project is nominated by one of the five eligible Federal land management agencies (an interagency project with two or more of the five agencies participating still must be nominated by one of the participating Federal agencies and will count against that agency's total number of allowed nominations in the round).
- Project must be located on Federal lands in Clark, Lincoln, or White Pine Counties, Nevada administered by the Department of the Interior or the Department of Agriculture.

¹ The strategic goals come from the *SNPLMA Strategic Plan FY2015 – FY2019*.

APPENDIX H

FUELS--ELIGIBILITY, STRATEGIC GOALS, MINIMUM CRITERIA

The White Pine County Conservation, Recreation, and Development Act of 2006 (P.L. 109-432, Division C, Title III) amends the SNPLMA to include a project category for Hazardous Fuels Reduction and Wildfire Prevention (Hazardous Fuels). Specifically, the category is to provide funding for development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plans of not more than 10 years in duration (including sustainable biomass and biofuels energy development and production activities) for the Lake Tahoe Basin (to be developed in conjunction with the Tahoe Regional Planning Agency), the Carson Range in Douglas and Washoe Counties and Carson City in Nevada, and the Spring Mountains in Nevada.

Eligibility

Hazardous Fuels projects may be nominated by entities that are signatories to those plans for projects on lands in the Lake Tahoe Basin, the Carson Range in Douglas and Washoe Counties and Carson City in Nevada and the Spring Mountains in Nevada. A complete list of the eligible entities can be found in the IA Part One, Section V.A.11.(g).

Strategic Goals

The Hazardous Fuels category projects will accomplish the objectives of the multijurisdictional fuels plans, as well as accomplish landscape restoration over time. Projects will focus on health and safety, landscape restoration, and habitat connectivity. For this category, landscape restoration includes protecting and enhancing the vegetation, soils, habitat, and watershed processes that provide ecosystem services for human and ecological communities.¹

Hazardous Fuels Reduction and Wildfire Prevention projects may include project level planning, fuels reduction treatment activities, biomass utilization, and biofuels energy development and production activities.

Minimum Criteria

Projects must be identified in an approved comprehensive, multijurisdictional hazardous fuels reduction and wildfire prevention plan.

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¹ The strategic goals come from the *SNPLMA Strategic Plan FY2015 – FY2019*.

APPENDIX I

ENLRP--ELIGIBILITY, STRATEGIC GOALS, MINIMUM CRITERIA

The White Pine County Conservation, Recreation, and Development Act of 2006 (P.L. 109-432, Division C, Title III) amends the SNPLMA to include a category to carry out the Eastern Nevada Landscape Restoration Project (ENLRP) in White Pine and Lincoln Counties, Nevada.

Eligibility

Federal agencies of the Departments of the Interior and Agriculture may nominate Great Basin restoration initiatives in order to carry out the ENLRP in White Pine and Lincoln Counties, Nevada.²

In carrying out ENLRP the following actions are authorized in P.L. 109-432, Section 373:

- A. The Secretaries of the Interior and Agriculture may make grants to the Eastern Nevada Landscape Coalition, Great Basin Institute, and other entities for the study and restoration of rangeland and other land in the Great Basin in White Pine and Lincoln Counties, Nevada, to assist in reducing hazardous fuels, restoring native rangeland and woodland, and for other related purposes.³
- B. The Director of the Bureau of Land Management and the Chief of the Forest Service may enter into an agreement with the Eastern Nevada Landscape Coalition, Great Basin Institute, and other entities to provide for the conduct of scientific analyses, hazardous fuels and mechanical treatments, and related work.⁴
- C. The Secretary of the Interior and Agriculture Secretaries may authorize a feasibility study on the potential establishment of an interagency science center, including a research facility and experimental rangeland in the eastern portion of the State.⁵

Because the legislation does not restrict ENLRP projects to lands managed by the Federal government, the Secretaries of the Interior and Agriculture may use SNPLMA funding for ENLRP restoration projects on non-Federal lands within White Pine and Lincoln Counties, Nevada through the use of the grants and cooperative agreements authorized under P.L. 109-432, Section 373.

In addition, P.L. 109-432, Section 36-- Ely Shoshone Trust Lands: The USFS, BLM, and Ely Shoshone Tribe may carry out eligible ENLRP projects (i.e., “thinning and other landscape restoration work”) on Ely Shoshone Trust Lands that are beneficial to the tribe and the USFS or the BLM. The USFS and BLM will consult and coordinate with the Tribe on any proposed ENLRP project on Trust Lands.⁶

Strategic Goals⁷

The Eastern Nevada Landscape Restoration Project category provides for activities which promote resilient and healthy ecosystems within the eligible portions of the Great Basin. The focus for this

²The EC approved this revision to clarify the eligible entities under ENLRP in its August 6, 2014 meeting.

³ P.L. 109-432, section 373(b)(1).

⁴ P.L. 109-432, section 373(b)(2) stated that this provision is “notwithstanding sections 6301 through 6308, of title 31, United States Code” which includes competition requirements. Verbal guidance from the Solicitor documented on 10-16-07 advised that inclusion of this language can be reasonably interpreted to mean that competition requirements do not apply to P.L. 109-432, section 373(b)(2). This, however, does not apply to P.L. 109-432, section 373(b)(1).

⁵ P.L. 109-432, section 373(c).

⁶ P.L. 109-432, section 361(d)(3).

⁷ The strategic goals come from the *SNPLMA Strategic Plan FY2015 – FY2019*.

category is integrated landscape restoration with priority applied to sagebrush ecosystems and sensitive species habitat. Projects within the ENLRP category will be prioritized using the best available vegetation, habitat, and risk assessment (likelihood of restoration success) information. The BLM will coordinate with the State of Nevada and the U.S. Fish and Wildlife Service to identify where available science exists to improve project design and effectiveness, and where high priority information gaps exist. Projects will be required to demonstrate the appropriate application of best available science and techniques specific to the planning or implementation of restoration projects. Science projects should be focused on informing and improving landscape-level restoration, with the goal of improved restoration effectiveness over time. Research projects must demonstrate a practical application to management of lands in order to be accepted for consideration.

Minimum Criteria

Nominations must be submitted by an eligible entity and be directly applicable to the ENLRP as described above.

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APPENDIX J

DOCUMENT RETENTION, FUNDING, REIMBURSEMENT, AND CLOSE OUT REQUIREMENTS

The requirements below apply to all SNPLMA project categories.

A. DOCUMENT RETENTION IN SUPPORT OF EXPENDITURES – ALL CATEGORIES

With the exceptions noted below, all documents in support of project expenditures must be retained in the agency/entity project file. Such documents should be made available to help entities respond to questions regarding funding requests, for review during SNPLMA Program Manager project reviews, and for formal audit purposes. The exceptions to retention within the project file are:

- credit card statements,
- travel vouchers,
- time sheets, and
- vehicle logs and reports.

Although time sheets are not required, the project file should include a list of the agency/entity staff working on and charging labor to the project and their function relative to the project.

The excepted documents should be maintained in other appropriate agency/entity files as dictated by agency/entity policy. However, the annotated financial reports explaining the expenditures for which reimbursement is being requested should be retained in the project file (see Sections D.3.b. and F.2.c. below).

Agencies and entities should be aware that they could be asked to produce the excepted documents during a formal audit.

B. TO INITIATE PROJECT AND RECEIVE FUNDING

1. **Secretary's Requirements for Expenditure of Funds:** All projects, regardless of the method of funding, must complete and receive approval of a project work plan and meet all other Secretary's Requirements for authorization to expend funds before project funds can be provided. (*See the IA Part One Section VII.A. "Secretary's Requirements for Authorization to Expend Funds."*)
2. **General Requirements For Initiating Funding to Start Project Implementation:** In addition to the requirements above, the general requirements outlined in the IA Part One, Section VII.B. must be met. These include submitting a written request to initiate funding for the project and required documentation. Project initiation can be requested in conjunction with the quarterly reporting transmittal letter discussed below.
3. **Initial Conditions to Receive Funds and Commence Work:** Project managers and others within the agency/entity involved in requesting or approving acquisitions and expenditures using project funds must complete SNPLMA training. In addition the applicable SNPLMA Program

Managers must complete a pre-work site visit. *(See the IA Part One, Section VII.C for more details.*

4. **Quarterly Reporting Transmittal/Project Initiation Request Letter:** The request to initiate project funding must be submitted in writing on agency letterhead signed by an authorized manager and addressed to the SNPLMA Division. **The request should be submitted as part of a regularly scheduled quarterly reporting process whenever possible.** This can be done by including the appropriate information in the quarterly report transmittal letter (see below and Appendix J-1). When initiating a new project, the transmittal letter should request work plan approval if not already approved in a prior quarter, request initiation of the appropriate financial instrument, and include the required documentation outlined in B.6 below.

The quarterly reporting transmittal/project initiation request letter should include the following as indicated:

- a. Confirm an understanding that the project information in the quarterly report, including the project work plan, will be shared with the public via the SNPLMA website.
- b. Indicate the total amount requested for transfer, reimbursement, direct charge, or ASAP draw down (see section D. below for reimbursement requirements). Certify that the total/current amount requested for each project does not exceed the amount available. If requesting funds for multiple projects include a table, or attach the Funding Request Report(s) from SMART, which identifies the projects by name, round, priority, and amount requested.
 - (1) For projects requesting initiation, provide the project category, project name, priority number, project number, total amount available for projects, and, if applicable, the amount of funding being requested in the current quarterly report.
 - (2) Projects requesting initiation of project funding in the transmittal letter may not include requests for reimbursement/payment for work already completed because work on the project performed prior to written work plan approval and the execution and receipt of the appropriate financial instrument by the agency/entity is not reimbursable/payable by SNPLMA.
 - (3) In addition, agencies/entities should confirm their understanding that funds requested by transfer, direct charge, or ASAP drawdown for projects requesting initiation will not be provided until the work plan is approved and the appropriate financial instrument has been executed and received by the recipient agency/entity.
- c. Confirm that the projects identified in the quarterly report are being/will be carried out in compliance with all the policies, procedures, and guidelines in the current SNPLMA Implementation Agreement; Federal Acquisition Regulations (FAR); consultation requirements under the provisions of U.S. Code Title 54, Section 306108 (previously Section 106) of the National Historic Preservation Act (NHPA)), if applicable; the terms and conditions of the financial instrument (IAA, BLM task order, Assistance Agreement, transfer authorization letter); and, as appropriate, one or more of the following:
 - (1) Agency/entity contracting and construction policies
 - (2) Agency Memorandum of Understanding concerning SNPLMA Lake Tahoe Restoration Projects (for Lake Tahoe projects only), and/or

- (3) The provisions of P.L. 910-646 (and other agency real property acquisition policies).
- d. Confirm that all funds requested and previously provided will be/are being utilized only for the projects for which they were approved by the Secretary of the Interior as described in the nominations.
 - e. Confirm that all funds will be/are being allocated and accounted for by project.
 - f. Transferred funds will be obligated and/or expended within the quarter for which they are requested, and/or within three months of receipt.
 - g. The amount reported by project as obligated and/or expended in the Quarterly Report from funds previously provided is correct and accurate as of [date].
 - h. Confirm an understanding that Federal regulations require retention of records that document expenditures of funds (e.g., receipts, invoices, contracting documents, etc.), and that the agency/entity will retain/is retaining such supporting documentation and expenditure records in the project file or other appropriate file (see A. above) as expenses are incurred and will make them available for periodic project review by SNPLMA and for project closeout or termination, as well as for formal audit purposes.
 - i. Confirm that the financial reports retained in the project file will be/have been annotated to explain expenses for documents excepted from retention in the project file by SNPLMA policies (see A above and D.3.a below) and acknowledge that the agency/entity could be asked to produce the excepted documents for formal audit purposes.
 - j. Confirm that a list of staff charging payroll to the project and the function/role of each in carrying out the project is included/will be included in the project file (see A. above).
 - k. Provide a contact name, phone number, and email address in case there are questions about the request or content of the quarterly report.
5. **Limitation on Initial Funding Request:** Projects are not to include any contingency funds in the total amount requested for the project. Projects must request use of contingency funds, if approved for the category, according to the process and limitations explained in the IA Part One, Section VII.E (*see also Appendix L, part IV*).

To minimize time required to make contingency funds available to reimbursable projects, contingency amounts, where approved by the Secretary, will be obligated on initial IAAs and Assistance Agreements rather than requiring contract modifications to add the funds later. However, agencies/entities may not utilize those obligated contingency amounts until after use of the contingency funds has been approved in writing by the SNPLMA Division. BLM Task Orders and transfer authorization letters will not include contingency funds because these financial instruments can quickly be modified by the SNPLMA Division to reflect approval for the use of contingency funds.

6. **Initial Funding Documentation Requirements:** The following documents are to be attached to the letter requesting initiation of project funding or enter into Grants.gov, as appropriate, for all projects regardless of the whether the project is funded by reimbursement, direct transfer, ASAP drawdown, or BLM direct charge.

- a. For All Categories:** Attach the following to the letter requesting project initiation:
- (1) Updated Estimated Necessary Expense Sheet following the same format required in the nomination.
 - (2) Project work plan if one was not submitted in SMART and approved as part of the current or a prior quarterly reporting cycle. If necessary, work with the appropriate SNPLMA Program Manager to coordinate preparation of the project work plan outside of the normal quarterly reporting cycle.
 - (3) Updated detailed budget/cost estimate if one was required in the nomination.
- b. For Non-Federal Projects Funded by Assistance Agreement (PTNA; MSHCP; and Certain Lake Tahoe, ENLRP, and Hazardous Fuels Projects):** Enter the following into Grants.gov:
- (1) Standard Form 424 Application for Federal Assistance
 - (2) For Non-Construction Projects (e.g., land acquisitions for PTNA projects, fuels treatments, etc.):
 - Standard Form 424A Budget Information – Non Construction, and
 - Standard Form 424B Assurance – Non-Construction
 - (3) For Construction Projects (e.g., picnic pavilion, shade structures, restrooms)
 - Standard Form 424C – Budget Information – Construction, and
 - Standard Form 424D Assurance -- Construction Program
 - (4) Certification Regarding Lobbying (See Appendix J-2)
- BLM also requires the completion of two additional forms which will be provided by the SNPLMA Program Manager for PTNA or the BLM’s Grants and Agreements Specialist. These are a Project Proposal form and a Budget Detail and Narrative form.
- c. For PTNA Projects:** Attach a copy of a “Willing Seller Letter” to the letter requesting project initiation in those instances where an acquisition of a specific right-of-way, easement, or parcel of land is needed to complete the project but the acquisition was not identified in the nomination and thus no willing seller letter was included with the nomination.
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C. TO REQUEST QUARTERLY FUNDING

1. After initiation of the project, future funding needs are to be submitted through the SNPLMA quarterly reporting process in accordance with the IA Part One, Section X.A. “Requirements for Quarterly Reporting.” This includes requests for direct transfer, reimbursement requests for the previous quarter (IAA), estimated ASAP drawdowns, and estimated BLM direct charges for the upcoming quarter. Requirements to request purchase funds for land acquisitions are addressed in Section E. below.

2. The quarterly database submittal is to include a transmittal letter as described in B.4., above. Also include in the transmittal letter:
 - a. Justification for the current amount requested by transfer or ASAP drawdown if the amount of previously transferred or drawn down funds that has been expended and/or obligated by the agency/entity is less than 95 percent of the total provided.
 - b. An explanation for disproportionate requests for funds when compared to progress reported and percent complete of deliverables. For example, 20 percent completion on only two of five deliverables coupled with a funding request that would result in providing 80 percent of the total amount available would require an explanation as to how previous funds provided have been used and why additional funds are needed at this time.
 3. The SNPLMA Division will review the quarterly status reports and must approve the funding requests. Incomplete or inadequate quarterly reporting submittals and delays in receiving responses to requests for additional information can result in delays in receiving funds.
 4. If an urgent, unexpected need for project funds develops outside of the normal quarterly reporting cycle occurs (off-cycle), the agency/entity may submit an off-cycle funding request to the SNPLMA Program Manager. Such off-cycle requests must include the same confirmations outlined in Section B.4. above, and a thorough explanation of why funds are needed now and cannot wait until the next regular quarterly reporting cycle. Such requests will be processed outside of the normal quarterly report cycle if necessary to meet the Agency's funding needs.
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D. TO REQUEST REIMBURSEMENT (For Projects Under an IAA)

1. **Support Documents for Expenditures Not Required.** Projects funded by reimbursable agreements are not required to submit invoices, receipts, contracts, credit card statements, time sheets, travel vouchers, government vehicle logs and reports, contractor releases, agency completion reports, or other such supporting backup documentation for expenditures in order to receive reimbursement.⁸

NOTE: Projects funded by BLM task order that charge necessary expenses directly to the category subactivity (5851, 5852, etc.) against the project number (work breakdown structure – WBS), projects funded by Assistance Agreement, and projects funded by 1151 direct transfer also do not have to submit expenditure support documents. (See Section A. above regarding expenditure documentation retention.)

2. **Reimbursement Request Letter:** If the request for reimbursement is submitted separately from the quarterly reporting submission, a reimbursement request letter on agency letterhead signed by an authorized manager and addressed to the SNPLMA Division is required. The letter should include at a minimum items B.4. items b. through e. and h. through k. above. These items can be modified in the letter as necessary to reflect reimbursement of funds expended versus requests for

⁸ The change to no longer require submittal of these documents was approved by the EC in a decision memorandum approved on 8/1/2011.

new funding.

