

Implementation Agreement

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

PART TWO

APPENDICES*

February 5, 2013

***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 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 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, NEPA compliance, 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 National Park Service, 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 repair 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 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:
 - (1) NEPA for construction in a picnic area or acquisition of land;
 - (2) Appraisal to determine market value of rights in land to be acquired;
 - (3) Boundary survey to determine acreage; or
 - (4) 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:
 - 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.

Appendix B

NECESSARY EXPENSES

1. Necessary Expenses in General

Section VI.C.1 of the IA-Part I 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 I, 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% of total project cost for all projects with a construction component such as capital improvements and PTNA)
- 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 recommended)
- Travel for official travel status
- Official vehicle use (pro rata cost)
- FWS consultation for the Endangered Species Act
- Project equipment (see paragraph 3 of this Appendix B for important information on project equipment)
- For Environmentally Sensitive and PTNA land acquisitions costs also include:
 - Purchase price (not to exceed appraised value)
 - Land/boundary Survey
 - Phase I ESA & NEPA
 - Water rights title work and mineral feasibility reports
 - 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 and Assistance Act
- 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.

3. Project Equipment as a Necessary Expense

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. “Equipment” does not include office furnishings or equipment for operation and maintenance of the project once completed.

A. Newly Acquired Equipment. Project Equipment newly acquired with SNPLMA funds is intended to be used solely for the project for which it was acquired throughout the duration of the project. Agencies are expected to follow all agency policies and procedures for acquisition of equipment (e.g., vehicles, IT equipment, etc.).

Leasing equipment is preferred over purchase of equipment. 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.

If purchasing equipment is less expensive than leasing the equipment for the time period needed for the project, thus resulting in a cost savings over leasing, the purchase price of the equipment will be reimbursable but may be subject to offset based on the value of the equipment upon completion of the project (see section C below regarding the regulations in 43 CFR, Part 12, Subpart C §12.72(e)(1) for disposition of equipment). In the event purchased equipment is to be used for more than one approved project, the cost must be distributed as applicable between the multiple projects with appropriate prorated payment made from the funds obligated for each project.

B. 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.

C. Disposition of Equipment upon Project Completion. Upon completion of the project, if the current value of purchased equipment is less than \$5,000, the equipment may be retained by the recipient with no obligation to refund the SNPLMA Special Account. This guideline is based on regulations in 43 CFR, Part 12, Subpart C §12.72(e)(1). However, if the “per unit fair market value” of purchased

equipment is more than \$5,000 at the time of completion of the project, the CFR states that the grantor is entitled to recover its “ownership” share of that value. Therefore, if SNPLMA fully funds the purchase of the equipment and the current value is more than \$5,000 at the time the project is completed, the current value of the equipment must be returned/refunded to the Special Account through the project closeout process. If another funding source is utilized for a portion of the equipment purchase, the return/refund amount will be prorated based on the percentage of SNPLMA funds used for the purchase.

D. Equipment Management. Federal agency rules and regulations must be followed in managing, maintaining, securing, and inventorying Project Equipment. SNPLMA does not pay costs for equipment required as part of the operation and management of projects.

E. Documentation for Payment of Equipment Costs. See Appendix J for documentation requirements at project closeout regarding project equipment.

4. 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% of the total project cost. However, because smaller projects may have disproportionately higher costs for tasks such as environmental compliance, an agency may submit nominations based on a programmatic application of the percentage where proposed projects with a lower percentage for this cost category would be cited to balance out projects with a higher percentage for this cost category. If this option is utilized, the average expenditure for this category over all agency projects approved in a given round cannot exceed 27%. For rounds in which this option is utilized, the agency will certify as part of each funding request for projects within the round that this expenditure has been evaluated and the average percentage is being maintained at no more than 27%. The EC reserves the right to waive this business rule if extenuating circumstances warrant.

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 #: N/A in Nomination Priority #: N/A in Nomination
Prepared by: _____ Phone #: _____

		Percent
1. Land Purchase Price (Not to exceed fair market value.)	\$0	
2. Appraisal (For PTNA 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):		<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 5px; margin-right: 10px;">Initial</div> <div style="font-size: 2em; margin-right: 10px;">00</div> <div style="border-left: 1px solid black; padding-left: 10px;">Percent</div> </div>	
Prepared by:			
Phone:			
Date:		Updated	

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 Estimated Other Necessary Expenses

Category
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

ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND AND/OR INTEREST IN LAND ELIGIBILITY, STRATEGIC GOALS, AND MINIMUM CRITERIA

In order to implement the Southern Nevada Public Land Management Act of 1998 (SNPLMA), the following eligibility qualifications, strategic goals, and minimum criteria, will be used to identify land or interest in land in the state of Nevada that can be nominated for acquisition by the Federal government. Under the SNPLMA, the land or interest in land must be "environmentally sensitive," with priority given to lands located within Clark County.

Eligibility

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, USDA Forest Service, and Bureau of Reclamation may receive funding for environmentally sensitive land acquisitions. Any entity or interested party may propose land and/or interest in land (such as conservation easements, water rights, mineral rights, etc.) for acquisition to an eligible entity, provided that entity has obtained a willing seller letter for inclusion in the nomination package.

Strategic Goals for Land Acquisition

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

Minimum Criteria

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

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

Appendix D

CAPITAL IMPROVEMENTS ELIGIBILITY, STRATEGIC GOALS, AND MINIMUM CRITERIA

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

“ . . . capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge [Complex], the Red Rock Canyon National Conservation Area, 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 improvements to not more than 25% of the amounts available in the Special Account in any fiscal year, determined without taking into account amounts deposited under the Santini-Burton provisions.

The area covered by the capital improvement provision is 6.1 million acres managed by five different Federal agencies: Bureau of Land Management, U.S. National Park Service and Bureau of Reclamation at the Lake Mead National Recreation Area, Fish and Wildlife Service, and the USDA Forest Service. Each agency has a different congressional mandate yet all have come together locally to share a common vision for the overall Clark County area within individual legislative constraints. Existing infrastructure in 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 repair or rehabilitation of existing infrastructure, new construction, or improvements needed to protect resource values. All projects that are submitted for funding consideration must conform with approved management plans for the Federal unit involved. Each project should materially contribute to effective resource protection, the visitor experience and/or improved unit operations. Since the capital improvement needs of the 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.”¹

Strategic Goals for Capital Improvements

Refurbish existing facilities and construct new facilities to:

¹ BOR eligibility for capital improvements on land it manages at the Lake Mead National Recreation Area with the exception noted was approved by the Executive Committee on 9/28/06 after consultation with the BLM’s Regional Solicitor’s Office.

