



**Bureau of Land Management  
Nevada State Office  
Lands and Realty Program**

**ACTION PLAN**



**May 2018**

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#### **BACKGROUND:**

In December 2016, at the request of the Nevada State Director, a team of realty program staff and managers from across the BLM conducted a review of the Nevada Lands and Realty Program (realty program), including the \*Special Legislation program. The realty program review was not conducted as an audit, but rather to provide guidance in strengthening the realty program. As a result of the review, the FY2017 Nevada Bureau of Land Management Realty Program Review and Evaluation report (Review Report) was completed. The Review Report identified relevant findings and provided recommendations to strengthen the realty program. In June 2017, the State Leadership Team (SLT) reviewed the extensive collection of data in the Review Report. Based on their review, the SLT recommended that the Nevada State Office (NVSO) develop an action plan to improve upon the relevant findings identified in the report.

In October 2017, NVSO drafted the Preliminary Evaluation and Summary Recommendations for the Nevada BLM, Technical Program Review of the Lands and Realty and Special Legislation Programs (Preliminary Evaluation Report). This report was a comprehensive analysis of the findings and recommendations outlined in the Review Report, for the purpose of developing an Action Plan. The recommendation in this report was that the Action Plan focus on the priority issues that would most likely be quickly achievable, with the least amount of costs or structural disruption. The intent of the Action Plan was not to reiterate the findings of the team enumerated in the report, but to evaluate the recommendations, suggested as a result of those findings, and offering potential solutions.

#### **PURPOSE OF THE ACTION PLAN:**

This Action Plan was developed in a way that would provide clear, concrete, measurable and ultimately achievable actions and/or solutions for implementation. The recommendations in both the Review Report and Preliminary Evaluation Report were evaluated and grouped into common Core Areas of Concern, as outlined below, that could be implemented effectively and efficiently. There was a substantial overlap of recommendations throughout the Review Report. As an example, training and communication were common themes to making program wide changes. In order to clearly identify how each finding/recommendation is being addressed, a crosswalk linking the findings/recommendations to this action plan is provided in Exhibit A. Implementation of the actions and/or solutions described in this plan will strengthen the realty program and will assist in avoiding potential legal and regulatory liabilities to the Bureau, now and in the future. The actions and/or solutions and the direction to implement this Action Plan, are forthcoming under a State Office Instruction Memorandum, including follow up assessments and a reporting timeline.

#### **CORE AREAS OF CONCERN:**

##### **1. REALTY ACTIONS AND REGULATORY COMPLIANCE**

**Review Findings:** The review team found realty actions that were not processed according to policy, regulations, and/or agency guidance, across the state. In general, the breakdown in regulatory compliance was primarily attributed to a lack of familiarity with current policy, misinterpretation of current policy, lack of consistency in processing, and improper shortcuts to reduce backlog. A common complaint within the Nevada Realty program is that regulations and guidelines are outdated and that their requests for changes have not been heard. As a result, processing policies were created by the districts to replace guidance that they felt were outdated or incorrect. It is not known if any discrepancies, or needs for updating information, has been communicated to the State or Washington offices. There also seemed to be a lack of comfort, with some of the district offices, in seeking guidance from the State office, which has led to inconsistencies in processing realty actions.

The Washington Office is responsible for updating realty regulations and providing current information to the state offices. State offices do not have authority to update regulations, but they can inform the Washington Office of any discrepancies that are discovered. The State Realty Program Lead is responsible for providing guidance, where none exist or is not clear in current regulations/handbooks. Field level realty staff are responsible for processing realty actions in accordance with the most current regulations and guidelines provided by the State offices. Districts must never assume to have authority for diverting from regulations and guidelines provided by the Washington or State offices. Districts can provide field office policy, with concurrence from the State Realty Program Lead, where clear direction does not exist in current regulations/handbooks and the guidance is unique only to their district.

**Course of Action:** Communication between the State office and district offices is key in ensuring compliance to policy, regulations, and guidelines across the state. The State office realty staff should stay engaged with every field/district office within the state so they are aware of any issues in processing realty actions and are able to provide appropriate guidance. District offices should also stay engaged with the State office realty staff and should avoid deviating from guidance provided by the State office. The districts should ensure that only realty specialists, familiar with the regulations and engaged with the state office realty staff, are assigned realty actions.

*\* Nevada's Special Legislation program includes: Southern Nevada Public Land Management Act, Lincoln County Land Act, Lincoln County Conservation, Recreation, and Development Act, White Pine County Conservation, Recreation, and Development Act, and 2009 Omnibus Public Land Management Act.*

Failure to adhere to existing policies exposes the BLM to increased financial and legal risks, and has critical impacts on efficiency, customer satisfaction, and budget. A list of realty actions and related regulatory compliance, to be assigned to realty specialists, is attached (Exhibit B). The following actions, if implemented, will strengthen the Nevada Realty Program's regulatory compliance:

- A. Discrepancies in Regulatory/Guideline:** Field and district level realty staff must communicate any discrepancies in regulations and/or guidelines found during processing realty actions to the State Realty Program Lead. Managers must never assume that they have the flexibility to adjust or deviate from regulations or guidance provided by the Washington or State offices. If a discrepancy is found, the State Realty Program Lead will provide a determination, in writing and within 60 days, as to what action may be taken:
- 1) provide new guidance or update existing guidance at the State level, or
  - 2) provide input to WO for discrepancies to regulations/handbooks.
- B. Field Office Realty Needs:** Realty staff are responsible for communicating to their supervisors, in writing, if they do not have sufficient resources to carry out their duties. Managers should seek assistance from the State Realty Program Lead as to the tools or training their staff needs or if they are not familiar with what resources are available.
- C. Maintaining Compliance to Realty Guidance/Regulations/Directives:** The State Office is responsible for providing program oversight and ensuring statewide compliance of regulations and guidelines. In order to ensure that the districts receive the information necessary for processing realty actions, the state office realty staff will:
- stay engaged with the districts and field offices in order to provide proper guidance:
    - maintain open communications and positive relationships
    - participate as a team member
    - consistently hold monthly State Realty Calls
    - involve field/district realty staff in agenda topics for discussion during monthly State Realty Calls
    - complete office visits (at least annually)
    - invite new realty specialists to the state office for meet and greet
    - be available to assist all district/field offices when needed
    - act as mentor and provide training to new realty staff
    - involve district/field realty staff in State office projects, ie; Training Plans, Mentoring Program, etc
    - seek out opportunities to work together
  - ensure that the most current policies, regulations, directives, and information is made immediately available to the districts and are easily accessible for future use
  - immediately forward appropriate email communications provided by the Washington Office and summarize emails before forwarding, to ensure effective and efficient distribution
  - provide accurate and legally defensible information and seek Solicitor Opinions, when necessary

District managers are responsible for ensuring that realty actions within their district are processed consistently and in accordance with regulations and guidelines. In order to feel confident that their staff is receiving the proper tools and information for processing realty actions, they must ensure that their realty staff and managers:

- stay engaged with the State office realty staff in order to receive proper guidance:
  - maintain open communications and positive relationships
  - participate as a team member
  - invite State office realty staff to visit field offices
  - insure realty staff and managers are available during State realty staff visits
  - encourage new realty staff, including managers, to visit the State office for a meet and greet
  - actively participate during State Realty Calls, trainings, and workshops

- seek assistance from the State office realty staff
    - avoid seeking assistance from other offices, in place of the State office realty staff
    - be open to mentoring and training by the State office realty staff
    - involve the State office realty staff early, in projects that may be controversial, complicated, or may require Solicitors opinion
    - seek out opportunities to work together
  - avoid deviating from guidelines provided by the State office realty staff
  - are receiving the necessary training for processing realty actions
  - inform the state office realty staff when there are changes realty staff
- D. District Policies:** It is important that the State Realty Program Lead be made aware of realty processing policies within the state, including the use of forms, templates, or processes, in order to insure compliance to regulations and consistency between offices.

District managers must never assume to have the flexibility in deviating from existing directives provided by the Washington or State offices. Managers do have the flexibility in creating office policy where directives are not already defined. The following guidelines are to be used for determining district level policy, for processes or actions that are not already defined by State or Washington level directives:

- District offices will submit proposals for new policy to the State Realty Program Lead, for review and concurrence, prior to creating office level policy for realty actions.
- The State Realty Program Lead will determine whether proposals may affect existing statewide policy, are covered by existing policy, are unique to the district, or if a new statewide policy is required.
- Proposals that may affect existing statewide policy will be forwarded by the State Realty Program Lead to the Deputy State Director (DSD) for review and concurrence.
- The State Realty Program Lead will provide a response to the request for new policy within 30 days.
- If a new policy request is not recommended, the State Realty Program Lead will provide the citation for existing policy which already addresses the issue or an explanation as to why the proposal is not appropriate.
- As an interim solution until new or updated realty policy or guidance is completed by Washington or State office levels, the State Realty Program Lead, if they deem necessary, will submit a request for Solicitor's opinion.
- The State Realty Program Lead will share the solicitor findings with the requesting office as soon as possible, but no longer than 3 days of receiving direction from the solicitor.

## **2. FOUNDATIONAL ROLES AND RESPONSIBILITIES FOR REALTY ACTIONS**

**Review Findings:** The review team found that the breakdown in regulatory compliance was primarily attributed to improper shortcuts created for the purpose of reducing and avoiding backlog. The Review Report described instances where realty actions were processed by non-realty staff, including managers, geologists, archaeologists and recreation staff.

Assigning realty projects to untrained staff, even with some oversight, has resulted in numerous mistakes. There are occasions that staff shortages may result in an urgency for assistance and management may be tempted to look at recruiting non-realty or untrained realty staff to get the job done. This practice should be completely avoided, because improper processing of realty actions is a mistake that can lead to serious issues and will certainly increase workloads.

In addition, the review team discovered a lack of communication between departments, offices, managers, and their staff. This disconnect makes efficient work even more problematic. There is currently no defined guidance for managers in assigning roles and responsibilities for processing realty actions. Managers without the necessary training or experience in an unfamiliar program can be unaware of how to productively oversee their teams and assign work appropriately. The lack of understanding about "who does what" in a very specific, potentially unfamiliar field can cause disruption in the realty process and increase backlogs. Also noted, was a lack of clear definition between administrative roles involving realty actions, in particular, who completes billing and collections.

Realty actions are processed in accordance with regulations and guidance provided by the State or Washington offices. However, processing administrative functions, such as preparing and/or reviewing documents, processing payments, issuing bills, and receipting mail can vary between offices. In the absence of a defined administrative process, inconsistencies and mistakes in the realty process can be made, especially during staff shortages or turnover.

**Course of Action:** Managers must ensure that duties and responsibilities are clearly understood within their realty program and that those roles are completed in accordance with existing guidance. Managers without the necessary training or experience to understand the realty program roles and responsibilities should seek guidance from the State Realty Program Lead. Districts with multiple supervisors having realty program oversight should ensure that supervisors coordinate with each other to ensure consistency in process, roles, and responsibilities within the district.

Implementation of the following action items will assist in communicating the duties and responsibilities for processing and overseeing realty actions:

- A. Roles and Responsibilities:** Managers will develop a policy that would clearly define roles and responsibilities of the realty staff and managers within their office, to establish suitable implementation of existing guidelines and procedures. An example of roles and responsibilities in processing realty actions is attached (Exhibit C). Managers can refer to the example provided (Exhibit C), but should ensure that they develop their own Roles and Responsibilities to fit the specific staffing needs within their individual office, while also following regulations and guidelines. It is important that realty specialists are assigned to supervisors with experience in realty program oversight to ensure realty program compliance.
- B. Standard Operating Procedures (SOP):** As noted above, realty processing requirements are already defined by existing regulations, guidance or checklists provided by the Washington or State office. However, each office must define the administrative function for realty actions that is unique to their office, such as date stamping, receipting mail, document review, preparing for signature, etc. Managers will ensure that their offices develop SOPs with details of the administrative function for each position involved with processing realty actions. SOPs should include, at a minimum:
  - Who receipts and date stamps incoming applications
  - Who processes applications
  - Who reviews documents
  - Who signs the correspondence, how many copies, etc.
  - Who is the signatory authority or delegation
- C. Cost Recovery:** Managers must ensure that appropriate cost recovery forms are being used (see Exhibits B1-3), hours are appropriately calculated, and the most current fee schedules are being used.
- D. NV-IB-2018-007 Linear Rental:** Managers must ensure that current rental fees are being used. Linear rental should be calculated electronically per instructions on NV-IB 2018-007 (Exhibit B4) and a copy of the calculation sheet provided to the Field Manager for review/approval. NV-IB-2018-007 encourages the use of an electronic linear rental calculation developed by the State right of way lead. The electronic calculation is based on the most current fee schedule for linear rights of way provided by WO and if used, will reduce the risk of mathematical errors.
- E. Separation of Duties:** Managers must ensure that there is a separation of duties between a person who processes bills and the person that collects fees, to avoid improper cash handling situations. There will also be a separation between the person handling mail and the person receipting payments.
- F. Quality Assurance:** Quality assurance is something that BLM can not afford to minimize when processing realty actions as shown on attached Exhibit B. Realty specialists must be trained to complete all aspects of the assigned realty action and should be capable of performing as a project lead/manager. During staff shortages, managers should seek assistance from the State Realty Program Lead and must avoid assigning work to untrained staff.

Upon request from the district office, the State Realty Program Lead can seek out assistance from within the state realty staff or with other districts. The Nevada realty program must work together to improve quality assurance within the state. There are two primary components to quality assurance for realty actions:

- **Realty Regulations:** Regulatory compliance must always be a priority consideration when assigning realty work. Realty specialist are responsible for ensuring regulatory compliance and providing an informed

recommendation to the authorized officer. Only trained realty specialists, familiar with the appropriate regulations and applicable guidance, should process any aspect of a realty action.

- National Environmental Policy Act (NEPA): Realty regulations often carry a NEPA component and mistakes are common when untrained realty specialists or non-realty staff complete NEPA documentation for realty projects. Only trained realty specialists, familiar with the appropriate regulation, should process NEPA for a realty action. The only exception to this is large projects assigned to a Project Manager with experience in processing realty actions and is familiar with the appropriate realty regulations.

### 3. TRAINING/MENTORING/COMMUNICATION

**Review Finding:** Over the last several years, the realty program, on a national level, has experienced a large number of vacancies due to retirements. The loss of experienced realty staff capable of processing a variety of realty projects and functions, affected the realty program as a whole. As a result, the realty program in Nevada has been limited in the ability to function to its expected capacity. Many offices in Nevada have deferred to the field managers or other non realty staff to negotiate and/or process realty actions, while sometimes also training newly hired realty specialists. This issue was reflected in the findings throughout the Nevada Review Report, which in many areas, pointed to the immediate need for training and mentoring new realty specialists.

**Course of Action:** Developing the skills of a multi-faceted realty staff and their managers is an expected outcome of this Action Plan. The field and district offices should work closely with the State Realty Program Lead, on a continuous basis, to communicate the realty program training and hiring needs, so they can provide necessary training and/or refreshers, as needed. The National training Center (NTC) is responsible for providing specific training, as needed, on a national basis. The State Realty Program Lead is responsible for providing training, as identified by the district and field managers, for the state.

Implementation of the actions and/or solutions below will assist in improving accountability for realty staff to ensure managers within Nevada, are being presented with informed recommendations to realty proposals and will provide guidance to managers with realty oversight responsibility. The following are specific actions that must be taken in order to address the findings related to Training, Mentoring, and Communication:

- A. Nevada Realty Resource Center:** Currently, realty processing information is available on the Nevada lands and realty share point at <https://partnerteamspace.blm.doi.net/sites-nv/nvrp/lr/SitePages/Home.aspx>. However, the amount of information required for the realty program information is numerous and there is limited space on the share drive. A web or google site is a better solution for providing the space needed.

The State Realty Program Lead will lead a small team comprised of realty staff at the state and field levels to develop an internal website as a tool to provide current information and training tools for realty staff. The site would be managed and updated on a regular basis by the State office realty staff to ensure current information is added and outdated information is removed. The Nevada BLM Realty Resource Center will be the one stop shop destination that will be specific to all of Nevada's realty needs. There will no longer be a need for realty specialists to search several different websites for information. The website should include, at a minimum, the following:

- Upcoming Training Opportunities
  - National Training Center (NTC) trainings
  - Trainings offered by other offices
  - Trainings offered by agencies and/or industry
- Nevada Lands and Realty Contact Information (current statewide realty phone list)
- State office realty staff and subject matter expertise (who to call for questions)
- Applicable realty laws
- Regulations
- Handbooks
- Washington and State Office Guidance - IMs/IBs
- Customer Service Documents
  - ROW handout
  - R&PP pamphlet
- Tools and Examples
  - Updated templates- realty actions and Federal Register notices
  - Forms and Checklists
  - Examples, ie: cost recovery MOU/MOA, escrow instructions, title opinions
  - Updated rent schedules and rent calculation worksheets
  - Standards for Boundary Evidence (SBE)/LSSR instructions

- Interior Valuation Information System (IVIS) Instructions
- Sharing Space for Districts to Share Examples
- Consider chat space for problems and solutions or a list of issues/solutions discussed. Chat space is an idea and implementation will be dependent on website capabilities.
- Available Web Based Training Sessions

- B. Nevada Realty Training Action Plan:** The State Realty Program Lead will lead a small team, comprised of the field realty staff and managers, to identify statewide training needs for realty staff that complete or oversee realty actions. The team will develop an annual action plan and schedule training dates for the upcoming calendar year (Jan-Dec). The team must meet early enough in the prior year, so that the plan can be made available to the Districts and Field offices no later than August 1st of the year before training begins. This timeline will allow realty staff and managers enough time to plan accordingly.

The State Realty Program Lead will ensure that qualified instructors are scheduled for all training identified in the plan. Districts will make a strong effort to maximize attendance, in order to assist in avoiding the risk of cancelling training. Consideration of funding sources should be included in the plan to ensure Districts are able to make attendance a priority. Costs can be reduced by training via web or conference calls. The BLM Nevada Realty Training Action Plan should include the following:

- Upcoming Workshop dates
- Upcoming training for realty staff
- Upcoming training for realty program leads and line managers
- Web based or conference call training
- NTC training dates
- Identify opportunities for offices to share experienced realty staff

- C. Nevada State Office Internal Realty Workshops:** The Nevada State Office will strive to sponsor an annual Workshop that would include training for realty staff, supervisors and managers. The State Realty Program Lead will ensure that qualified instructors are scheduled for all training sessions at the workshop. The first workshop should include:

- Training for realty staff to include:
  - Bonding - FAQ, what they are, requirements, process, etc.
  - Cost recovery (Category 1-6)
  - Case file management best practices
  - SBE/LSSR program (Legal Description Review Requirements)
  - Role of realty staff in reviewing other program projects
  - Federal Register Notices
  - Basic training - Master Title Plats, Title/Records-notation requests, LR2000
- Training for line managers/supervisors should include:
  - What training does my staff need?
  - LR2000 reports for realty oversight
  - PMDS - setting targets and reporting accomplishments
  - Budget/funding sources
  - Authorized Officer responsibilities
  - Developing SOPs
- Group breakout sessions, that include practicing resolving a realty action issue
- Input for developing templates/guidance document that benefits the program
- Presentations from other programs such as: NEPA/Planning, Resources, Appraisals, Cadastral, etc.
- Presentations from partners, industry, agencies, etc.
- Adequate time to discuss issues the program is facing
- Hands-on training for processing realty actions from start to finish, including negotiations, appraisal requests (IVIS), completing LDRs, and drafting letters, etc.