3. Required Documentation for Projects under IAA

- a. Submit a current copy of the agency’s financial report for the project showing obligations and expenditures.
 - b. Annotate the financial report to show the purpose of credit card purchases, travel, and official vehicle use (regular repeated use of official vehicle for the same purpose need only be entered once).
 - c. Financial reports may be in summary format by category of expense if appropriate given the nature of the project (e.g., land acquisitions may summarize expenses as purchase price, appraisal, NEPA/ESA, closing/escrow fees, and labor for case management).
-

E. TO REQUEST PURCHASE FUNDS FOR LAND ACQUISITIONS

These requirements are applicable to the Environmentally Sensitive Land Acquisition, PTNA, and MSHCP categories as well as any other category that may be authorized now or in the future to acquire land for given purposes using SNPLMA funds.

Agencies/entities are not to request transfer or draw down of purchase funds (the bulk of the acquisition funds) until needed to close the transaction and convey title.

1. The quarterly report transmittal letter or off-cycle request for purchase funds letter should include the following:
 - a. Confirmation of agreement on price with the seller and that the agency/entity is ready to complete the transaction and utilize purchase funds within the quarter requested.
 - b. Confirmation that no health, safety or other liabilities were found to exist on the property which would negatively impact the intended use or prohibit the intended use of the property.
 - c. Confirmations regarding hazardous materials assessment (e.g., Phase I Environmental Site Assessment) as to:
 - (1) The level of assessment completed, .
 - (2) The assessment report was reviewed by a qualified environmental professional.
 - (3) No recognized environmental concerns (RECs) were identified. If RECs were identified, explain the nature of the REC and the level of cleanup required and confirm the cleanup was completed.
 - (4) Indicate whether reporting to the Nevada Department of Environmental Protection (NDEP) was required and, if so, confirm that NDEP provided a “no further action required” letter following the cleanup.
 - d. Confirm whether compliance with the National Environmental Policy Act (NEPA) was required and, if so, the level of documentation completed and the date completed.

- e. Confirm that the agency/entity completed a determination regarding the applicability of relocation assistance under P.L. 910-646 (49 CFR Part 24, Final Rules Effective February 3, 2005). If relocation was required, briefly explain the nature of the relocation assistance provided and the cost.
2. Federal agencies must include a copy of the appraisal review and value approval document as evidence that the amount of purchase funds being requested is consistent with the value approved through a federally approved appraisal.
 3. For PTNA or MSHCP land acquisitions, the entity must provide the following documents before receiving purchase funds through ASAP:⁹
 - a. Regarding the Appraisal
 - (1) A Copy of the entity’s appraisal report for fair market value (*see IA Part One, Section XIII.B.4(b) for PTNA appraisal requirements*), or a copy of a summary or modified valuation report if the property was valued below \$2,500 (*see IA Part One, Section XIII.B.4(c) for more details*).
 - (2) A copy of the entity’s appraisal review report completed by a qualified appraisal professional.
 - (3) For acquisitions requiring Office of Valuation Services (OVS) review and approval, the OVS appraisal review report will be required rather than an entity-obtained appraisal review (*see the IA Part One, Section XIII.B.4(b) for more information*).
 - b. Regarding the Phase I ESA
 - (1) A copy of the Executive Summary, Conclusions, and Recommendation sections
 - (2) If a Phase II and/or Phase III ESA were obtained, provide the same sections of those reports.
 - (3) If RECs were identified which require clean-up:
 - Provide evidence that the cleanup was carried out appropriately (e.g., consistent with local, state, and Federal regulations), and
 - If reporting to NDEP was required, submit a copy of the NDEP “no further action required” letter
 - c. Regarding the Title Insurance Commitment
 - (1) Copy of the title insurance commitment for the full purchase price.
 - (2) Statement of Assurance that the entity has reviewed all exceptions in the title insurance commitment and there are no restrictions or encumbrances that would negatively impact the intended use or prohibit the property from being used for its intended PTNA or MSHCP purpose

⁹ See IA Part One, Section XIII.B.4 for detailed information on PTNA land acquisition requirements in general and specific to the required documents/information listed in this paragraph. Note that the MSHCP category can nominate lands to acquire for purposes consistent with implementation of the *Clark County Multiple Species Habitat Conservation Plan*. The PTNA land acquisition requirements in the IA Part One and this Appendix, except for the required deed restriction, also apply to any MSHCP land acquisitions that may be nominated and approved in the future.

- d. Copy of Deed to be recorded, including the required PTNA deed restriction for PTNA acquisitions,¹⁰ as well as any MSHCP deed restriction.
 - e. Regarding the relocation provisions of P.L. 91-646 (49 CFR Part 24, Final Rules Effective February 3, 2005):
 - (1) A description of the determination regarding the applicability of relocation assistance regarding any tenants (private or commercial) living at or using the property at the time it was nominated¹¹
 - (2) If relocation is required, provide a copy of the relocation assistance determination document
4. Requests to transfer draw down, or direct charge purchase funds outside of the normal quarterly reporting cycle (“off-cycle request”) must include the same confirmations required in a transmittal letter as outlined in D.2., above as well as the confirmations in E.1 above, and the documents listed in E.2 above. Such requests will be processed outside of the normal quarterly report cycle (off-cycle) if necessary to meet the Agency’s deadline to complete the acquisition.
-

F. TO REQUEST PROJECT CLOSE OUT (Completed and Terminated Projects)

Once an agency/entity has terminated or completed a project it will submit a letter requesting project close out along with required documentation to the BLM SNPLMA Division. Completing a project includes finalizing all contract closeouts, conducting final inspections or reviews, and reconciling financial records for necessary expenses. Before requesting closeout for a terminated project all steps necessary to cease project work and close down contracts, as well as reconcile financial records must be completed.¹²

As stated in the IA Part One, Section V.A.9, agencies/entities are to prepare and submit the project closeout package no later than the end date of the project timeframe as identified in the project financial instrument inclusive of any approved time extensions.¹³ The only exception to this is that by Federal regulation, projects funded through an Assistance Agreement are allowed 90 days beyond the end date of the assistance agreement to submit all required closeout documentation.

1. **Closeout Request Letter**. The closeout package is to include a letter specifically requesting closeout of the project that includes the following:
 - a. Confirm the project was completed as described in the approved nomination or, beginning with Round 13, as described in the nomination Purpose Statement and, if applicable, as modified by any approved changes of scope.

¹⁰ See the IA Part One, Section XIII.B.4(a) for discussion of the required deed restriction for PTNA land acquisitions. Contact the PTNA/MSHCP Program Manager for the text of the required deed restriction.

¹¹ Property owners who are willing sellers are not entitled to relocation assistance under P.L. 91-646.

¹² Information to be included in the closeout request letter and documentation requirements for the closeout package were modified in August 2011 based on decisions made by the SNPLMA EC to make the closeout process more efficient.

¹³ This requirement is consistent with the Secretary’s and EC’s direction that the period of performance (i.e., project timeframe) is to include project start up and closeout. See IA Part One, Section XII.C.2 for circumstances under which the SNPLMA Division can approve a one-time 90-day extension for project closeout. See IA Part One, Section XIV.A. for effects resulting from letting the project expire without turning in a closeout package.

- b. Confirm that all deliverables identified in the project work plan have been completed and their completion status and project accomplishments have been reported in the most recent SNPLMA Quarterly Report database or will be reported in the next available reporting database.
- c. For closeout of terminated projects, confirm that the work plan has been updated to reflect the percent complete on all deliverables initiated prior to termination of the project.
- d. If the project is being closed out due to termination by the agency/entity, the letter must reference the date notice of termination (including the reason for termination) was sent to SNPLMA. If prior notice was not provided, the project closeout request letter needs to explain the reasons for termination.
- e. If the project is being closed out due to termination recommended by the SNPLMA Division and approved by the EC, the letter must reference the date the decision memorandum terminating the project was approved.
- f. Confirm agency/entity has received a contractor/implementer/sub-contractor Notice of Completion and Release of Claim form for all contracts entered into to carry out the project, when applicable.
- g. Confirm that the agency/entity has completed any final project inspection/acceptance report required by its policies and procedures. (For completed projects only.)
- h. Indicate the amount of any final transfer, reimbursement, direct charge, or ASAP draw down, if any, being requested as part of the project closeout package.
- i. Indicate the total amount expended and the amount of any unused funds to be returned or deobligated.
- j. Certify that the total amount expended plus any final amount requested for the project does not exceed the total amount available.
- k. Confirm that the project was carried out in compliance with all the policies, procedures, and guidelines in the current SNPLMA Implementation Agreement, FAR, HNPA, the terms and conditions of the financial instrument (IAA, BLM task order, Assistance Agreement, transfer authorization letter), and the following, as applicable to the project:
 - (1) Agency/entity contracting and construction policies,
 - (2) Agency Memorandum of Understanding concerning SNPLMA Lake Tahoe Restoration Projects (for Lake Tahoe projects only), and /or
 - (3) The relocation provisions of P.L. 910-646 (49 CFR Part 24, Final Rules Effective February 3, 2005) and other agency real property acquisition policies.
- l. Confirm that all final funds requested and previously provided were utilized only for the project being closed out.
- m. Confirm that per Federal regulations all documents supporting project expenditures have been retained in the project file or other appropriate file (e.g., receipts, invoices, contracting

documents, etc. -- see section A. above) and are available for review by SNPLMA as part of a final project review and will be maintained and available in the case of a formal audit.

- n. Confirm that the financial reports retained in the project file have been annotated to explain expenses for documents excepted from retention in the project file by SNPLMA policies (see section A. and D.3.b above) and acknowledge that the agency/entity could be asked to produce the excepted documents for formal audit purposes.
- o. If contributed funds were claimed in the nomination, confirm that \$XXX dollars were received in cash contributions and/or \$XXXX dollars were received through in-kind contributions (e.g., agency labor not charged to the project, volunteer hours, etc.) consistent with the commitments made in the nomination. If the contributions were less than the amount committed to in the nomination, provide an explanation.
- p. Confirm that a list of staff charging payroll to the project and the function/role of each in carrying out the project is included/will be included in the project file (see A. above).
- q. For land acquisitions confirm that the agency/entity has obtained a title insurance policy with liability coverage equal to the purchase price or, for Federal agencies only, in compliance with Department of Justice standards.
- r. Regarding Project Equipment (See Appendix B “Necessary Expenses” paragraphs 3 and 4 for detailed information on project equipment):
 - (1) Identify the equipment and its project function.
 - (2) Certify the percent utilized by the project and the time period required by the project.
 - (3) Note whether equipment was previously leased, newly leased or purchased, and explain circumstances where purchase resulted in a savings over the cost of leasing.
 - (4) In the case of purchased equipment, the closeout request should certify the “per unit fair market value” including the source or method for determining the value and, if necessary, the final funding request should make appropriate deductions from expenditures.
 - (5) In the case of leased equipment, certify that the lease has been terminated and/or lease costs transferred to another funding source.
- s. Provide a contact name, phone number, and email address in case there are questions about the closeout request.

2. Documentation Requirements for Project Closeout Packages. If the information provided by the agency/entity per the requirements below is insufficient to clearly understand how the funds were used and what was accomplished, the SNPLMA Program Manager may request additional information.

a. Work Plan Status Update Report in SMART.

- (1) Submit a copy of the final “Quarterly Status Update Report,” reflecting overall project completion percent and percent complete for deliverables and associated tasks and subtasks (e.g. 100%). Agencies/entities should enter a comment for every deliverable

even if it's just “completed” so that all deliverables in the work plan will appear on the final report. (*See item iv below regarding terminated projects.*)

- (2) Status comments, where applicable, should include the quantity, size, etc., relative to the completed deliverables.
- (3) For any deliverables not completed, the status comments for the deliverable should explain why it was not completed (e.g., removed, modified, or reduced via a change in scope).
- (4) For terminated projects being closed out, the status report will indicate the percent completed on the project as a whole and on all deliverables which were initiated prior to a decision to terminate the project (i.e., 100%, 20%, etc.). Level of completion of the project and deliverables should be compatible with the explanation provided for termination of the project.

b. Annual Accomplishments and Performance Measures: The Annual Accomplishment section of SMART is used to report overall project accomplishments¹⁴ and project performance measures tied to the SNPLMA Strategic Plan¹⁵ upon completion and closeout of the project (*this is in addition to reporting annual accomplishments during project implementation; see also Part One, Section X.A. “Requirements for Quarterly Reporting.”*) (*See Appendix J-3 for the list of PMs.*)¹⁶ Upon project completion agencies/entities should complete the following in SMART:

- (1) Enter a brief narrative summary of the overall project accomplishments from beginning through completion, with sufficient detail to describe how the project accomplished its purpose. However, there is a maximum of 3,000 characters and bulleted lists and indentions should not be used.
- (2) Check the box for “Final Overall Accomplishment” indicating that the entered summary is for the completed project.
- (3) Below the narrative, click the “Add” button in the section labeled “Performance Measures” and select the applicable PMs one at a time. Next follow the instructions in SMART to enter the applicable quantities. Agencies/entities will only see the PMs that are relevant to the applicable project category.
- (4) The reported PMs should reflect the project deliverables (i.e., outputs) identified in the nomination and/or project work plan regardless of the round in which the project was approved (these outputs are identified as primary and anticipated deliverables beginning with Round 13 projects).

c. Financial Accounting for Use of Funds:

¹⁴ Annual Accomplishments/Overall Project Accomplishments are uploaded to the SNPLMA Project website and are available for viewing by the public, so take care to provide well thought out narrative descriptions of project accomplishments in addition to PMs.

¹⁵ During its July 2012 meeting, the EC authorized the use of a list of Performance Measures (PM) tied to the SNPLMA Strategic Plan for use in helping to quantitatively identify overall project accomplishments. The PMs were updated with minor revisions in 2014 and 2017.

¹⁶ The *SNPLMA Strategic Plan – FY2015 – FY2019* can be found on the SNPLMA website (www.blm.gov/snplma) under “Implementation.” However, the PMs in the Strategic Plan are not current. Please contact your SNPLMA program manager or the SNPLMA ADM if you would like to receive a “pdf” version of the most recent PMs.

- (1) All projects funded by inter-agency agreements (IAA), BLM task orders, and 1151 direct transfers submit a financial accounting of expenditures by providing:
 - A copy of the agency's final consolidated financial report for the project showing obligations and expenditures.
 - Annotate the report to show the purpose of contracts, credit card purchases, travel, and official vehicle use (regular repeated use of official vehicle for the same purpose need only be entered once).
 - Financial reports may be in summary format by category of expense if appropriate given the nature of the project.
 - (2) For all projects funded by Assistance Agreements, submit a financial accounting of expenditures by providing:
 - A final form SF- 425, Federal Financial Report
 - Final cost-tracking worksheet
- d. For Conservation Initiatives, ENLRP, and MSHCP Projects that Result in a Final Study or Report:** If an on-site review of the final study or report is not feasible, coordinate with the SNPLMA Program Manager to submit a full copy or summary and conclusions of the report in lieu of a final project review/inspection.
- e. For Environmentally Sensitive, PTNA, or MSHCP Land Acquisitions:** Submit a copy of the recorded deed, the final escrow closing statement, and the final title insurance policy. For Federal acquisitions, also submit a copy of the final title acceptance by the Office of the Solicitor or the Office of General Counsel.
- f. For Capital Improvements, ENLRP, Hazardous Fuels, and Conservation Initiatives:** Submit photographs (no more than six), two per page, of the completed project when applicable based on the nature of the project. Also submit the photos electronically.

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APPENDIX J-1

SAMPLE QUARTERLY REPORT TRANSMITTAL LETTER WITH REQUEST FOR PROJECT INITIATION

- Includes Sample Request to Initiate Project Funding
- May be Modified to Serve as a Stand-Alone Request for Reimbursement, Project Initiation, Project Closeout, or Project Termination
- Yellow highlighting indicates areas that will change by agency/entity, round, project(s), fiscal year, and quarter, etc.
- Blue lower case bold alphabetic letters relate that portion of the sample letter to the associated item in the list of letter requirements found in Appendix J section B.4. (Delete these references from the actual letter submitted.)

AGENCY LETTERHEAD

[Date]

Bureau of Land Management
Southern Nevada District Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130

Attention: [Name of SNPLMA Division ADM]
Assistant District Manager, SNPLMA Division, BLM SNDO

Subject: Transmittal of Quarterly Reports of project progress for the 3rd quarter of fiscal year 2011 and requests for funding for the period ending September 30, 2011, (FY 2011, 4th Quarter) for projects funded by the Southern Nevada Public Lands Management Act (SNPLMA) and Initiation of Funding for a Round 11 Project

Dear Mr./Ms. [Name]:

Enclosed please find the quarterly status report database for projects funded by the SNPLMA, including summary comments of the work completed or started in the prior quarter, as well as work anticipated to begin in the upcoming quarter on deliverables and associated tasks, and subtasks. The report also includes funding requirements for these projects for the 4th quarter of FY11. (a) I understand that information about project scope, deliverables, and available budget will be shared with the public via a website maintained by your office.

(b) The enclosed quarterly database reflects a request to transfer \$1,297,310 for SNPLMA projects in FY11 4th quarter and a request to reimburse \$59,094.65 for expenses incurred for SNPLMA projects, as shown in the database Funding Request Report(s) table attached to this memo. [Modify to reflect manner of funding – e.g. “reflect total anticipated direct charges of \$_____ to the land acquisition subactivity for necessary expenses” or “reflect anticipated drawdowns through ASAP of \$_____”]

(b.(1)) The [name of agency] also requests work plan approval and funding to initiate the Round 11 Tres Piedras Environmentally Sensitive Land Acquisition, Priority 11-1, Project Number FS58. The transfer amount requested above includes \$20,000 to begin work on this project. The total approved amount available for the project is \$8,479,150; no contingency funds were approved. An updated Appendix B

Estimated Necessary Expense Sheet is attached to this request. **(b.(3))** The [name of agency] understands that funds for this project cannot be provided until the project work plan is approved and the notification of authorization to expend transferred funds letter is received [assistance agreement, inter-agency agreement, BLM task order, or notification of authorization to expend transferred funds].