- Improve safety and environmental health at sites and/or facilities used by the public and governmental employees;
- Respond to visitor demand and/or changes in visitation patterns;
- Address deferred maintenance;
- Minimize operations and maintenance costs; and
- Protect the integrity of significant resource values or improve the quality of the environment.

Minimum Criteria

- The project is located within the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area, 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.

Appendix E

PARKS, TRAILS, AND NATURAL AREAS ELIGIBILITY, STRATEGIC GOALS, AND MINIMUM CRITERIA

The Southern Nevada Public Lands Management Act on 1998, 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)), 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 Section V.A.9.(c) of Part I of the IA.

Paragraph (4) limits Washoe County’s eligibility in that the County may, until December 31, 2011, nominate for expenditure of funds to acquire land (not to exceed 240 acres) and develop one regional park and natural area.

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% 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 also Section XI.B.6. of Part I of the IA for more details on PTNA projects with road construction elements.)

Eligibility

Parks, Trails, and Natural Areas 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, or by Washoe County 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.

Strategic Goals for Parks, Trails and Natural Areas

Develop more and better parks, trails and natural areas to:

- Provide new or improved existing park, trail, or natural areas to meet the demands and changing demographics of residents and visitors.
- Protect or improve the integrity of environmental, cultural, historical, scientific, and open space resources.
- Connect parks, trails and natural areas to form a more unified system.
- Ensure that the cost and value of investments is considered, well stated and reasonable.

Minimum Criteria

- 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, or is the regional park and natural area acquisition/project allowed for Washoe County per the White Pine legislation; 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.

Appendix F

CLARK COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN ELIGIBILITY, STRATEGIC GOALS, AND MINIMUM CRITERIA

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

“Amounts deposited in the special account may be expended for ... development 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; and
- development of public education and outreach strategies, including programs and documentation designed to improve public awareness of the importance of habitat and species conservation within Clark County.

Development 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 in Clark County.

Strategic Goal - Development and Implementation of a MSHCP for Clark County

- Support the continuing development and implementation of the MSHCP for Clark County
- Develop a science-based program to:
 - Monitor the status of species, habitats, and environmental factors, both natural and human-caused, that affect the health and survival of those species and habitats (“threats”);
 - Monitor and evaluate the effectiveness and efficiency of conservation and management actions upon the species, habitats, and threats; and

- Recommend modification or development of additional policies, local rules and regulations, and local management practices and conservation strategies using basic and applied scientific methods and techniques.

Minimum Criteria

- 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.

Appendix G

CONSERVATION INITIATIVES ELIGIBILITY, STRATEGIC GOALS, AND MINIMUM CRITERIA

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

“Conservation Initiatives” are federal agency activities which promote conservation on federal lands including planning, implementation, monitoring, environmental impact statements, NEPA compliance and delivery of programs such as, but not limited to, litter and desert dumping clean-up and prevention, natural and cultural resource protection, recreation, habitat restoration, species management, environmental education, volunteerism and site stewardship. Research projects must demonstrate a practical application to management of federal lands in order to be accepted for consideration.

Eligibility

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, USDA Forest Service, and Bureau of Reclamation may receive funding for conservation initiatives.

Strategic Goals for Implementation of Conservation Initiatives

1. Results in improved quality of natural and cultural resources and/or management of federal lands.
2. Provide opportunities to involve, inform, and educate the public about the environment and responsible use on federal lands.
3. Enhances partnerships in promotion of cooperative conservation.

Minimum Criteria

- Project is nominated by one of the five federal land management agencies -- the National Park Service, Bureau of Land Management, USDA Forest Service, U.S. Fish and Wildlife Service, and Bureau of Reclamation.
- 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.

APPENDIX H

HAZARDOUS FUELS REDUCTION AND WILDFIRE PREVENTION ELIGIBILITY, STRATEGIC GOALS, AND MINIMUM CRITERIA

The White Pine County Conservation, Recreation, and Development Act of 2006 (P.L. 109-432, Division C, Title III) amends the Southern Nevada Public Land Management Act to include a fuels reduction category. 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 Reduction and Wildfire Prevention projects may be nominated by entities that are specifically named in the three multijurisdictional plans, and/or 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 Section V.A.9.(f) of Part I of the IA.

Strategic Goals for Implementation of the Hazardous Fuels Reduction and Wildfire Prevention Category

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.

APPENDIX I

EASTERN NEVADA LANDSCAPE RESTORATION PROJECT ELIGIBILITY, STRATEGIC GOALS, AND MINIMUM CRITERIA

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

Eligibility

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and USDA Forest Service may nominate restoration initiatives in Lincoln and White Pine Counties, Nevada, under this category. In carrying out the Project, the Secretaries of the Interior and Agriculture may make grants and 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.

Ely Shoshone Trust Lands – The Forest Service, Bureau of Land Management, and Ely Shoshone Tribe may carry out eligible ENLRP projects on Ely Shoshone Trust Lands that are beneficial to the tribe and the Forest Service or the Bureau of Land Management. The Forest Service and Bureau of Land Management will consult and coordinate with the Tribe on any proposed ENLRP project on Trust Lands.

Non-federal Lands – The Secretaries may use SNPLMA funding for restoration projects on non-federal lands within White Pine and Lincoln Counties.

Strategic Goals for Implementation of the Eastern Nevada Landscape Restoration Project Category

The Eastern Nevada Landscape Restoration Project category provides for activities which promote resilient and healthy ecosystems within the eligible portions of the Great Basin including planning, implementation, research, monitoring, environmental analysis and associated documentation, NEPA compliance, management, and delivery of programs such as, but not limited to: fire management, fuels, forest, woodlands, rangelands, aspen and riparian communities, wildlife habitat, soils, and watersheds. 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 Eastern Nevada Landscape Restoration Project as described above.