- D. External Workshops for Industry and/or Local Governments:** Districts should consider conducting workshops for appropriate local industries, as needed. This type of training allows districts to train their customers based on their customer service needs. Districts that do not have sufficient expertise to perform training should consult with the State Realty Program Lead. External workshops could also be conducted for state and local governments to address



the R&PP and disposal processes. The purpose of these workshops are to educate proponents on Federal processes and requirements. The agenda for external workshops could include:

- Right of way (ROW) or R&PP procedures
- Importance of, and preparing for, a pre-application meeting (ROW)
- Available resources (ROW handout, R&PP pamphlet, examples, etc.)
- Submitting a complete application
  - Plan of Development
  - Maps and shapefiles
  - RUS Forms (ROW)
- Cost recovery and rent requirements (ROW)
- Abandonment/Reclamation responsibilities
- Amendments, Assignments, and Relinquishments

**E. State or District Sponsored Internal Realty Staff Training:** The State office realty staff will host mini- training sessions for realty staff within the state. District offices, in coordination with the State Realty Program Lead, will also host mini-training sessions, as needed, that will focus on training needs specific to their district. The State Realty Program Lead will ensure that qualified instructors are scheduled for all training sessions.

- Training will be conducted on an as needed basis and should be limited to mini-training sessions, such as webinars, powerpoints, etc to reduce costs
- Introduction to Realty for New Managers training. State Realty Program Lead will develop a guide for new managers that oversee realty actions

**F. Nevada Realty Staff Mentor Program:** Field Managers must ensure that anyone processing realty actions receives the training necessary before they process case work. The only exception to this, would be if they are able to receive assistance and oversight from an experienced realty staff, until they are able to attend the NTC training. In this case, experienced realty staff should be documented as a mentor and would assist with all aspects of processing the realty action to help ensure the process is completed correctly.

The mentor may be located at any office within the state and will be the primary source for training the mentee. Effort should be made to match mentors with new realty staff in the same office, when possible. When the new realty staff receives the NTC training, they will be able to process the cases they received training for without the mentor's oversight, but should continue the mentoring relationship for technical assistance. At this point, the new realty staff should also expand their knowledge resources by tapping into other knowledgeable realty staff within their office or outside the state.

Although this type of relationship can assist in career development, the focus in Nevada would be to assist/coach/help to increase skills of the realty staff and encourage retention in the program as a whole. This type of program allows new staff and managers to tap into a knowledgeable resource for handling realty actions and can assist with developing Individual Development Plans (IDP).

The Nevada State Office will organize a team to develop a formal Nevada Realty Mentor Program (mentor program) similar to the ones that are currently active in other states. The mentor program team will be comprised of the State Realty Program Lead and field office realty staff. The team will develop a Nevada Mentor Program that would include the following:

- Identify experienced realty staff and management mentors
- Identify experienced realty staff that are subject matter experts
- Assist in developing Individual Development Plans (IDP)
- Assist in identifying training needs
- Provide mentor training for staff willing to be a mentor
- Meetings (face to face or via phone)
- Establish funding sources

In addition to the Nevada Mentor Program, the State Realty Program Lead will identify realty specialists that are considered experts in processing specific case type projects (rights of way, disposals, acquisitions, R&PP projects, etc) and will provide their contact information to the district realty staff.

**G. State Leadership Team (SLT) - Realty Sessions for Management:** At least once a quarter, State Realty Program Lead should conduct a brief session for the Expanded SLT that focuses on topics that management needs to be paying attention to, things to be aware of in making realty related decisions, and what resources are available. Topics for the SLT briefings could include:

- Cost recovery requirements
- Status updates on realty regulations, guidance, changes and updates
- Consultation on specific realty issues
- Strategies for managing realty backlogs

**H. Position Descriptions (PD), Individual Training Plans (ITP) and Individual Development Plans (IDP):** Position Descriptions (PD): Upon request, The State Realty Program Lead will assist supervisors in identifying the knowledge, skills and abilities for their realty staff to ensure they are consistent with the realty needs within the state.

Individual Training Plans (ITP): In coordination with the State Realty Program Lead, managers will develop a training plan for their realty staff and supervisors, that will assist in developing the skills necessary to process, review, or oversee realty actions. Managers should refer to the most current Nevada State Annual Realty Training Action Plan (see B above) and the realty staff's PD to assist in developing an appropriate plan.

Individual Development Plans (IDP): Realty staff should be encouraged to coordinate with the State Realty Program Lead and/or mentor to develop a plan that will meet their short and long term professional goals.

**I. NTC and DOI Learn - Lands and Realty Training for Realty Staff:** The NTC Lands and Realty Training is a required training for Realty Specialists and for anyone else that may process realty actions. This training is largely funded by WO, including travel and lodging, so districts would only be responsible for their staff's labor costs. Managers are responsible for ensuring that their staff are qualified to process the work assigned and must:

- Avoid assigning realty work to staff that have not attended the necessary training for processing the type of cases they will be assigned.
- Ensure that realty specialists attend Beginning Lands training course and other required training courses within the first three years of their appointment.
- Regularly assess the training needs of their staff to determine if and when training is needed. Once the need is determined, managers must work with the State Realty Program Lead to schedule and/or identify funding sources to support the training.

The NTC training will prepare the realty specialist to process all aspects of the project, including pre-application meetings and negotiations, document preparation, NEPA, regulatory compliance, etc. Staff should not be assigned realty work unless they have been properly trained and prepared to process the type of action being assigned. The following are other related NTC and DOI classes that may be available for realty staff:

- Basic Adjudication Fundamentals
- Peer-to-Peer Adjudication Workshop
- Environmental Site Assessments for Assistant Environmental Professionals
- Withdrawals Beyond Mechanics
- Complex Land Tenure
- Managing Major Rights-of-Way
- Communication Sites
- Interpreting and Writing Land Descriptions, Legal Land Descriptions, etc.

**J. Realty Training for Line Managers:**

- All Nevada managers and supervisors with realty program responsibility will take the National Lands Training for Line Officers (NLT) training at NTC. WO currently provides funding for this training course, so managers interested in attending should coordinate with the State Realty Program Lead to identify funding source. Supervisors will ensure that their line managers attend the training within 3 years of being assigned program oversight and every 5 years for refresher training.
- All Nevada supervisors with realty program oversight should have access to LR2000 with the capability of processing realty reports. The State Realty Program Lead will create a list of common LR2000 reports for

realty program supervisors to use for realty program oversight. The supervisors should contact the State Realty Program Lead for assistance with LR2000 or running reports for program oversight.

- All Nevada supervisors will attend LR2000 and PMDS training, when offered. This training is necessary in order to accurately account for their realty workload. The State Realty Program Lead will ensure that this type of training is identified in the Nevada Realty Training Action Plan. It is imperative that those setting targets and reporting accomplishments understand the meaning of each program element being reported.

**K. Monthly Lands and Realty Calls:** The State Realty Program Lead will continue to host monthly program calls. This call is primarily for realty specialists, but new managers and supervisors unfamiliar with the Lands Program are also encouraged to participate. The State Realty Program Lead will send out requests to the district and field office realty staff, and managers, requesting input into the agenda, at least 5 days prior to the meeting.

The meetings will be set on the same day of the month as much as possible and an agenda will be attached to the meeting invite or sent via email the day before the meeting. The focus of the meetings should be on the needs of the District and Field Offices. Effort should be made to ensure topics for the calls affect the majority of offices and could include topics such as:

- New regulations or policy that were sent the previous month, and how it will be implemented
- Case studies - discuss unique cases or issues and how they were resolved or could be resolved
- Short training topics at each call to address specific findings of the review

#### 4. STAFFING AND FUNDING

**Review Findings:** A common concern heard during the review interviews, was that the districts were not receiving sufficient funding to support the amount of demand work they were experiencing. The review report described a general lack of understanding of available funding sources and managers were dependent on appropriations to fund their realty staff. In addition, it was found that monies deposited into cost recovery accounts (L5102 and L5440), were not being utilized effectively to process \*non-discretionary projects. This has resulted in inadequate staffing, an increase in casework backlogs, inability to complete casework, stressed staff, and dissatisfied customers.

\* FLPMA directs the Secretary to consider access across public lands for inholdings, and therefore processing right of way applications is non-discretionary. FLPMA section 304 (b) authorizes the Secretary to require fees to reimburse the United States for reasonable costs of processing realty actions. Reasonable costs include, but are not limited to, the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities. In determining whether costs are reasonable, the Secretary may also take into consideration actual costs (exclusive of management overhead), the monetary value of the rights or privileges sought by the applicant, the efficiency to the government processing involved, that portion of the cost incurred for the benefit of the general public interest rather than for the exclusive benefit of the applicant, the public service provided, and other factors relevant to determining the reasonableness of the costs.

Actual cost for reimbursement is the true financial measure of resources the Federal government spends or uses in processing a realty action, and includes both direct and indirect costs, exclusive of management overhead. Absent an approved fee schedule that includes reasonable costs, managers are accountable to ensuring that the BLM is reimbursed, when appropriate, for the actual costs of processing realty actions. An applicant or proponent must sign a waiver to reimburse only reasonable costs when reimbursement of actual costs is necessary.

There was a time when funds received for processing realty actions were deposited into an appropriated account and were made available for charging realty costs. Due to budget restraints, along with the need to be accountable to the public, the BLM took a hard look at appropriations and discovered the need to make a clear distinction between what is charged for processing reimbursable actions and what is charged for costs that may not be directly related to reimbursable actions.

Over the last several years, the realty program has been directed to properly use reimbursable accounts, in accordance with regulations (43 CFR 2804.14), for processing non-discretionary work (rights of way). In addition, managers are required to consider using other funding sources, including contributed funds, for processing discretionary proposals such as acquisitions, disposals, exchanges, and R&PP applications. Realty appropriations are limited to non-processing costs such as realty program management and oversight, consultation, program related meetings, training, etc., and processing non-reimbursable realty actions such as exempt applications per 43 CFR 2800.

As a result of improper use of allocated and cost recovery funds, the review report identified a shortage in the number of realty staff at the Nevada state office compared to other BLM state offices, with similar realty needs. In order to improve realty

program oversight, the report recommended that an additional position be added at the state office level. It is critical that a sufficient amount of experienced staff are positioned at the state office in order to provide quality leadership, along with the ability to mentor field realty specialists. The low number of realty expertise at the state office level in Nevada has limited the state office's ability to function successfully and provide adequate assistance to field offices across the state. This has resulted in a lack of realty training within the state, complications in communication, and insufficient regulatory compliance for realty actions. The state realty staff is responsible for providing quality direction and advice on all realty actions. Seeking realty expertise outside of the state or districts, can result in inconsistencies within the state.

**Course of Action:** It is essential for managers to reduce the dependency on appropriated funds for realty labor and ensure proper use of reimbursable and cost recovery accounts, as appropriate. Below is a list of primary funding sources (not including Special Legislation and Land and Water Conservation Funds) for processing realty actions in Nevada:

L1440 - Realty Management Appropriation (program oversight, training, timesheets, cost recovery exemptions, etc.)

L1492 - Communication Sites Appropriation (program oversight, comm site plans, training, cost recovery exemptions, etc.)

L5101 - Cost Recovery Major ROWs/Permits: Category 6

L5102 - Cost Recovery Minor ROW's/Permits: Categories 1 through 4

L5103 - Cost Recovery Master Agreements: Category 5

L5440 - Cost Recovery Film Permits

L7122 - Contributed Funds (Interagency/Intra-agency agreements, trespass resolution, land tenure, etc.)

The following are specific action items identified to address the findings related to staffing and funding:

**A. Workforce Planning:** The ultimate success of the realty program will be dependent on the attention that is given to workforce planning and management's communication with the State Office for position management. The Nevada State Office will lead a small team comprised of the State Realty Program Lead and District Offices to:

- Complete a realty workload analysis and identify future realty staffing needs
- Develop a Workforce Plan for realty staff and update every 5 years
- Coordinate with Management to identify strategies that address recruitment, retention and retirement
- Provide career ladders to retain quality staff and to develop leaders within the realty program

**B. Budget Allocation Model (BAM):** The State Office Realty Lead will lead a small team comprised of district managers and/or supervisors in developing a Budget Allocation Model that would be used to determine L1440 allocations. This tool will allow a fair distribution of funds based on criteria, as determined by the team, that makes sense to all offices. The BAM criteria will be based primarily on non-discretionary work and past work accomplishments. This will assist managers in determining the bottom line for funding their realty staff. The BAM will be completed for implementation prior to the end of the fiscal year so that the State Realty Lead can distribute allocations at the beginning of the following fiscal year. The criteria used for the BAM will be evaluated 6 months after implementation (mid-year), to ensure it is meeting the intended purpose for budget allocation considerations.

Updates to the BAM would only be required if it is anticipated that a substantial change, such as market conditions, could change the number of exempt rights of way applications that would be received in the near future. A sample BAM is shown in Exhibit D. The NVSO will determine, on average, how much funding each office brings in to their L5102 and L5440 accounts each year for input into the BAM. The average should be based on at least a five year period. Districts should charge appropriately to cost recovery L5101, L5102, and L5440 accounts, including hours for realty specialists, managers, and other resource staff involved in processing the right of way. The team will look at the following potential workload and budget drivers for base funding when determining criteria to use in the allocation model:

- Non-discretionary and discretionary caseload
- Customer service demands due to population and urban interface
- Management priorities
- Complexity of resource considerations, such as sage grouse
- Number of cost recovery exempt authorizations
- Availability of other funding sources
- Cost of living adjustments for labor, if appropriate
- Oversight and support needs

- C. Minimize Use of L1440 Account:** Proper use of cost recovery accounts will increase the availability of L1440 funds for processing exempt status applications, and administrative functions such as training, program support, and oversight. It is important to note that municipal utilities, or cooperatives who collect revenue from customer charges, are not exempt from cost recovery. Realty staff, managers, and non-realty staff involved in NEPA review, must not code to functional code L1440 when working on ROWs or permits where cost recovery fees have been collected.

Realty positions that do not receive cost recovery, such as state office realty staff, will need to utilize L1440 funding to provide sufficient realty program support and oversight, such as training, consultation, project assistance during staff shortages, etc. Offices that receive a high volume of non-cost recovery applications, such as cost recovery exempt status, will also need to utilize a higher percentage of L1440 funds. Only in rare cases may BLM elect to hold an exempt application, due to insufficient funds, until funding is received or the applicant requests to pay full actual costs. Managers must consult with the State Realty Program Lead to verify funding availability prior to sending an insufficient funding letter to the applicant.

- D. Utilize L5101, L5102 and L5440 Accounts:** Managers must ensure that the funds collected for a project, are utilized only for that purpose. Cost recovery fees are deposited directly into L5101, L5102, and L5440 accounts for the office that receives the realty application. Managers must also ensure that their realty staff are collecting appropriately for hours worked on each project and should be asking questions to assure the realty specialist is accounting for a sufficient number of hours. As an example; if a realty specialist calculates the maximum hours for Minor Category 1 (8 hours), managers should ensure they are not missing any hours that would elevate to the next category (9 hours for Minor Category 2). Questions should be asked, such as:

- how many hours to drive to the site?,
- how many specialists will need to do a site visit?,
- are other specialists' and managers' time included in the calculation?, etc.

This will assist managers in ensuring that the realty staff is recommending an appropriate cost recovery fee. If the managers are not sure what questions to ask, they should seek guidance from the State Realty Lead. Funds collected from cost recovery are immediately available for that office to use in processing the realty action and managers must insure that their staff are charging appropriately. There should be no shortage of labor hour wages to process rights of way, as long as the realty specialists are deliberate in their calculation of hours, including hours for other resource staff. Below is a brief description of the realty cost recovery accounts and their appropriate uses:

- Major Rights of Way (L5101): Cost Recovery for major rights of way (Category 6) includes the costs of processing a right of way in excess of 50 hours. There should be no shortage of labor hour wages, as long as the realty specialist are deliberate in their calculation of accrued costs involved in processing the right of way. There is no fee schedule for this type of right of way.
- Minor Rights of Way (L5102): BLM reviews the (Categories 1-4) Minor Cost Recovery Fee Schedule, periodically, to insure that the fees are sufficient enough to cover the reasonable costs necessary to process rights of way applications. This fee schedule is designed to accommodate a range of labor hours necessary to process minor rights of way. For example, Category 1, allows for 1-8 hours of work, but the fee is the same for 1 or 8 hours of work.
- Film Permits (L5440): The State Realty Program Lead periodically reviews cost recovery fees, to ensure that the fees are sufficient enough to cover the costs of labor necessary to process film permits.

- E. Master Agreement L5103 Account:** Master Agreement (Processing Category 5) is a written agreement, negotiated between BLM and a proponent, which involves multiple BLM grant approvals, for projects within a defined geographic area. This type of agreement is useful for processing multiple applications, paid by one entity, over a reasonable time period. Specific policies, standardized practices and procedures, along with roles and responsibilities are documented in an agreement in order to streamline the application process, as well as the administration of grants for a multi- faceted proposal. The Master Agreement also establishes procedures for the reimbursement in advance of expected costs incurred by BLM in the processing and monitoring of right-of-way applications and/or authorizations involved in the project.

- F. Establish Process for Requesting L1492 Funds:** The NVSO will establish a process for districts to request L1492 funds to support projects for communication site plans and cost recovery exemption cases. Personnel must not code to functional area L1492 when working on minor category ROWs or permits where cost recovery fees have been collected under L5102 or L5101. A statewide call for project requests should occur annually and a percentage of the

annual funds received based on expected and appropriate L1492 accomplishments, will be determined by the communication site lead, for distribution to the field in support of communication site plans.

- G. Contributed Funds (L7122):** Contributed funds are to be used only when funding for projects is not already established under other regulations. A common example of contributed funds would be through an Interagency or Intra-agency agreements, where BLM is asked to be a cooperating agency on a non-BLM project. Another example would be for a land tenure project or trespass resolution involving restoration and/or disposal that would not be appropriate under 43 CFR 2800. All other funding sources should be considered, before using contributed funds and should be coordinated with the State Office Realty Program Lead to ensure there are no other more appropriate funding sources available.
  