(b) The amount to be transferred and reimbursed [transferred/direct charged/drawn down through ASAP/reimbursed] by project, as indicated in the financial section of the report and the attached summary table does not exceed the amount available for the project(s), as approved by the Secretary of the Interior. **(k)** If any additional information is needed beyond that provided in order to process this request, please contact [Name, Title] at [phone #] or [e-mail address] for assistance.

(c) By this letter, I confirm the projects identified in the Quarterly Report database are being, and for [name of project being initiated] will be, carried out in compliance with the policies, procedures, and guidelines in the current SNPLMA Implementation Agreement, the terms and conditions of the financial instrument [BLM task orders, IAAs, Assistance Agreements, and/or transfer authorization letters], Federal Acquisition Regulations, consultation requirements under the provisions of Title 54, Section 306108 (previously Section 106) of the NHPA, [as appropriate to the project(s): “agency contracting and constructing policies,” “our agency Memorandum of Understanding concerning SNPLMA Lake Tahoe Restoration Projects,” “the relocation provisions of P.L. 91-646 (49 CFR Part 24, Final Rules Effective February 3, 2005), and all other applicable agency real property acquisition policies”].

(d) Further, all funds previously provided and funds requested in the Quarterly Report are being and will be expended only for projects for which they were approved by the Secretary of the Interior and as described in the nominations. **(e)** Funds provided are being and will be allocated and accounted for, by project, and **(f)** will be obligated or expended within the quarter for which requested and/or within three months of receipt. **(g)** The amount reported by project in the Quarterly Report as obligated or expended from funds previously provided is correct and current as of [date].

(h) Finally, I understand that Federal regulations require retention of records that document expenditures of funds against funding provided (e.g., receipts, invoices, inspection reports, etc.) regardless of the method by which the funds are provided. The [name of agency/entity] is retaining and will continue to retain supporting documentation and expenditure records in the project file as expenses are incurred and will make them available for periodic project review and for project closeout or termination by SNPLMA as well as for formal audit purposes. **(j)** A list of staff charging payroll to the project and the function/role of each in carrying out the project is included/will be included in the project file.

(i) I also confirm that the financial reports retained in the project file will be/are being annotated to explain expenses for documents excepted from retention in the project file by SNPLMA policies and that the excepted documents are retained in agency files as dictated by agency policy and procedures and acknowledge that the [name of agency] could be asked to produce these documents for formal audit proceedings.

Sincerely,

[Signature]

Name & Title of Agency Authorized Official: NPS = LMNRA Superintendent; FWS = Desert National Wildlife Refuge Project Leader; FS Region 4 = Forest Supervisor; FS Region 5 = Forest Supervisor; FWS Tahoe = Nevada Fish & Wildlife Office Project Leader]

Cc: Applicable SNPLMA Program Manager (via an emailed .pdf)
SNPLMA Database Manager (currently Debora Ackerman) (via an emailed .pdf)

APPENDIX J-2

CERTIFICATION REGARDING LOBBYING¹⁷

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

APPLICANT'S ORGANIZATION: _____

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE:

Prefix: _____ **First Name** _____ **Middle Name** _____

Last Name: _____ **Suffix:** _____

SIGNATURE: _____ **DATE:** _____

¹⁷ This is a DOI-BLM format and is available as a fillable .pdf.

APPENDIX J-3

SNPLMA PERFORMANCE MEASURES

On July 18, 2012, the SNPLMA Executive Committee approved the use of an initial set of PMs to assist in quantitatively identifying SNPLMA project accomplishments. The initial PMs were revised in 2014 to reflect feedback from partners and SNPLMA program managers.¹ All of the measures support the three values for implementation of the SNPLMA program identified in the *SNPLMA Strategic Plan -- FY2015 – FY2019*, which are sustainability, connectivity, and community.² The PMs are divided into three major sections tied to the two specific goals in the Strategic Plan and generally to the three values.

Typically, the EC's general nomination requirements will include identification of appropriate SNPLMA PMs. Nominations must also describe how the project contributes to one or more of the Strategic Plan values; reference the relevant Objectives/Sub-objectives associated with the Strategic Plan Goals; and include a map showing how the project fits into the broader context relevant to the category. Entities should carefully review the round's published nomination package requirements for such requirements. Addressing PMs and values/goals would always be in addition to identifying the purpose and deliverables for the proposed project.

All projects that were not either closed or terminated as of July 18, 2012, are required to report SNPLMA PMs upon completion and closeout of the project using the unit of measure associated with each Performance Measure. The PMs are reported in the Annual Accomplishments section of SMART, the SNPLMA quarterly reporting database, as part of the Overall Project Accomplishments Work plan for the project that is closing (see Appendix J section 2.b above).

The PMs being reported should reflect the project deliverables (i.e., outputs) identified in the project work plan for all projects regardless of the round in which the project was approved (these outputs are identified as primary and anticipated deliverables beginning with Round 13 projects). Agencies/entities should also identify any other significant project accomplishments that are not reflected in the list of PMs. The Annual Accomplishments section of SMART is available during all reporting periods so entries can be made regardless of when a project is completed and closed.

The Performance Measure spreadsheet below contains three columns. The first column contains the two-letter designation and name of the Performance Measure, followed by the definition and metrics for reporting in the second column. The final column contains the recommended SNPLMA project category(ies) that would be expected to utilize the PM. The three major sections of the PMs are separated into a total of six categories:

- PMs for Habitat Enhancements
- PMs for Wildland Fire Management
- PMs for Environmentally Sensitive Land Acquisitions
- PMs for Cultural/Paleontological Resources
- PMs for Recreation Management
- Other PMs

¹ The revisions to the PMs were approved by the EC in its May 8, 2014 meeting.

² The *SNPLMA Strategic Plan – FY2015 – FY2019* can be found on the SNPLMA website (www.blm.gov/snplma) under "Implementation." However, the PMs in the Strategic Plan are not current. Please contact your SNPLMA program manager or the SNPLMA ADM if you would like to receive a "pdf" version of the most recent PMs.

SNPLMA Performance Measure System

Using the table below, partner agencies and entities are expected to submit quantifiable data on project accomplishments as part of the project close-out request package. Report all performance measures applicable to your project, even if the performance measure accomplished was not identified as a primary purpose of the project and happened indirectly as a result of other project work. The right-hand column, “SNPLMA Project Type” indicates the most likely project categories in which a performance measure will be reported; however, reporting on performance measures is not limited to only the listed categories.

SNPLMA FY2015-FY2019 STRATEGIC PLAN GOAL 1: Sustain the Quality of the Outdoor Environment by Conserving, Preserving, and Restoring Natural and Cultural Resources		
Performance Measures for Habitat Enhancement	Definition of Performance Measure	SNPLMA Project Type
H1 - Acres of Land Identified for Withdrawal From Multiple Use	Report the number of acres of land identified for withdrawal or withdrawn from multiple use management (e.g., as the result of a cultural or biological survey, etc.). Report the number of acres of specially designated areas such as a wilderness area, national recreation or conservation area that are automatically withdrawn from multiple use or where use is limited as a consequence of acquisition using SNPLMA funds. Land acquired in an ACEC is not automatically withdrawn from multiple use and should be reported under L1 only. Report to the nearest whole acre.	ACQ, CI
H2 - Miles of Riparian Stream or Shoreline Habitat Treated, Enhanced, or Restored	Report the number of miles of riparian stream and/or shoreline vegetation and/or wildlife habitat treated, enhanced, or restored. This can include retreatment and/or maintenance treatments only if the initial treatment was not funded through SNPLMA and the miles have not been accounted for in the performance measures for another SNPLMA project. Include acres treated by fire for resource benefits, but not other types of wildland fire. Do not report treatments targeting invasive vegetation, as those should be reported under the H9 performance measure. Do not report hazardous fuels reduction projects, as those should be reported under either the F1 or F2 performance measures. Report to the nearest whole mile.	CI, MSHCP, CIP, ENLRP, PTNA, LTRA
H3 - Miles of Riparian Stream or Shoreline Habitat Surveyed, Inventoried, or Monitored	Report the number of miles of riparian stream and/or shoreline vegetation and/or wildlife habitat surveyed, inventoried, or monitored. Report to the nearest whole mile.	CI, MSHCP, CIP, ENLRP, LTRA
H4 - Acres of Upland Habitat Treated, Enhanced, or Restored	Report the number of acres of upland vegetation and/or wildlife habitat treated, enhanced, or restored. This can include retreatment and/or maintenance treatments only if the initial treatment was not funded through SNPLMA and the acres have not been accounted for in the performance measures for another SNPLMA project. Include acres treated by fire rehabilitation projects or by fire for resource benefits, but not other types of wildland fire. Do not report treatments targeting invasive vegetation, as these should be reported under the H9 performance measure. Do not report hazardous fuels reduction projects, as these should be reported under either the F1 or F2 performance measures. Report to the nearest whole acre.	CI, MSHCP, CIP, ENLRP, LTRA
H5 - Acres of Upland Habitat Surveyed, Inventoried, or Monitored	Report the number of acres of upland vegetation and/or wildlife habitat surveyed, inventoried, or monitored. Report to the nearest whole acre.	CI, MSHCP, CIP, ENLRP, LTRA

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H6 - Acres of Wetland / Riparian Habitat Treated, Enhanced, or Restored	Report the number of acres of wetland vegetation and/or wildlife habitat treated, enhanced, or restored. This can include retreatment and/or maintenance treatments only if the initial treatment was not funded through SNPLMA and the acres have not been accounted for in the performance measures for another SNPLMA project. Include acres treated by fire rehabilitation projects or by fire for resource benefits, but not other types of wildland fire. Do not report treatments targeting invasive vegetation, as these should be reported under the H9 performance measure. Do not report hazardous fuels reduction projects, as these should be reported under either the F1 or F2 performance measures. Report to the nearest whole acre.	CI, MSHCP, CIP, ENLRP PTNA, LTRA
H7 - Acres of Wetland / Riparian Habitat Surveyed, Inventoried, or Monitored	Report the number of acres of wetland vegetation and/or wildlife habitats inventoried or monitored. Report to the nearest whole acre.	CI, MSHCP, CIP, ENLRP, LTRA
H8 - Number of Water Developments Constructed or Improved for Wildlife	Report the number of water developments for use by wildlife constructed or improved/repared within all habitat types. Existing projects may be counted under this performance measure if functional improvements/repairs are made as defined in the project nomination. Report each development constructed or improved as one unit (e.g., one project may have three water developments).	CI, CIP, PTNA, LTRA
H9 - Acres of Invasive Plant Species Treated or Restored	Report the number of acres of weed infestation treated with chemical, mechanical, physical, or biological control agents for the purpose of weed control. Include acres treated by fire when fire is used as a physical control agent for weed control rather than as a hazardous fuels treatment. Each acre treated is counted only once during the life of the project, no matter how many re-treatments occurred during the project. Report to the nearest whole acre.	CI, MSHCP, CIP, ENLRP, Fuels, PTNA, LTRA
H10 - Acres of Invasive Plant Species Surveyed, Inventoried, or Monitored	Report the number of acres of weed infestation inventoried or monitored. Include monitoring of weed treatment projects reported under performance measure H9. Report to the nearest whole acre.	CI, MSHCP, CIP, ENLRP, LTRA
H12 - Acres of Herd Management Areas Surveyed, Inventoried, or Monitored	Report the number of acres of wild horse and burro herd management areas or herd areas surveyed, inventoried or monitored. Report to the nearest whole acre.	CI
H13 - Number of Conservation or Protection Actions Taken within a Herd Management Area	Report the number of actions taken within a wild horse and burro herd management area to conserve or protect the area for the benefit of the herd (e.g., fences, water developments, vegetative treatments). Report each action as one unit.	CI
H14 - Number of Threatened and Endangered Species Recovery Actions Implemented	Report the number of individual recovery actions performed for threatened or endangered species recovery as identified in recovery plans, conservation management plans, or land use planning documents. Include surveys, inventories, and monitoring as recovery actions. >Note: One distinct action repeated 5 times over the course of the project would report as 1 action, not 5. The same recovery action conducted at distinct sites can be counted once for each site (this does not apply to individual plots within one single project site). The number of acres over which the actions were taken are reported under either H4 or H6. Report each action as one unit.	CI, MSHCP, CIP, ENLRP, PTNA, LTRA

H15- Number of Conservation Actions Implemented for Non-Listed Species	Report the number of individual conservation actions for species not listed under the Endangered Species Act. ➤Note: One distinct action repeated 5 times over the course of the project would report as 1 action, not 5. The same conservation action conducted at distinct sites can be counted once for each site (this does not apply to individual plots within one single project site).The number of acres over which the actions were taken are reported under either H4 or H6. Report each action as one unit.	CI, MSHCP, CIP, ENLRP, PTNA, LTRA
H16 - Miles of Roads or Trails Decommissioned and/or Rehabilitated	Report the number of miles of roads and/or trails decommissioned and/or rehabilitated within all habitats (urban, upland, riparian, stream, trails in caves, etc.). Closure may include designation, signing, blockage by physical means, obliteration, etc. Report to the nearest whole mile.	CI, MSHCP, CIP, ENLRP, LTRA
H17 – Miles of Roads or Trails Surveyed, Inventoried, or Monitored	Report the number of miles of roads and/or trails inventoried or monitored. Report to the nearest whole mile or linear foot. Report to the nearest whole mile.	CI, MSHCP, CIP, LTRA
H18 - MSHCP Land Acquired	Report acres of land acquired in fee for purposes consistent with implementation of the Clark County Multiple Species Habitat Conservation Plan. Do not report acres of easements or rights of way that encumbered the property when acquired. Report to the nearest whole acre.	MSHCP
H19 – MSHCP Rights of Way or Easements	Report the acres of rights of way or easements acquired for purposes consistent with implementation of the Clark County Multiple Species Habitat Conservation Plan. Report to the nearest whole acre.	MSHCP
Performance Measures for Wildland Fire Management	Definition of Performance Measure	SNPLMA Project Type
F1 - Acres of Hazardous Fuels Treated – Non-Wildland Urban Interface (WUI)	Report the total number of acres of hazardous fuels treated, enhanced, or restored to reduce wildland fuels hazards and to restore or maintain ecosystem resiliency outside the WUI. Where multiple treatments are necessary to meet vegetation management objectives, such as hand thinning followed by re-seeding, each treatment is counted individually. Report to the nearest whole acre.	CI, ENLRP, Fuels, LTRA
F2 - Acres of Hazardous Fuels Treated – Wildland Urban Interface (WUI)	Report the total number of acres of hazardous fuels treated, enhanced, or restored to reduce wildland fuels hazards and to restore or maintain ecosystem resiliency within the WUI. Where multiple treatments are necessary to meet vegetation management objectives, such as hand thinning followed by re-seeding, each treatment is counted individually. Report to the nearest whole acre.	CI, ENLRP, Fuels, LTRA
Performance Measures for Environmentally Sensitive Land Acquisitions	Definition of Performance Measures	SNPLMA Project Type
L1 - Environmentally Sensitive Land Acquired	Report acres acquired in fee. Report PTNA land acquisitions under R5 or R6 and MSHCP land acquisitions under H18 or H19. Report to the nearest whole acre.	ACQ
L2 – Water Rights Acquired	Report the acre feet per annum (AFA) of water rights acquired in conjunction with a fee acquisition or conservation easement acquisition. Water rights that are measured in cubic feet per second (CFS) or number of stock that can be watered should be converted to an AFA equivalent.	ACQ
L3 – Access Easements Acquired	Report the acres of access easement acquired in conjunction with a fee or conservation easement acquisition. Do not report acres of easements or rights of way that encumbered the property when acquired. Report to the nearest whole acre.	ACQ
L4 – Conservation Easements Acquired	Report acres of conservation easement acquired. Report to the nearest whole acre.	ACQ
L5 – Perennial or Intermittent Streams/Rivers Acquired	Report linear feet of riparian perennial or intermittent streams or rivers acquired within, or creating a boundary of, the property.	ACQ