Appendix J

DOCUMENT RETENTION, FUNDING, REIMBURSEMENT, AND CLOSE OUT REQUIREMENTS FOR ALL 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.

- Although the excepted documents themselves are not retained in the project file, the annotated financial reports explaining these expenditures should be retained in the project file (see D.3.b. 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 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 Workplan and meet all other Secretary's Requirements for authorization to expend funds before project funds can be provided. (See "Secretary's Requirements for Authorization to Expend Funds.")
2. **General Requirements to Initiate Project Funding:** In addition to the requirement for an approved project workplan, agencies/entities must submit a written request to initiate funding for the project and submit required documentation.
3. **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 workplan approval if not already approved in a prior quarter, request initiation of the appropriate financial instrument and include the required documentation outlined in B.5 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 workplan, 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 attach the Funding Request Report(s) table(s) from the database which identifies the projects by name, round, priority, and amount requested.
 - i.** 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.
 - ii.** 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 workplan approval and the execution and receipt of the appropriate financial instrument by the agency/entity is not reimbursable/payable by SNPLMA.
 - iii.** 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 workplan 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), Section 106 consultation requirements under the National Historic Preservation Act (if applicable), the terms and conditions of the financial instrument (IAA, BLM task order, Assistance Agreement, transfer documentation) and, as appropriate, one or more of the following:
 - i.** Agency/entity contracting and construction policies
 - ii.** Agency Memorandum of Understanding concerning SNPLMA Lake Tahoe Restoration Projects (for Lake Tahoe projects only), and/or
 - iii.** The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL-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.
4. **Limitation on Initial Funding Request:** Projects approved beginning with Round 10 and forward are not to include any contingency funds in the total amount requested for the project. Round 10 projects and forward must request use of contingency funds, if approved for the category, according to the process and limitations explained in Section X.E. of the IA. (See the IA-Part I for a complete explanation regarding the process for requesting use of contingency funds.)
- 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.
5. **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:
- i. Updated Estimated Necessary Expense Sheet (See B Appendices)
 - ii. Workplan if one was not submitted and approved as part of the current or a prior quarterly reporting cycle. (Work with the appropriate SNPLMA Program Manager for how to prepare a workplan outside of the normal quarterly reporting cycle.)
 - iii. 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:
- i. Standard Form 424 Application for Federal Assistance
 - ii. For Non-Construction Projects (e.g., land acquisitions for PTNA projects, fuels treatments, etc.):
 - 1. Standard Form 424A Budget Information – Non Construction, and
 - 2. Standard Form 424B Assurance – Non-Construction
 - iii. For Construction Projects (e.g., picnic pavilion, shade structures, restrooms)
 - 1. Standard Form 424C – Budget Information – Construction, and
 - 2. Standard Form 424D Assurance -- Construction Program
 - iv. Certification Regarding Lobbying (See Appendix J-2)
- 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.
-

C. TO REQUEST QUARTERLY FUNDING

1. After initiation of the project, future funding needs are to be submitted through the SNPLMA quarterly reporting process and summarized in the quarterly report transmittal memo in accordance with Section X.B. “Quarterly Reports” of the SNPLMA Implementation Agreement. This includes requests for direct transfer, reimbursement requests for the previous quarter (IAA or BLM reimbursable task orders), estimated ASAP drawdowns, and 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.3., 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 C.2. 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.
-

D. TO REQUEST REIMBURSEMENT (For Projects Under an IAA or BLM Reimbursable Task Order)

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. *[Per EC Decision Memorandum approved 8/1/2011.]*

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 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.3., b, c, d, e, h, i, j, and k above. These items can be modified in the letter as necessary to reflect reimbursement of funds expended versus requests for new funding.
3. **Required Documentation for Projects under IAA and BLM Reimbursable Task Orders**
 - a. Submit a current copy of the agency's financial report for the project showing obligations and

expenditures.

- b. Annotate the report to show purpose of credit card purchases, travel, and official vehicle use (regular repeated use of official vehicle for the same purpose need be entered only once).
- c. Financial reports may be in summary format by category of expense if appropriate given the nature of the project.

E. TO REQUEST PURCHASE FUNDS FOR LAND ACQUISITIONS

These requirements are applicable to the Environmentally Sensitive Land Acquisition and PTNA 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):
 - i. The assessment was completed.
 - ii. The assessment report was reviewed by a qualified environmental professional.
 - iii. No recognized environmental concerns (RECs) were identified. If RECs were identified, explain the nature of the REC and the level of cleanup required.
 - iv. 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 the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (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. Agencies/entities 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 or, for local entities, an appraisal obtained in accordance with the requirements in the SNPLMA IA.
 3. 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 completed a project including finalizing all contract closeouts, conducting final inspections or reviews, and reconciling financial records for necessary expenses, it will submit a request to close out the package with required documentation to the BLM SNPLMA Division. 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.

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.
 - b. Confirm that all deliverables identified in the Project Workplan 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 Workplan 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, 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. 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.
 - f. Confirm that the agency/entity has completed any final project inspection/acceptance report required by its policies and procedures. (For completed projects only.)
 - g. 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.

- h.** Indicate the total amount expended and the amount of any unused funds to be returned or deobligated.
- i.** Certify that the total amount expended plus any final amount requested for the project does not exceed the total amount available.
- j.** Confirm that the project was carried out in compliance with all the policies, procedures, and guidelines in the current SNPLMA Implementation Agreement, Federal Acquisition Regulations (FAR), Section 106 consultation requirements under the National Historic Preservation Act, the terms and conditions of the financial instrument (IAA, BLM task order, Assistance Agreement, transfer documentation), and the following, as applicable to the project:
 - i.** Agency/entity contracting and construction policies,
 - ii.** Agency Memorandum of Understanding concerning SNPLMA Lake Tahoe Restoration Projects (for Lake Tahoe projects only), and /or
 - iii.** The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL-910-646) and other agency real property acquisition policies.
- k.** Confirm that all final funds requested and previously provided were utilized only for the project being closed out.
- l.** 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 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.
- m.** 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 A. and D.3.a.ii above) and acknowledge that the agency/entity could be asked to produce the excepted documents for formal audit purposes.
- n.** 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.
- o.** 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).
- p.** 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.
- q.** Regarding Project Equipment (See Appendix B “Necessary Expenses” for more information on project equipment):
 - i.** Identify the equipment and its project function.