- H. Realty Program Budget Oversight and Quality Assurance:** The Nevada State Realty Program Lead is responsible for distributing appropriated funds sufficient enough for realty support within the state and that utilization of funding is appropriate. The district managers are responsible for communicating their budget needs to the State Realty Program Lead and ensuring that their realty staff are following budget requirements provided by the state office. The following actions will strengthen the Nevada Realty Program budget oversight and quality assurance:
  - Districts will ensure PMDS reporting for targets and accomplishments are consistent with the appropriate funding sources in processing realty actions (as addressed above C-G).
  - The State Office Realty Program Lead will create a Cost Recovery Compliance Card (CRC) that will be made available for review by the district and field managers. The following will be included in the monthly CRC :
    1. Number of Cost Recovery (Cat 1-4) projects - processed
    2. Number of Cost Recovery (Cat 1-4) projects - pending
    3. Number of Exempt projects - processed
    4. Number of Exempt projects - pending
    5. Field Office Comments: discrepancies, corrections, issues, explanations, etc
    6. FBMS Obligated Funds for L5102 and L1440
    7. State Office Comments: Findings: concerns, improvements, etc.
    8. State Office Recommendations: change in funding charges or accomplishments, etc.
  - Field Office Cost Recovery Report: The FO realty supervisors will complete an LR2000 report for the previous month (1st to the last day of the month) to ensure their staff are appropriately collecting and charging to cost recovery accounts. The information will be documented in the CRC (Items 1 - 5) prior to the 10th of each month.
  - State Monthly Cost Recovery Report: After the 10th of each month, the State Office Realty Program Lead will complete an end of month FBMS report and will compare with the FO cost recovery report (Items 1-5). The State office findings will be documented in the CRC (Items 6-8), prior to the 15th of each month.
  - Managers will review their CRCs by the 20th of each month to ensure their realty staff are following budget requirements or to follow up on discrepancies.

**IMPLEMENTATION OF THE ACTION PLAN:** The following strategy is based on all Core Areas of Concern - Course of Action

Course of Action	Implementation Date	Maintenance	Responsibility Level
NTC/DOI Lands and Realty Training	Immediate	Ongoing	District Office
NTC Realty for Line Officers	Immediate	Ongoing	District Office
Minimize Use of L1440 Account (as appropriate)	Immediate	Ongoing	District Office
Utilize Cost Recovery Accounts (as appropriate)	Immediate	Ongoing	District Office

Forward Realty Information (emails)	Immediate	Monthly	State Office
Monthly Lands and Realty Calls	Immediate	Monthly	State Office
Mini Realty Trainings	May 2018	As Needed	State/District Office
Nevada Realty Resource Center	May 2018	Update regularly	State Office
Request L1492 Funds - Process	May 2018	As needed	State Office
Cost Recovery Compliance Card (CRC)	May 2018	Monthly	State/District Office
Supervisors LR2000 Report List or Template	June 2018	As needed	State Office
SLT Realty Sessions for Management	June 2018	Quarterly	State Office
Nevada Realty Training Action Plan	August 2018	Annually by Aug 1	State Office
Realty Staff EPAPs/ITPs/IDPs	October 2018	Annually	District Office
Realty Roles and Responsibilities	October 2018	Review annually	District Office
Budget Allocation Model (BAM)	October 2018	Every 5 years	State/District Office
Realty Workforce Plan	December 2018	Every 5 years	State/District Office
Standard Operating Procedures(SOP)	January 2019	Review Annually	District Office
Mentor Program	February 2019	Ongoing	State/District Office
State Office Internal Realty Workshop	April 2019	Annually	State Office
External Workshops - Industry/Local Gov.	September 2019	As Needed	District Office
Realty Review Reports	May 2023	every 5 years	State Office

## Exhibit A Review Report and Action Plan Crosswalk

How to Use this Crosswalk: The last column “Action Plan Core Area of Concern” identifies the specific section of the 2018 Action Plan where each of the 2016 Review Report Findings/Recommendation are addressed. See bottom of page for detailed description of priorities and Action Plan Core Areas of Concern.

Review Report Finding Category	Review Report Findings Condition	Review Report Recommendations	Review Report Priority <sup>1</sup>	Action Plan Core Area of Concern <sup>2</sup>
<b>FUNDING AND BUDGET</b>				
1 - Distribution of 1440 Funds	The DO and FO managers indicated they did not have adequate appropriated L1440 funds and reimbursable L5102 funds to do the necessary realty work. They also identified that some appropriated funds were released to near the end of the fiscal year, which does not allow the manager sufficient time to appropriately obligate the funds. A concern was also expressed that the L1440 funds were not distributed evenly. The files reviewed indicated Categories 5 and 6, which are L5103 and L5101 accounts, were not being used as often as they could be.	Utilize Major Categories (L5101 and L5103), to the maximum extent possible, for processing new grants, assignments, renewals, and amendments to existing ROW grants when it is estimated that the combined hours of the Interdisciplinary Team (ID), realty specialists, management and administrative staff are greater than 50 hours. This will stretch the L1440 funds to more adequately cover the program.	1	1, 2, 3, 4
		The SO budget shop needs to work with the FOs, both realty specialists and management, to determine the amount of L5102, L5440 and L5441 funds for any given office each year. Then the agreed amount for each of these accounts can be allocated to each FO early and efficiently.	1	2, 3, 4
		Consider having the NVSO release funds earlier in the FY. At the earliest time possible, allocate all of the funds planned for distribution to the DO's and FO's. Limit the SO holding of funds scheduled for the field. Allocations that come late in the fiscal year need to be distributed as soon as possible.	2	2, 3, 4
		Consider adopting a Budget Allocation Model (BAM) for the distribution of L1440 funds. BAM measures the work rather than the on board staff. This removes any perceived biases in the allocation of the funding. The data derived from the BAM should be the starting point for the allocations. With this information, the program lead can make a more informed allocation of the L1440 funds.	2	2, 3, 4
		For realty actions where, by regulation, BLM does not collect cost recovery, no cost code should be given to Cadastral survey for the review of the legal descriptions as they also get an allocation of L1440 funds.	2	2, 3, 4
2 - Cost Recovery	The team found that cost recovery fees were not collected appropriately based on the number of Federal work hours it takes to process an application or to monitor the grant. Instead of setting up a Category 6 (L5101) account and collecting fees for processing an application that would be over 50 Federal work hours, the team found the realty specialists were using minor categories 1-4, which is a one-time fee and non-refundable. The minor category rate is routinely less than labor costs and rarely covers the cost to process a ROW application. This results in overuse of appropriated funds, which are then unavailable for other realty work. The realty specialists feel collecting the Major Category cost recovery is complicated and time consuming and therefore do not establish the appropriate fees for categorical determination. Most of the case files reviewed did not reflect the actual work required on an application. The realty specialists selected category 1-4 (minor categories), where the review team determined the funds collected should have been substantially more. In some instances, categorical determinations are being made without including the time for all personnel involved in the processing and monitoring of the project. There was a lack of pre-application meetings. The review team found many offices were not collecting cost recovery fees properly if at all. It was found that monies deposited in L5102, L1492, L5440, and L5441 were not being utilized effectively.	All offices must follow cost recovery procedures in accordance with guidance established in WO IM 2015-099 Collection of Major and Minor Category Cost Recovery Rights-of-Way from Federal Agencies, WO IM 2015-027 Collection and Expenditure of Cost Recovery Fees for Minor Category ROW and Land Use Permits, and Collection and Expenditure of Film Permit Rent Fees, and the annual cost recovery IM.	1	1, 2, 3, 4
		Realty specialists should review WO-IM-2006-235 for project codes (WBS) used for tracking cost recovery fees in sub-activity L5102.	1	1, 2, 4
		Realty Specialists need to set up L5101 accounts if staffs time to process the application exceed 50 Federal work hours. They must correctly and completely document category determinations with input from ID teams and include the time for cadastral review, management and administration. To establish hours for a category determination, the realty specialist should route the calculation determination sheet for all staff to document the number of hours they estimate it will take to review the project. This is justification for the Category Determination decision that must be filed in the case file.	1	1, 2, 3, 4
		Managers must ensure that all staff working on the project charge to appropriate cost recovery accounts, e.g. L1920, L5101, L5102, L5103, L1492, L5440, and L5441	1	2, 3, 4
		Staff working on the project complete and update the Reimbursable Project Log 1323-1 form for major category and federal agency accounts, e.g., L1920, L5101, and L5103. Realty specialists will begin cost recovery discussions during the pre-application meetings with the applicant and document in the case file.	1	2, 4
		Apprise DO and FO managers that only the State Director has the authority to waive or reduce the cost recovery fees, in accordance with regulations found at 43 CFR 2804.21.	1	1, 2
		Create a project tracking system of staff cost reimbursable logs and balances for Master Agreement Category 5 and Major Category 6. This can be either a hard copy or an electronic copy.	2	2, 4
		Complete Monthly/Quarterly reports to include labor detail. Consider designating a budget person, or Land Law Examiner (LLE), to run regular reports of Category 5 and 6 account balances and labor details. These reports need to be shared with the project manager, field managers and the applicant. Ensure project logs are signed by the Authorized Officer.	2	2, 4
		A L5102 report (2/10/17) from FBMS shows the underutilizing L5102 funds. (Statewide overall balance of \$629K)	2	2, 4
		Utilize alternate funding sources when appropriate (i.e. L1492 and L5441 funds).	2	1, 2, 4

<sup>1</sup>Priority: (Ranked according to risk in the Realty Program) 1 - High Risk, 2 - Moderate Risk, 3 - Low Risk.

<sup>2</sup>Action Plan Core Areas of Concern: 1 - Realty Actions and Regulatory Compliance, 2 - Foundational Roles and Responsibilities for Realty Actions, 3 - Training/Mentoring/Communication, 4 - Staffing and Funding.



Review Report Finding Category	Review Report Findings Condition	Review Report Recommendations	Review Report Priority <sup>1</sup>	Action Plan Core Area of Concern <sup>2</sup>
3 - Rental for Permits and Rights-of-Way	<p>*Most of the realty staff felt that their rentals for authorizations were up to date, and some were familiar with the formal process of sending demand letters and eventually referring bills to Treasury for uncollectible rents. Some mentioned suspending or terminating authorizations, as appropriate, when rents have not been paid. Many employed informal steps such as calling customers and sending additional notices, which is a good practice of customer service. Managers were less familiar with the status of rents and relied on their realty staff for this information.</p> <p>*Rental calculations, billings, and collection responsibilities seemed to vary by office. In most cases, the realty specialist is responsible for determining initial rent and fees; the land law examiner uses those determinations to create bills, and would also be responsible for Accounts Receivable (annual) bills, and the designated collections officers (H-1372.11) are responsible for collections and receipting. In smaller offices without land law examiners, each realty specialists would either do their own billing, or one realty specialist may handle it for the entire district, especially where Accounts Receivable bills are concerned.</p> <p>*One FO was unable to process a relinquishment due to rent owed.</p> <p>* There were some instances where it was discovered that rent was not charged in a timely manner, or sometimes not at all.</p> <p>* Case files were closed when they expired and then the offices established a new case file (re-serializing) for the "renewal." Rent cannot be collected if the case file is closed or pending. Closing case files and establishing a new case file and serial number is a requirement for pre-FLPMA authorizations, but not for renewals under FLPMA. Refer to 43 CFR 2807.22(e).</p> <p>*Rental cannot be collected under the pending action for the renewal/new case. Rentals continue to be charged under the old serial number, which causes confusion and additional work to have those receipts transferred to the new serial number once it is authorized.</p> <p>*Some offices bill for their initial rent using a DI-1040 (Bill for Collection) instead of generating bills from CBS or LRAM, which is not consistent with BLM policy.</p> <p>*The review team also observed inconsistencies between LRAM and LR2000 Reports</p>	Establish clear roles and responsibilities for charging and collecting rent.	1	2, 3
		Provide additional training to realty staff related to billing and accounting procedures. (WO is working with NTC to develop online billing course)	1	1, 2, 3
		Do not close expired case files until the renewal is authorized.	1	1, 2, 3
		Collect rental in accordance with the rules and regulations.	1	1, 2, 3
		Do not create new case files, with new serial number, for renewal of FLPMA ROWs.	1	1, 2, 3
		Renewal applications for a pre-FLPMA authorization shall be treated and processed as an application for a new ROW pursuant to FLPMA. This includes creating a casefile under a new serial number.	1	1, 2, 3
		Ensure appropriate staff receive training in LR2000, LRAM, CBS, and FBMS.	2	2, 3
		Verify that next billing date is correct in LR2000 (action code 097-Next Bill Date).	2	1, 2, 3
		Complete Data clean-up in both LR2000 and LRAM.	3	2, 3
		Utilize alternate funding sources when appropriate (i.e. L1492 and L5441 funds).	3	1, 2, 4
<b>CASE FILE PROCESSING</b>				
4A - Establish Case File	The review team found that some FOs were holding on to numerous applications, instead of establishing a case file. Many applications filed for County road ROWs and Desert Land Entry (DLEs) were not serialized, and therefore not trackable in LR2000 as a workload.	The review team recommends that once a complete application is filed, the receiving office immediately sets up a new case file with the serial number obtained from LR2000 and ensure all associated documents are secured within the case file. Remind realty specialists to establish a case file in order to track the progress of an application and to help meet customer service standards.	1	1, 2, 3
Review Report Finding	Review Report Findings	Review Report Recommendations	Review Report	Action Plan Core Area of

<sup>1</sup>Priority: (Ranked according to risk in the Realty Program) 1 - High Risk, 2 - Moderate Risk, 3 - Low Risk.

<sup>2</sup>Action Plan Core Areas of Concern: 1 - Realty Actions and Regulatory Compliance, 2 - Foundational Roles and Responsibilities for Realty Actions, 3 - Training/Mentoring/Communication, 4 - Staffing and Funding.

Category	Condition		Priority <sup>1</sup>	Concern <sup>2</sup>
4B - Case File Management and Documentation	<p>The review team found common to all case types the following:</p> <p>*Some case files requested to be reviewed were not available and could not be found by the DO or FO.</p> <p>*Some case files lacked official/formal correspondence, e.g., 29-day letter, deficiency notices, cost recovery determinations, grant offer letters, grant issue letters, and non-compliance and temporary suspension letters. The review team found volumes of email in some case file instead of using official correspondence. Several realty specialists said it is because emails were faster and more efficient. The managers do not like to send correspondence and prefer a casual working relationship with the applicants.</p> <p>*Many case files had loose and extraneous papers, sticky notes and notes.</p> <p>*Regulations require documents be retained in the case file. For the most part, the case files were organized and tabbed for easy document identification. However, there were misfiled documents and double sided documents.</p> <p>*Realty Case Files were missing critical documents, including offer letters, NEPA, IDP Review, Section 7 Consultation, Easement Notification, Appraisals, and Articles of Incorporation. See Data Standards Common to all Cases.</p> <p>*LR2000 errors included: Serial Register Page identifying a Cat 5 when the actual document identified the fees as a Cat 4, wrong case types used (274000 not 274003), not using the appropriate FO, but instead uses BLM UNKNOWN or SUPPORT SERVICES, and documents in file did not match serial register page, i.e., patent issued but not shown in SRP as authorized. Sometimes the data in LR2000 was not updated following the issuance of the authorization (action codes were entered, but the header information/legal descriptions etc. were not).</p> <p>*Some case files reviewed were expired, and should be closed and managed in accordance with NARA requirements.</p> <p>*Special Legislation Program Records are not managed in accordance with DOI, BLM and NARA records management standards. Records are stored in the SNDO warehouse. (See Finding and Recommendation 14)</p>	Refer the special legislation program records management issue to the NVSO Records Manager to assess the condition and take actions to bring the management of special legislation program records into compliance with the DOI, BLM, NARA standards.	1	1, 2, 3
		Prepare written letters in response to applicants who send formal written correspondence.	1	2, 3
		Follow mandatory data standards for best practice.	1	1, 2, 3
		Use conversation records to summarize formal and informal conversations.	2	2
		Recommend a checklist be used and included in the casefile to document that the file is complete.	2	2, 3
4C - Pre-Application Meetings	The review team found that face-to-face pre-application meetings are not being completed, documented or used to their full potential. Some case files had printed email conversations rather than face-to-face pre-application meeting documentation.	Realty Specialist should encourage applicants to meet at the office to allow an opportunity to discuss and describe their proposal, review plans and maps, ensure compliance with BLM RMPs. It's also an opportunity for BLM to fully explain processing requirements and gather additional information. Follow guidance provided under 43 CFR 2804.10.	No Priority Level assigned by the Review Team	1, 2, 3
<b>Review Report Finding Category</b>	<b>Review Report Findings Condition</b>	<b>Review Report Recommendations</b>	<b>Review Report Priority<sup>1</sup></b>	<b>Action Plan Core Area of Concern<sup>2</sup></b>

<sup>1</sup>Priority: (Ranked according to risk in the Realty Program) 1 - High Risk, 2 - Moderate Risk, 3 - Low Risk.

<sup>2</sup>Action Plan Core Areas of Concern: 1 - Realty Actions and Regulatory Compliance, 2 - Foundational Roles and Responsibilities for Realty Actions, 3 - Training/Mentoring/Communication, 4 - Staffing and Funding.