	Report to the nearest whole linear foot.	
L6 – Natural Springs Acquired	Report the number of naturally occurring springs acquired on the property. Report each spring as one unit.	ACQ
L7 – Wildlife Migratory Corridors Acquired	Report the number of Migratory Corridors acquired within the property. Report each corridor as one unit.	ACQ
L8 – T&E Habitat Acquired	Report acres acquired of threatened and endangered species (plant and/or animal) habitat. Report only documented existing habitat. Report to the nearest whole acre.	ACQ
L9 – Sensitive Habitat Acquired	Report acres of habitat for sensitive or special status species (plant and/or animal), other than T&E reported under L8, acquired. Report to the nearest whole acre.	ACQ
L10 – Cultural, Historic, or Paleontological Sites Acquired	Report the number of cultural, historic, or paleontological sites acquired on the property. Sites must be listed, eligible for listing, or otherwise worthy of and planned for preservation in order to be reported. Report each site as one unit.	ACQ
Performance Measures for Cultural/Paleontological Resources	Definition of Performance Measures	SNPLMA Project Type
C1 - Number of Cultural or Historic Sites or Structures Stabilized or Protected	Report the number (one unit for each site or each structure) where work is completed to protect, stabilize, restore, excavate, and/or manage cultural features. For sites receiving multiple treatments, count each site only once, but if multiple structures are on a site, count each structure separately. For example an archeological dig site would be counted as one although multiple excavations may take place on the site, whereas a site having remnants of three separate dwellings would be counted as three. Report installation of interpretive signs and structures (e.g., kiosk displays) under O6. Report administrative actions such as mineral withdrawals, closures, or special designations under H1. Report each site or structure as one unit.	CI, CIP, ENLRP, PTNA, LTRA
C2 - Number of Cultural or Paleontological Artifacts Protected	Report the number of cultural and/or paleontological artifacts protected, stabilized, or catalogued. Report one unit for each repatriation or transfer of custody of Native American human remains, funerary objects, sacred objects, and/or objects of cultural patrimony (cultural items) held in collections, pursuant to Title 43 CFR Part 10.10.; each instance in which all requirements of Title 43 CFR Part 10.10 have been met but where actual repatriation has not been completed because of decisions made by lineal descendants or Indian tribes or lack of a valid claim; and reburial of repatriated cultural items on BLM public lands. Report the number of accessions cataloged, inventoried, rehoused and/or otherwise upgraded. Materials from several sites or localities that are accessioned and cataloged under a single accession number should be considered one unit. An accession for which any one or more of the tasks of cataloging, inventorying or upgrading has been completed should be reported as one unit. Report each artifact as one unit.	CI, CIP, ENLRP, PTNA, LTRA
C3 - Acres of Cultural / Paleontological Resources Surveyed, Inventoried or Monitored	Report the number of acres of land surveyed, inventoried, or monitored for cultural and/or paleontological resources. Include acres surveyed using Class I study of existing information inventory, Class II probabilistic field survey, or Class III intensive field survey and resultant inventory as required by Section 14 of the Archaeological Resources Protection Act (ARPA) or Section 110 of the National Historic Preservation Act (NHPA). Report to the nearest whole acre.	CI, CIP, ENLRP, PTNA, LTRA
SNPLMA FY2015-FY2019 STRATEGIC PLAN GOAL 2: Improve the Quality of Life for all Publics in Urban and Rural Communities by Enhancing Recreational		

Opportunities that Connect People with the Outdoor Environment		
Performance Measures for Recreation Management	Definition of Performance Measures	SNPLMA Project Type
R2 - Acres of New Parks or Natural Areas Constructed or Improved	Report the number of acres of new parks or natural areas constructed or improved. Existing parks or natural areas may be counted under this performance measure if functional improvements are made as defined in the project nomination. Do not report acres of new parks or natural areas acquired, as this should be reported under performance measure R5 or R6. Do not report structures built, as this should be reported under performance measure R3 or O2. Report to the nearest whole acre.	PTNA
R3- Number of New Recreational Facilities / Structures Constructed or Improved	Report the number of new recreational buildings, structures, park amenities, or similar facilities constructed or improved. Existing recreational facilities may be counted under this performance measure if functional improvements are made as defined in the project nomination. Include shade shelters, picnic areas, playgrounds, arenas, amphitheaters, pedestrian bridges, etc. Do not report acres of land acquired for new parks or natural areas as this should be reported under performance measure R5 or R6. Report each facility or structure as one unit.	CIP, PTNA, LTRA
R4- Miles of New Recreational Roads / Trails Constructed or Routes Improved	Report the number of miles of new recreational roads and/or trails constructed or improved. Restoration of existing roads and/or trails may be counted under this performance measure if functional improvements are made as defined in the project nomination. Report to the nearest whole mile.	CIP, PTNA, LTRA
R5 - PTNA Land Acquired	Report acres of land acquired in fee for development of a park, trail, or natural area. Do not report acres of easements or rights of way that encumbered the property when acquired. Report to the nearest whole acre.	PTNA
R6 – PTNA Rights of Way or Easements	Report the acres of rights of way or easements acquired for a PTNA project. Report to the nearest whole acre.	PTNA
SNPLMA FY2015-FY2019 STRATEGIC PLAN: Other Performance Measures that Also Support the Three Values for SNPLMA Implementation of Sustainability, Connectivity, and Community		
Other Performance Measures	Definition of Performance Measures	SNPLMA Project Type
O1 - Number of Hazardous Sites Remediated	Report the number of hazardous sites where remediation actions are completed. Actions to be included are: removal of safety hazards, clean-up operations, restoration actions, and water quality remediation actions. Do not report temporary remediation measures. Report each site as one unit. When applicable, also report total weight of trash removed during clean-up operations.	CI, CIP, ENLRP, PTNA, LTRA
O2 – Number of Buildings, Facilities and/or Amenities Constructed or Refurbished	Report the number of buildings, facilities, or amenities constructed or refurbished to improve access, functionality and/or health and safety for employees and the public, or to facilitate the integrity of resource values. Include cross walks, park/trail lighting, fencing, barriers, retaining walls, weirs, signing, security cameras, etc. Report each building, facility or amenity as one unit.	CIP, LTRA
O3 - Number of Law Enforcement Patrols, Incident Reports, Investigations	Report the number of law enforcement patrol actions, incident reports taken, and investigations conducted. Report each item as one unit.	CI
O4 - Number of Scientific / Technical Reports Produced	Report the number of scientific technical reports produced. Report each report as one unit.	CI, ENLRP, LTRA

O5 - Number of Outreach Contacts Made	Report the number of education and outreach contacts made through interpretation and environmental education, such as number of teachers trained, number of participants in workshops, etc. Report each participant as one unit.	CI, ENLRP, Fuels, LTRA
O6 - Number of New Interpretive or Education Publications/Signs/ Kiosks/Displays/etc. Produced	Report the number of new interpretive or education publications produced, signs produced and installed, public informational websites or other electronic media presentations designed and implemented, and informational or interpretive kiosk displays produced and installed. Report each item produced as one unit.	CI, CIP, ENLRP, Fuels, PTNA, LTRA
O7 - Number of Interpretive or Education Presentations Given and/or Community Events Participated In or Hosted	Report the number of interpretive or educational presentations given. Report each presentation as one unit.	CI, ENLRP, Fuels, LTRA
O8 – Buildings or Facilities that Support Green Sustainable Design and Construction	Report the percent reduction in the carbon footprint accomplished through green design, water conservation, energy independence, etc. Report the Leed certification level (silver, gold, platinum), if applicable. Report each building or facility as one unit.	CIP, PTNA, LTRA
O9 – Number of GIS Databases Generated and/or Map Layers Produced	Report the number of GIS databases created and/or the number of map layers produced to identify the location of natural resources within the environment and provide mapping for use in educational programs. Report each database or map layer as one unit.	CI, MSHCP, CIP, LTRA
O10 – Number of Volunteers Used	Report the number of volunteers used in educational or interpretive programs and for surveying, monitoring, or restoration activities. Report each volunteer as one unit.	CI, MSHCP, CIP, LTRA
O11 – Number of Databases, Reports, and Other Electronic Means of Documenting Activities	Report the number of new databases, electronic reporting tools, mathematical/statistical models, websites, or reports developed and implemented to document project and/or program work. Report each electronic document or method developed as one unit.	CI, MSHCP, CIP, LTRA
O12 – Number of Management Plans/Handbooks/Manuals/ Guides for Activity on Public Lands Completed (formerly under H11, F3, C4, and R1)*	Report the number of new or revised ecosystem restoration, hazardous fuels reduction, recreation, cultural, resource management, or other activity plans when the decision document for the plan is signed. Revisions include modification of a significant portion of the decisions in the activity plan. Do not report minor amendments or changes in these plans. Report each plan as one unit.	CI, MSHCP, CIP, ENLRP, PTNA, Fuels, LTRA

***Note:** Performance Measures H11, F3, C4, and R1, from the original list have been removed because they were generalized and combined into a new Performance Measure, O12.

Glossary for PMs

Accession – One or more objects and/or specimens acquired in the same manner from one source at one time for the museum property collection. Accessioning is the process of formally accepting and establishing permanent legal title (ownership) and/or custody for an object or specimen or group of objects and/or specimens. An accession can consist of materials and associated archives from a single site or fossil locality, or materials from several sites or fossil localities.

Biological Treatments – Treatment of vegetation using domestic animals, insects, etc.

Chemical Treatments – Treatment of vegetation with herbicides, etc.

Inventory – Collection and analysis of baseline information; counting number of a given species, cultural feature, etc.

Mechanical Treatments – Treatments using hand or motorized tools for mowing, chaining, ripping, thinning, seeding, etc.

Monitoring – Establishment of current status and/or trends in environmental variables

Riparian Habitat – Riparian habitat includes the interface between upland habitat and a river, stream, or lake, regardless of whether it is intermittent or perennial. Riparian habitats are characterized by vegetation adapted to growing in water or saturated soils. Includes riparian woodlands, forests, buffer zones, or strips.

Survey – Observing an area to determine if a species or resource exists after which an inventory may or may not be performed.

Upland Habitat – Upland habitats include Mojave desert, grassland, shrub lands, pinyon juniper forests, and woodland sites.

Wetland Habitat – Wetlands are saturated areas, either permanently or seasonally, with characteristic vegetation adapted to its unique soil conditions.

APPENDIX K

PRINCIPLES OF APPROPRIATION LAW

The SNPLMA business rules referred to in this Appendix and stated in Part One of the IA are intended to ensure that the funds appropriated by Congress for SNPLMA and authorized in specific amounts for specific purposes by the Secretary to carry out projects over a specified period of time are obligated and expended appropriately. Furthermore the rules serve to protect the agencies and entities from inadvertent violation of the principles and rules for use of Federal funds.

The Government Accountability Office (GAO) publishes the rules for use of appropriated funds in the *Principles of Federal Appropriations Law*, which is commonly referred to as the “Red Book.” [*The cover of the first edition was red, thus the nickname.*] The editions referenced in this discussion is the 3rd and 4th editions published in chapter-by-chapter in 15 chapters.³ This Appendix K provides explanations, examples and citations from the Red Book.

There are three primary principles of appropriations law -- Purpose, Amount, and Time. The Red Book defines and explains the three principles in detail, and provides case studies and examples of determinations by the GAO and the Comptroller General in regard to interpretation of these principles for proper use of appropriated funds.

The Principle of Purpose – “The Purpose Statute”

“Appropriations may be used only for their intended purposes. 31 U.S.C. § 1301(a) (‘purpose statute.’)” This 31 U.S.C. citation is referred to as the “purpose statute.”⁴

The interpretive precedence behind the purpose statute serves as guidance for SNPLMA compliance questions in three primary ways: (1) the determination of whether the use of funds is consistent with the purpose for which they were approved by the Secretary, (2) whether expenses are necessary to accomplish the purpose of the project, and (3) the analysis of whether a proposed project scope modification is consistent with the approved purpose.

The Red Book explains that if a proposed use of funds is inconsistent with the statutory language, the expenditure is improper. Congress authorized the Secretary in the SNPLMA legislation to determine how funds shall be expended within the categories of expenditures provided for in the legislation. The project nomination approved by the Secretary is the document that describes the specific purpose within one of those allowed categories for which the SNPLMA funds approved by the Secretary can be expended. The Red Book also states that use of funds inconsistent with the purpose for which they were appropriated is **“improper even if it would result in substantial savings or other benefits to the government** [emphasis added].⁵

The examples provided below illustrate how strictly the purpose statute is interpreted and applied by GAO and the Comptroller General. In application to SNPLMA these examples illustrate that funds can only be expended for the approved purpose of the projects and that changes of scope must not expand the purpose to be more general or cover a broader area or additional facilities from what was authorized by the Secretary when the project was approved. Changes in scope must ensure that funds appropriated for the project will be expended only to accomplish the purpose stated in the project nomination, which is the

³ As of the 2018 edition of the IA, Chapters 1, 2, and 3 of the Red Book have been updated into a 4th Edition. Chapters 4 and 5 are in the 3rd Edition, Vol. I. Chapters 6-11 are in the 3rd Edition, Vol. II. Chapters 12-15 are in the 3rd Edition, Vol. III.

⁴ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 3, pg. 9-14.

⁵ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 3, pg. 11-14.

purpose for which the funds authorized by the Secretary in his/her approval.

“Common Meaning of Words” Defines the Purpose of the Appropriation

The Red Book explains and provides examples illustrating that the application of the purpose statute must occur in relation to the actual language used to describe the purpose rather than by interpreting the language in a more general or broader sense.

“Absent a clear indication to the contrary, **the common meaning of the words** in the appropriation act and the program legislation it funds governs the purposes to which the appropriation may be applied”⁶ and “an appropriation made for specific purposes is not available for related but more extended purposes”⁷

Examples from GAO and Comptroller rulings strictly apply this rule:

- “Appropriation available for the ‘replacement’ of state roads damaged by nearby Federal dam construction could be used only to restore those roads to their former condition, not for improvements such as widening.”⁸ Thus “replacement” cannot be broadened to mean “improve” even though the improvements would be made during the replacement of the roads.
- “Funds for modifying an existing dam to address safety issues could not be used for a new dam, ‘even as part of an overall safety strategy.’”⁹ Thus, even if the design and other studies show that replacement (a different deliverable) is the best and safest option, these approved funds cannot be used for a new dam instead of modifying the existing dam.
- “An appropriation to install an electrical generating plant in the customhouse building in Baltimore could not be used to install the plant in a nearby post office building, even though the plant would serve both buildings and thereby reduce operating expenses. . . .”¹⁰ Thus, the agency/entity can’t move a project to a different facility, physical plant, or location within the entity’s management area from what is stated in nomination approved by the Secretary. This rule is true even if the new location would have been more cost effective.
- “An appropriation for the extension and remodeling of the State Department building was not available to construct a pneumatic tube delivery system between the State Department and the White House.”¹¹ This example illustrates that even though an activity could be incorporated or rolled into the approved effort, the common meaning of the words in the appropriation (in our case, the SNPLMA project nomination) mean that doing so would be expanding the meaning of the purpose for which the funds were approved.
- “While the Federal Aviation Administration (FAA) could construct its own roads needed for access to FAA facilities, it could not contribute a share for the improvement of county-owned roads, even though the latter undertaking would have been much less expensive.”¹² This is another example of an activity that is not in keeping with the purpose of the project even though the alternate activity would have been less expensive than that for which the funds were approved. It also illustrates that adding new work or deliverables beyond what was approved is not allowed under the purpose statute.

⁶ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 3, pg. 3-11.

⁷ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 2, pg. 2-65.

⁸ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 3, pg. 3-11.

⁹ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 3, pg. 3-11.

¹⁰ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 3, pg. 3-19.

¹¹ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 3, pg. 3-19.

¹²Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 3, pg. 3-11.

Federal Funds Appropriated For One Purpose Cannot be Used for Another

Use of Other Funds by Federal Agencies. Transfer of funds from one appropriation to another without statutory authority is prohibited including “(1) transfers from one agency to another, (2) transfers from one account to another within the same agency, and (3) transfers to an interagency or intra-agency working fund. . . . **The rule applies even though the transfer is intended as a temporary expedient (for example, to alleviate a temporary exhaustion of funds) and the agency contemplates reimbursement** [emphasis added].”¹³ This is referred to as the “transfer rule.”

The above relates to SNPLMA in that, unless authorized by law, agencies may not utilize other appropriated funds for SNPLMA projects:

- in anticipation of receiving SNPLMA funding after the appropriate financial instrument is executed,
- in expectation of approval for additional funds, or
- to initiate or carry out work requiring a scope change prior to approval of the request for a change of scope and modification of the financial instrument.

Use of Other Federal Funds by Local/Regional Governmental and other Non-Federal Entities. The use of Federal funds by the local/regional governments is not controlled by the above transfer rule, but rather is controlled by the Office of Management and Budget (OMB) guidance and regulations for use of funds provided through assistance agreements to local and regional governmental entities and other non-Federal entities. Basic guidelines in 2 CFR 200 Subpart E—Cost Principles, include that costs must be necessary and reasonable, conform to any limitations set forth in the award, be determined in accordance with generally accepted accounting principles, and not be included as a cost or used to meet cost sharing or matching requirements in another federally-financed program.¹⁴ The costs also must be allocable to the Federal award and incurred specifically for the Federal award, which for the purposes of SNPLMA, is the purpose and amount of the project approved by the Secretary and funded by SNPLMA through an assistance agreement.¹⁵

If a local/regional government recipient expends other available funds for work outside the purpose of a SNPLMA project, the entities cannot do so with an expectation of being reimbursed for those costs by SNPLMA. Use of funds provided for one SNPLMA project or other federally-funded project to work on another SNPLMA project is prohibited. OMB guidance in 2 CFR 200 states:

“Any cost allocable to a particular Federal award under the principles provided for in this part may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons.”¹⁶

Necessary Expense Doctrine

It would be unreasonable to expect to itemize every expenditure in an appropriation document, or in the case of SNPLMA, in the project budget. Thus another aspect of the purpose statute is the “necessary expense doctrine.” In essence, the necessary expenses doctrine states that:

“An appropriation made for a specific object [i.e., purpose] is available for expenses necessarily

¹³ Principles of Federal Appropriations Law, Government Accountability Office, 4th Edition, Chapter 2, pg. 2-38-39.

¹⁴ See 2 CFR 200.403 “Factors affecting allowability of costs.”

¹⁵ See 2 CFR 200.405 “Allocable costs” paragraph (a).

¹⁶ See 2 CFR 200.405 “Allocable costs” paragraph (c).

incident to accomplishing that object unless prohibited by law or otherwise provided for.”¹⁷

The appropriation doctrine of “Necessary Expense” also governs the determination of whether appropriated funds approved by the Secretary to carry out the purpose of a project have been expended appropriately. This doctrine does not distinguish between the appropriateness of direct versus indirect costs. For a cost, whether direct or indirect, to be considered a necessary expense of the project it must meet three criteria:¹⁸

- A. The expenditure must “make a direct contribution to carrying out the appropriation” which in the case of SNPLMA are expenditures authorized by Congress in the SNPLMA legislation as reflected in the projects approved by the Secretary of the Interior;
- B. The expenditure must not be prohibited by law; and
- C. The expenditure must not be covered by another more specific source of funding, i.e., the specific approved project or acquisition and associated necessary expenses must not be provided for in “the scope of some other appropriation or statutory funding scheme.”