- ii. Certify the percent utilized by the project and the time period required by the project.
 - iii. Note whether equipment was previously leased, newly leased or purchased, and explain circumstances where purchase resulted in a savings over the cost of leasing.
 - iv. 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.
 - v. In the case of leased equipment, certify that the lease has been terminated and/or lease costs transferred to another funding source.
- r. 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. **Workplan Status Update Report in the SNPLMA Quarterly Report Database.** (This final update and the annual accomplishments as described in 2.b. below will meet the requirement referred to in some categories as a “Summary of Project Accomplishments.”)
- i. Submit a copy of the final “Workplan Status Update Report,” reflecting completed deliverables and associated tasks and subtasks (e.g., 100%).
 - ii. Status comments where applicable, should include the quantity, size, etc., relative to the completed deliverables.
 - iii. 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).
 - iv. For terminated projects being closed out, the status report will indicate the percent completed on all deliverables which were initiated prior to a decision to terminate the project (i.e., 100%, 20%, etc.) and those which were only partially completed or not started. Level of completion of deliverables should be compatible with the explanation provided for termination of the project.
- b. **Annual Accomplishments:** The Annual Accomplishment section of the database is used to report overall project accomplishments upon completion and closeout of the project. During the 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. (See Appendix J-3 for a more complete explanation and examples of PMs.)
- i. Upon completion of the project, the applicable PMs with applicable quantities, should be entered into the Annual Accomplishments section of the SNPLMA Quarterly

Reporting Database (this section of the database will remain available all quarters to facilitate this closeout requirement).

- ii. Agencies/entities may enter additional information on accomplishments as appropriate to fully describe the accomplishments and how the project accomplished its purpose. (Note: Annual Accomplishments/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.)
- iii. The reported PMs should reflect the project deliverables (i.e., outputs) identified in the nomination and/or Project Workplan regardless of the round (these outputs are identified as primary and anticipated deliverables beginning with Round 13 projects).

Links to the SNPLMA Strategic Plan and the list of Performance Measures are available on the SNPLMA website at <http://www.blm.gov/snplma>.

c. Financial Accounting for Use of Funds:

- i. All projects funded by inter-agency agreements (IAA/IGO), BLM task orders, and 1151 direct transfers submit a financial accounting of expenditures by providing:
 - a) A copy of the agency's final consolidated financial report for the project showing obligations and expenditures.
 - b) 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 be entered only once).
 - c) Financial reports may be in summary format by category of expense if appropriate given the nature of the project.
- ii. For all projects funded by Assistance Agreements, submit a financial accounting of expenditures by providing:
 - a) A final form SF- 425, Federal Financial Report
 - b) Final cost-tracking worksheet
- d. **For PPP Projects, Conservation Initiatives, and MSHCP Where the Project Resulted in a Final Study or Report:** If an on-site review of the final study or report is not feasible, coordinate with the 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 other Land Acquisitions:** Submit a copy of the recorded deed.
- 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 on CD.

APPENDIX J-1

Sample Transmittal Letter for Combined SNPLMA Quarterly Report Transmittal and 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, project(s) and quarter
- Blue lower case letters reference Appendix J section B.3. letter requirements (Delete these 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: Karla Norris,
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 Ms. Norris:

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.i.) The [name of agency] also requests workplan 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.iii) The [name of agency] understands that funds for this project cannot be provided until the Project Workplan 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, Section 106 consultation requirements under the National Historic Preservation Act, and [as appropriate to the project(s): “agency contracting and constructing policies,” “our agency Memorandum of Understanding concerning SNPLMA Lake Tahoe Restoration Projects,” “the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL-91-646), 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) expended within three months of receipt. (g) The amount reported by project in the Quarterly Report as obligated or expended from funds previously transferred is correct and current as of [6/30/2007].

(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]

APPENDIX J-2

**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CERTIFICATION FOR FEDERAL ASSISTANCE**

Certification Regarding Lobbying - Certification for Contracts, Grants, Loans, and Cooperative Agreements. Applies to recipients of awards exceeding \$100,000.

This certification is required by Section 1352, title 31, U.S. Code, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions."

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 any 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" as an attachment on Grants.gov. This form is available at: <http://www.whitehouse.gov/omb/grants/sflll.pdf>.

(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 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.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

Signature & Date _____

Typed name and title _____

Applicant/Recipient _____

Appendix J-3 SNPLMA Performance Measures

On July 18, 2012, the SNPLMA Executive Committee approved the use of an initial set of Performance Measures (PM) to assist in quantitatively identifying SNPLMA project accomplishments. Each PM is tied to a goal, objective and sub-objective in the SNPLMA Strategic Plan. Beginning with Round 14 nominations, entities are required to identify appropriate PMs during the nomination phase in addition to identifying the purpose and deliverables for the proposed project. Links to the Strategic Plan and the performance Measure are available on the SNPLMA website at <http://www.blm.gov/snplma>.

All projects not yet closed or terminated as of the July approval date, are expected to report SNPLMA Performance Measures upon completion and closeout of the project using the unit of measure associated with each PM. The PMs are reported in the Annual Accomplishments section of the SNPLMA Quarterly Reporting Database as part of the final Workplan and Status update for the project that is closing (see Appendix J.2.b). The Performance Measures being reported should reflect the project deliverables (i.e., outputs) identified in the Project Workplan for all projects regardless of the round (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 Performance Measures. The Annual Accomplishments section of the database is available during all reporting periods so entries can be made regardless of when a project is completed and closed.