4D - Data Standards (LR2000)	The team identified and was notified of deficiencies in following LR2000 data standards. An LR2000 query showing pending cases by District was used as just one example to show deficiencies in following data standards.  *The realty staff informed the team many applications for ROW's and DLE's were not serialized in LR2000. The BLM is unable to accurately determine the actual backlog of cases within any given office. Also reference 4A - Establish Case Files. *The team noted that some FOs were adding suffixes to the end of the LR2000 serial number inappropriately. For correct suffixed cases refer to the Lands Data Standards (2014). Suffixes should only be used with corrective patents, easements, leases, classifications, R&PPs, short term ROW, (e.g., -01), exchanges, reciprocal ROW, (e.g. PT, FD, P1, F1, etc.). If only a portion of the ROW grant is being converted to a long term or perpetual grant or easement, or if multiple long term or perpetual grants or easements must be issued, serialize a new case (do not use a case suffix) with the same ROW case type and holder for each long term or perpetual grant or easement	Increase staffs focus on updating LR2000 <u>when an action is completed or no later than one week after occurrence</u> of the action to ensure that accurate BLM-wide reports can be run. The latest serial register page entry should coincide with the last document in the case file, when applicable, and should be secured on the top, inside front cover of the case file.	1	1, 2, 3
		Follow mandatory data standards and business practices for all case file processing when an action occurs. If LR2000 data standards are accurate, the BLM employee and the public can run a serial register page that has summary of information about the nature and status of an individual application and a report can be produced to provide a complete assessment of the project/program.	1	1, 2, 3
		Adjudicate a file against the serial register page to make sure it is complete and up to date, especially when the case actions are completed and before a case is placed in dockets	2	2, 3
		Maximize the availability of information to the public and BLM employees to assist in workload planning.	2	2, 3
4E - Legal Land Description Reviews	Land Surveyor Reports (LSR) (previously Land Description Reviews (LDR)) were not found in any ROW or Comm Site files reviewed. Most of the Sales and Acquisition files did have the Land Survey Service Requests (LSSR), but not the LSR (or LDR).	SO to provide guidance and direction to the FO as to when an LDR is required.	1	1, 2, 3
		Place the LSR and LSSR in every case file when prepared.	1	2, 3
4F - Compliance and Monitoring	The review team was informed by some FO staff members and some managers that inspections are not completed when required but rather grouped at the end of the year to achieve their target goals. The case files reviewed indicate compliance/monitoring is not taking place or not being documented. The entries in LR2000 were not updated to show the compliance completed or set up a "next due" date. Although not all projects require bonds, there were a few authorized case files reviewed that seemed like BLM should have obtained bonds from the applicant.	Complete a compliance form signed and dated by the authorized officer for the case file, prepared at the time of the compliance inspection, summarizing the findings.	2	2, 3
		Assure that compliance codes are noted on the case abstract (LR2000) and set "next due" dates.	2	2, 3
		Expiring and short-term case files should be a priority.	2	2
		Possible use of third party compliance inspectors could be utilized.	2	2, 3
		Combining trips with other resource programs.	2	2, 3
		Train other resource staff to use a standardized form to document monitoring when they are doing other field work in the area.	2	2, 3
		Hire summer interns or contractors, recruit volunteers, use non-realty BLM employees to do compliance and monitoring inspections.	3	2, 3
4G - Notation to Land Status Records	The review team found authorized actions were not noted to the HIs and MTPs. We found little evidence that requests were made to Title and Records to update the records. Some case files did not have any MTPs or HIs in the case file. We found some patents were issued but not entered into LR2000 nor updated on the MTPs or HIs.	Provide written guidance on the process for requesting record notations. The team recommends an electronic delivery system.	1	1, 2, 3
		Create a tickler system as a reminder to go back and review the file for completeness.	2	2, 3
		Follow up on all requests sent to Title and Records to ensure notations are done and notification to the requestor when complete	2	2, 3
<b>Review Report Finding Category</b>	<b>Review Report Findings Condition</b>	<b>Review Report Recommendations</b>	<b>Review Report Priority<sup>1</sup></b>	<b>Action Plan Core Area of Concern<sup>2</sup></b>
4H - Backlog of Cases	The backlog described by the FOs and what is in LR2000 seemed to be very different. Based on this data, the state of Nevada does not appear to have	Create a system to determine what cases are expiring in the coming years for workload development and setting priorities.	2	2, 3, 4

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	any greater backlog than should be expected, based on public land acres managed and urban/rural interfaces.	Serialize all complete applications. (See Finding 4A - Establish a Case File)	2	1, 2, 3
		The SO may want to develop a strike team to address the highest backlog needs.	3	2, 3, 4
		Develop Master Agreements when appropriate for multiple case processes to the same holder. (See Finding 2 - Cost Recovery)	3	1, 2, 3, 4
		Use Master Agreements to establish teams focused on the Master Agreement projects which would allow hiring additional staff (rather than use the funds to supplement existing staff cost). This would allow local staff to focus work on Non-Master Agreement work.	3	1, 2, 3, 4
4I - NEPA Analysis	During interviews, staff, managers and customers, expressed concern that NEPA was over analyzed, included excessive stipulations, and the Interdisciplinary (ID) Team was not providing timely responses. Instead of using Categorical Exclusion (CX) or Determination of NEPA Adequacy (DNA), every action is analyzed as an EA. When CXs or DNAs are used it takes months to complete them. EAs completed on similar action between FOs resulted in one office having very few stipulations and the adjoining office having pages and pages of stipulations. Several individuals felt that E-planning is slowing down the process.	All resource specialists should be present at the pre-application meeting.	1	2
		Reduce NEPA documentation by tiering (40 CFR 1502.20) from EIS RMP to reduce paperwork.	2	1, 2, 3
		Increased management involvement in the ID Team to provide leadership and guidance, keeping the team on track.	2	2
		Involve only the resources staff needed for the specific action (i.e. grazing is not in the city of Las Vegas).	2	2
		Only include stipulations needed to resolve the actual impacts.	2	2, 3
		ID team input should focus on the site specific impact for each project, rather than larger areas (by legal description) to avoid over analyzing.	2	2, 3
		Additional NEPA training for staff and managers - DOI Learn Offers NEPA training.	2	2, 3
		Mentor with other State Planning and Environmental Coordinators to develop efficiencies.	2	3
		Complete Programmatic EA in SNDO. Consider programmatic EAs in other offices as appropriate.	3	1, 2
5A - Customer Service Standards	The review team was informed by the customers that phone calls were not being returned and found that regulatory Customer Service Standards were not being met. The 29-day letter was not sent in the majority of case files reviewed across the State. In lieu of the required 29-day letter, most offices sent out a general letter (altered 29-day letter) upon receipt of the application notifying the customer of the substantial amount of time it would take without any indication of a timeline. The altered 29-day letters included in the case files and sent to applicants, contained language that deviated significantly from the required form letter, essentially diluting the 29-day letter intent.	The review team recommends that NVSO takes actions to strengthen controls to ensure that BLM NV managers and staff meets customer service standards in 43 CFR 2804.25(c), 43 CFR 2884.21(b), and WO IM 2006-067 including issuing a 29-day letter notifying the applicant when they may expect a final decision on their application.	1	1, 2, 3
		The review team recommends that NVSO takes actions to set standards for the field to follow in responding to phone calls and emails from customers and reinforce the importance of this on a regular basis, especially to management.	1	2, 3
5B – Bonding for FLPMA and MLA ROW	During the review of case file records for FLPMA and MLA ROW case files, the review team found little evidence that bonding has occurred. When asked to see where bonds were kept, there was confusion amongst staff. For instance, staff did not know where the bonds were located, what safe they were in, or who had the key to the door where the safe was located.	The review team recommends that the NVSO take actions to strengthen controls to ensure that bonds are obtained where appropriate prior to authorization, and that bond amounts are determined by the authorized officer based on applicant history, nature of project (size, complexity, potential for resource damage) and/or liability risk.	1	1, 2, 3
		Ensure that bonds collected identify the associated case file, and are stored in a safe.	1	1, 2
		Inventory bonds collected on an annual basis.	2	2, 3
		Ensure staff and managers are appropriately trained in the policy regarding bonding, and the risks to the BLM when these financial securities are not in place. Realty staff should also be trained how to appropriately estimate bonds, record them when received, safeguarding them for their life cycle, and how to relinquish bonds when appropriate. Although bonding is included as a segment in the Beginning Lands and Realty course, the team recommends that staff also take the Basic Adjudication course for more detailed training concerning bond processing.	2	1, 2, 3
		When an authorization is not bonded, there should be sufficient documentation in the file as to why the Authorized Officer feels a bond is not needed.	2	2, 3
5C - Proper Communications Site Lease Authorization	During the review, one Communication Site case file was inappropriately authorized under a ROW grant authorization instead a Communications Site lease.	Additional Communication Site Training is necessary to ensure the correct authorization is used. Training is available through the National Training Center. The staff can reach out to the SO lead or the WO Communication Project Managers in coordination with your SO.	1	1, 2, 3
		Review existing cases and take actions to ensure that future communication site authorizations are issued under a Communications Site Lease unless it is appropriate for it to be a Grant.	2	1, 2, 3
		A very positive note is that NV has help customer service workshops in which the WO communications specialist staff have participated. The recommendation is to continue this practice to strengthen staff and applicants knowledge.	2	2, 3
<b>Review Report Finding Category</b>	<b>Review Report Findings Condition</b>	<b>Review Report Recommendations</b>	<b>Review Report Priority<sup>1</sup></b>	<b>Action Plan Core Area of Concern<sup>2</sup></b>
5D – Communication Site Files Missing FCC Licenses	In some of the Communication Site case files reviewed, a valid FCC license was missing.	The review team recommends that the NVSO take actions to strengthen controls to ensure that applicants provide evidence of and maintain FCC licenses in accordance with FCC regulations and BLM, and that a copy of FCC license be filed in the case record as soon as it is received.	2	2, 3

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5E – Communication Site Plans	Communication Site Management Plans were not found in any of the case files reviewed. This may have been due to the small sample size of files reviewed or the cases were not a part of a complex site requiring a Communication site plan, completed plans are not placed in the case files of affected leases or Communication Site Plans are not being completed.  A review with WO communications specialists showed that from 2012 to 2015, 29 site plans were initiated and the majority were completed from 2012 - 2015. Over the last two years only one request for assistance has been received by WO (an assistance request from Carson City.) The LVFO has requested WO assistance this year to inspect and update the plan for a large problematic site called Black Mountain.	Ensure Communication Site Management Plans are completed for sites with complex or multiple site users. The WO AWP has directives regarding the completion of Communication Site Plans. (Note: This recommended action is complicated and likely to take significant time or additional assistance.)	1	1, 2, 3
		Review current Communication Sites to determine which locations need Communication Site Management Plans.	2	2, 3
		Ensure existing Communication Site Plans are kept up-to-date.	3	2
6 – Film Permits	The team found that in some cases the processing and monitoring fees (L5440), along with adequate bonding, were not collected or appropriately estimated to process applications, monitor the filming production, and reclaim the public lands. Each office must determine when casual use activities apply with regard to filming. Additionally, the fees collected (L5440) and the rental collected (L5441) are not being utilized.  It was also found in some offices that filming permits were being issued over several years, which is beyond the duration allowed in the regulations.	Ensure that staff prepares and managers review all applications to ensure that processing and monitoring fees are appropriate for each application.	1	1, 2, 3, 4
		The NVSO utilizes L5440 and L5441 funds and allocate the funds to the appropriate field office. The NVSO develops a process for the field offices to request these funds from the FO/DO to the NVSO.	1	1, 2, 3, 4
		Provide additional training for staff members that process film permits. Currently, there is an online course for film permit processing in DOI Learn.	2	2, 3
		Train realty staff members and other BLM employees to identify and know the difference between casual use and actual commercial type photography and film production.	2	2, 3
		Ensure those reclamation bonds are determined in the amount necessary to reclaim the public lands to its original condition, if applicable.	2	1, 2, 3
		The NVSO increase awareness throughout the state that L5440 and L5441 funds are available for use by the field.	2	2, 3, 4
7A - Pending files - Sales and Special Legislation	During the review, the team found a large number of pending land sale case files. A majority of the pending files were over 5 years old. For example, in LR2000, one DO showed 4 sales pending for approximately 29 years.	The NVSO or appropriate office perform periodic audits of pending 2700 case type to ensure LR2000 is updated properly and the mandatory data standards are entered.	2	1, 2, 3
		The NVSO or appropriate office close out cases for lands not sold within a designated time frame that the NVSO develops based on their knowledge of the local sales environment. If there is an interest later for the same lands, the case file record can be reopened.	2	2, 3
7B - Qualified Conveyees - Sales and Special Legislation	Many cases did not have corporate documentation or proof of citizenship. Realty specialists are not obtaining proof of an individual's citizenship or corporate documents showing companies can hold title to lands.	Realty specialists ensure that all conveyees are qualified to purchase lands and patents are only issued to qualified conveyees by collecting the necessary corporate documentation or proof of citizenship.	2	1, 2, 3
		All land sale cases include a checklist to ensure all required documentation is collected.	2	2, 3
7C - Conveyance Documents - Sales and Special Legislation	During the case file review, the team found Nevada's conveyance documents include the word "patent" at the top of the document. The word "patent" on the conveyance document appears to be only used by Nevada. The team also found that LR2000 and land status records were not updated to show the patent was issued. Some FO/DO did not follow the BLM handbook with regard to formatting the patent, which caused inconsistencies with the agency process.	The team recommends adhering to the BLM Manual, Handbook and guidance to remain consistent with agency processes. The SO should discontinue typing in "patent" on the legal instruments.	1	1, 2, 3
		Ensure the conveyance document is protected, securely fastened in the case file, and ensure the BLM records are updated immediately after each action including LR2000, the MTPs and HIs.	1	1, 2, 3
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7D - Collection of Contributed Funds for Direct Sales	Neither the case file nor the serial register page show receipt of contributed funds for direct sales.	Staff code their time to the appropriate functional areas when working on land sales, especially on special legislation land sales.	1	2, 3, 4
		Provide budget training for staff and managers. This training could be done by NVSO Realty or Budget. This training should at a minimum include instruction for L5101, L5102, L5103, L1492, L5440, L5441, L7122 and L7150 accounts.	1	2, 3, 4
		The NVSO request codes for LR2000 to track LCCRDA and WPCCRDA funding, so they can be tracked in LR2000. Currently, there are no codes in LR2000 to track LCCRDA and WPCCRDA cases.	1	2, 3

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		Realty specialists take Intermediate Lands' training before processing land tenure action case files. Intermediate Lands' training is specifically geared toward land tenure actions and realty specialists should attend this course prior to processing land sales.	2	2, 3
		Realty specialist review handbooks, manuals, and policy guidance.	2	2, 3
		Provide the necessary training for Realty specialists to ensure compliance with mandatory LR2000 data standards and continually update the records as the application progresses through the process.	2	2, 3
7E - Reserve Access in Sales	The team was informed that in some cases access has not been reserved when lands are disposed.	Include in a disposal checklist the requirement to determine if access needs to be reserved across lands being conveyed to maintain legal access to other affected Public lands.	1	2, 3
8A - R&PP Case File Management	During our review the team found deficiencies and inconsistencies in processing applications for R&PPs. When the realty specialist receives an application for a lease or a conveyance, the lands need to be classified. Only one case file will be established for classification but another LR2000 record will be established using the same serial number for the lease (2912) and/or conveyance (2740) and using a 2-digit number (01, 02) for the suffix. The team found some cases where more than one serial number was used for the lease and conveyance, having individual serial numbers instead of suffix. By not following the data standards it is difficult to track or find related files and creates confusion for future realty specialists responsible for the file.  Some R&PPs were coded as SNPLMA but were not within the designated disposal boundary. The team found one lease expired and was not renewed. All landfills should be patented with modified reversionary clause. Landfills that were leased prior to the change in regulations that require patenting of landfills should patented when the lease comes up for renewal. Compliance inspections were not done, cases are missing plan of developments, lack of compliance with county zoning, missing required notices, NEPA, etc. Refer to "Finding 4 - Common to all Case Files".  Some offices want to have R&PP applications processed by the recreation staff. Additionally, the team found two offices where either an archaeologist or geologist was processing an R&PP without any training.  It was confusing to the team when the case file jurisdiction in LR2000 did not match the actual FO boundary. Refer to "Finding 13 - Org Codes in LR2000 and PMDS".	Realty specialist must take training before processing R&PP case files. Realty specialists shall attend Beginning Lands course prior to processing an R&PP application.	1	1, 2, 3
		R&PP actions are complex actions and should only be processed by trained realty specialists.	1	1,2,3,4
		Realty specialist must follow handbooks, manuals, and policy guidance.	1	1,2,3,4
		Realty specialists should adhere to the mandatory LR2000 Data Standards and continually update the records as the application progresses through the process. This includes the proper use of suffixes. The data standards are mandatory in order to meet specific business requirements in the Lands and Realty program.	1	1,2,3,4
8B - Collection of Contributed Funds	The team found that it was a common practice to prepare a cost recovery agreement and deposit funds into a 5101 account to process R&PP applications. The funds to process an R&PP action should be collected in a 7122 contributed funds account.	Train staff and managers in budgeting/collection of contributed funds. This training could be done by NVSO Realty or Budget. This training should at a minimum include instruction for L5101, L5102, L5103, L1492, L5440, L5441, L7122, and L7150 accounts.	1	1,2,3,4
		Staff must code their time to the appropriate functional areas when working on contributed fund R&PP actions.	1	1,2,3,4
<b>Review Report Finding Category</b>	<b>Review Report Findings Condition</b>	<b>Review Report Recommendations</b>	<b>Review Report Priority<sup>1</sup></b>	<b>Action Plan Core Area of Concern<sup>2</sup></b>
9 - Trespass	H-9232-1 (1989) Trespass Abatement Handbook requires all trespass case files be serialized. There are numerous cases still pending in LR2000 dating back to the 1980's.  The cases reviewed had very little documentation. Some of the northern FOs had photos while the other FOs did not have photos. Most of the cases were established and filed, and there was no further follow-up with the	Follow through with a compliance inspection for open cases. Consider interns or contractors to complete compliance inspections. It is believed that many of these old cases could be closed with little to no interaction with the alleged trespasser. If the trespass is merely a cleanup action, either contractors or an idle fire crew could go out and pick up the garbage. This could significantly reduce the number of open/pending trespass cases.	2	1,2,3,4
		Develop a GIS map with the location of compliance inspections for authorized cases, and ask other resource specialists to assist with photos and rehab of existing disturbed areas.	2	1,2,3,4
		Focus on processing high risk trespass actions, unauthorized use, occupancy or development. Funding to process these actions is collected from the trespasser, thereby covering the work to resolve the trespass. Additionally, the trespasser	2	1,2,3,4

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	<p>suspected trespasser.</p> <p>Serial register pages were severely lacking data. Without the information on the serial register page, the only way to know the nature of the trespass is to look in each case file.</p>	<p>is responsible for the damage on the public lands and this collection is placed in the L5320 account.</p> <p>Consider L5320 Repair of Damaged Lands funding to cleanup a site See Exhibit J, L5320 report (2/10/17) from FBMS. The State is underutilizing 5320 funds.</p>	2	1,2,3,4
10 - Airport Lease Rentals	<p>Airport lease rentals were incorrectly calculated and collected. The rental was collected sporadically, under collected or not collected at all. Out of 21 authorized airport leases the team reviewed, 2 airport leases that are charging \$10 per year in rent.</p> <p>One case was authorized in the 1960s. The \$10 rent continued to be collected through 2001. Then the rent was adjusted to \$100, instead of adjusted to fair market value. Another case reviewed had collected rent of \$10 per year from 1985-1993, and then the rents jump around and are not collected annually. It is not clear how these rents were determined, but the team suspects they were not appraised, as there were no appraisals in the casefiles and the amount charged is the minimum.</p> <p>The team found that five airport leases charged \$10 per year and were later adjusted to FMV.</p>	Review existing airport leases to ensure that rent is properly calculated and charged correctly in accordance with current rates.	1	1,2,3,4
		Ensure staff is trained on appraisals, including working with Office of Valuation Services (OVS) and using the Interior Valuation Information System (IVIS) to request appraisals.	1	1,2,3,4
		Brief managers on the airport regulations to prepare for the anticipated large rental adjustments.	1	1,2,3,4
		Consider a Statewide appraisal to determine FMV rent for each airport lease and prepare a phasing in process for the new rentals, if needed.	3	1,3,4