The Principle of Time

The principle of time relates to the duration or period of time during which appropriated funds are available “to incur obligations and . . . to make expenditures.”¹⁹ The obligations and expenditures must be for *bona fide* needs to carry out the purpose during the time period specified in the appropriation document. Payments may be made after the available time period “only for payment of expenses properly incurred during the period of availability or to complete contracts properly made within that period of availability.”²⁰ The following example illustrates the *bona fide* need rule and payment of an expense that was incurred (i.e., obligated) during the period of availability but disbursed (i.e., paid) after the period of availability expired:

“The Interior Department proposed to obtain and exercise options on certain land, obligate the full purchase price, and take immediate title to and possession of the property. Payment of the purchase price, however, would be disbursed over a period of up to 4 years. The reason being that, in view of the capital gains tax, the seller would have insisted on a higher purchase price if payment was to be made in a lump sum. The Comptroller General concluded that the proposal was not legally objectionable, provided that (a) a *bona fide* need for the property existed in the fiscal year in which the option was to be exercised and (b) the full purchase price was obligated against appropriations for the fiscal year in which the option was exercised. As long as these conditions were met—obligation within the period of availability for a legitimate need existing within that period—the timing of actual disbursements over a 4-year period was irrelevant.”²¹

SNPLMA funds are “no-year funds,” meaning they can be authorized for expenditure by the Secretary “until expended.” However, availability of project funds approved by the Secretary is limited by:

- **the time period stated in the nomination for completion plus any approved time extensions as documented in the financial instrument (i.e., funds are not authorized for obligation or new expenditures if the period of performance in the financial instrument has expired).**

¹⁷ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, Chapter 4, pg. 4-20.

¹⁸ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, Chapter 4, pg. 4-21.

¹⁹ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, Chapter 5, pg. 5-3.

²⁰ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, Chapter 5, pg. 5-4.

²¹ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, Chapter 5, pg. 5-6.

The Principle of Amount

The basis of the appropriations principle of amount is the Anti-Deficiency Act (31 U.S.C. § 1341) which includes both civil and criminal penalties for violation.²² Violations would include:

- “Making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law. 31 U.S.C. § 1341(a)(1)(A).
- “Involving the government in any contract or other obligation for the payment of money for any purpose in advance of appropriations made for such purpose, unless the contract or obligation is authorized by law. 31 U.S.C. § 1341(a)(1)(B).
- “Accepting voluntary services for the United States, or employing personal services in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property. 31 U.S.C. § 1342.
- “Making obligations or expenditures in excess of an apportionment or reappropriation, or in excess of the amount permitted by agency regulations. 31 U.S.C. § 1517(a).”²³

The Red Book states “There are two distinct prohibitions in section 1341(a)(1). Unless otherwise authorized by law, no officer or employee of the United States may (1) make any expenditure or incur an obligation *in excess* of available appropriations, or (2) make an expenditure or incur an obligation *in advance* of appropriations.”²⁴

The following quotation from the Red Book illustrates that application of this rule to SNPLMA means that if a project needs additional funds to proceed, the agencies/entities may not enter into new obligations or expend other funds in anticipation of requesting and receiving approval for additional SNPLMA funds (e.g., contingency, SAR) to carry out the work of the project.

“In simple terms, once an appropriation is exhausted [fully obligated and/or expended], the making of any further payments, apart from using expired balances to liquidate or make adjustments to valid obligations recorded against that appropriation, violates 31 U.S.C. § 1341. When the appropriation is fully expended, no further payments may be made in any case. If an agency finds itself in this position, unless it has transfer authority or other clear statutory basis for making further payments, it has little choice but to seek a deficiency or supplemental appropriation from Congress, and to adjust or curtail operations as may be necessary. . . . For example, when the Corporation for National and Community Service obligated funds in excess of the amount available to it in the National Service Trust, the Corporation suspended participant enrollment in the AmeriCorps program and requested a deficiency appropriation from Congress.”²⁵

The following statement from the Red Book illustrates why agencies/entities cannot modify contracts to increase funding beyond the amount available in the financial instrument, even though the original obligation may have been within the amount available:

“Assessment of Antideficiency Act violations is not frozen at the point when the obligation is incurred. Even if the initial obligation was well within available funds, the Antideficiency Act can still be violated if upward adjustments cause the obligation to

²² Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-4.

²³ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-36-37.

²⁴ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-39.

²⁵ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-42.

exceed available funds.”²⁶

The following quotation of a Comptroller General finding from the Red Book illustrates that in some cases violation of the purpose statute can also be a violation of the Antideficiency Act:

“Not every violation of 31 U.S.C. § 1301(a) [the “Purpose Statute”] also constitutes a violation of the Antideficiency Act. . . . Even though an expenditure may have been charged to an improper source, the Antideficiency Act’s prohibition against incurring obligations in excess or in advance of available appropriations is not also violated unless no other funds were available [in the appropriate fund source] for that expenditure. Where, however, no other funds were authorized to be used for the purpose in question (or where those authorized were already obligated), both 31 U.S.C. § 1301(a) and § 1341(a) have been violated. In addition, we would consider an Antideficiency Act violation to have occurred where an expenditure was improperly charged and the appropriate fund source, although available at the time, was subsequently obligated, making readjustment of accounts impossible.”²⁷

The Red book provides the following examples to illustrate this point:

“An agency charges an obligation or expenditure to the wrong appropriation account, either charging the wrong appropriation for the same time period, or charging the wrong fiscal year. . . . if the appropriation that should have been charged in the first place has sufficient available funds to enable the adjustment of accounts, there is no Antideficiency Act violation. . . . an agency had erroneously charged a furniture order to the wrong appropriation account, but had sufficient funds in the proper account to support an adjustment correcting the error. Thus, GAO concluded, there was no violation of the Antideficiency Act. . . . On the other hand, a violation exists if the proper account does not have enough money to permit the adjustment, and this includes cases where sufficient funds existed at the time of the error but have since been obligated or expended.”²⁸

One of the most critical applications of the Antideficiency Act to SNPLMA projects relates to expending SNPLMA funds only for the purpose described in the nomination approved by the Secretary and reflected in the approved project work plan and/or funding instrument. The Red Book explains that if appropriated funds are used for some purpose other than what’s authorized:

“. . . and the agency has no other funds available for that purpose [enabling it to make an adjustment to correct the error], any officer of the agency who authorizes an obligation or expenditure for that purpose violates the Antideficiency Act.”²⁹

Non-Federal entities are also limited to the amount made available in the project’s Assistance Agreement for obligation and new expenditures within the period of availability of funds within that instrument (i.e., period of performance) and by the terms and conditions of the Assistance Agreement which include references to OMB circulars and other rules relative to grants and agreements.

Combined Effect of the Three Principles of Appropriations Law

The combined effect of the Antideficiency Act (i.e., principle of Amount), combined with the principles of purpose and time is summed up in the following quotation within the Red Book:

²⁶ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-42.

²⁷ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-79-80.

²⁸ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-80.

²⁹ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-82.

“These statutes evidence a plain intent on the part of the Congress to prohibit executive officers, unless otherwise authorized by law, from making contracts involving the Government in obligations for expenditures or liabilities beyond those contemplated and authorized for the period of availability of and within the amount of the appropriation . . . within the limits and purposes of appropriations . . . and to prohibit any officer or employee of the Government from involving the Government in any contract or other obligation for the payment of money for any purpose, in advance of appropriations made for such purpose.”³⁰

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³⁰ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, Chapter 6, pg. 6-37-38.

APPENDIX L

SNPLMA PROJECT MODIFICATION REQUEST FORM

Project Name and Category: _____

Project #: _____ Priority #: _____ Agency(ies)/Entity: _____

IAA/IGO or Agreement Number, if Applicable: _____

Prepared by: _____ Phone: _____ Date: _____

Documentation to Accompany This Request Form:

- **Transmittal Letter:** A cover letter on agency/entity letterhead briefly summarizing the request and signed by the unit manager (e.g., LMNRA Superintendent, Great Basin National Park Superintendent, Desert National Wildlife Refuge Project Leader, USFS Deputy Forest Supervisor, BLM District Manager, Director Clark County Comprehensive Planning, Director of Parks and Recreation, etc.). The letter should include:
 - The name, priority, and SNPLMA project number for the project,
 - The amount of time, funds (SAR or contingency), or nature of the scope change being requested, and
 - A brief summary of the reason for the request (detailed information is provided in this form).
- **Revised Cost Estimates:** Include with requests for Additional Funding and, if needed, for Scope Change requests:
 - Revised Schedule B Cost Estimate form, and
 - Revised Detailed Cost Estimate Worksheet for PTNA, Capital Improvement, Conservation Initiative, ENLRP, and Fuels projects.
- **Map:** Where beneficial to understanding the request (e.g., realignment of a trail, relationship between elements of a project associated with a scope change request, etc.), a map of the project area should be included.

Work plan Modification: A revised work plan is not required to be submitted with the request package. However, if a modification for a time extension or scope change is approved, the project work plan must be updated in the next available quarterly database after the approval date or sooner in coordination with the SNPLMA Program Manager:

- To reflect changes in target start and/or end dates for affected deliverables and project completion as a result of a time extension; and/or
- To delete, add, or modify deliverables and target start and end dates as necessary to accurately reflect changes to the project through an approved change of scope.

INSTRUCTIONS FOR USE OF THIS FORM:

- A request is not complete until the SNPLMA Program Manager has all the documentation and information required to initiate a decision memorandum. Requests for additional information may delay the approval of a decision and can impact the project’s expenditures causing delays and stoppage of work, which is not compensable by SNPLMA.
- All requests require completion of items 1 through 6 in the section below labeled “Information Required for All Modification Requests.” The requestor then completes the additional questions under each applicable modification request category in sections I through IV, ensuring that all needed modifications for the project at this time are addressed in a single form. The requesting agency/entity may submit only the applicable sections (e.g., if not requesting a scope change, Section II can be deleted from the form).
- Add rows to tables as necessary to provide all required information.

PROPOSED MODIFICATION: Check all that apply (select checkbox, right click, click properties, click “checked”):

- Time Extension Change of Scope SAR Funds
- Contingency Funds

INFORMATION REQUIRED FOR ALL MODIFICATION REQUESTS

1. Describe the purpose of the project as explained in the nomination. Beginning with Round 13, respond to this question by copying the purpose statement verbatim from the nomination.
2. Provide the original timeframe for project completion as stated in the nomination and the period of performance as stated in the approved financial documentation (IAA/IGO, BLM Task Order, Assistance Agreement, or Transfer Authorization Letter), including previously approved time extensions.

Time Frame for Project Completion as Stated in the Nomination or the Standard Time Frame for Completion (years/months): _____

Financial Document	Original Start Date	Current End Date	Total Duration (in years and months)
Transfer Authorization Letter			
IGO/IAA/BLM Task Order/ Assistance Agreement #1			
IGO/IAA/BLM Task Order/ Assistance Agreement #2			

What is the total funding currently available, including any approved contingency, SAR, or BRA.

	Amount Approved by Secretary	Approved SAR	Approved BRA	Approved Contingency	Total Project Funding
Total Approved	\$	\$	\$	\$	\$

3. Balance of Funds Available:

- For projects funded by an IAA/IGO, BLM Task Order, or Assistance Agreement, provide the amount remaining available by completing the table below. Column A should include only that portion of any contingency amount (typically 10 percent) authorized by the Secretary that has been approved for use.

Table 1 (Projects funded by IAA/IGO, BLM Task Order, or Assistance Agreement)

A	B	C	A-(B+C)
Total Project Funding on Financial Instrument	Amount Expended (e.g., Payroll, Contract payments, Supplies, etc.)	Unliquidated Obligations (Balance due on Contracts/Agreements)	Balance Available
\$	\$	\$	\$

- Projects funded by 1151 Direct Transfer should complete the two tables below. The amount in Column A of Table 2 will be less than the total available for the project from question 3 above if the project was partially funded through an IAA/IGO. Projects funded partially by an IAA/IGO should also complete Table 1. Column A should include only that portion of any contingency amount (typically 10 percent) authorized by the Secretary that has been approved for use.

Table 2 (For 1151 Direct Transfer Projects Only)

A	B	A-B
Total Project Funding Available for Transfer	Amount Transferred	Balance Available to Transfer
\$	\$	\$

Table 3 (For 1151 Direct Transfer Projects Only)

A	B	C	A-(B+C)
Total Transferred	Amount Expended (e.g., Payroll, Contract payments, Supplies, etc.)	Unliquidated Obligations (Balance due on Contracts/Agreements)	Balance Available of Funds Transferred
\$	\$	\$	\$

4. List the Project Deliverables Completed. Beginning with Round 13 projects also indicate whether each is a Primary, Anticipated, or Standard deliverable.

Deliverable	Actual Start Date	Actual End Date

5. List the Project Deliverables remaining and very briefly describe the progress toward completion of each and what remains to be done. Beginning with Round 13 projects, also indicate whether each is a Primary, Anticipated, or Standard deliverable.

Deliverable with Progress Description	Target or Actual Start Date	Target End Date

I. TIME EXTENSION REQUEST:

- Projects requiring additional time beyond the standard timeframe/period of performance or longer timeframe identified and approved in the nomination, must request a time extension justifying why additional time is needed and explaining how the project will be completed within the additional time requested. (Standard Timeframes: Land Acquisitions = 3 years; ENLRP = 4 years; PTNA, Capital Improvements, MSHCP, and Conservation Initiatives = 5 years; Fuels = 6 years.)
- Requests should be submitted no later than 120 days before the expiration of the project period of performance identified in the financial document (IAA, Assistance Agreement, BLM Task Order or Transfer Authorization Letter). Requestors should include 4 to 6 months in the time extension request to prepare and submit final financial documentation and closeout of the project with the SNPLMA Division.
- The SNPLMA Division may approve a one-time 90-day extension over and above any previous time extensions (including ones approved by the Executive Committee) to cover unexpected circumstances where the agency needs just a short time to complete the project (e.g., close out a contract, conduct final inspection, receipt of “Notice of Completion and Release of Claims,” etc.) and prepare and submit a closeout package. The time extension does not become effective until a modification to the applicable financial instrument is executed by the requesting agency/entity and the BLM.

1. Description of the issue or problem necessitating the request.
2. Describe any previously approved time extensions and the reasons on which those were based.

3. Describe the agency’s/entity’s attempts to (a) consider accelerating timelines or (b) downsizing or down-scoping the project, while still meeting the project purpose as defined in the approved project nomination, in order to try to complete the project within the original timeframe.³¹
4. Indicate how much additional time is being requested and the new project end date.
5. Indicate whether the request meets the criteria to obtain a one-time extension up to 90-days as described in the third bullet above (*see also Part One of the IA, Section X.C*). Requests for a 90-day extension to closeout a project should be submitted at least 30 days prior to expiration of the project to allow time for processing and modification of the project’s financial instrument.
6. Identify all deliverables impacted by the time extension request. Based on the additional time being requested, enter revised target start and end dates for deliverables that have not yet been started and new target end dates for deliverables where work already started. Additionally, enter any impact to estimated costs.³² Also indicate whether each impacted deliverable is a Primary, Anticipated, or Standard deliverable. (Add additional lines to the table as needed.)

Deliverable	Original or Revised Target Start Date	Revised Target End Date	Cost or Other Impacts

7. Describe the rationale or justification for the requested time extension. The rationale/justification should describe how the project will stay on schedule to be completed and closed out by the new end date being requested.

II. CHANGE IN SCOPE REQUEST:

- A request for Change in Scope must adhere to the “Purpose Statute” of the Principles of Federal Appropriations Law and all business rules in the IA Part One for conformance with the Purpose Statute.
1. Describe the issue or problem necessitating the request.
 2. Describe the change in scope being requested.
 3. Identity all deliverables, tasks, and subtasks impacted by the requested change in scope as well as any new deliverables, tasks, or subtasks that will result from the scope change if approved. Indicate whether each impacted or new deliverable is a Primary, Anticipated, or Standard deliverable.

³¹ Addition of the requirement was approved by the EC in a decision memo signed on 1/15/2014.

³² Addressing revised start and end dates and cost impact on deliverables was approved by the EC in a decision memo signed on 1/15/2014.

4. Enter revised target start and end dates for impacted deliverables that have not yet been started and for any new deliverables; enter new target end dates for impacted deliverables where work already started.
5. For Environmentally Sensitive Land Acquisitions, also indicate whether any of the resources on which approval of the project was based will be reduced and to what extent, as well as any other impacts, positive or negative, on the resources resulting from the requested change in scope.

Deliverable/ Task/ Subtask (For Lands Also Address Resources)	Original/ or Revised Target Start Date	Revised Target End Date	Cost or Other Impact

6. Explain how the requested change in scope is necessary for completion of the purpose of the project as described in the nomination and approved by the Secretary, and/or, in the case of land acquisitions explain how the resources approved for acquisition will be protected if the change in scope is approved. The explanation must specifically address the purpose statement in the nomination.
7. How will progress toward completion of the project be measured if the scope change is approved?
8. What are the risks (positive or negative) of denying the request?
9. Briefly describe any previously approved scope changes and the reasons on which the approvals were based.