The PM spreadsheet contains four columns. The first column is the associated Subactivity from the SNPLMA Strategic Plan. The next column contains the two-letter designation and name of the PM, followed by the definition and metric for reporting in the third column. The final column contains the recommended SNPLMA project category that would be expected to utilize the PM. The PMs within the spreadsheet are separated into the following categories:

- Performance Measures for Habitat Enhancements
- Performance Measures for Wildland Fire Management
- Performance Measures for Land Acquisitions
- Performance Measures for Recreation Management
- Performance Measures for Cultural/Paleontological Resources
- Other Performance Measures

SNPLMA STRATEGIC PLAN GOAL 2: CONSERVE AND RESTORE THE QUALITY OF THE OUTDOOR ENVIRONMENT BY PRESERVING NATURAL AND CULTURAL RESOURCES AND ENHANCING RECREATIONAL OPPORTUNITIES			
Sub-Objective(s)	Performance Measures for Habitat Enhancement	Definition of Performance Measure	SNPLMA Project Type
2.1.1	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 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	ACQ, CI

		<p>SNPLMA funds. Land acquired in an ACEC is not automatically withdrawn from multiple use and should be reported under L1 only.</p> <p>Report to the nearest whole acre.</p>	
2.1.1	H2 - Miles of Riparian Stream or Shoreline Habitat Treated, Enhanced or Restored	<p>Report the number of miles of riparian stream and/or shoreline vegetation and/or wildlife habitat treated, enhanced, or restored. Include acres treated 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.</p> <p>Report to the nearest whole mile.</p>	CI, CIP, ENLRP PTNA
2.1.1	H3 - Miles of Riparian Stream or Shoreline Habitat Surveyed, Inventoried or Monitored	<p>Report the number of miles of riparian stream and/or shoreline vegetation and/or wildlife habitat surveyed, inventoried, or monitored.</p> <p>Report to the nearest whole mile.</p>	CI, CIP, ENLRP
2.1.1	H4 - Acres of Upland Habitat Treated, Enhanced, or Restored	<p>Report the number of acres of upland vegetation and/or wildlife habitat treated, enhanced, or restored. 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.</p> <p>Report to the nearest whole acre.</p>	CI, CIP, ENLRP
2.1.1	H5 - Acres of Upland Habitat Surveyed, Inventoried or Monitored	<p>Report the number of acres of upland vegetation and/or wildlife habitat surveyed, inventoried, or monitored.</p> <p>Report to the nearest whole acre.</p>	CI, CIP, ENLRP
2.1.1	H6 - Acres of Wetland Habitat Treated, Enhanced, or Restored	<p>Report the number of acres of wetland vegetation and/or wildlife habitat treated, enhanced, or restored. 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.</p> <p>Report to the nearest whole acre.</p>	CI, CIP, ENLRP PTNA
2.1.1	H7 - Acres of Wetland Habitat Surveyed, Inventoried or Monitored	<p>Report the number of acres of wetland vegetation and/or wildlife habitats inventoried or monitored.</p> <p>Report to the nearest whole acre.</p>	CI, CIP, ENLRP

2.1.1	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
2.1.1	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, ENLRP, CIP, Fuels, PTNA
2.1.1	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, ENLRP
2.1.1	H11 - Number of Management Plans for Ecosystem Restoration Completed	Report the number of new or revised 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, ENLRP
2.1.1	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
2.1.1	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
2.1.2	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. Report each action as one unit.	CI, CIP, ENLRP, PTNA, MSHCP
2.1.2	H15- Number of Conservation	Report the number of individual	CI, CIP, ENLRP,

	Actions Implemented for Non-Listed Species	conservation actions for species not listed under the Endangered Species Act. Note: three distinct actions repeated five times each over three years would report as 3 actions, not 15. The number of acres over which the actions were taken are reported under either H2 or H4. Report each action as one unit.	PTNA, MSHCP
2.3.1	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 or linear foot.	CI, CIP, ENLRP, MSHCP
2.1.1	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 or whole linear foot.	CI, MSHCP
Sub-Objective(s)	Performance Measures for Wildland Fire Management	Definition of Performance Measure	SNPLMA Project Type
2.4.1	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
2.4.1	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
2.4.1	F3 - Number of Hazardous Fuels Reduction Plans Completed	Report the number of new or revised hazardous fuels reduction plans when the decision document for the plan is signed. Revisions include a 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, Fuels
Sub-Objective(s)	Performance Measures for Land Acquisitions	Definition of Performance Measures	SNPLMA Project Type
2.1.1	L1 - Environmentally Sensitive Land Acquired	Report acres acquired in fee. Report Santini-Burton land acquisitions	ACQ

		under performance measure L5. Report PTNA land acquisitions under performance measure L6 or L7.	
2.1.1	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
2.1.1	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.	ACQ
2.1.1	L4 – Conservation Easements Acquired	Report acres of conservation easement acquired.	ACQ
2.1.1	L5 - Santini-Burton Lands Acquired Using SNPLMA Funding	Report land and rights in land acquired as acres acquired in fee. Do not report acres of easements or rights of way that encumbered the property when acquired. Report PTNA land acquisitions under performance measure L6 and L7.	Santini-Burton Acquisition Set-Aside
2.1.1	L6 - PTNA Land Acquired	Report acres of land acquired in fee. Do not report acres of easements or rights of way that encumbered the property when acquired.	PTNA
2.1.1	L7 – PTNA Rights of Way or Easements	Report the acres of rights of way or easements acquired for a PTNA project.	PTNA
Sub-Objective(s)	Performance Measures for Recreation Management	Definition of Performance Measures	SNPLMA Project Type
2.3.1	R1 - Number of Recreation/Wilderness Management Plans Completed	Report new or revised recreation activity plans, including recreation site plans, when the decision document for the plan is signed. Revisions include a modification of a significant portion of the decisions in the activity plan. Do not report minor amendments or changes in these plans, even though these costs may be charged to this program element. Report each plan as one unit.	CI, PTNA
2.3.2	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 L3. Do not report structures built, as this should be reported under performance measure R3. Report to the nearest whole acre.	PTNA
2.3.2	R3- Number of New Recreational	Report the number of new recreational	CIP, PTNA

	Facilities/Structures Constructed or Improved	<p>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.</p> <p>Do not report acres of land acquired for new parks or natural areas as this should be reported under performance measure L3.</p> <p>Report each facility or structure as one unit.</p>	
2.3.3	R4- Miles of New Recreational Roads / Trails Constructed or Existing Routes Improved	<p>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.</p> <p>Report to the nearest whole mile or linear foot.</p>	CIP, PTNA
Sub-Objective(s)	Performance Measures for Cultural / Paleontological Resources	Definition of Performance Measures	SNPLMA Project Type
2.2.1	C1 - Number of Cultural or Historic Sites or Structures Stabilized or Protected	<p>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.</p> <p>Report installation of interpretive signs and structures (e.g., kiosk displays) under O6.</p> <p>Report administrative actions such as mineral withdrawals, closures, or special designations under H1.</p>	CI, CIP, ENLRP, PTNA
2.2.2	C2 - Number of Cultural or Paleontological Artifacts Protected	<p>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</p>	CI, CIP, ENLRP, PTNA