## STAFFING, TRAINING AND ORGANIZATIONAL STRUCTURE

11 - Realty Program Staffing	<p>The Nevada State Leadership team has conducted workforce planning exercises and balanced the available funding with staffing and workload and has determined that the existing table of organization represents the best balance for the funding available. Generally, the review team believes that the number of staff in the realty program as identified on the Table of Organization (TO), outside the SO, is adequate. However, in Districts with two FOs it is hard to keep these positions filled and the realty specialists, regardless of which FO they are assigned to, end up doing work in both FOs. The realty staff then reports to two field managers and participates on two ID teams, which is not efficient. Each field manager has their way of doing things in their office. In addition, the roles of the LLEs and Realty Specialists were not clearly defined which added confusion to the process. The exception to the level of staffing would be at the SO. Having one additional realty specialist on staff in the SO would provide additional depth of experience and assistance to the FOs.</p> <p>In our field office visits we found a few non-realty staff leading some realty actions. There was a geologist doing a land exchange, an archaeologist doing an R&amp;PP patent, a planning and environmental coordinator is doing a land sale, and a geologist doing a legislative land transfer. These actions would be considered complex land actions and should be processed or mentored by an experienced realty specialist.</p>	Conduct a workload analysis of the NV Realty Program to assess the current workload of the NVSO, Districts, and Field Offices, and re-engage in workforce planning activities to determine if the current realty environment has changed significantly enough to warrant a reorganization of NVSO, District, and Field Office realty program organizational structure.	1	2,4
		Develop Roles and Responsibilities for the State Program Lead and staff. The State Lead functions should include, but not be limited to, the following: implementing State Director priorities; providing statewide program oversight and leadership; serving as primary technical expert in their program or discipline; being a conduit for information exchange between the Washington Office (WO) and FOs; and representing Nevada BLM with other federal and nonfederal entities. Documenting these roles and responsibilities should help with the relationship between the State Lead and the District and FOs.	1	2
		Consider having one LIE or LLE assigned in each district to support the FOs. This person would be responsible to ensuring serial register pages are complete and meet data standards, cases are organized properly and all documents are included, complete and signed. Additionally this person could be responsible for collections and billing, and all accounting matters associated with a case file, including monitoring all cost recovery accounts. This will assure moneys owed to the United States are collected and furthermore, assure BLM Nevada gets funding back from various sub-activities (L5102, L5440, L5441 and L1492). This position could easily cover its own costs as well as help fund other realty staff.	1	2,3,4
		Based on the number of actions processed and pending cases (not the number of acres managed), the staffing levels as identified in the TO appear to be adequate. With the exception of assigning a Legal Instruments Examiner (LIE) or Land Law Examiner (LLE) to each of the districts (see Case Management section), no additional field personnel is recommended.	2	2,4
		Consider one additional position at the NVSO. This position can assist with implementation of the LSSR legal description reviews, and PMDS/MIS/Budget training, mentoring of new field realty trainees and establishing a statewide mentorship program, and/or be a sub-lead for specific realty case types.	2	2,3,4
Review Report Finding Category	Review Report Findings Condition	Review Report Recommendations	Review Report Priority <sup>1</sup>	Action Plan Core Area of Concern <sup>2</sup>
11- Realty Program Staffing - Continued	See Previous Page	Consider student interns for new hires in FOs under the Pathways program or upward mobility positions. Outreach to local schools can be the best place to find interns. They are part time while they are still in school, they are very eager to learn, cost the agency very little, and if the intern works out well, can be converted to a Career Conditional Full Time Employee (FTE), and is less likely to leave as they are coming from the local community.	2	2, 3, 4
12 - Training for Staff and Managers	Most of the realty staff statewide are getting training at the National	Ensure realty specialists attend both Beginning Lands and Intermediate Lands within the first three years of their appointment. Additionally, we suggest a needs assessment be developed by the DOs to determine if and when any of	1	2, 3, 4

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	<p>Training Center (NTC) in Beginning Lands. We only found a few that have not been yet. We found that any further training beyond Beginning Lands was rare. Realty specialists are not going to Intermediate Lands, which covers the land tenure adjustment action (disposals and acquisitions).</p> <p>Many managers lacked any substantive knowledge when it comes to Realty actions. Only four managers told us they had attended National Lands Training for Line Officers (NLT) (2000-23), the Realty course for managers. Some managers didn't know the term land tenure, nor understand there are regulatory customer service standards for ROW. Additionally, we found that one Field Manager was filling in as a realty specialist, because they felt they had sufficient knowledge after attending NLT.</p>	<p>the other additional classes are needed. Once the need is determined, work with the NVSO to see if funding is available for some or all of the training, such as WO funds for communication site training (L1492).</p>		
		<p>Consider designating an existing NVSO Realty program staff member to develop a realty training plan for NV realty staff, supervisors, and line managers in NV to meet realty program objectives.</p>	2	2, 3
		<p>Encourage realty specialists to identify training needs in individual development plans (IDP). It is strongly recommended that each realty specialist create IDPs and manager support for implementation.</p>	2	2, 3
		<p>Realty specialists should be cross-trained with other specialties, LLE, LIE or budget staff to ensure that data entry, billing and process actions continue to be completed even when staffing is short. The NVSO can also assist in coordinating this cross-training.</p>	2	2, 3
		<p>Program Leads, DMs, ADMs, FMs, and AFMs who supervise the realty staff attend NLT training within the first 3 years of their appointment as budgets permit. Refresher training should be considered for those managers for whom more than five years have passed since they completed the training. This training is half funded by the WO.</p>	2	2, 3
		<p>Implement a mentoring training program. The AZSO (and OSO) has a mentoring program through the NTC, and the review team recommends that the NVSO consider contacting the AZSO (and OSO) for input on developing a mentoring training program.</p>	2	2, 3
		<p>The NVSO can provide better leadership and mentoring to the field realty specialists. We recommend an annual field visit to each DO/FO by the NVSO realty staff. This visit should focus on specific questions and concerns of the realty staff. The review team recommends funds be held at the NVSO to facilitate the field visits.</p>	2	2,3,4
13 - Org Codes in LR2000 and PMDS	<p>In all of the offices, there has been a blurring of the org codes in both LR2000 and PMDS. In LR2000 some cases are assigned to DOs instead of FOs, and in Las Vegas they are assigned to Support Services. In reality, the realty work should be primarily in the FOs. Additionally, the FOs are not kept current in LR2000. We found Elko and Battle Mountain DOs with assigned cases to them from when they used to be FOs.</p> <p>Much like LR2000, PMDS also has many targets set at the DOs, when the work is actually being completed at the FOs. In LR2000, we are able to pull reports based on the Program Elements (PEs). In the realty program, we have a significant advantage over other programs in easily reporting actual work in PMDS through the use of LR2000.</p> <p>There appears to be a huge emphasis placed on targets and actuals in PMDS. In some offices, they look at their work at the beginning of the fiscal year and assign each target a serial number to be completed.</p>	<p>Using the correct org codes for PMDS should be much simpler. Although FY 2017 is already in motion, it is recommended that the Budget Officer and the State Lead coordinate on disseminating the information to the FOs with regard to setting most realty targets at the FOs beginning in FY 2018.</p>	1	1,2,3,4
		<p>Consider PMDS training for staff and managers. In order to accurately account for the workload, it is imperative that those setting the targets and reporting the accomplishments know and understand the meaning of each program element being reported</p>	2	1,2,3,4
		<p>Cleaning up the org codes will be very difficult in LR2000. It is suggested that the NVSO work with the NOC to find a way to begin this process. Once the org codes are cleaned up, it will be imperative to train the staff doing the data input to use the correct org codes.</p>	3	1,2,3
<b>SPECIAL LEGISLATION PROGRAM RECORDS MANAGEMENT</b>				
14 - Special Legislation Program Records Management could be Improved	<p>All Special Legislation Records are being kept on site in the implementing offices. The review team was made aware that Special Legislation Program records are stored in boxes in the SNDO warehouse.</p>	<p>The review team recommends that the NVSO and SNDO strengthen controls to ensure that Special Legislation Program records are managed in accordance with BLM and NARA policy. This may include a NVSO records manager gap analysis of current condition and the records management policies and develop corrective actions to ensure compliance with records management policy. Additionally, consider scanning all documents and retaining electronically (currently stacks of boxes in the SNDO Warehouse). Proper management of records must be exercised to ensure legality, integrity, access and security standards are met.</p>	3	1,2,3

<sup>1</sup>Priority: (Ranked according to risk in the Realty Program) 1 - High Risk, 2 - Moderate Risk, 3 - Low Risk.

<sup>2</sup>Action Plan Core Areas of Concern: 1 - Realty Actions and Regulatory Compliance, 2 - Foundational Roles and Responsibilities for Realty Actions, 3 - Training/Mentoring/Communication, 4 - Staffing and Funding.



**REALTY ACTIONS AND REGULATORY COMPLIANCE-EXHIBIT B**

NOTE: Instruction Manuals and Bulletins are not included in this list.

<b>TOPIC</b>	<b>Authority – Federal Land Management Act Section (FLPMA), Mineral Leasing Act (MLA), etc.</b>	<b>Code of Federal Regulations</b>	<b>Manual -</b> The Bureau of Land Management manuals contain policy and procedures to manage programs. BLM manuals define the basic authority for performing tasks and identify who bears the ultimate responsibility for seeing that these tasks are accomplished. Each BLM handbook is controlled by a manual section.	<b>Handbook -</b> The Bureau of Land Management handbooks provide detailed instructions for implementing the policy and direction described in the BLM manual sections. Handbooks provide specific detailed instructions, techniques, procedures, practices, and processes. Handbooks do not contain broad objectives, policies or assignment of responsibilities. BLM handbooks are considered part of the manual, with the same authority.
Acquisitions/Easements	FLPMA Sec. 205  FLPMA Sec. 206	43 CFR 2100  Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016)	MS-1275 Land Status Records  MS-9310 Appraisal Real Property 10/27/99	H-2100-1 - Acquisitions 1/31/02 H-2100-1 Supplemental Technical Guide for Acquisition and Stewardship of Conservation Easement (9/22/06) H-2000-01 - Pre-Acquisition ESA (Public) (8/21/12)
Airport Leases/Grants	Airport & Runway Improvement Act of September 3, 1982, sec. 516  The Act of May 24, 1928, as amended	43 CFR 2640  43 CFR 2911	MS-1275 Land Status Records  MS-2911 Airport Leases	
Carey Act	Sec. 4 of the Act of August 18, 1894, as amended; June 11, 1896; March 1, 1907; May 27, 1908; Feb 24, 1909; Feb 16, 1911; Feb 21, 1911; March 4, 1911; Joint Resolution August 21, 1911	43 CFR 2610		
Classification	36 Federal Register (FR) 9559, June 13, 1970;35 FR 9562, June 13, 1970	43 CFR 2400		
Color-of-Title	Act of December 22, 1928, as amended; Act of Feb 23, 1932; Sept 31, 1922; Feb 19, 1925; Aug 24, 1954; May 31, 1962	43 CFR 2540	MS-2540 Color-of-Title Grants	
Conveyances – Land Sales, Minerals	FLPMA Secs. 203, 208-209	43 CFR 2710 43 CFR 2720	MS-2640 Airport Patents MS-2710 Public Sales MS-2711 Public Sale Procedures	H-1860-1 Conveyance Documents H-1862-1 Patent Preparation & Issuance H-2720 Conveyance of Mineral Interests
Data Steward			LR2000 Case Recordation (CR) Data Standards 5/31/2017	
Desert Land Entries	FLPMA Sec. 302; The Act of March 3, 1877, as amended; The Act of March 3, 1891	43 CFR 2520	MS-2520 Desert Land Entry	
Disclaimer of Interest	FLPMA Sec. 315	43 CFR 1841.1 43 CFR 1864.3		
Disposal of Real Property - Environmental Site Assessments (ESA)			MS-9310 Appraisal Real Property 10/27/99	H-2000-1 Pre-acquisition ESA 8/21/2012 H-2000-2 ESA (Public) 8/21/2012
Film Permits	The Act of May 24, 1928, as amended; Public Law 106-206, May 26, 2000; Title III of FLPMA	43 CFR Part 5 43 CFR 2920		
Indian Allotments	General Allotment Act of Feb 8, 1887, as amended; Act of 1891, as amended; Act of 1910, as amended; Act of March 1, 1933; Executive Orders 6910 and 6964, Taylor Grazing Act of 1934	43 CFR 2530		
Land Exchanges	FLPMA Sec. 206	43 CFR 2200	MS-9310 Appraisal Real Property 10/27/99	H-2200-1 Land Exchange Handbook 12/16/05
Land Status/Serialized Case File			MS-1275 Land Status Records	600 DM 5

**REALTY ACTIONS AND REGULATORY COMPLIANCE-EXHIBIT B**

			MS-1274 Serialized Case File System	
National Environmental Policy Act (NEPA)		40 CFR 1500-1508	DM Part 516 516 DM 11	H-1790-1 NEPA Handbook
Patents/Deeds		43 CFR 1860 43 CFR 1863 43 CFR 1864 43 CFR 1865		H-1860-1 Conveyance Docs H-1862-1 Patent Preparation & Issuance
Permits/Leases	FLPMA Secs, 302-303, and 310	43 CFR 2920	MS-2920 Leases/Permits/Easements	
Recreation and Public Purposes Act (R&PP)	FLPMA Sec. 212; The Act of 1926, as amended	43 CFR 2740 43 CFR 2912	MS-1275 Land Status Records  MS-9310 Appraisal Real Property 10/27/99	H-2740-1 Recreation and Public Purposes
Railroads	Transportation Act of 1940	43 CFR 2630		
Renewable Energy (Solar, Wind, transmission)	FLPMA 501-511	43 CFR 2800 43 CFR 2881  Further guidance provided through the Final Rule for competitive processes, terms, and conditions for leasing public lands for solar and wind energy development and technical changes and corrections dated 12/19/16 [92122 Federal Register/Vol. 81, No. 243]		
Rights-of-Way	FLPMA Sec. 501-511 MLA Sec. 28	43 CFR 2800 43 CFR 2880	MS-2801-2809; MS-2801-1 and MS-2801-3 ROW Bonds; MS-2880-2888; MS 9113 Roads 5/6/2015 MS-9115 Primitive Roads 3/6/12 MS-1275 Land Status Records	
Rights-of-Way Rural Electrification Act (REA) / Rural Utilities Service (RUS)	FLPMA Sec. 504(g)	43 CFR 2806.12(c) and 2806.14(a)(4)	ROW Manual 2805.10(A) and (B)	
Rights-of-Way Communication Sites	FLPMA Sec. 501-511	43 CFR 2806	MS-2801-2809	H-2860-1 Communications Site Right-of-Way Management
Pre-FLPMA ROW (RS 2339 (ditches, pipelines, reservoirs)	FLPMA Sec. 302; Revised Statute (RS) 2339 derived from act July 26, 1866, ch. 262, §9, 14 Stat. 253. Repeal by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976,	43 CFR sec. 661  See note set out under section 1701 of Title 43, Public Lands.		
RS 2477 (roads)	Revised Statute (RS) 2477—originally Section 8 of the Mining Act of 1866 (repealed by the FLPMA on October 21, 1976).			
Small Tract Act	FLPMA 701-702; The Act of June 1, 1938	43 CFR 2440	MS-1275 Land Status Records MS-2233 Small Tracts	Small Tracts Guidebook WO IM 80-540 4/1/80
Title Opinion/Conveyances		43 CFR 1860 43 CFR 1863 43 CFR 1864 43 CFR 1865		H-1860-1 Conveyance Docs H-1862-1 Patent Preparation & Issuance
Townsites	FLPMA Sec. 213; The Act of July 31, 1958			
Trespass	FLPMA Secs. 102, 302-303	43 CFR 2808, 2888, 2920	MS-2215/2550 Mining Claim Occupancy	H-9230 Trespass H-9232-1 Realty Trespass

**REALTY ACTIONS AND REGULATORY COMPLIANCE-EXHIBIT B**

			MS-9232 Realty Trespass Abatement	Abatement
Valuation Waivers	FLPMA Sec. 203	43 CFR 2710		
Withdrawals (military, new, revocation, extension, amend, hydro-electric)	FLPMA Sec. 204	43 CFR 2300	MS-2310 Withdrawal MS-1275 Land Status Records	
<b>SPECIAL LEGISLATION</b>				
Omnibus Public Lands Management Act of 2009	Public Law 111-11			
Santini-Burton Act of 1980	Public Law 96-586			
Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended	Public Law 105-263			
Clark County Conservation of Public Lands and Natural Resources Act of 2002	Public Law 107-282			
Department of Interior and Related Agencies Appropriations Act of 2003	Public Law 18-108			
Ivanpah Valley Airport Public Lands Transfer Act	Public Law 106-362			
Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA)	Public Law 108-424			
Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015	Public Law 113-291			
White Pine County Conservation and Recreation and Development Act of 2006 (WPCCRDA)	Public Law 109-432			
Transportation, Treasury, HUD, Judiciary, DC, and Independent Agencies Appropriations Act of 2006	Public Law 109-115			
Lincoln County Land Act of 2000	Public Law 106-298			
FY-2000 Consolidated Appropriations Act	Public Law 106-113			
Moapa Band of Paiutes Lands in trust	Public Law 96-491	43 CFR 2800, 2900 and 3000; and 25 CFR 115.708		

## ROW/Permit Processing Fee Category Determination Decision For FLPMA and MLA Rights-of-Way or Land Use Permits

Application Serial Number: \_\_\_\_\_  
 Applicant: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Agent: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Application For: \_\_\_\_\_  
 Location: \_\_\_\_\_

Pre-Application Meeting Held:   \_\_\_ No   \_\_\_ Yes   \_\_\_\_\_ (date)

Land Use Plan Conformance?   \_\_\_ No   \_\_\_ Yes

**Estimated Processing Requirements:**

Type of ROW:   \_\_\_ FLPMA   \_\_\_ MLA

NEPA Action Required: \_\_\_ EIS \_\_\_ EA \_\_\_ DNA \_\_\_ CE/CX

<u>Personnel Needed for Processing</u>	<u>Estimated Processing Hours</u>
Realty Specialist/Land Law Examiner	_____
Cultural/Paleontological Resources	_____
T&E Species	_____
Wildlife/Fisheries	_____
Air/Water/Soils	_____
Recreation/Visual	_____
Range	_____
Administration/Contracting	_____
Fluids/Minerals	_____
Cadastral Surveyor	_____
Manager	_____
Other _____	_____
<b>TOTAL HOURS</b>	_____

The appropriate Processing Category for this application is Category \_\_\_\_\_. The Processing fee for this Category is \$ \_\_\_\_\_. Processing fees for Categories 1-4 are non-refundable. See enclosed table for Category definitions and fee schedule.