III. SPECIAL ACCOUNT RESERVE (SAR) FUNDING REQUEST:

Requests for additional funds must be requested and approved before incurring new obligations or expenditures over and above the original funding level.

- The EC has established a target maximum SAR request of 10 percent of the current total funds available for the project.³³
- To be eligible for immediate processing, a SAR request must meet a two-part test to be designated as a high priority. (*See below for two-part test.*)
- Routine requests for additional funds (not qualified as a “high priority”) are reviewed on a quarterly basis or as directed by the Executive Committee.
- Requests that do not meet the first part of the two-part test will not be accepted.

1. Two-Part Test to Determine Eligibility for Priority Status:

³³ The EC approved a target maximum for SAR requests in a decision memorandum signed on 8/1/2011.

- a) Explain what steps have been taken to attempt to down-scope the project to complete it within the approved budget or other actions taken to complete the project within budget.
 - b) Explain whether the funding need is urgent in order to either (1) prevent work stoppage or layoffs, (2) award a contract, and/or (3) address a critical situation that needs immediate remediation to complete the project. Explanations must be thorough and specific.
2. Explain what part of the project or project deliverable has had a cost increase and why. Indicate whether the impacted deliverable is a Primary, Anticipated, or Standard deliverable.
 3. Briefly describe any previously approved SAR or BRA approved funding and the reasons on which the approval was based.
 4. Describe the amount being requested and on what it will be expended. List which deliverables, tasks, and/or subtasks are impacted by the additional funding request. Indicate whether each impacted deliverable is a Primary, Anticipated, or Standard deliverable. (Expand the table as needed.)

Deliverable/ Task/ Subtask	Additional Funding Needed	Justification/ Rationale

5. Explain how the requested additional funding is necessary for the completion of the purpose of the project as described in the nomination and approved by the Secretary. The explanation must specifically address the purpose statement in the nomination.
6. Total of funds provided to date for multiple phases of the same project, including completion percentage and amount of funding spent for each phase. (Attach a map locating previous phases of the project where appropriate or if requested.)

Name & Project # of Previous Phase	Total Funding Provided	Amount Expended And/or Obligated	Completion Percent

7. What are the risks of denying the request? For example, describe any effect on the timeline for project completion if the request is denied or delayed.
8. If the request is for funds to pay for a new deliverable, describe the deliverable and identify whether it is a primary, anticipated, or standard deliverable; how much of the requested amount is attributable to the cost of the new deliverable; and complete the scope change request section of this form.

IV. CONTINGENCY FUNDING REQUEST:³⁴

- Contingency funding must have been approved for the project category during the round in which the project was approved in order for the agency/entity to request use of contingency funds.
 - Requests must be for a specific amount up to but not exceeding ten percent (10 %) of the original project funding approved by the Secretary.
 - Contingency funds can be made available only to cover unanticipated project cost increases occurring after the project is approved by the Secretary.
 - The amount requested must be justified based on specific cost increases.
 - Approval of the contingency does not require a decision memorandum; however a completed request is required for the SNPLMA Program Manager to approve or deny the request and notify the agency/entity in a timely manner. *(See the IA Part One, Section VII.E.2 for the business rules regarding the Contingency Funds process.)*
1. Explain what part of the project or project deliverable has had a cost increase and why. Indicate whether the impacted deliverable is a Primary, Anticipated, or Standard deliverable.
 2. Describe any portion of available contingency funding that was previously approved for the project and the reasons on which that approval was based.
 3. Provide the total amount being requested and what percent the request is of the amount approved by Secretary.
 4. Specify what costs the contingency funds will cover by listing those deliverables, tasks, and/or subtasks that require additional funds and how much of the requested contingency funds are expected to be used for each. Beginning with Round 13 projects indicate whether the impacted deliverable is a Primary, Anticipated, or Standard deliverable

Deliverable/ Task/ Subtask	Original Cost Estimate	Revised Cost Estimate	Amount of Contingency Funds Needed

5. Explain why the project is at a stage where contingency funds are needed now.
6. Explain how the requested contingency funds are necessary for the completion of the purpose of the project as described in the nomination and approved by the Secretary. Beginning with Round 13 projects, the explanation will specifically address the purpose statement in the nomination.

³⁴ The process for use of contingency funds was approved by the EC in a decision memorandum for IA changes signed 9/8/2009 and was initiated for projects in Round 10 and forward. See Part One, Section VII.E.

By Signature Below the Agency/Entity Authorized Management Official Approves the Above Modification Request as Accurate and Appropriate and Acknowledges as Follows:

Regarding Requests for Time Extensions:

- A. No additional funds may be obligated or expended beyond the current end date until a time extension is approved and an amended or new financial instrument is executed or modified transfer authorization letter is received by the recipient.

Regarding Changes in Scope:

- B. No funds may be obligated or expended on a proposed change in scope until the request is approved and a modification to the financial instrument is executed or a modified transfer authorization letter is received by the recipient; and
- C. Any funds, regardless of source, which may have been obligated or expended toward carrying out a scope change prior to approval and receipt of the appropriate modification to the financial instrument (i.e., IAA, BLM task order, Assistance Agreement, transfer authorization letter) will not be reimbursed by SNPLMA funds.

Regarding Request for Additional Funds:

- D. No new obligations or expenditures may be incurred in anticipation of approval of a request for SAR or contingency funds and in anticipation of reimbursement or other compensation for those costs by SNPLMA funds; and
- E. Any funds, regardless of source, which may be obligated or expended in excess of total funds available for the project prior to approval of a request for SAR or contingency funds and receipt of the appropriate fully executed financial instrument or receipt of a modified transfer authorization letter and funds from Treasury will not be reimbursed or otherwise compensable by SNPLMA funds.

Signature: _____
Authorized Management Official

Date: _____

Name: _____
Print Name of Authorized Management Official

APPENDIX M

Automated Standard Application for Payment (ASAP) SYSTEM

What is ASAP

The ASAP is an all-electronic payment and information system available on the internet and through which non-Federal entities and organizations that are receiving Federal funds can draw down from accounts pre-authorized by Federal agencies. Drawdowns may be initiated daily, weekly, monthly, or quarterly to meet the immediate needs of the local and regional governmental entities and other non-Federal entities to cover necessary expenses for approved SNPLMA projects with an executed Assistance Agreements. *(See the IA Part One, Section VIII.B. for details regarding use of ASAP to receive project funds.)*

Enrolling in ASAP

ASAP accounts are synonymous with the individual Assistance Agreement (AA) number for each project. In order to enroll, the grantee needs to complete an ASAP.GOV Participation Request form for the Bureau of Land Management (BLM) and send it to the BLM National Operations Center (NOC). After the grantee has been enrolled in ASAP, the NOC updates the Federal Financial System (FFS) vendor table with the recipient identification number assigned by Treasury. Before a recipient can request payments through ASAP they must also be registered as a Federal contractor. Registration occurs in the System Award Management (SAM) program. All eligible entities need to be registered in SAM. The SAM website is <https://www.uscontractorregistration.com>.

ASAP Authorization Limits

After an entity is registered in ASAP, the BLM must enter the obligation for each individual project in Federal Financial System (FFS). The authorization will never exceed the amount available as documented in the IAA. Once the ASAP account is established, BLM can enter authorizations to increase or decrease the available balance of ASAP accounts based on AA modification documents processed by the SNPLMA Division. The BLM may also establish a quarterly Maximum Draw Amount for each project account based on the quarterly report submitted by the local or regional governmental entity. The ASAP system will reject any payment requests made for an amount in excess of the limit set by the BLM.

Agency Review

The ASAP system allows the Federal agency, in this case the BLM, to set a threshold to specify that requests at or above a certain dollar amount for selected accounts be forwarded for “agency review.” The agency review threshold can apply to a single project account or all the accounts for a single local or regional governmental entity. When a payment request is made which is equal to or greater than the threshold, the payment will be held and will not affect account balances until the BLM either approves or rejects it. The amount of an approved request can also be modified by the BLM. If after three business days the BLM has not taken an action with the payment request under review, the default action established by the agency occurs. The default actions that can be set for accounts under review are: Hold, Reject, and Approve.

The BLM does not anticipate utilizing “agency review” unless warranted by circumstances such as the following:

- Entities demonstrate a pattern of failure to submit quarterly reports on a timely basis,

- Failure to expend funds drawn down from an ASAP account(s) in accordance with United States Department of the Treasury (Treasury) guidance and regulations in 2 CFR 200.305 (see next section below),
- Failure to provide sufficient notice of the pending drawdown transaction for PTNA projects,
- A determination that certain costs are not necessary expenses after disbursement or a pattern of payment of improper costs, or
- Drawdowns outside of the period of performance of the IAA.

Regulations and Authorities

The OMB provides guidance in 2 CFR, Subtitle A, Chapter II, Part Subpart D for financial and program management for Federal awards to States and local government entities. Also 2 CFR 200.305 sets out the basic standards for payments and states that “payments methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-Federal entity.” The generally accepted timeframe for meeting this requirement is three (3) business days from the receipt of funds.

The OMB guidance further requires that in order to receive advance payments the local government entity must “demonstrate both the willingness and ability to maintain procedures” to meet minimize the time between receipt of and disbursement of project funds (2 CFR 200.305(b)(1)). The CFR further directs that advance payments to the non-Federal entities must be limited to the minimum amounts needed and timed to be in accordance with the actual, immediate cash requirements of the local government in carrying out the purposes of the approved project (2 CFR 200.305(b)(1)).

The OMB guidance also provides that when a recipient organization receiving cash advances has demonstrated to the Federal agency (in this case BLM), that it is unwilling or unable to establish procedures that will minimize the time that elapses between the receipt of funds (i.e., draw down of funds from ASAP) and disbursement of those funds, the Federal agency will require the recipient to finance its operations with its own working capital, and payments will be made by reimbursement for the entity’s actual cash disbursements (see 2 CFR 200.305(b)(4)).

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APPENDIX N

“1151” DIRECT TRANSFER PROCEDURES

A. Summary of Basic Procedure

The transfer process is a series of five distinct steps following transmission and receipt of the Special Account Funds Notice; agency request; request review and approval; cash availability determination; Treasury approval; and transfer of funds. Funds are transferred to the allocation account at the agency headquarters level. Agencies are responsible for coordination with their headquarters and regional finance offices to ensure timely and proper distribution of transferred funds for use by the local/regional office to carry out the approved projects. **Agencies must also track/account for transferred funds on a per-project basis.**

1. Each eligible agency initiates the transfer process by submitting a request to the SNPLMA Division (see Appendix J, Part B).
2. The requests are then reviewed for completeness and accuracy by the SNPLMA Program Manager and approved by the SNPLMA Division ADM or his/her designee, after which they are forwarded to the NOC.
3. The NOC ensures sufficient cash availability from investments in the Special Account and then forwards the 1151 transfer request form to the BLM Washington Office (WO) Budget Group and the SNPLMA Division notifies the local agency representative that the transfer has been submitted to Treasury.
4. The BLM WO Budget Group enters the transfer data into the Treasury Financial Management Service’s system and certifies the transaction.
5. Treasury reviews the transfer request and, if it is in order (correct account information and legal citation), the request is processed and funds are transferred to the agency’s headquarters office.
6. When Treasury changes the status of the transaction to “Star Posted,” the funds are available for use by the receiving agency.
7. After the transferred funds are received, the agency headquarters office, regional office(s), and local office(s) coordinate internally to move the funds to the correct project accounts.

B. Specific Guidelines

- *Appropriate Transfer Frequency:* The nature of the project and accomplishing on-the-ground results drives the appropriate funding basis for transfers, i.e., annual, quarterly or one-time. Small projects of a short duration which can be initiated and completed in less than one year, and projects involving contracts where funding must be available prior to awarding of the contract are examples of work/projects where an annual or one-time funding may be more appropriate than funding on a quarterly basis. Generally, speaking, however, funding should be requested on a quarterly basis in an amount that the agency expects to expend or obligate within the quarter.
- *Transfers at Logical Stages of the Project:* The Solicitor’s opinion that SNPLMA may not make advanced payments and instructions that payments should be made at logical stages in the life of a project is binding on the BLM.

- **Provisions to Monitor Obligation/Expenditure of Transferred Funds to Avoid Making Advance Payments:** Because the SNPLMA does not authorize advance payments, agencies are expected to identify quarterly transfer amounts consistent with the amount they anticipate being able to either expend or obligate during that quarter. If the amount of previously transferred funds expended/obligated by the agency is less than 95 percent, the agency must provide an explanation in the quarterly status report for that project. The explanation can be entered in the “comments” area of the funding section for the project. (*See the IA Part One, Section VIII.A.2. for a discussion of the “95 Percent Rule” and Section XI.A.3. for rules at each POC color category of risk that apply to projects not meeting the “95 Percent Rule.”*)

If the difference in the percent complete for the project compared to the percent of total available funds transferred is more than 10 percent, the agency must provide an explanation in the quarterly status report. If these differences continue to grow, future transfers could be delayed until the agency obligates or expends funds already provided to make appropriate progress on the project.

The SNPLMA Division will consult with the receiving agency as soon as there appears to be a higher than expected discrepancy between funds expended vs. provided and progress vs. funds provided. If the SNPLMA Division believes a transfer should be delayed, it will consult with the agency on justification for the requested amount, or agreement on a reduced request, or conditions that must be met before the transfer can be approved.

- **Transfer Request and Reporting:** BLM has made available to all eligible agencies and entities a web-based *SNPLMA Management and Reporting Tool (SMART)*. Agencies report quarterly on progress and enter funding requests for the current quarter. See the IA Part One, Section VIII.A. for detailed information on direct transfer funding and Section X for detailed quarterly reporting requirements. (*See Appendix J detailed processes for initiating project funding, quarterly report transmittal letters, funding requests, and closeout requirements.*)
- **Agency Accounting for Transferred Funds:** Agencies are required to keep a detailed accounting by project. Agencies will use the appropriate financial system reports to document fund obligations and expenditures. Backup documentation must be retained and made available for SNPLMA Division informal project file reviews and for formal audits. (*See Appendix J, Part A for documentation retention requirements.*)

C. Reporting Requirements for Transferred Funds

- **Progress Reports:** Projects under transfer have the same quarterly status reporting requirements as projects funded by any other funding method (*See IA Part One, Section X on quarterly reporting.*)
- **Miscellaneous and Ad-hoc Reports:** Each agency may be requested from time-to-time to provide status reports and other financial data for the annual report to Congress, and information needed by the BLM to respond to special requests from the DOI, OMB, Treasury, and Congress.
- **OMB and Treasury Reports:** Agencies are expected to coordinate with their respective financial centers to ensure timely submission of their Quarterly SF-133, annual FMS 2108, and monthly Trial Balance (5th day of the month) as required by regulation and to provide the BLM NOC with a copy of their submissions.

APPENDIX O

SAMPLE FORM FOR RELOCATION ASSISTANCE ASSESSMENT (Under Uniform Act)*

Serial/Project Number	

Complete, sign and date this checklist at initiation of every acquisition!	Yes	No
Residential dwelling located on the property?		
Dwelling occupied?		
Dwelling occupied by an owner?		
Dwelling occupied by a tenant?		
Occupancy permanent?		
Occupancy seasonal?		
If the occupancy is tenant/seasonal, does the tenant own personal property in the dwelling?		
Authority to acquire property within this project area permit acquisition by condemnation?		
Agricultural operation or business located on the property? (This includes billboards, grazing and crop leases.)		

Occupant's Name	Address	Telephone #	Owner	Tenant

Because I answered "Yes" to any of the above questions, I will refer to Chapter IX - Relocation Assistance BLM Manual Handbook H-2100-1, Acquisition, to determine whether relocation assistance may apply, and I will contact the BLM Relocation Specialist if I need assistance.

Signature	Title	Date
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APPENDIX P

HISTORY 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 draft document in December 1999, 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 draft Charter was circulated for public comment to gain input from interested parties. The comments received resulted in revisions to the initial document that 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; and refined the criteria used to rank nominations for land acquisitions. These revisions included renaming the document as the *Federal Partners Implementation Agreement*. Though not fully executed, the draft of this document was utilized to initiate Round 1 of expenditure of the SNPLMA Special Account.

The *Federal Partners Implementation Agreement* dated May 2000 and fully executed by all the Executive Committee members by July 10, 2000, was, therefore, the first fully executed formal document outlining the processes and procedures for implementation of the SNPLMA.

Round 1 was approved by the Secretary of the Interior Babbitt on June 27, 2000. The lessons learned in executing the Round 1 process and future rounds have proven valuable in assessing the effectiveness and efficiency of implementation policies, processes and procedures. A continuous improvement approach was adopted after Round 1 resulting in frequent modifications to reflect modifications to the SNPLMA legislation and improvements to allow for greater clarity, accountability, and transparency as well as efficiencies and effectiveness.

May 2001 Revision. The first revision to the IA added a representative of rural Nevada (appointed by the Governor) to the PWG; added a fourth local government representative to the Parks, Trails, and Natural Areas (PTNA) Subgroup; 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 document was also renamed *The Southern Nevada Public Land Management Act of 1998 Implementation Agreement*. It should be noted that due to concerns regarding SNPLMA not reimbursing agency fixed overhead costs, the FWS did not participate or sign the 2001 revision of the IA. This second version of the IA was fully executed by the three participating Federal agencies on November 30, 2001.

March 2003 Revision. The second revision was fully executed by all four members of the Executive Committee by March 10, 2003, including FWS which had resolved its internal concerns regarding no SNPLMA reimbursement of agency fixed overhead costs. The 2003 version 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 new Conservation Initiative category, and updated appendices to reflect modifications to documentation requirements for task orders and reimbursement requests.