		<p>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.</p> <p>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.</p>	
2.2.2	C3 - Acres of Cultural / Paleontological Resources Surveyed, Inventoried or Monitored	<p>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).</p> <p>Report to the nearest whole acre.</p>	CI, CIP, ENLRP, PTNA
2.2.2	C4 - Number of Cultural / Paleontological Plans Completed or Revised	<p>Report new or revised cultural and/or paleontological activity plans when the decision document for the plan is signed. Report revisions when there is modification of a significant portion of the decisions in the activity plan. Do not report minor amendments or changes in these plans.</p> <p>Report each plan as one unit.</p>	CI, CIP, ENLRP, PTNA
Sub-Objective(s)	Other Performance Measures	Definition of Performance Measures	SNPLMA Project Type
2.4.2	O1 - Number of Hazardous Sites Remediated	<p>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.</p> <p>Do not report temporary remediation measures.</p> <p>Report each site as one unit.</p>	CI, CIP, ENLRP, PTNA
2.4.2	O2 – Number of Federal Buildings or Facilities Constructed or Refurbished	<p>Report square feet of Federal buildings or facilities constructed or refurbished to improve access, functionality and/or safety for employees and the public, or to facilitate the integrity of resource values.</p>	CIP
2.4.3	O3 - Number of Law Enforcement Patrols, Incident Reports, Investigations	<p>Report the number of law enforcement patrol actions, incident reports taken, and investigations conducted.</p>	Administration, CI

2.1.4; 2.5.1	O4 - Number of Scientific / Technical Reports Produced	Report the number of scientific technical reports produced.	Administration, CI, ENLRP
2.1.3; 2.5.2	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.	Administration, CI, ENLRP, Fuels
2.1.3; 2.5.2	O6 - Number of New Interpretive or Education Publications/Signs 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.	Administration, CI, CIP, ENLRP, Fuels, PTNA
2.1.3; 2.5.3	O7 - Number of Interpretive or Education Presentations Given	Report the number of interpretive or educational presentations given. Report each presentation as one unit.	Administration, CI, ENLRP, Fuels
2.7.1	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.	CIP, PTNA
2.1.3; 2.5.2	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.	CI, MSHCP
2.5.1; 2.5.3	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
SNPLMA STRATEGIC PLAN GOAL 3: CONTINUE THE SNPLMA LEGACY OF COLLABORATIVE SUCCESS AS A MODEL OF PROGRAM MANAGEMENT THROUGH INCREASED TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVE GOVERNANCE			
Sub-Objective(s)	Other Performance Measures	Definition of Performance Measures	SNPLMA Project Type
3.2.1	O11 – Number of Databases, Reports, and Other Electronic Means of Documenting Program Activities	Report the number of new databases, electronic reporting tools, websites, or reports developed and implemented to document SNPLMA process, procedures, and enhance reporting. Report each electronic document or method developed as one unit.	Administration, CI, CIP

GLOSSARY

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 EXPLANATIONS, EXAMPLES AND CITATIONS FROM THE RED BOOK

The SNPLMA business rules referred to in this Appendix and stated in Part I 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 edition referenced in this discussion is the 3rd Edition published in five volumes in January 2004.

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.

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.”¹

The purpose statute relates to SNPLMA in three 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].”**²

The examples provided below illustrate how strictly the purpose statute is interpreted and applied by GAO and the Comptroller General. In regard 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 purpose for which the funds authorized by the Secretary in his/her approval.

¹ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 1-12.

² Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 4-7.

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”³ and “an appropriation made for specific purposes is not available for related but more extended purposes”⁴

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.”⁵ 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.’”⁶ 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.
- A Forest Roads and Trails appropriation for the construction and maintenance of roads “could not be charged with the expense of closing roads or trails and returning them to their natural state, such activity being neither ‘construction’ nor ‘maintenance.’”⁷ The agency cannot broaden the meaning of “maintenance” to include other activities simply because those other activities are also road-related. This example also illustrates that adding new work or deliverables beyond what was approved is not allowed under the purpose statute.
- “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. . . .” 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.”⁸ 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

³ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 4-7.

⁴ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 2-51.

⁵ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 4-7.

⁶ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 4-7.

⁷ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 4-13.

⁸ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 4-11.

roads, even though the latter undertaking would have been much less expensive. B-143536, Aug. 15, 1960. See also 39 Comp. Gen. 388 (1959).” 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.

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,⁴⁰ (2) transfers from one account to another within the same agency,⁴¹ 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.**” 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 OMB Circulars guiding use of funds provided through assistance agreements to local and regional governmental entities. The basic guidelines in OMB Circular A-87 state that costs must be necessary, reasonable, and allocable to 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.⁹

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. Circular A-87 states as follows:

“c. Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Circular may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons.”¹⁰

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

⁹ See “C. Basic Guidelines: 1. Factors affecting allowability of costs” in OMB Circular A-87.

¹⁰ See “C. Basic Guidelines: 3. Allocable Costs” in OMB Circular A-87.

incident to accomplishing that object unless prohibited by law or otherwise provided for.”¹¹

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:¹²

- 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.” 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.”¹³ 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.”¹⁴

SNPLMA funds are “no-year funds,” meaning they can be authorized for expenditure by the Secretary at any time “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 and the valid period of performance in the funding instrument (i.e., funds are not authorized**

¹¹ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 4-20.

¹² Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I, pg. 4-21.

¹³ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I., pg. 5-4.

¹⁴ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. I., pg. 5-6.

for obligation or new expenditures if the period of performance in the funding instrument has expired).

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.¹⁵ 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).”¹⁶

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.”¹⁷

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 deficiency⁴² or supplemental appropriation from Congress, and to adjust or curtail operations as may be necessary. *E.g.*, B-285725, Sept. 29, 2000; 61 Comp. Gen. 661 (1982); 38 Comp. Gen. 501 (1959). 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.”¹⁸

The following statement from the Red Book illustrates why agencies/entities cannot modify contracts to

¹⁵ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, pg. 6-4.