Prepared By: \_\_\_\_\_ Date \_\_\_\_\_  
Realty Specialist

Approved By: \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Officer

### **Appeal Information**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Enclosure  
BLM Form 1842-1

**ROW/Permit Monitoring Fee Category Determination Decision  
for FLPMA and MLA Rights-of-Way or Land Use Permits**

Application Serial Number \_\_\_\_\_  
 Applicant: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Agent: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Location: \_\_\_\_\_

<u>Personnel Needed for Monitoring</u>	<u>Estimated Monitoring Hours</u>
Realty Specialist/Land Law Examiner	_____
Cultural/Paleontological Resources	_____
T&E Species	_____
Wildlife/Fisheries	_____
Air/Water/Soils	_____
Recreation/Visual	_____
Range	_____
Administration/Contracting	_____
Fluids/Minerals	_____
Manager	_____
Other _____	_____
Other _____	_____
<b>TOTAL HOURS</b>	_____

The appropriate Monitoring Category for this action is Category \_\_\_\_\_. The Monitoring fee for this Category is \$ \_\_\_\_\_. Monitoring fees for Categories 1-4 are non-refundable. See attached table for category definitions and fee schedule.

Prepared By: \_\_\_\_\_ Date \_\_\_\_\_  
                                 Realty Specialist

Approved By: \_\_\_\_\_ Date \_\_\_\_\_  
                                 Authorized Officer

### **Appeal Information**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Enclosure  
BLM Form 1842-1

**COST REIMBURSEMENT AGREEMENT:** *(Enter number from State Office or NOC)*

**APPLICANT:** *(Enter appropriate name)*

**LEAD BLM OFFICE:** *(Enter appropriate name)*

**I. AUTHORITY:** Section 304(b) and 504(g) of the Federal Land Policy and Management Act (FLPMA) [43 U.S.C. 1734(b) and 1764(g)], as amended and 43 CFR Subpart 2804.

**II. PURPOSE:** This Agreement between the above referenced Applicant and BLM, establishes procedures to reimburse BLM for costs incurred to process a right-of-way application serial number(s) *(insert serial number(s) for application(s))*. If a decision is made to authorize a right-of-way this Agreement shall be utilized to reimburse BLM for costs incurred to monitor construction and initial reclamation.

**III. PROVISIONS OF AGREEMENT**

A. In accordance with Section 304(b) of FLPMA and 43 CFR 2804.19, Applicant agrees to reimburse BLM for the costs incurred by BLM for processing the Application, and should a right-of-way be approved, costs for issuing a right-of-way grant and monitoring the construction and initial reclamation. Further, in accordance with 43 CFR 2804.14(f), Applicant waives consideration of reasonable costs, as would be determined under 43 CFR 2804.20 and 2804.21, and agrees to pay all actual costs incurred by the BLM related to this Application.

B. This Agreement is subject to the Reimbursable Cost Provisions and the Descriptions of Direct and Indirect Costs contained in Attachment #1, the Work Plan contained in Attachment #2, and the Financial Plan contained in Attachment #3. This cost estimate may be amended should actual costs exceed estimated costs.

C. Applicant will be advised as to the nature and extent of all major studies needed to complete the Environmental Assessment (EA) or Environmental Impact Statement (EIS). BLM will prepare a separate Memorandum of Understanding (MOU) to which this Agreement may be attached and incorporated therein for any project requiring preparation of an EIS *(an MOU is not mandatory for EA level documents however major EA projects may benefit if a MOU is prepared. An EIS Preparation Plan may also be attached.)*

**IV. EFFECTIVE DATE:** This Agreement shall be effective *(as of the latter date of its execution by both parties)*. Unless terminated earlier, it shall continue until the BLM authorized officer has accepted completion of construction and initial reclamation.

**V. SIGNATURES OF AGREEMENT**

For Bureau of Land Management

For *(enter Applicant's name)*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Typed Title

\_\_\_\_\_  
Typed Title



Date

Date

**REIMBURSABLE COST PROVISIONS** *(These are “canned” provisions that should not be changed)*

- A. BLM agrees to process the Application to the extent funding under the Agreement permits. Processing will include, but not be limited to, the following: coordination, administration and approval of any necessary environmental analyses including the preparation of an EA or EIS; consultation with appropriate Federal, State, Tribal, and local officials; preparation of the administrative record and resolving any protests, appeals and litigation that might result from the proposal, preparation of all decisions and authorizations resulting from those decisions, monitoring the construction, operation and termination of any resultant authorization; and other necessary processing actions consistent with a final decision.
- B. BLM agrees to timely notify the Applicant, in writing, of any changes to the indirect rate. Refer to the Definition of Direct and Indirect Costs below.
- C. Applicant agrees to fund and utilize third party assistance contractors to expedite processing the application. Third party assistance contractors may include, but are not limited to, contractors for preparation of National Environmental Policy Act (NEPA) documents, cultural resource inventories, biological inventories and surveys, engineering and design surveys, clerical staff support, NEPA adequacy reviews, resource specialist reviews, persons to aid in assembling the case file record, and compliance inspectors.
- D. BLM shall monthly review case processing and costs incurred. When BLM determines there are insufficient funds remaining for the next period of planned work, it shall inform the Applicant of the work proposed to be done and request a further deposit. Deposits must be received prior to BLM incurring costs.
- E. Quarterly statements of BLM expenditures will be furnished to Applicant within 30 days of the close of the quarter (March 31, June 30, September 30, and December 31).
- F. Applicant shall have the right to conduct, at its own expense, reasonable audits of the books, records, and documents of BLM relating to the items on any particular accounting statement provided by BLM. Applicant shall have 90 days after receipt of the quarterly statement to raise objections to or dispute any particular entry of cost item.
- G. BLM shall provide full justification of any disputed entry or cost item within 30 days of receipt of the objection or will delete the entry or cost item. If Applicant still objects to the entry or cost item, an appeal to the State Director may be made within 30 days of receipt of BLM justification. The State Director’s decision is the final administrative decision.
- H. Reimbursable funds, once obligated by BLM, are not refundable and will not be made refundable by termination of the Project, withdrawal of the Application, or non-issuance of a right-of-way grant.
- I. In accordance with 43 CFR 2804.27(a), if BLM denies the Application, Applicant must reimburse BLM for all costs BLM incurred in processing the Application. If the Applicant withdraws the application, Applicant will reimburse BLM for processing costs incurred by BLM in closing its review of the Application and which cannot reasonably be avoided after BLM receives written notice of withdrawal of the Application.
- J. Nothing herein shall be deemed to require BLM to maintain books, records, or documents other than

those usually maintained by them, provided that such books, records, and documents reasonably segregate and identify the costs for which reimbursement is required and comply with generally accepted accounting practices for such documentation.

K. The designated points of contact with whom each party to this Agreement will communicate concerning any aspect of this Agreement are as follows:

BLM	Applicant
Name:	_____
Address:	_____ _____ _____
Phone No.:	_____
Fax No.:	_____ _____
Email:	_____ _____

Either party may designate a different point of contact by notifying the other party in writing of such change.

**Definition of Direct and Indirect Costs**

Direct costs are those costs which can be specifically identified with the Application and which are incurred for the benefit of said applicant in that the costs would not have been incurred but for the Application and are appropriate in order for BLM to process the Application. Examples of direct costs include, but are not limited to, personnel costs in the form of wages paid to BLM personnel working on the Application, with allowances provided for fringe benefits and leave surcharge rate and any overtime associated with processing the Application; travel expenses; purchased services, if necessary, such as printing, automated data processing services and photographic reproduction; and any miscellaneous supplies and equipment of a specialized nature, the use of which is directly applicable to processing the Application.

Indirect costs are those which cannot be specifically identified with the Application. These indirect costs have been calculated at a rate of *(insert rate for fiscal year for when agreement is initially approved)* percent of direct costs. The indirect costs are subject to change annually. This percentage figure has been developed in accordance with Department of the Interior procedures and represents those administrative and program costs, excluding management overhead, which can be attributed to processing the Application. Indirect costs include a portion of the costs for capitalized and non-capitalized equipment; space rental; telephone services; postage; personnel transfer costs; budget and program development; administrative and clerical support; training; safety management; public information, inquiries and reports; cartography and basic series mapping; aviation management; telecommunications; maintenance of equipment and tools; and systems design and implementation.

Excluded from indirect costs are costs for managerial work; evaluations of field office activities; program

coordination; technical program direction; environmental education; interagency planning; studies and research; preparation of environmental documents relating to general program planning; law enforcement and firefighting.

## Work Plan

**Schedule of Major Milestones**

This work plan identifies only major milestones. A more detailed project schedule and/or Gantt chart will be attached.

<b><u>TASK</u></b>	<b><u>DATE</u></b>	<b><u>TIME REQUIRED</u></b>	<b><u>RESPONSIBLE PARTY</u></b>
Review Application and Plan of Development			
Establish reimbursable account			
Public Notification			
Notify agencies/tribes			
Agency/tribal meetings			
Scoping Meetings			
Initiate field work/data collection			
Review administrative draft EA/EIS			
Review Final EA/EIS			
Conclude agency/Tribal consultations			
Issue Decision Record/FONSI or Record of Decision			
Review/approve surety bonds			
Issue Grant(s)			
Pre-construction meeting(s)			
Issue Notice(s) to Proceed			

**Financial Plan for Right-of-Way Application (enter serial number(s))**

(Average WM costs can be obtained from the state or field office budget analyst. Estimate WM's in no less than .5WM increments and multiply by the average WM cost to get the estimate. Carry totals forward into the labor and operations column on the next page. It is not necessary or recommended to attempt to calculate the number of hours specific individual specialists may spend on the project).

**Washington Office / State Office *(If applicable to your project)***

<u>Staff</u>	<u>#WM</u>	<u>Avg WM Cost</u>	<u>Totals</u>
_____	___	\$ _____	\$ _____
_____	___	\$ _____	\$ _____
_____	___	\$ _____	\$ _____
		Salaries	\$ _____
(Estim. ___ trips @\$___		Travel	\$ _____
		Misc. Supplies	\$ _____

**Lead Field Office**

<u>Staff</u>	<u>#WM</u>	<u>Avg WM</u>	<u>Totals</u>
Field Office Management Team	___	\$ _____	\$ _____
Realty Specialist	___	\$ _____	\$ _____
Wildlife Biologist (T&E)	___	\$ _____	\$ _____
Soil, Water, and Air & Rec.	___	\$ _____	\$ _____
Cultural Resources/Tribal	___	\$ _____	\$ _____
Other Staff (VRM, Range )	___	\$ _____	\$ _____
Compliance Inspection	___	\$ _____	\$ _____
		Salaries	\$ _____
		Travel	\$ _____
		Misc. Supplies	\$ _____

**Field Office(s) *(list all affected state offices)***

<u>Staff</u>	<u>#WM</u>	<u>Avg WM</u>	<u>Totals</u>
Field Office Management Team	___	\$ _____	\$ _____
Realty Specialist	___	\$ _____	\$ _____
Wildlife Biologist (T&E)	___	\$ _____	\$ _____
Soil, Water, and Air & Rec.	___	\$ _____	\$ _____
Cultural Resources/Tribal	___	\$ _____	\$ _____
Other Staff (VRM, Range)	___	\$ _____	\$ _____
Compliance Inspection	___	\$ _____	\$ _____
		Salaries	\$ _____
		Travel	\$ _____
		Misc. Supplies	\$ _____

**Financial Plan for Right-of-Way Application (enter serial number(s))**

Estimated cost designated for each office and designated tasks may change as the application is processed or right-of-way grant monitored (e.g. some tasks not mentioned here may be required). The dollar amounts may be moved from one office with less work than is estimated to an office with more than work than is estimated. This estimate is not broken down to BLM fiscal quarter estimate.

**Office: Bureau of Land Management, State Office/Washington Office (if applicable)**

Tasks - include but are not limited to project management, managing NEPA process, attend project and public meetings, advise Field Office, coordinate the NEPA process with cooperating Federal agencies, field examinations, review documents, monitor project expenses, travel.

Calculation

Labor Costs	\$ _____
Operating Costs (Travel)	\$ _____
Total Labor and Operating Costs	\$ _____

**Office: (insert name) Field Office (list all affected field offices)**

Tasks - include but are not limited to adjudication, project management, attend project and public meetings (including pre-work meetings), coordinate, NEPA process, field examinations, monitor project expenses, travel, review Plan of Development and its inclusions, such as Hazardous Substances Contingency Plan, Storm Water Pollution Control Plan, and the Compliance Plan, review cultural and threatened and endangered species reports, and construction and reclamation compliance inspections.

Calculation

Labor Costs	\$ _____
Operating Costs (Travel)	\$ _____
Total Labor and Operating Costs	\$ _____

(Add additional paragraphs with cost estimate for each field office involved in a project).

Total Estimated Direct Costs (all offices)	\$ _____
Indirect Cost Rate FYxx xx.x%	\$ _____

GRAND TOTAL \$ \_\_\_\_\_ rounded to \_\_\_\_\_

(NOTE: Get Labor Costs for personnel working on application from the Budget Analyst, since this figure has all benefits added. Use either each individual person's hourly rate or use the mean per hour rate on which the minor categories are based. To determine Operating Costs, figure all costs of such things as travel, vehicles, cell phones, supplies, contracts, etc. Add Total Operating costs and Total Labor Costs to get Total Direct Costs. To determine Indirect Costs, multiply total Direct Costs by the Indirect Costs percentage. [Note: the rate for Indirect Costs is subject to change yearly, so you must check with your budget analyst to make sure you are using the correct percentage.] Add Indirect Costs percentage to Total Direct Costs to get Grand Total.)

**COST REIMBURSEMENT AGREEMENT:** *(Enter Number from State Office or NOC)*

**APPLICANT:** *(Enter appropriate name)*

**LEAD BLM OFFICE:** *(Enter appropriate name)*

**I. AUTHORITY:** Section 28 of the Mineral Leasing Act of 1920, (30 U.S.C. 185(l)) as amended, and regulations at 43 CFR Subpart 2880.

**II. PURPOSE:** This Agreement between the above referenced Applicant and BLM, establishes procedures to reimburse BLM for costs incurred to process a right-of-way application serial number(s) *(insert serial number(s) for application(s))*. If a decision is made to authorize a right-of-way this Agreement shall be utilized to reimburse BLM for costs incurred to monitor construction and initial reclamation.

**III. PROVISIONS OF AGREEMENT**

A. In accordance with Section 28(l) of the Mineral Leasing Act of 1920 and 43 CFR 2884.17, Applicant agrees to reimburse BLM for the costs incurred by BLM for processing the Application, and should a right-of-way be approved, costs for issuing a right-of-way grant and monitoring the construction and initial reclamation.

B. This Agreement is subject to the Reimbursable Cost Provisions and the Descriptions of Direct and Indirect Costs contained in Attachment #1, the Work Plan contained in Attachment #2, and the Financial Plan contained in Attachment #3. This cost estimate may be amended should actual costs exceed estimated costs.

C. Applicant will be advised as to the nature and extent of all major studies needed to complete the Environmental Assessment (EA) or Environmental Impact Statement (EIS). BLM will prepare a separate Memorandum of Understanding (MOU) to which this Agreement may be attached and incorporated therein for any project requiring preparation of an EIS. *(an MOU is not mandatory for EA level documents however major EA projects may benefit if a MOU is prepared. An EIS Preparation Plan may also be attached).*

**IV. EFFECTIVE DATE:** This Agreement shall be effective *(as of the latter date of its execution by both parties)*. Unless terminated earlier, it shall continue until the BLM authorized officer has accepted completion of construction and initial reclamation.

**V. SIGNATURES OF AGREEMENT**

For Bureau of Land Management

For *(enter Applicant's name)*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Typed Name



**Exhibit B3B**  
Typed Title

Typed Title

---

Date

---

Date

## Exhibit B3B

### Attachment #1

#### **REIMBURSABLE COST PROVISIONS** *(These are “canned” provisions that should not be changed.)*

A. BLM agrees to process the Application to the extent funding under the Agreement permits. Processing will include, but not be limited to, the following: coordination, administration and approval of any necessary environmental analyses including the preparation of an EA or EIS; consultation with appropriate Federal, State, Tribal, and local officials; preparation of the administrative record and resolving any protests, appeals and litigation that might result from the proposal, preparation of all decisions and authorizations resulting from those decisions, monitoring the construction, operation and termination of any resultant authorization ; and other necessary processing actions consistent with a final decision.

B. BLM agrees to timely notify the Applicant, in writing, of any changes to the indirect rate. Refer to the Definition of Direct and Indirect Costs below.

C. Applicant agrees to fund and utilize third party assistance contractors to expedite processing the application. Third party assistance contractors may include, but are not limited to, contractors for preparation of National Environmental Policy Act (NEPA) documents, cultural resource inventories, biological inventories and surveys, engineering and design surveys, clerical staff support, NEPA adequacy reviews, resource specialist reviews, persons to aid in assembling the case file record, and compliance inspectors.

D. BLM shall monthly review case processing and costs incurred. When BLM determines there are insufficient funds remaining for the next period of planned work, it shall inform the Applicant of the work proposed to be done and request a further deposit. Deposits must be received prior to BLM incurring costs.

E. Quarterly statements of BLM expenditures will be furnished to Applicant within 30 days of the close of the quarter (March 31, June 30, September 30, and December 31).

F. Applicant shall have the right to conduct, at its own expense, reasonable audits of the books, records, and documents of BLM relating to the items on any particular accounting statement provided by BLM. Applicant shall have 90 days after receipt of the quarterly statement to raise objections to or dispute any particular entry of cost item.

G. BLM shall provide full justification of any disputed entry or cost item within 30 days of receipt of the objection or will delete the entry or cost item. If Applicant still objects to the entry or cost item, an appeal to the State Director may be made within 30 days of receipt of BLM justification. The State Director’s decision is the final administrative decision.

H. Reimbursable funds, once obligated by BLM, are not refundable and will not be made refundable by termination of the Project, withdrawal of the Application, or non-issuance of a right-of-way grant.

I. In accordance with 43 CFR 2884.24(a), if BLM denies the Application, Applicant must reimburse BLM for all costs BLM incurred in processing the Application. If the Applicant withdraws the application,

## Exhibit B3B

Applicant will reimburse BLM for processing costs incurred by BLM in closing its review of the Application and which cannot reasonably be avoided after BLM receives written notice of withdrawal of the Application.

J. Nothing herein shall be deemed to require BLM to maintain books, records, or documents other than those usually maintained by them, provided that such books, records, and documents reasonably segregate and identify the costs for which reimbursement is required and comply with generally accepted accounting practices for such documentation.

K. The designated points of contact with whom each party to this Agreement will communicate concerning any aspect of this Agreement are as follows:

BLM	Applicant
Name:	_____
Address:	_____ _____ _____
Phone No.:	_____
Fax No.:	_____
Email:	_____ _____

Either party may designate a different point of contact by notifying the other party in writing of such change.

### Definition of Direct and Indirect Costs

Direct costs are those costs which can be specifically identified with the Application and which are incurred for the benefit of said applicant in that the costs would not have been incurred but for the Application and are appropriate in order for BLM to process the Application. Examples of direct costs include, but are not limited to, personnel costs in the form of wages paid to BLM personnel working on the Application, with allowances provided for fringe benefits and leave surcharge rate and any overtime associated with processing the Application; travel expenses; purchased services, if necessary, such as printing, automated data processing services and photographic reproduction; and any miscellaneous supplies and equipment of a specialized nature, the use of which is directly applicable to processing the Application.