June 2004 Revision. The June 2004 version of the IA was fully executed by June 15, 2004. It incorporated the state-level implementation of the Federal Land Transaction Facilitation Act of 2000 (FLTFA), modified the land nomination package requirements to incorporate requirements of the FLTFA, adopted definitions and criteria for projects and payment of expenditures for the new Lake Tahoe restoration projects category, and renamed the Implementation Agreement: *The Southern Nevada Public Land Management Act and Federal Land Transaction Facilitation Act Implementation Agreement*. Other significant administrative and management changes included 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; provided 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; incorporated changes in reimbursement policies for appraisal costs; modified and clarified allowable costs in all categories frequently referred to as “new allowed costs;” and provided 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 the June 2004 revision applied to all acquisitions and projects that had not yet been completed or terminated.

The June 2004 revision also set out the process whereby Lake Tahoe Restoration Projects are nominated, selected and recommended parallel to but outside the SNPLMA nomination process carried out by the SNPLMA subgroups and SNPLMA PWG, with the Final Recommendation for Lake Tahoe being forwarded to the SNPLMA EC for its consideration and inclusion in the SNPLMA Final Recommendation transmitted to the Secretary of the Interior for approval.

June 2006 Revision: The fourth revision, executed on June 7, 2006, included several significant modifications. It incorporated the applicable provisions of the Lincoln County Conservation, Recreation, and Development Act of 2004 (P.L. 108-424), and provided for a representative from the BLM Ely Field Office on the Capital Improvement and Conservation Initiative subgroups and a representative from Lincoln County on the PTNA subgroup. This revision also included modifications to reflect determinations made in a February 25, 2005 Office of the Solicitor opinion on “Interpretation of the Southern Nevada Public Land Management Act of 1988 (sic) [1998].” Revisions reflected the Solicitor’s determination that SNPLMA funds are considered “appropriated funds” following Secretarial approval, that allowed project costs are referred to as “necessary expenses,” that the EC still has the authority to determine which necessary expenses will be allowed,” and the fact that necessary expenses do not distinguish direct and indirect costs. In addition to the estimated necessary expenses worksheets by category, a list of examples of “other necessary expenses” was also included in the appendices.

Also of significance in the June 2006 revision were changes in the funding criteria for Capital Improvement, PTNA, Conservation Initiatives, and Land Acquisitions. A revised process for addressing project modifications, including approval thresholds for the SNPLMA Division and PWG was included, as well as a formal process for addressing termination of projects. It also included provisions for direct transfer of funds, a Pre-Proposal Planning reserve for pre-design and feasibility studies, revised ranking criteria for all categories except MSHCP and Lake Tahoe, and additional guidance regarding use of SAR funds. Other modifications addressed clarification and requirements regarding appraisals and

determinations under the Uniform Act for acquisition of land and interests in land under the PTNA project category. The provisions for an early appraisal for land acquisitions were deleted because it was no longer necessary or beneficial given other changes to processes and allowed costs. Other minor administrative and management changes were also included.

July 2007 Reissue: The July 2007 reissued version of the IA did not require new signatures by the EC to the approval page because it reflected amendments to SNPLMA included in the White Pine legislation and other revisions approved by the EC through decision memorandums, as well as typographical and formatting corrections. White Pine amendments added eligible entities and geographical areas to some categories and added two new categories (Hazardous Fuels Reduction and Wildfire Prevention and projects to carry out the Eastern Nevada Landscape Restoration Project). Changes approved by decision memos included adding Bureau of Reclamation as an eligible entity and subgroup voting member for both Capital Improvements and Land Acquisitions, and adding the Pre-Proposal Planning ranking criteria.

October 2007 Reissue: The October 2007 re-issued version of the IA reflected revisions approved by the EC during its meeting on October 11 and 12, 2007, and by approval and signature to a decision memo. As with the July 2007 Reissue, new EC signatures to the approval page were not required. Substantive revisions were:

- Describe the process for utilizing the Automated Standard Application for Payment (ASAP) system to transfer approved SNPLMA project funds to local and regional governmental entities and other non-Federal entities as allowed or required by Federal policies and procedures;
- Describe the new quarterly reporting and funding request process developed by the SNPLMA Division which combines project information and funding needs into a single report format;
- Provide guidance for inclusion of roads in PTNA projects; and
- Provide a definition of high value PTNA land acquisitions as those with an anticipated cost of \$2.5 million or higher and provide guidance for inclusion of the Department of the Interior Appraisal Services Directorate (ASD) at the beginning of the local/regional government appraisal process before a scope of work is prepared or an appraiser selected; and ranking criteria changes for Capital Improvement, PTNA, Environmentally Sensitive Land Acquisitions, Hazardous Fuels and Wildfire Prevention, and Eastern Nevada Landscape Restoration Project categories.

February 2013 Revision: This revision divided the IA into two parts. Part One is the narrative description of the objectives, organization, policies, and procedures for implementation and Part Two is the appendices which include instructions on processes, forms, and further explanation and examples of topics covered in the narrative. Ranking Criteria and necessary expense estimate forms are published for each Round as part of the call for nominations so are no longer included in the IA. Incorporated into this revision are modifications that were approved by EC decision memorandums since October 2007. Footnotes have been included identifying the decision memorandum that instituted the noted revision. Another noticeable change throughout the IA is the inclusion of references to other sections of the text in Part One and/or appendices in Part Two to lead the reader to specific guidance or instructions.

Figures 4 and 5 reflecting separate acquisition and project completion flow charts were no longer accurate or applicable to all types of projects and were removed. In their place is a SNPLMA Business Process Flow Chart showing the four phases of implementation of the SNPLMA program from nomination through project closeout. Part One has been reorganized for better flow of information tied to these four phases of the SNPLMA Business Process.

The modifications in this revision addressed the following topics:

- SNPLMA amendments in the Omnibus Public Lands Act of 2009

- A process to request and approve use of contingency funding beginning with Round 10 projects.
- The Secretary’s requirements that must be satisfied before the funds approved for each project are authorized for expenditure.
- Additional instructions for completing project work plans, quarterly progress and financial reports, and annual accomplishments.
- Policy on nomination re-writes for projects being recommended by the EC that were changed from what was nominated either at the subgroup, PWG, or EC level of review.
- MSHCP category eligibility to nominate every round and revised MSHCP nomination and review process.
- Inclusion of MSHCP’s eligibility for land acquisitions for purposes consistent with implementation of Clark County’s *Multiple Species Habitat Conservation Plan* following the same rules as PTNA land acquisitions.
- The three principles of Federal appropriations law and application to expenditure of SNPLMA funds.
- New rules for requesting time extensions.
- Clarification that no funds obligated or expended for a project will be reimbursed/paid by SNPLMA if obligated or expended prior to execution of the appropriate financial instrument, or if incurred prior to approval of the project work plan and meeting any other requirements in the Secretarial decision.
- Conditions which, if they exist, will prevent reimbursement/payment using SNPLMA funds.
- A standardized notification documenting the period of performance, level of funding, and other terms, conditions, and modifications for Federal projects that receive funds by 1151 direct transfer.
- Project Purpose Statements in nominations and work plans beginning in Round 13; determination of project purpose for projects in Rounds 1 through 12.
- Project Deliverables defined as Primary, Anticipated, and Standard beginning with Round 13.
- Standard timeframes for project completion by category.
- Removal of availability of budget reallocation (BRA); “on-hold” status; and ability to request PPP reserve funds as well as associated PPP appendices (L, PPP request form; L-1 cost estimate; and L-2, criteria).
- Updates to project termination section.
- New rules and process for requesting SAR funds based on priority and a new target maximum request of 10 percent.
- Addition of a second local/regional government member to the PWG from the PTNA subgroup.
- Clarification that SNPLMA policies, procedures, and business rules apply to all SNPLMA projects regardless of whether a project is for a single activity or a group of activities, regardless of the category within which the project falls, and arbitrary descriptors of “program” or “project” shall not affect the guidelines or rules used to implement a project or assess requests for project modifications.
- Clarification of document retention rules for all categories and all funding methods.
- Removal of all references to the Federal Land Transaction Facilitation Act (FLTFA) which expired and was not reauthorized, including removing it from the title of the IA.
- Clarify that Lake Tahoe Restoration projects have received all designated funding and will no longer submit nominations but approved projects continue to be part of the implementation phase of the SNPLMA Business Process.
- Provision for conditional approvals of project modifications with milestones and deadlines.

- Only those Lake Tahoe entities involved with implementation of approved projects are included since Lake Tahoe received its full \$300 million funding commitment and no new projects will be submitted.
- Specific rules for when scope changes are not required, circumstances that require scope changes, and prohibited scope changes. These rules tie into the three types of deliverables and expenditure rules consistent with appropriations law.
- A new two-part test to determine priority processing for SAR requests and how routine requests will be processed.
- Appendix A includes examples of acceptable purpose statements. A specific purpose statement was a new nomination requirement beginning with Round 13 projects.
- Appendix B has been revised to address the categories of expenses included in the Estimated Necessary Expense forms for all categories, but the forms themselves are now published each round on the SNPLMA website and the appendix now includes two examples only.
- Appendices C-I no longer include the criteria for the category covered by each appendix since these are revised often and published with the call for nomination during each round. These appendices now include eligibility, strategic goals, and minimum criteria for the specified category.
- Appendix J consolidates the rules for document retention and procedures and requirements for completing work plans, initiating project funds, quarterly funds requests, requesting reimbursement, and project closeout.
- Appendix J-3 provides the SNPLMA Performance Measures (PM) originally approved for use in July 2012.
- Appendix K contains more detailed explanations, citations, and examples for application of appropriations law from the GAO's *Principles of Federal Appropriations Law*.
- Appendix L is the final version of the "SNPLMA Project Modification Request Form" that has been in use as a draft for almost two years.
- Appendix M updates the registration process for the ASAP system.
- Appendix N has been revised to reflect current practices for "1151 Direct Transfer Procedures."
- The Glossary in Appendix Q has been expanded to include new terms used within the IA.

November 2018 Revision: The revisions in the November 2018 version reflect substantive decisions made by the SNPLMA Executive Committee (EC) through approved decision memorandums (DM) as well as decisions and direction provided by the EC during its meetings between 2013 and 2018. Revisions also include relatively substantive changes approved by the EC in reviewing this 2018 version of the IA. Non-substantive corrections/revisions were made for typographical, punctuation, and capitalization errors as well as to formatting and minor text changes for clarity or consistency.

Substantive Changes: Many of the substantive changes summarized below are footnoted in the revised IA Part One document to provide the date of the DM or meeting that approved the change(s); others were approved through the review process for the 2018 version and are not necessarily footnoted.

- Made the SNPLMA ADM the non-voting chair of all subgroups and SNPLMA Program Managers the Vice Non-Voting Chair in the absent of the ADM
- Changes to the project modification review processes and approval thresholds—SNPLMA ADM approves most requests, PWG now has a review and recommendation role for decisions that must be made by the EC, the EC continues to approve SNPLMA Division requests for termination, SAR funds, waivers of business rules, and certain scope changes; expanded information on ADM and EC approval authority for scope changes.

- Additional clarification, guidelines, and rules regarding time extension requests, including limitations and requirements for approval and conditional approvals.
- Added a new section for the POC and Focus List rules and processes; revised definitions and guidance on POC processes, rules, and color categories of risk, from what was previously provided to the partners, and added examples of circumstances leading to each level of risk (yellow, orange, red).
- Additional guidance regarding the Focus List and threshold rules to remain “qualified” to be recommended for new project funding in a category within a given round of nominations.
- Additional guidelines and rules regarding project terminations recommended by the SNPLMA Division including utilization of the list of “Red” POC circumstances as those that will trigger the SNPLMA Division termination process, reducing the consultation period to resolve the issues to 30 days from 60 days, and removing some of the previous termination trigger rules.
- Entities and Agencies at the subgroup and PWG levels can no longer score, rank, or vote on their own projects during the nomination and recommendation process.
- No longer allow retroactive authorizations to exceed the 27 percent cap for “Planning, Environmental Compliance, and Preconstruction Engineering and Design” in the Capital Improvement and Park, Trail, and Natural Area categories. Added a process to get “advance” approval to exceed the 27 percent limit.
- Added reference to SMART as applicable to replace generic references to a database; added details on what constitutes an “acceptable” quarterly status report in SMART.
- Outline process for nominating “high value” land acquisitions outside of the normal nomination cycle.
- Change in PTNA Subgroup Membership to remove Federal partners and remove Clark County Water Reclamation District (formerly Sanitation District).
- Provide that the CIP Program Manager will (a) Meet with the project managers regarding proposed projects and visit the proposed project site prior to recommending a project to the Executive Committee; to verify the exact location prior to recommending approval of the project.
- Provide that all SNPLMA Program Managers will conduct a pre-work site visit for newly approved projects, and meet with the project managers at least twice a year to review progress.
- All project managers are required to complete SNPLMA training prior to receipt of funds and commencement of project work.
- Provide new limitations on nominations relative to definitions of maintenance expenses (routine and deferred) which are not costs covered by SNPLMA; limitations on nominations based on a definition of cultural/historical properties; and clarified that health and safety issues are not costs covered by SNPLMA.
- Clarified that the EC will not approve waivers that conflict with appropriations law principles or with IA rules for use of SNPLMA appropriated funds.
- Clarified and revised rules regarding time extensions
- Clarification and revisions for “Conditional Recommendations/Approvals” including rules and consequences for not adhering to the rules.
- Update the SNPLMA list of responsibilities to reflect current terminology, new processes, processes associated with SMART, new requirements, etc.
- Re-define the term of the two PTNA memberships on the PWG to cover two full rounds of nominations.
- Change the standard time frame for land acquisitions from two years to three years.

- Updated information on project equipment (Part One and Part Two, Appendix B) to reflect revised federal regulations and requirements from CFR Title 2, Subtitle A, Chapter II, Part 200, Subpart D, Section §200.313.
- Clarification to the guidance regarding different forms of funding for approved projects.
- Added rules, eligibility and process for nomination of high-value land acquisitions outside of the normal nomination period.
- Added clarifications and revisions throughout the section on project modifications, including standard project timeframes, rules for time extensions, clarifications regarding scope change requests, and revisions regarding conditional approvals.
- Added new information to clarify rules regarding standards and review requirements for appraisals regardless of whether the agency or a third party pays for the contracted appraisal.
- Clarified that land acquisitions under the MSHCP category must follow the same requirements and guidelines as those for the PTNA category.
- Revisions to clarify funding, modifications, and closeout requirements for interagency projects under Conservation Initiatives and that the rules apply to any other category that receives approval of an interagency project.
- Deleted “Virgin River MSHCP” section as this is not a SNPLMA project but rather a congressional set-aside within the Special Account and not affected by the IA.
- Deleted information on Pre-Proposal Planning (PPP) Reserve because all approved PPP projects were completed by June 1, 2015, and there is no expectation that PPP reserve funding will be requested in future rounds.
- Revisions to clarify and emphasize that closeout packages are expected to be submitted before the period of performance (i.e., end date) of the project.
- In general, appendices were revised for consistency with revisions in the IA Part One; revised the strategic goals for each category to be consistent with the *SNPLMA Strategic Plan Fiscal Years 2015-2019*; added more definitions to the glossary in Appendix Q; and added Appendix R listing acronyms used in the IA including the acronyms and definitions for project “status.”
- Appendix B was revised to update the guidance on project equipment as a necessary expense consistent with CFR 2, section 200.313 and section 200.439.
- Appendix J-3 provides the SNPLMA Performance Measures (PM) as revised in May of 2014, and reformatted in April of 2017. Minor revisions have been made in 2018 to reflect PMs applicable to implementation projects in the MSHCP category.
- Appendix L, SNPLMA Project Modification Request Form, was updated to clarify required information and, in some cases, to add new required information.

APPENDIX Q

GLOSSARY

As used in this Implementation Agreement, the terms below have the following meanings:

Definition of Terms in this IA

1. **“Active Projects”** are approved projects that have not been closed out (CL). These projects may have a status of FA, TO, CM, EX, or, in some cases, TR. Projects with a status of TR that have also been closed do not count as active projects. The TR status is maintained after the project is closed to distinguish between projects that were terminated and closed out versus projects that were completed and closed out.
2. **“Agency”** refers to those Federal agencies eligible to receive funding through SNPLMA to carry out projects approved by the Secretaries of the Interior and Agriculture.
3. **“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.
4. **“Anticipated Deliverable”** is a deliverable that is desirable and beneficial, but not minimally necessary for the completion of the proposed project and project purpose. Their inclusion will be based on the results of final planning, design, cost estimates, public scoping, or other studies, analyses, or reports. The cost estimate for the project should include the cost of completing anticipated deliverables that are likely to be included unless the results of such studies, analyses, or reports determine that they should not be developed. The cost estimate should not include the cost of anticipated deliverables that are planned for inclusion only if sufficient funds remain after completing the primary deliverables.
5. **“Assistance Agreement”** (AA) means that agreement entered into between a Federal agency and a non-Federal entity which sets out the terms, conditions, and requirements to provide funds for a project approved for funding through SNPLMA. As a matter of regulation, (*see 2 CFR Subtitle A, Chapter II, Part 200 for OMB guidance on “administrative requirements, cost principles, and audit requirements for Federal awards “to non-Federal entities”*) all eligible non-Federal partners regardless of category receive funding through an Assistance Agreement.
6. **“ASAP”** is the acronym for Automated Standard Application for Payment. ASAP is an all-electronic payment and information system through which organizations that are receiving Federal funds can draw down from accounts pre-authorized by Federal agencies. Local and regional governmental entities may initiate drawdowns on the ASAP system through the internet. Drawdowns may be initiated daily, weekly, monthly, or quarterly to meet the immediate needs of the local and regional governmental entities to cover necessary expenses for the approved project.
7. **“Budget Reallocation (BRA)”** means the process previously used to allocate “excess budgeted funds” funds from within a project category to be used for an approved project within the same category other than the project for which the funds were originally intended. BRA was available during the time that the Secretary allowed unused funds to remain within the category for which they were approved. BRA requests were submitted and approved only after all approved projects received notification of availability of funds. Thereafter, any remaining budgeted funds (“excess budgeted

funds”) within a category were allowed to be reallocated with approval of the EC to cover cost overruns for approved projects within that category. The Secretary withdrew authorization to use BRA as part of the approval of Round 11 and the process is no longer an option for covering cost overruns. From Round 11 forward any excess budgeted funds from projects that were completed or terminated are returned to the SNPLMA Special Account for future projects and other authorized purposes.