¹⁶ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, pg. 6-36-37.

¹⁷ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, pg. 6-39.

¹⁸ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, pg. 6-42.

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 exceed available funds.”¹⁹

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.”²⁰

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.”²¹

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 workplan 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.”²²

Non-Federal entities are also limited to the amount made available in the project’s Assistance Agreement

¹⁹ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, pg. 6-42.

²⁰ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, pg. 6-79-80.

²¹ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, pg. 6-80.

²² Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, pg. 6-82.

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:

“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.”²³

²³ Principles of Federal Appropriations Law, Government Accountability Office, 3rd Edition, Vol. II, 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 project manager or unit manager (e.g., LMNRA Superintendent, USFS Deputy Forest Supervisor, BLM Field Manager or 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 project modification requests.
- **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.

Workplan Modification: A revised workplan 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 Workplan must be updated in the next available quarterly database after the approval date:

- To reflect changes in target start 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:

- All requests must be accompanied by a letter on agency/entity stationery summarizing the modification request and signed by the agency/entity project manager.
- 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			

3. 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	\$	\$	\$	\$	\$

4. 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. For projects from Round 10 and forward Column A should include only that portion of the 10% contingency 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. For projects in Round 10 and forward Column A of Table 1 should include only that portion of the 10% contingency 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

\$	\$	\$	\$
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5. 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

6. 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 maximum standard timeframe/period of performance or other 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. (Maximum Standard Timeframes: Land Acquisitions = 2 years; ENLRP = 4 years; PTNA, Capital Improvements, MSHCP, and Conservation Initiatives = 5 years; Fuels = 6 years.)
- Requests must 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 waive the 120-day-in-advance rule for time extension requests and 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. Indicate how much additional time is being requested and the new project end date.
4. Indicate whether the request meets the criteria for a waiver of the 120-day rule to obtain a one-time extension up to 90-days as describe in the third bullet above (*see also Part I 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.
5. List which deliverables are impacted by the time extension request. Beginning with Round 13 projects also indicate whether each impacted deliverable is a Primary, Anticipated, or Standard deliverable.

Deliverable	Original Target End Date	Revised Target End Date	Impact

6. 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 Implementation Agreement – Part I for conformance with the Purpose Statute.

1. Describe the issue or problem necessitating the request.
2. Describe the change in scope being requested.
3. List which deliverables, tasks, and subtasks are impacted by the requested change in scope and indicate any new deliverables, tasks, or subtasks that will result from the scope change if

approved. Beginning with Round 13 projects, indicate whether each impacted deliverable is a Primary, Anticipated, or Standard deliverable.

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 Target End Date	Revised Target End Date	Impact

4. 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. Beginning with Round 13 projects, the explanation will specifically address the purpose statement in the nomination.
5. How will progress toward completion of the project be measured if the scope change is approved?
6. What are the risks (positive or negative) of denying the request?
7. 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 Executive Committee has established a target maximum SAR request of 10% of the current total funds available for the project.
- To be eligible for immediate processing, a SAR request must meet a two-part test to be designated as a high priority.
- 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:

- 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 safety or emergency situation needing immediate attention. Explanations must be thorough and specific.
2. Explain what part of the project or project deliverable has had a cost increase and why. Beginning with Round 13, 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. Beginning with Round 13 projects, 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. Beginning with Round 13, the explanation will 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 (Round 10 and forward):

- 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 Implementation Agreement 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. Beginning with Round 13 projects 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.

By Signature Below the Agency/Entity Authorized Management Official Approves the Above 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 financial or transfer documentation 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)

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.

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 IBC (formerly NOC). After the grantee has been enrolled in ASAP, the IBC 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. This registration was formerly carried out in the Central Contractor Registration (CCR) on the CCR website at <http://www.ccr.gov>. In July 2012, CCR registration data was migrated to the new System Award Management (SAM) program which will eventually integrate the eight current federal procurement systems. Those entities that previously registered in CCR should verify that their registration data migrated correctly and is up to date. Those entities that have not yet registered should register 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.

PTNA Additional Drawdown Process

Due to the large number of PTNA projects and associated collective high dollar drawdowns each quarter, a special process has been established between the BLM, the NOC, and the PTNA-eligible local and regional governmental entities to ensure sufficient cash is on hand to cover drawdown requests. In addition to the quarterly report estimates for drawdowns by project, the PTNA entities follow the process described below:

- At least three days prior to making any drawdown in ASAP, entities transmit an email identifying the dollar amount by project to be drawn down and the date of the drawdown.
- After the drawdown in ASAP, entities transmit an email including a PDF of the ASAP Payment Transaction Confirmation summary identifying that the drawdown did happen. The email should be copied to the:
 - SNPLMA Senior Accountant and the SNPLMA Finance Manager at the NOC,
 - SNPLMA PTNA Program Manager, and
 - BLM Grants Management Officer at the BLM Nevada State Office.

The PTNA Program Manager will provide the entities with the current names and email addresses for sending the notices.

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 Treasury Circular 1075 (31CFR 205) and 43 CFR 12.61 (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

Treasury Circular 1075 (31CFR 205) addresses Treasury rules for transferring (paying) funds between the Federal government and States and local government entities. The circular references 43 CFR 12.61 which sets out the basic standards for payments and states that “methods and procedures for payment shall minimize the time elapsing between the transfer of the funds and the disbursement by the grantee or sub-grantee, in accordance with Treasury regulations 31 CFR part 205.” The timeframe for meeting this requirement is three (3) days from the receipt of funds.

The CFR 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 the basic 3-day standard above. Cash advances to a local government shall be limited to the minimum amounts needed and shall be timed to be in accordance with the actual, immediate cash requirements of the local government in carrying out the purposes of the approved program or project.

Treasury Financial Manual Section 2070.10 provides that when a recipient organization receiving cash advances has demonstrated to a Federal program agency (FPA), in this case the BLM, an unwillingness or inability to establish procedures that will minimize the time that elapsed between the cash advances and the disbursement thereof, the FPA, unless prohibited by the statutes governing the program in question, will terminate the advance financing and will require the recipient to finance its operations with its own working capital, and payments to the recipient will be made by the direct Treasury check method to reimburse it for actual cash disbursements.