Indirect costs are those which cannot be specifically identified with the Application. These indirect costs have been calculated at a rate of *(insert rate for fiscal year for when agreement is initially approved)* percent of direct costs. The indirect costs are subject to change annually. This percentage figure has been developed in accordance with Department of the Interior procedures and represents those administrative and program costs,

## Exhibit B3B

excluding management overhead, which can be attributed to processing the Application. Indirect costs include a portion of the costs for capitalized and non-capitalized equipment; space rental; telephone services; postage; personnel transfer costs; budget and program development; administrative and clerical support; training; safety management; public information, inquiries and reports; cartography and basic series mapping; aviation management; telecommunications; maintenance of equipment and tools; and systems design and implementation.

Excluded from indirect costs are costs for managerial work; evaluations of field office activities; program coordination; technical program direction; environmental education; interagency planning; studies and research; preparation of environmental documents relating to general program planning; law enforcement and firefighting.

**Work Plan**

**Schedule of Major Milestones**

This work plan identifies only major milestones. A more detailed project schedule and/or Gantt chart will be attached.

<b><u>TASK</u></b>	<b><u>DATE</u></b>	<b><u>TIME REQUIRED</u></b>	<b><u>RESPONSIBLE PARTY</u></b>
Review Application and Plan of Development			
Establish reimbursable account			
Public Notification			
Notify agencies/tribes			
Agency/tribal meetings			
Scoping Meetings			
Initiate field work/data collection			
Review administrative draft EA/EIS			
Review Final EA/EIS			
Conclude agency/Tribal consultations			
Issue Decision Record/FONSI or Record of Decision			
Review/approve surety bonds			
Issue Grant(s)			
Pre-construction meeting(s)			

Issue Notice(s) to Proceed

Attachment #3

**Financial Plan for Right-of-Way Application (enter serial number(s))**

(Average WM costs can be obtained from the state or field office budget analyst. Estimate WM's in no less than .5WM increments and multiply by the average WM cost to get the estimate. Carry totals forward into the labor and operations column on the next page. It is not necessary or recommended to attempt to calculate the number of hours specific individual specialists may spend on the project).

**Washington Office / State Office *(If applicable to your project)***

<u>Staff</u>	<u>#WM</u>	<u>Avg WM Cost</u>	<u>Totals</u>
_____	___	\$ _____	\$ _____
_____	___	\$ _____	\$ _____
_____	___	\$ _____	\$ _____
		Salaries	\$ _____
(Estim. ___ trips @\$___		Travel	\$ _____
		Misc. Supplies	\$ _____

**Lead Field Office**

<u>Staff</u>	<u>#WM</u>	<u>Avg WM</u>	<u>Totals</u>
Field Office Management Team	___	\$ _____	\$ _____
Realty Specialist	___	\$ _____	\$ _____
Wildlife Biologist (T&E)	___	\$ _____	\$ _____
Soil, Water, and Air & Rec.	___	\$ _____	\$ _____
Cultural Resources/Tribal	___	\$ _____	\$ _____
Other Staff (VRM, Range )	___	\$ _____	\$ _____
Compliance Inspection	___	\$ _____	\$ _____
		Salaries	\$ _____
		Travel	\$ _____
		Misc. Supplies	\$ _____

**Field Office(s) *(list all affected state offices)***

<u>Staff</u>	<u>#WM</u>	<u>Avg WM</u>	<u>Totals</u>
Field Office Management Team	___	\$ _____	\$ _____
Realty Specialist	___	\$ _____	\$ _____
Wildlife Biologist (T&E)	___	\$ _____	\$ _____
Soil, Water, and Air & Rec.	___	\$ _____	\$ _____

# Exhibit B3B

Cultural Resources/Tribal	___	\$ _____	\$ _____
Other Staff (VRM, Range)	___	\$ _____	\$ _____
Compliance Inspection	___	\$ _____	\$ _____
		Salaries	\$ _____
		Travel	\$ _____
		Misc. Supplies	\$ _____

**Financial Plan for Right-of-Way Application (enter serial number(s))**

Estimated cost designated for each office and designated tasks may change as the application is processed or right-of-way grant monitored (e.g. some tasks not mentioned here may be required). The dollar amounts may be moved from one office with less work than is estimated to an office with more than work than is estimated. This estimate is not broken down to BLM fiscal quarter estimate.

**Office: Bureau of Land Management, State Office/Washington Office** *(if applicable)*

Tasks - include but are not limited to project management, managing NEPA process, attend project and public meetings, advise Field Office, coordinate the NEPA process with cooperating Federal agencies, field examinations, review documents, monitor project expenses, travel.

Calculation

Labor Costs	\$ _____
Operating Costs (Travel)	\$ _____
Total Labor and Operating Costs	\$ _____

**Office: (insert name) Field Office** *(list all affected field offices)*

Tasks - include but are not limited to adjudication, project management, attend project and public meetings (including pre-work meetings), coordinate, NEPA process, field examinations, monitor project expenses, travel, review Plan of Development and its inclusions, such as Hazardous Substances Contingency Plan, Storm Water Pollution Control Plan, and the Compliance Plan, review cultural and threatened and endangered species reports, and construction and reclamation compliance inspections.

Calculation

Labor Costs	\$ _____
Operating Costs (Travel)	\$ _____
Total Labor and Operating Costs	\$ _____

(Add additional paragraphs with cost estimate for each field office involved in a project).

Total Estimated Direct Costs (all offices)	\$ _____
Indirect Cost Rate FYxx xx.x%	\$ _____

GRAND TOTAL                                      \$ \_\_\_\_\_ rounded to \_\_\_\_\_

(NOTE: Get Labor Costs for personnel working on application from the Budget Analyst, since this figure has all benefits added. Use either each individual person's hourly rate or use the mean per hour rate on which the minor categories are based. To determine Operating Costs, figure all costs of such things as travel, vehicles, cell phones, supplies, contracts, etc. Add Total Operating costs and



## Exhibit B3B

Total Labor Costs to get Total Direct Costs. To determine Indirect Costs, multiply total Direct Costs by the Indirect Costs percentage. [Note: the rate for Indirect Costs is subject to change yearly, so you must check with your budget analyst to make sure you are using the correct percentage.] Add Indirect Costs percentage to Total Direct Costs to get Grand Total.)



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
 Nevada State Office  
 1340 Financial Boulevard  
 Reno, Nevada 89502-7147  
<http://www.blm.gov/nv>



In Reply Refer to:  
 2800 (NV930)

DEC 13 2017

EMS TRANSMISSION  
 Information Bulletin: N. NV-2018-007

To: BLM Field Managers and Realty Specialists

From: Deputy State Director, Lands, Resources, and Planning *Paul Morale*

Subject: A new Uniform Worksheet (Form), for calendar years 2018-2025 titled, Rental Determination for linear Rights-of-Way Facilities within Nevada BLM Districts

This Information Bulletin (IB) announces the release of six (6) new uniform worksheets titled:

1. Rental Determination for linear Rights-of-Way in **Battle Mountain** District Office.
2. Rental Determination for linear Rights-of-Way in **Carson City** District Office.
3. Rental Determination for linear Rights-of-Way in **Elko** District Office.
4. Rental Determination for linear Rights-of-Way in **Ely** District Office.
5. Rental Determination for linear Rights-of-Way in **Southern Nevada** District Office.
6. Rental Determination for linear Rights-of-Way in **Winnemucca** District Office.

This Form provides each District Office with an easy to use worksheet to calculate rent for linear rights-of-way facilities granted within their district. The worksheet includes all the counties within each perspective district along with the appropriate zones based upon the Corrected 2007 and 2012 NASS Census Data (80% of average per acre land and building values).

The Form also includes a simplified version of the "Rent Business Rules" to assist Realty Specialist in the preparation of the worksheet. Attachment 1 of this IB is a copy of the complete "Business Rules for Calculating Rent".

Nothing in this IB is intended to be a regulation or to modify or amend any Federal laws or regulations or create any rights or cause of action or trust obligation enforceable by any person or party through litigation or otherwise against the United States Government or any of its employees. This Uniform Worksheet is solely intended to provide consistency throughout BLM Nevada districts and aid in the calculation of rent for linear rights-of-way facilities. To the extent there is any inconsistency between the provisions of this Uniform Worksheet and any Federal regulations or laws, the regulations or laws supersede this Uniform Worksheet.

**Contact:** If you have any questions concerning the content of this Instruction Bulletin, please contact Perry B. Wickham, Realty Specialist (NV930) at (775) 861-6429 or [pwickham@blm.gov](mailto:pwickham@blm.gov).

# Rental Determination for linear Rights-Of-Way in the Battle Mountain District Office Use for Calendar Year 2018

Serial Number:   N 0   Preparer: \_\_\_\_\_  
 Date: \_\_\_\_\_ District/Field Office: \_\_\_\_\_  
 State: \_\_\_\_\_ County: \_\_\_\_\_

**Part Year Factors:** (the month following the effective date of grant authorization)      January = **1.0**, February = **0.9167**, March = **0.8333**, April = **0.75**, May = **0.6667**, June = **0.5833**, July = **0.50**;  
 August = **0.4167**, September = **0.3333**, October = **0.25**, November = **0.1667**, December = **0.0833**

County	Zone	Number of Acres (round up to the nearest tenth)	2018 Per-Acre Rent	Annual Rent	Part Year Factor (enter part year factor)	Part Year Rent
Esmeralda	4		\$47.85			
Eureka	2		\$16.24			
Lander	3		\$31.75			
Lincoln	5		\$65.91			
Nye	5		\$65.91			
<b>Subtotal:</b>			<b>12 Month Total =</b>		<b>Part Year Total =</b>	
<b>No. of Years</b>	<b>Multiplied by the</b>	<b>12 Month Total</b>	<b>Plus the</b>	<b>Part Year Total</b>	<b>equals the</b>	<b>Total Due</b>
<b>9</b>	<b>Years</b>	\$ -	\$ -	\$ -		\$ -
<b>9</b>	<b>Years</b>	\$ -	\$ -	\$ -		\$ -
<b>29</b>	<b>Years</b>	\$ -	\$ -	\$ -		\$ -

43 CFR 2806.24 (a)(2)(i): *Payments by Individuals.* If your annual rent is \$100 or less, you must pay at 10-year intervals, not to exceed the term of the grant.  
 43 CFR 2806.24 (a)(2)(ii): *Payments by all others.* If your annual rent is \$500 or less, you must pay rent at 10-year intervals, not to exceed the term of the grant.

### Rent Business Rules

- Business Rule #1:** When calculating rent, round acreage up to the nearest tenth of an acre. **Example:** 1.43 acres up to 1.50 acres
- Business Rule #2:** Assume the minimum allowable billing period (either annual or 10-year) unless notified in writing at least 3 months prior to the next bill due date (October 1, if the due date is January 1).
- Business Rule #3:** If the grant is issued between January 1 and September 30 with a billing period of 10 years, calculate rent for first partial year. Then use current year schedule to calculate other 9 years.
- Business Rule #4:** If the grant is issued between October 1 and December 31 with a billing period of 10 years, calculate rent for the partial year. Then use next year's schedule to calculate the remaining 9 years.
- Business Rule #5:** If the grant is issued between January 1 and September 30 with annual billing, calculate rent for first partial year.

County	Zone	Number of Acres (round up to the nearest tenth)	2018 Per-Acre Rent	Annual Rent	Part Year Factor (enter part year factor)	Part Year Rent
--------	------	---	--------------------	-------------	--	----------------

**Business Rule #6:** If the grant is issued between October 1 and December 31 with annual billing, calculate rent for the first partial year. Also calculate subsequent year's rent using the subsequent year's schedule, and collect for both years.

**Business Rule #7:** If annual rent exceeds \$100 for individuals or \$500 for non-individuals, bill annually.

**Business Rule #8:** If annual rent is \$100 or less for individuals or \$500 or less for non-individuals, bill for either 10 year intervals or for the term of the grant.

**Business Rule #9:** Existing and new perpetual grants are same as term grants EXCEPT: Maximum rent payment period cannot exceed 30 years.

## LANDS AND REALTY PROGRAM ROLES AND RESPONSIBILITIES

**EXAMPLE ONLY - Below is an example of the Roles and Responsibilities (R&R) associated with the realty program from the field level to the State Director. Managers should coordinate with the State Realty Lead to develop R&Rs that fit their unique staffing needs of their office, while also following regulations and guidelines.**

### Realty Specialists:

- Project lead for minor (Category 1-4) realty actions
- Project Manager for Master Agreements and Major (Category 5 & 6) realty actions
- Provides recommendations to the Authorized Officer on all realty actions
- Processes all types of realty casework from beginning to end
- Completes site inspections and monitors construction
- Responsible for case recordation (administrative record)
- Ensures quality customer service
- Calculates project cost recovery
- Completes NEPA documentation for assigned realty actions
- Team Lead for NEPA involving realty actions
- Team member for NEPA involving non-realty actions on public lands
- Information resource for public lands authorizations/activity
- Information resource for realty statutes/regulations/policies
- Responsible for Land Use Plan conformance involving realty actions
- LRAM Billing and LR2000 data input/update (if no LLE)
- Sends and monitors bills and payments
- Sends notice of non-payment
- Responsible for 60-day Customer Service Standards and processing rights of way(43 CFR 2804.12 / 2884.11)
- FBMS cost recovery project management/reporting
- Communication Site Plans - coordinate with SO Communication Site Lead to schedule WO assistance
- Process Unauthorized Uses (trespass) realty actions
- Initiate/facilitate appraisal services via Office of Valuation Services (OVS) Information Valuation System (IVIS)
- Bureau Requester - OVS, Interior Valuation Information System (IVIS)
- Initiate/facilitate cadastral services for Legal Description Review (LDR)
- Initiates/request patent issuance
- Prepares Notice of Realty Action (NORA)
- Prepares Federal Register Notice (FRN) packages
- Prepares rental determinations for various Rights of Ways (ROW), Leases and Permits
- Initiate/facilitate pre-application meetings
- Processes Bonding for right of way actions
- Provide realty related technical advice/recommendations to managers
- Peer review of all realty processing actions, including all documents (letters, grants, etc), LR2000 entries

### Land Law Examiner (LLE):

- Customer service, initial contact, receives application
- Application and case file adjudication
- Serialize applications and establish casefile
- Utilizes and updates data systems (i.e., LR2000, LRAM, CSRC, CBS)
- Ensure compliance with data standards
- Examines serialized casefiles and updates automated data systems
- Collections officer - collects payments/rent (if no LIE)
- Knowledge of statutes/regulations/policies
- Develops facts/evidence and applies appropriate laws and policies
- Retrieves records from Federal Records Center (FRC)/National Archives and Records Administration (NARA)
- Conducts field compliance inspections and reports

# Exhibit C

- Administrative record maintenance (serialized casefile)
- Peer review of all realty processing actions, including all documents (letters, grants, etc), LR2000 entries

## Legal Instrument Examiner (LIE)

- Assists with administrative duties related to realty actions
- Prepares and tracks Customer Service Standard letters (43 CFR 2804.12 / 2884.11)
- Prepares and tracks correspondence
- Serialize applications and establish casefile
- Collections officer - collects payments/rent (if certified)
- Examines legal instruments and related documents on land status
- Updates automated data systems
- Prepares documentation (i.e., MTP, MTR, LR2000 reports)
- Retrieves records from FRC/NARA
- Provides quality control review of updated land status records
- Maintains and updates automated and internal case tracking systems/databases
- Handles all in/out realty documentation (i.e., certified mail)

## Realty Technician:

- Assists with field work related to rights of way
- ROW compliance inspections (field)
- ROW case file compliance
- Prepares/tracks and files non-compliance letters
- LR2000 data entry (field and case file compliance)

## District Realty Specialist - Project/Program Manager:

- Serves as primary point of contact on complex or high level/regional/national realty projects
- Provides realty expertise to DSD/State Director and Field/District Managers
- Manages complex realty program activities within the district (exchanges, litigation, renewable energy, etc)
- Provides leadership in NEPA process and review
- Oversees the Plan of Operation process for complex realty cases
- Responsible for budget/cost recovery management and tracking
- Ensures work is completed within budget and in accordance with agreements
- Represents BLM at meetings or hearings related to controversial or complex realty actions
- Contracting Officer Representative (COR)
- Drafts MOUs, Inter-/Intra-agency and Agreements for realty actions
- Provides recommendations to the FO/DO on decisions related to complex realty actions
- Acts as mentor, trainer to new realty specialists within the district

## Realty Supervisor:

- Reports to Assistant Field Manager/Field Manager
- Realty team lead (oversight and advisor)
- Program Leader
- Coach/supporter to realty staff
- Workflow progress oversight
- Responsible for ensuring that NEPA processes for realty actions are streamlined and informs AM/AFM when resource staff are creating unnecessary delays in processing realty actions
- Reviews LR2000 reports for realty program oversight
- Orients and advises realty team on program policy/procedures
- Assist in implementing Field Office (FO) and division priorities
- Assist in program budget execution and tracking

# Exhibit C

- Assist in the development SOP for roles and responsibilities
- Project assignments
- Quality Assurance for all realty processing actions, including documents (letters, grants, etc), LR2000 entries
- Bureau Requester/Approver - IVIS appraisal services requests
- Tracks and prioritizes division requests for cadastral services
- Supervisory duties - internal relations
- Assists team members with development of Individual Development Plan (IDP)
- Runs LR2000 reports for program oversight
- Submits FO Monthly Cost Recovery Report

## Assistant Field Manager - Lands

- Implements and tracks FO and division priorities
- Program management oversight/responsibility (e.g., cost recovery, customer service, trespass, program budget, accomplishments)
- Responsible for ensuring that NEPA processes for realty actions are streamlined and that resource staff are held accountable for unnecessary delays in processing realty actions
- Oversee and tracks program budget
- Coordinates with SO Realty Program Lead as necessary for realty issues
- Responsible for staff functions and line management roles
- Develops SOPs for roles and responsibilities
- Define/assign roles and responsibilities for program actions
- Develops SOPs for roles and responsibilities
- Advise staff and managers on program policies/procedures
- Ensures that personnel have the required resources
- Primary realty contact for congressional/federal/state/local government/public realty inquiries
- Ensures compliance with Bureau policies/regulations/federal and state laws
- Responsible for positive work climate and assists supervisor and staff in problem solving
- Bureau Approver - IVIS appraisal services requests
- Assists staff with development of IDP