8. **“CMA”** refers to the Cooperative Management Area lands around McCarran Airport (Airport Environs Overlay District Land) conveyed to Clark County in March 1999 pursuant to Section 4(g) of the SNPLMA legislation. The CMA was initially identified in “The Interim Cooperative Management Agreement Between the United States Department of the Interior—Bureau of Land Management and Clark County” (Interim Agreement) dated November 4, 1992. The Interim Agreement was terminated as of October 1, 2011 because BLM no longer had joint management responsibility for the land. Prior to the termination of the Interim Agreement, however, BLM and Clark County entered into a Memorandum of Agreement on October 17, 2004 to facilitate a common understanding regarding implementing the CMA provisions of SNPLMA. In addition, the Interim Agreement was terminated conditioned upon the fact that the CMA boundary and provisions of SNPLMA are not impacted or altered by its termination.
9. **“Cooperative Agreement”** means the Assistance Agreement executed between the BLM and a local or regional governmental entities. The SNPLMA legislation specifically requires that funds for Park, Trail, and Natural Area projects must be provided “pursuant to a cooperative agreement” with the local and regional governmental entities. (Also see entry number 5 for “Assistance Agreement.”)
10. **“Cultural or Historic Property”** means a district, site, building, structure, or object significant in American history, architecture, engineering, archeology, or culture at the national, state, or local level. In many instances, inclusion or eligibility for the National Register of Historic Places would be sufficient to consider a property as cultural or historic.
11. **“Deferred Maintenance”** is routine or scheduled maintenance that was not performed when scheduled or when it should have occurred. Failure to perform this maintenance could lead to asset deterioration. (Not a cost covered by SNPLMA.)
12. **“Direct Labor”** means payroll expenses for agency/entity employees to perform the project work (e.g., do the monitoring, construct the trail, etc.)
13. **“Disbursement”** when used relative to local and regional governmental entities means to issue a check or initiate an electronic funds transfer payment for necessary expenses following acceptance and approval of required documentation.
14. **“Division”** refers to the SNPLMA Division in the BLM Southern Nevada District Office.
15. **“Entity”** refers to those local and regional governmental entities defined in the SNPLMA legislation as eligible for funding for Park, Trail, Natural Area projects and MSHCP, as well as other non-Federal persons or organizations eligible to receive SNPLMA funding under another SNPLMA project category.
16. **“Excess Budgeted Funds”** means any unused funds originally approved for expenditure for a particular project that have been returned to the Special Account upon completion or termination of the project.

17. **“Extenuating Circumstances”** means conditions or events beyond an agency’s or entity’s control including, but not limited to, weather-related delays; contracting appeals; claims or stop work orders that delay the project or contract award; mobilization and closeout of contracts and release of claims/liens; vandalism; or unanticipated site conditions requiring additional engineering or project redesign.
18. **“Focus List”** is a subset of the POC list. This subset of the POC list was originally called the “Focus Projects for Closeout” List but is now simply referred to as the “Focus List.” The purpose of the Focus List is to help partners identify the most critical projects on which to concentrate their close-out efforts prior to the PWG and EC developing funding recommendations for the current round. All projects on the POC List at a “Red” level of concern are also on the Focus List. Inclusion of projects on the Focus List can impact the agency’s/entity’s qualification to have new projects recommended for funding in the current round of nominations.
19. **“Fully Loaded Rate”** in reference to payroll as a necessary expense, refers to the hourly rate incurred by the agencies/entities to cover the hourly labor charge as well as the associated cost of benefits and employer taxes.
20. **“1151 Transfer”** is synonymous with the term “transfer of funds” as used herein to describe the approved process for transfer of funds from the BLM allocation account to the allocation accounts set up by OMB for the National Park Service, United States Fish and Wildlife Service, Bureau of Reclamation (at Lake Mead only), Federal Highway Administration, and United States Forest Service under the “parent-child” relationship.
21. **“High Priority SAR Request”** is same as “Priority SAR Request” below.
22. **“Interagency Project”** is any project in any category where two or more agencies/entities cooperate to submit a nomination with the intention that all participating agencies/entities will carry out a portion of the work necessary to complete the project.
23. **“IPAC”** means Intra-Governmental Payment and Collection system. The “seller” agency identified on the Intra-Governmental Order (IAA) initiates the IPAC billing for reimbursements under the IAA. The “seller” agency is the agency receiving SNPLMA funds to complete an approved project. IPAC bill transactions automatically and electronically retrieve funds from the agency being billed. IPAC bills submitted prior to approval by the BLM Contracting Officer following acceptance of a reimbursement package by the SNPLMA division will be reversed so that the funds are returned to the Special Account until the reimbursement approval process has been satisfactorily completed.
24. **“Maintenance”** is routine or scheduled work undertaken to retain an asset in a near new condition or operating as originally designed. This would include preventive maintenance, replacement of parts, systems, or components; and other activities needed to preserve or maintain the asset. (Not a cost that is covered by SNPLMA.)
25. **“New Allowed Cost (NAC)”** means Round 4 SAR funds authorized by the EC and/or Round 5 line-item funds approved by the Secretary for PTNA projects, for the purpose of paying project costs which were newly identified in Round 4 as reimbursable to recipient agencies/entities. The term New Allowed Cost is used to identify a class of funds approved by the Secretary which are not project specific, and to distinguish these “SAR” funds as remaining available for the approved purpose until fully utilized or no longer needed. This is in contrast to any remaining balance of Round 4 SAR funds which were no longer available as soon as the Secretary of Interior approved the Round 5 budget.

26. **“Other Direct Labor”** means those administrative payroll expenses which were approved in June 2004 as part of the “New Allowed Costs.” These Other Direct Labor costs are identified separately from the Direct Labor costs on the Estimated Necessary Expense Sheets because there was special NAC funding provided by the EC to cover these costs for projects in Rounds 1-4, so they need to be able to be tracked separately until all impacted projects are completed.
27. **“Primary Deliverable”** is a project deliverable (aka output) that must be completed in order to complete the project and accomplish the purpose of the project. Beginning with Round 13 the nomination must identify any Primary Deliverables for which the final size, configuration, siting within the described location, or quantity will be impacted by studies such as final design, engineering studies, or public scoping, and identify those studies or reports that are expected to have an impact on these aspects of the Primary Deliverable. Primary Deliverables must also be identified in the project work plan.
28. **“Priority SAR Request”** means a request for SAR funds that meets a two-part test which is:
- a. An attempt has been made to down scope the project or taken actions to complete it within current budget but still requires further funding for completion; and
 - b. The funding need is urgent to prevent a work stoppage or personnel layoff, to award a contract, and/or address a critical situation that needs immediate remediation to complete the project.
29. **“Project”** means any action, undertaking, or other activity including acquisition of environmentally sensitive land, of any qualified Federal agency, local or regional governmental entity, or other non-Federal entity, which is either nominated/proposed for approval or approved for funding by the Secretary under any category for which SNPLMA funds may be provided (Parks, Trails, and Natural Areas; Environmentally Sensitive Land Acquisitions; Capital Improvements; Conservation Initiatives; Hazardous Fuels; ENRLP; MSHCP; and Lake Tahoe).
30. **“Project of Concern (POC) List”** is a list that identifies projects that have demonstrated only minimal progress towards completion, reported expenditures in excess of the level of accomplishment reported, were anticipated to require a scope change or additional funds in order to continue work on the project, or meet other criteria outlined in the IA Part One, Section XI.A. In July of 2012, the EC determined that maintaining a POC List was appropriate. A color category system for prioritizing the level of concern/risk is used. An expanded definition of each color category (green, yellow, orange, red) and examples of criteria/circumstances that would lead to each color categorization were approved by the EC on May 4, 2018.
31. **“Recreation and Public Purposes Act”** (R&PP) 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.).
32. **“Regional Governmental Entity”** as defined in the SNPLMA legislation means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Water Reclamation District.
33. **“Relocation Assistance”** refers to payments made to displaced persons who must move from SNPLMA acquired lands (whether environmentally sensitive, PTNA, or MSHCP acquisitions). Such displaced persons are defined in the Uniform Act (*see item number 43 for more information*) and payments made are pursuant to the requirements and limitations of that Act.

34. **“Round” or Round of Nominations**” refers to a cycle of the nomination and recommendation process. The nomination and recommendation process is to obtain proposals for projects in the eligible project categories from the eligible entities; evaluate, score, and rank, those nominations based on objective criteria; develop a Preliminary Recommendation of projects for funding; obtain public comments on the Preliminary Recommendation; and develop a Final Recommendation for projects to receive funding from the SNPLMA Special Account to be forwarded to the Secretary of the Interior for a decision in consultation with the Secretary of Agriculture. Rounds are numbered sequentially. The IA Part One describes the nomination and recommendation process in detail.
35. **“Routine SAR Request”** is a request for SAR funds that meets the first part of a two-part test, (it has attempted to down scope the project or taken actions to complete it within current budget but still requires further funding for completion) but not the second part of the test related to urgency and, therefore, will be considered for funding after all high priority requests during the quarter have been acted upon and, if approved, are funded.
36. **“Santini-Burton”** refers to the “Santini-Burton Act” (94 Stat. 3381) approved December 23, 1980, to provide for the disposal of Federal lands within a designated boundary in the Las Vegas Valley for the acquisition of certain land in the Lake Tahoe Basin. SNPLMA provides that revenue deposited in the SNPLMA Special Account in compliance with Section 4(g)(4) of the SNPLMA from the conveyance of lands within the SNPLMA disposal boundary that are also within the Santini-Burton disposal boundary and within the McCarran Airport Cooperative Management Area (CMA) boundary are to be set aside for the acquisition of environmentally sensitive lands at Lake Tahoe.
37. **“Secretary”** refers to the Secretary of the Interior.
38. **“Significant Delay”** is any action or inaction that has, or is likely to have, an influence or affect that would delay completion of the project.
39. **“SMART”** refers to the “SNPLMA Management and Reporting Tool,” the BLM’s web-based application for reporting on SNPLMA project progress and funding (progress on deliverables, percent complete, funds expended/obligated, current funding needs, etc.) (*See the IA Part One Sections IX and X for detailed information on the use of and reporting in SMART.*)
40. **“SNPLMA Assistance Agreement”** means the Assistance Agreement (Form 1511-1 and terms and conditions) executed between the BLM and each local or regional governmental entity, or other non-Federal entity to provide SNPLMA funds for approved projects.
41. **“Special Account”** means the account in the United States Department of the Treasury established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998.
42. **“SNPLMA Special Account”** Same as “Special Account” above.
43. **“Standard Deliverable”** is an action, activity, or output that is generally accepted by the agency/entity, and/or by industry standards as necessary to complete Primary and Anticipated deliverables. Standard Deliverables are not required to be identified in the purpose statement or elsewhere in the nomination, and may or may not be identified individually on the cost estimate form or in the detailed budget if one is required. Regardless of whether the standard deliverable is specifically identified, the cost of completing all Standard Deliverables must be accounted for in the amount requested for the project. Standard Deliverables are to be detailed as tasks or subtasks in the project work plan as tasks or subtask as they aid in tracking progress toward accomplishing the

Primary and Anticipated Deliverables leading to project completion.

44. **“Task Order”** is used to refer to the internal BLM document which documents the start of BLM projects, time line for completion, deliverables, and amount of funding available for BLM projects in the SNPLMA Special Account Subactivity for the project category, and, identifies whether funds or to be received by reimbursement using an internal BLM reimbursable account, or by direct charge to the SNPLMA Subactivity.
45. **“Transfer of Funds”** is synonymous with “1151 transfer of funds” and “1151 direct transfer” for funds being transferred directly from the BLM allocation account to the allocation account of the National Park Service, United States Fish and Wildlife Service, Bureau of Reclamation (at Lake Mead only), Federal Highway Administration, United States Forest Service, or other Federal partner authorized to receive such transfers by OMB under a “parent child” relationship established by the BLM and OMB. Such funds are transferred in accordance with the Transfer Process outlined in this Agreement.
46. **“Uniform Act”** refers to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646; 49 CFR Part 24, Final Rules Effective February 3, 2005). This act sets out the definition of displaced persons (e.g., certain tenants, businesses, etc.) eligible for relocation assistance when required to move as a result of Federal acquisition of land or federally funded acquisition of land. Owners who are willing sellers are not entitled to relocation assistance so long as condemnation under the Right of Eminent Domain was not utilized and there was no threat that it could be utilized in making the acquisition. Because SNPLMA requires willing sellers and does not pay/reimburse expenses incurred as a result of acquisition by condemnation or threat of condemnation, no owners of SNPLMA acquired property would be eligible for relocation assistance. However, other persons or businesses residing or operating on the acquired property may be eligible for relocation.
47. **“Unit of Local Government”** means Clark, Lincoln, White Pine, Counties in Nevada; Carson City, Nevada; and the Cities of North Las Vegas, Las Vegas, and Henderson in Nevada.

APPENDIX R

ACRONYMS FOR PROJECT STATUS WITH DEFINITIONS

The acronyms are listed in the general order in which they would be applied to an approved project, not in alphabetical order. The processes and requirements for each status level are addressed in the IA Part One and are not reiterated here.

FA -- Funds Available: The Secretary of the Interior has approved the project and the entity has been notified that sufficient funds exist in the Special Account to initiate the project.

TO -- In Process (originally “Task Order”): The agency/entity has submitted a request to initiate the project, the applicable financial instrument funding the project has been executed, and all requirements to receive project funds have been met.

CM -- Complete: The project purpose has been accomplished and the agency/entity is in the process of preparing, or has submitted, all required documentation in a closeout package to the SNPLMA Division.

TR -- Terminated: The project is closed without completing the purpose of the project as outlined in the approved nomination. A termination can be requested by the agency/entity or recommended by the SNPLMA Division and approved by the SNPLMA Executive Committee.

EX -- Expired: The performance period for the project as documented in the financial instrument has elapsed and no time extension is approved.

CL -- Closed/Closed Out: The financial agreement and SNPLMA financial records for the project have been closed after completion or termination of the project based on submittal of all required close out information to, and acceptance by, the SNPLMA Division.

ACRONYMS USED IN THE IA

AA	Assistance Agreement
ASAP	Automated Standard Application for Payment
BCC	Clark County Board of County Commissioners
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
CFR	Code of Federal Regulations
CI	Conservation Initiatives
CIP	Capital Improvements
CMA	Cooperative Management Area at McCarran Airport addressed in the SNPLMA Section 4(g) (See Appendix Q “Glossary” for details)
DCP	Clark County Desert Conservation Program
DOI	Department of the Interior
EC	SNPLMA Executive Committee
EIP	Environmental Improvement Program (associated with Lake Tahoe Restoration Act projects)
ENLRP	Eastern Nevada Landscape Restoration Project

EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FBMS	Financial and Business Management System
FEMA	Federal Emergency Management Agency
FLPMA	Federal Land Policy and Management Act of 1976
FMV	Fair Market Value
FS-LTBMU	Forest Service Lake Tahoe Basin Management Unit
FS/USFS	United States Forest Service
FWS	United States Fish and Wildlife Service
FY	Fiscal Year
IA	Implementation Agreement
IAA	Inter-Agency Agreement
IPAC	Intra-Governmental Payment and Collection
LMNRA	Lake Mead National Recreation Area
LTBEC	Lake Tahoe Basin Executive Committee
LTFAC	Lake Tahoe Federal Advisory Committee
MOSO	Mojave Southern Great Basin RAC
MOU	Memorandum of Understanding
MSHCP	Multi-Species Habitat Conservation Plan
NACO	Nevada Association of Counties
NDEP	Nevada Department of Environmental Protection
NEPA	National Environmental Policy Act
NGB	Northeast Great Basin RAC
NOC	National Operations Center
NorCal	Northern California RAC (advises two field offices in California eligible to receive SNPLMA funds to acquire environmentally sensitive land or interests in land in the portion of Washoe County, Nevada)
NPS	National Park Service
NSO	Nevada State Office
OMB	Office of Management and Budget
OVS	DOI Office of Valuation Services
PM	Performance Measures
POC	Project(s) of Concern
PPP	Pre-Proposal Planning
PTNA	Parks, Trails, and Natural Areas
PWG	Partners Working Group
R&PP	Recreation and Public Purposes
RAC	Resource Advisory Council
RFP	Request for Proposals
SAR	Special Account Reserve
SFNGB	Sierra Front Northwest Great Basin RAC
SMART	SNPLMA Management and Reporting Tool

SNAP	Southern Nevada Agency Partnership
SNDO	Southern Nevada District Office
SNPLMA	Southern Nevada Public Land Management Act
TREX	Tahoe Regional Executive Committee
TRPA	Tahoe Regional Planning Agency
UASFLA	Uniform Appraisal Standards for Federal Land Acquisitions
USPAP	Uniform Standards of Professional Appraisal Practice