APPENDIX N

“1151” 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, as well as tracking/accounting of transferred funds on a per-project basis.

1. Each eligible agency initiates the transfer process by submitting a request to the BLM Las Vegas Field Office, SNPLMA Division (see Appendix J, Part B).
2. The requests are then reviewed for completeness and accuracy by the SNPLMA Division and approved by the SNPLMA Program Manager or his/her designee, after which they are forwarded to the Interior Business Center (IBC).
3. The IBC 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 Department of 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 how much 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 financial section for the project.

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:* The BLM will provide each agency with a database (either in Microsoft Access or a web-based system) in which to report progress against deliverables, tasks and subtasks in the project workplan including percent complete for each deliverable and the project as a whole; amounts obligated and expended; and transfer requests for the upcoming quarter. The database identifies projects by Round, by SNPLMA project number, and by name and includes the total amount available which will include the amount approved by the Secretary of the Interior, plus any additional funds approved by the PWG or EC. (See Appendix J for requirements for initiating project funding, quarterly report transmittal letters, funding requests, and closeout requirements.)
- *Agency Investment of Funds:* Agencies authorized to invest SNPLMA funds are strongly encouraged to invest the funds transferred to them in order to maximize interest earning. Any interest earned must be accounted for by project and returned to the SNPLMA Special Account.
- *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 I, Section IX.B 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 IBC with a copy of their submissions.

Appendix O

SAMPLE 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

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 document, entitled *The Federal Partners Charter*, which outlined a collaborative process for developing a recommendation for the Secretary of the Interior regarding the SNPLMA Special Account expenditures. *The Federal Partners Charter* was executed to produce the Round 1 Recommendation for the expenditure of the SNPLMA Special Account.

The lessons learned in executing the 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.

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

The second revision, completed in May 2001, added a representative of rural Nevada (appointed by the Governor) to the 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 third revision, modified the land nomination package requirements, including the requirement to include a “willing agency letter” from the Federal agency that would have management responsibility for the property if acquired; provided for acquisitions and projects to be placed “on-hold” due to extenuating circumstances; allowed, where appropriate, for early appraisal of nominated lands prior to availability of funds; modified funding criteria for all categories, including MSHCP requirements; established definitions and criteria for the new Conservation Initiative category, and updated appendices to reflect modifications to documentation requirements for task orders and reimbursement requests.

The fourth revision, completed in June 2004, incorporated the state-level implementation of the 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 fourth revision applied to all acquisitions and projects which had not yet been completed or terminated.

The fourth 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.

The fifth revision, approved June 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. A list of examples of necessary expenses was also included.

Also of significance in the fifth 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 Implementation Agreement 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 and ENLRP). 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 Implementation Agreement reflected revisions approved by the EC during its meeting on October 11 and 12, 2007, and by approval and signature to a decision memo. 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: The IA has been divided into two parts. Part I is the narrative description of the objectives, organization, policies, and procedures for implementation and Part II 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. Footnotes have been included identifying the decision memorandum that instituted the noted revision. Incorporated into this revision are modifications that were approved by EC decision memoranda since October 2007. Another noticeable change throughout the IA is the inclusion of references to other sections of the text in Part I and/or appendices in Part II 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 have been 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 I has been reorganized for better flow of information tied to these four phases of the SNPLMA Business Process. The modifications in this revision address 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 workplans, 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.
- Revised MSHCP nomination and review process.
- Inclusion of MSHCP's eligibility for land acquisitions for mitigation as part of the implementation of the MSHCP 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 workplan 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 workplans 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 PPP reserve.
- 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.
- 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 workplans, initiating project funds, quarterly funds requests, requesting reimbursement, and project closeout.
- Appendix J-3 provides the SNPLMA Performance Measures 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.

Appendix Q

GLOSSARY

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

1. **“Agency”** refers to those Federal agencies eligible to receive funding through SNPLMA and/or FLTFA to carry out projects approved by the Secretaries of the Interior and Agriculture.
2. **“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.
3. **“Anticipated Deliverable”** is a deliverable that is desirable and beneficial, but not minimally necessary to 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.
4. **“Assistance Agreement”** 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.
5. **“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.
6. **“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.
7. **“Cooperative Agreement”** means the Assistance Agreement executed between the BLM and a local or regional governmental entities to meet the requirement of the SNPLMA legislation that funds for park, trail, and natural area projects must be provided “pursuant to a cooperative agreement” with the local and regional governmental entities.

8. **“Direct Labor”** means payroll expenses for agency/entity employees to perform the projects (e.g., do the monitoring, construct the trail, etc.)
9. **“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.
10. **“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.
11. **“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.
12. **“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.
13. **“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 FWS, FS, and NPS under the “parent-child” relationship.
14. **“High Priority SAR Request”** is same as “Priority SAR Request” below.
15. **“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.
16. **“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.
17. **“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.
18. **“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 Workplan.

19. **“Priority SAR Request”** means a request for SAR funds that meets a two-part test which is:
 - a. It has attempted 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 is a safety or emergency situation that needs immediate remediation to complete the project.
20. **“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).
21. **“Recreation and Public Purposes Act”** refers to the Act entitled “An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes,” approved June 14, 1926 (43 U.S.C. 869 et seq.).
22. **“Regional Governmental Entity”** means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Water Reclamation District.
23. **“Relocation Assistance”** refers to payments made to displaced persons who must move from SNPLMA acquired lands (whether environmentally sensitive or PTNA acquisitions). Such displaced persons are defined in the Uniform Act and payments made are pursuant to the requirements and limitations of that Act.
24. **“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.
25. **“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.
26. **“Special Account”** means the account in the Treasury of the United States established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998.
27. **“SNPLMA Special Account”** Same as “Special Account” above.
28. **“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 Workplan as tasks or subtask as they aid in tracking progress toward accomplishing the Primary and Anticipated Deliverables leading to project completion.

29. **“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.
30. **“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, Fish and Wildlife Service, Bureau of Reclamation, Federal Highway Administration, USDA 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.
31. **“Uniform Act”** refers to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (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.
32. **“Unit of Local Government”** means Clark, Lincoln, White Pine, and Washoe Counties, Nevada, and the City of North Las Vegas, City of Las Vegas, City of Henderson, and Carson City in Nevada.