## Field Manager:

- Approves Cost Recovery Fees for processing/monitoring ROWs
- Sets Field Office priorities
- Responsible for realty program operations at field level (customer service, trespass, program budget, accomplishments)
- Responsible for ensuring that NEPA processes for realty actions are streamlined and that resource staff are held accountable for unnecessary delays in processing realty actions
- Ensure that personnel have the required resources
- External Relations and Outreach (i.e., congressional, tribal, federal/state/local government)
- Coordinates with SO Realty Program Lead as necessary for realty issues
- Defines/assign roles and responsibilities for program actions
- Ensure development of SOPs for roles and responsibilities
- Expenditures of program management and implementation per SNPLMA, as amended (MS-1203)
- Segregate/open lands (MS-1203)
- Release/cancel contract leases/permits/temporary access easements (MS-1203)
- Negotiate fee/partial interest by mutual agreement between owner of record and BLM (MS-1203)
- Accept appraisal services for setting values regarding disputes (MS-1203)
- Withdrawals, signs FERC concurrence prior to permit/lease/ROW issuance (MS-1203)
- Prepare reports/recommendations to FERC on interim use applications of power site lands (MS-1203)
- Issue realty action notices on proposed/initial land classification decisions/terminations (MS-1203)
- Approve Carey Act Grant development plans/contracts for transmittal to the Director (MS-1203)
- Responsible for implementation of actions per the WPCFDA (MS-1203)



# Exhibit C

- Approve ROW and short-term ROW actions (except when multiple jurisdictions involved) (MS-1203)

## District Manager:

- Sets District Priorities
- Program Responsibility (direction with respect to cost recovery, customer service, trespass, program budget, accomplishments)
- Responsible for ensuring that NEPA processes for realty actions are streamlined and that resource staff are held accountable for unnecessary delays in processing realty actions
- Liaison between SO and FO
- Reaches out to State Realty Program Lead as necessary for realty issues
- Issue transfers and change of use documents (MS-1203)
- Issue Clear Lists and other conveyance documents (MS-1203)
- Responsible for patent preparation and issuance
- Remove barriers as required
- Define roles and responsibilities for program actions
- Ensures development of SOPs for roles and responsibilities
- Release/cancel rights acquired (non-LWCF) for access easements in perpetuity (MS-1203)
- Accepts donations of land (MS-1203)
- Approve condemnation of fee/partial interest by BLM through court action (MS-1203)
- Responsible for ensuring public land sales are *consistent* with resource management programs (MS-2710)
- Withdrawals, with GSA concurrence, determines suitability of lands for revocations (MS-1203)
- Assume all actions under Carey Act and State grants/selections (MS-1203)
- Responsible for implementation of projects in Lincoln County per LCLA and LCCRDA (MS-1203)
- Responsible for issuance of R&PP transfers/change of use (MS-1203)
- Approve all district actions required for ROW granting and management (MS-1203)

## State Office Realty Staff:

- Assigned lead responsibilities on specific realty action type (rights of way lead, land tenure lead, etc)
- Primary contact for DO/FO realty staff on assigned realty action types
- Subject matter expert on specific realty action
- Responsible for state-wide oversight of regulatory compliance for assigned realty action
- Reviews LR2000 for state-wide compliance on assigned realty action type
- Assists DO/FO with repairing regulatory discrepancies, and communicating discrepancies, if not repaired
- Mentors DO/FO realty staff
- Assists realty staff in developing IDPs for specific realty actions
- Assists State Realty Program Lead with budget
- Reviews DO/FO projects for SD and/or WO review/approval
- Reviews proposed legislation affecting assigned realty action type
- Reviews and comments on WO draft realty program guidance/regulations
- Reviews and approves appraisal requests (IVIS)
- Primary contact for other agencies leads
- Submits and routes realty projects/communications for review in DTS
- Completes LR2000 reports, as requested
- State level NEPA review (EIS, plan amendments, etc.)
- Drafts and processes Patents for issuance
- Requests Solicitor's Preliminary Title/Final Title Opinions
- Forwards and provides current guidance and information from WO to DO/FO

# Exhibit C

- Responds to WO data call requests
- Data entry for other agency realty actions
- Assists Public Room with customer service inquiries related to realty actions
- Responsible for maintaining, and as needed - updating/creating new, state level guidance (NV IMs/IBs)
- Coordinates with WO for assistance in developing Communication Site Plans
- Assists DO/FO with realty actions, especially for offices with vacancies
- Conducts training for assigned realty actions
- Peer review of all realty processing actions, including all documents (letters, grants, etc), LR2000 entries

## State Office Realty Program Lead:

- Responsible for State Realty Program management, training, and oversight
- Primary contact for SD/DSD/DO/FO on all realty actions, specifically complex or controversial projects
- Responsible for Realty Program Budget and distribution of funds
- FBMS review/reporting
- Monitors PMDS
- Tracks, reviews, and surmises projects for review in DTS
- Reviews realty packages (exchanges, disposals, acquisitions, R&PP actions, etc) for regulatory compliance
- Reviews district accomplishments and monitors funding needs
- LWCF/FLTFA Lead
- Assists with the development of LWCF/FLTFA requests and submits to WO
- Monitors LWCF/FLTFA projects
- Completes quarterly budget review
- Completes monthly Cost Recovery Report Card (RC)
- Completes weekly SLT report
- Liaison between FO/DO and WO
- Liaison between FO/DO and Regional Solicitor for realty actions - reviews solicitor requests
- Assists state office realty staff, as needed
- Reviews work completed by state office realty staff
- Mentor to state office realty staff and FO/DO realty supervisors
- Defines and assigns roles and responsibilities for state office realty staff
- Communicates SD priorities to state office realty staff
- Coordinates realty program issues with SD/WO
- Reviews and comments on WO draft realty program guidance/regulations
- Reviews existing state level guidance for accuracy and determines if still appropriate
- Ensures proper tools, including templates, for realty processing is current and available
- Develops, reviews, and approves realty processing templates for the State Realty Program
- Develops, maintains, and administers the Nevada Realty Resource Center (website)
- Conducts Realty Program Reviews as assigned by DSD/SD
- Completes realty status reports for SD, as requested
- Responsible for Realty program budget/funding and distribution of funds
- Conducts monthly Lands Team calls
- Assigned to WO land managers team (monthly calls)
- Coordinates with supervisors to ensure realty staff are receiving adequate training/mentoring
- Leads team in the development of the Annual Training Plan
- Provides and approves qualified instructors for state and district level training
- Assists Field and District Managers in developing SOPs, EPAPs or other management needs
- Coordinates with other state office program leads in developing cross-over guidance
- Runs LR2000 reports for realty program oversight
- Assists DSD with delegated authority - responsibilities concerning realty actions (see DSD below)

## Deputy State Director - Division of Resource, Lands, and Planning:

- Coordinates with SLT on complex or controversial realty actions

# Exhibit C

- Sets priority review of realty actions
- Overall responsible for operations within the Resource, Lands and Planning division (MS-1203)
- Requests and approves program review and evaluations (MS-1203)
- Responsible for FLPMA land sales subject to congressional review of more than 2,500 acres (MS-1203)
- Responsible for implementing legislation involving realty actions (MS-1203)
- Responsible for all sales/acquisitions per SNPLMA, as amended (MS-1203)
- Responsible for implementation of SNPLMA, as amended (excluding special account expenditures identified under Sec.4(e)(3)), which require approval by the Secretary of Interior (MS-1203)
- Responsible for all actions on public lands in Clark County per SNPLMA (MS-1203)
- Responsible for all actions on public lands per the LCLA and LCCRDA (MS-1203)
- Responsible for all actions to sell public land per WPCRDA (MS-1203)
- Approves relocation payments involved with BLM land acquisition process (MS-1203)
- Approve acquisitions/exchange actions - must have Solicitor approval (MS-1203)
- Release/cancel rights acquired (non-LWCF) for access easements in perpetuity (MS-1203)
- Release/cancel contract leases/permits/temporary access easements (MS-1203)
- Negotiate fee/partial interest by mutual agreement between owner of record and BLM (MS-1203)
- Approve condemnation of fee/partial interest by BLM through court action (MS-1203)
- Approves all actions relating to R&PP conveyances (MS-1203)
- Approves requests to reduce or waive cost recovery fees due to hardship (MS-1203)
- Segregate/open lands (MS-1203)
- Responsible for conveyance documents and patent preparation/issuance/corrections (MS-1203)
- Recordable disclaimers of Interest in Land (MS-1203)
- Accept appraisal services for setting values regarding disputes (MS-1203)
- Request to vacate or determination of power project withdrawal (MS-1203)
- Coordinate with FERC on BLM modification/revocation/termination of waterpower withdrawals (MS-1203)
- Prepare reports/recommendations to FERC on interim use applications of power site lands (MS-1203)
- Approve reports to FERC on interim use applications (MS-1203)
- Approve reports/recommendations to FERC on applications to revoke waterpower withdrawals (MS-1203)
- Issue orders of restoration/modification of a withdrawal/reservation is involved (MS-1203)
- Approve applications for licenses/permits/cooperative agreements, etc., on segregated lands (MS-1203)
- Determine suitability for mineral disposition for agency needs on withdrawn/reserved lands (MS-1203)
- Issue realty action notices on proposed/initial land classification decisions/terminations (MS-1203)
- Approve/reject desert land entry applications, field reports, and issue notice of allowance (MS-1203)
- Approve/reject desert land entry annual proofs; and take final proofs (MS-1203)
- Responsible for Indian allotment actions on public lands (MS-1203)
- Responsible for actions relating to Color-of-Title and riparian claims (MS-1203)
- Responsible for town site matters except withdrawals (MS-1203)
- Adjust railroad grants/claims subject to approval of validity of grant rights (MS-1203)
- Approves Airport & Airway Improvement Act of 1982 actions, subject to DOJ concurrence (MS-1203)
- Responsible for FLPMA Sec.209 actions for conveyance of Federal-owned mineral interests (MS-1203)
- Approve townsite public reserve on reclamation project lands - patent issuance actions only (MS-1203)

## State Director:

- Coordinates with local governments concerning controversial realty actions
- Coordinates with WO concerning controversial realty actions
- Coordinates with SLT concerning controversial realty actions
- Sets priority review of realty actions
- Responsible for Delegating Authority (realty actions)
- Issues Instruction Memorandums (MS-1203)
- Responsible for all Nevada realty actions (MS-1203)
- Responsible for *implementing* the lands and resource management program (MS-2710)
- Responsible for ensuring uniformity and consistency with sale program objectives (MS-2710)
- Delegates authority for approving realty actions as appropriate (MS-1203)

## Exhibit C

- Responsible for expenditures involved in Legislation (MS-1203)
- Approves acquisitions exceeding \$2,000 with Solicitor concurrence (MS-1203)
- Approves all actions relating to exchange of public lands subject to Solicitor opinion (MS-1203)
- Exchanges - determine proposal acceptability (Feasibility Report) (MS-1203)
- Approves hazard-substance survey (no hazmat exists) - removal/mitigation less \$250,000 (MS-1203)
- Provide orderly disposal/acquisition per Lincoln County Land Act of 2000 (MS-1203)
- Requests determination/vacation of power project withdrawals (MS-1203)
- Petition and application notices for withdrawal of non-interior agency lands (MS-1203)
- Authority to provide the Notice to the Governor per Sec.24 of the Federal Power Act (MS-1203)
- Notation of records upon receipt of FERC notices (43 CFR 2091) (MS-1203)
- Approve actions for FHWA ROW granting/management concerning appropriations (MS-1203)
- Reviews R.S. 2477 assertions for ROW granting/management (MS-1203)

## Exhibit C1

SFC Title	SFC	SFC Other	CFR	Activity (or Delegation)	NV - SD	NV - DSD	NV - DM	NV - FM	Remarks	Lead Office	Path
Publication and Posting of Notifications	1275	1220 1824			X				to NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Information Management, Publication and General and Allotment Ledger Accounting	1275 1310	1220 1824 1825 1826		resurvey, and approved protraction diagrams.	*				to NV	910, 950, 952	nv/Lists/1203 Delegation of Authority Index NV1196
Reimbursable Projects/Activities	1320	1323		obligations and liabilities of the BLM.	X	1	2	2	NV	NV	nv/Lists/1203 Delegation of Authority Index NV1196
Reimbursable Projects/Activities	1320	1323							activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System	1601		43 CFR 1601.5-2						activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System	1601		43 CFR 1601	documentation and process standards.	X		X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System	1601			Resource Management Plans for components of the NLCS.	X					910	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System	1601			Establishment and location of any BLM visitor center.					activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System	1601		43 CFR 1610.2	Approve and conduct public participation activities.	X		X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System	1601		43 CFR 1610.5-1		*					910	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System	1601				*					910	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System	1601		43 CFR 1600 43 CFR						activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Management Planning Guidance	1601	1611	43 CFR 1610.1		X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Management	1601	1631		documentation and process standards.	X					910	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System and Withdrawals	1601	2300		Barry M. Goldwater Range, Section 3031(a)(5) pertaining to changes in use, Section 3031(b)(2)	X					910	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System and Withdrawals	1601	2300		such lands to operation of the public land laws.					activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System and Withdrawals	1601	2300		subsection (b) (7).					activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Bureau Planning System and Withdrawals	1601	2300		implementing this Act.					activity	WO, AZ	nv/Lists/1203 Delegation of Authority Index NV1196
Conveyance Documents	1860		43 CFR 1860	Issue Clear Lists and other conveyance documents.	X		X			NV	nv/Lists/1203 Delegation of Authority Index NV1196
Preparation and Issuance	1860	1862		Patent.	X	1	X			NV	nv/Lists/1203 Delegation of Authority Index NV1196
Patent Preparation and Issuance	1862			the authority of the Government in the name of the United States other than conveyance which	X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Other Title Conveyances	1863				X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Recordable Disclaimers of Interest in Land	1864		43 CFR 1864	or District/Field Solicitor review and concurrence.	X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Correction of Conveyancing Documents	1865		43 CFR 1865	concurrence.	X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
and Disposition (Sales)	2000	2100 2700		environmentally sensitive land in the State of Nevada, under the Lincoln County Land Act of 2000 as	X				NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
and Disposition (Sales)	2000	2100 2700		quality development in Lincoln County, Nevada, and for other purposes, under the Lincoln County					activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Segregation of Lands	2091			Segregate and open lands. All functions.	X	X	X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Acquisition	2100			property that is occupied is acquired by the BLM.	X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Acquisition	2100			taking (approval of negotiated settlements exceeding \$2,000 above the appraised value cannot be	*					910	nv/Lists/1203 Delegation of Authority Index NV1196
Acquisition and Leases	2100	2120		Approve Leases (Pierce Act-Grazing). All actions.	X				NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Management	2100	1703			*					910	nv/Lists/1203 Delegation of Authority Index NV1196
Management	2100	1703		remove and otherwise mitigate does not exceed \$250,000.	X					910	nv/Lists/1203 Delegation of Authority Index NV1196
Gifts	2110		43 CFR 2110, 2130	cancellation.	X	1	X			NV	nv/Lists/1203 Delegation of Authority Index NV1196
Gifts	2110		Will inquire w/WO	promotes the purposes of the BLM or facilitates the administration of the public land and resources.	X	1	X		Resources,	NV	nv/Lists/1203 Delegation of Authority Index NV1196
Leases	2120		43 CFR 2120, 2800	complete cancellation.	X	1	X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Negotiations	2133			BLM, which would also include payment.	X	1	X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Lands	2137				X	1	X			NV	nv/Lists/1203 Delegation of Authority Index NV1196
Exchange of Public Lands	2200			matters relating to exchange of lands and issuing conveyance documents under the Federal Land	X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Exchanges (Specific Requirements)	2201	2710 2740 2920 2912		value, rents, and recommendations regarding disputes.	X	1	X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Exchanges (Specific Requirements)	2201			issue notices for publication.	X		X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300		43 CFR 2300	withdrawn or reserved from the public domain and subsequently declared excess to the needs of	X	1	X			NV	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300		43 CFR 2300	lands withdrawn or reserved for the needs of the agency.	X	1				910, 920, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300		43 CFR 2300	permit or lease within a power site classification or reservation.	X	X	X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300		43 CFR 2300	classification or reservation.	X	X	X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300			resource withdrawals regardless of which Department or agency administers the lands in accordance					activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300								activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300		43 CFR 2300	involved.	X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300								activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300			publication of a withdrawal notice. Conduct public meetings. Prepare findings and recommendations	X					910	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300		43 CFR 2300						activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2300				X				NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2320		43 CFR 2320	Power Act.	*	*				910, 920, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2320		43 CFR 2320	revocation, or termination of waterpower resource withdrawals by the Secretary of the Interior.	*	*				910, 920, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2320		43 CFR 2320	way, mineral lease, etc.) of power site lands.	X		X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2320		43 CFR 2320	revocation or revocation subject to the provision of Section 24 of the Federal Power Act for	X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2320			purposes.	X	1				910, 930	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals	2320			Authority to provide the Notice to the Governor as required by Section 24 of the Federal Power Act.	X					910	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawals and Segregation of Lands	2320	2091	43 CFR 2091	Commission of a new power project withdrawal or the vacation of a power project withdrawal.	X					910	nv/Lists/1203 Delegation of Authority Index NV1196
Withdrawal Review	2355			provisions and limitations of Section 204(1), Federal Land Policy and Management Act.					activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196

Restorations and Revocations	2370		Authority to revoke withdrawals or reservations of public lands.					activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196	
Acceptance of Jurisdiction by BLM	2374		43 CFR 2374.1					activity	WO	nv/Lists/1203 Delegation of Authority Index NV1196	
Land Classification	2400		43 CFR 2400	terminations.	X	1	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Desert Land Entries	2520		43 CFR 2520	cultural clearances, and issue notice of allowance. Approve annual proofs. Take final proofs.	X	1			930	nv/Lists/1203 Delegation of Authority Index NV1196	
Indian Allotments	2530		43 CFR 2530	Commissioner of Indian Affairs as to applicant eligibility.	X	1			930	nv/Lists/1203 Delegation of Authority Index NV1196	
Color-of-Title Grants	2540		43 CFR 2540		X	1			930	nv/Lists/1203 Delegation of Authority Index NV1196	
and Alaska Railroad Townsites	2564	2565 2566	43 CFR 2564 43 CFR	sites trustees.	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Procedures	2611		43 CFR 2611.1-1	Approve Carey Act Grant development plans and contracts for transmittal to the Director.	X		X	X	NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Procedures and State Grants	2611	2620	43 CFR 2611 43 CFR	classification decisions on Carey Act applications.	*		*		910, DM	nv/Lists/1203 Delegation of Authority Index NV1196	
Railroad Grants and Land Classification	2630	2400	43 CFR 2630	actions on State grants and selections, including actions under Public Law 108-452.	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Airport Patents	2640		43 CFR 2640	Department of Justice concurrence.	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Public Sales	2710			to congressional review for sales of more than 2,500 acres.	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Public Sales	2710			Southern Nevada Public Land Management Act (SNPLMA; Public Law 105-263) as amended and	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Public Sales	2710			Lands Management Act of 1998 (Public Law 105-263).	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Public Sales	2710			298), and the Lincoln County Conservation, Recreation and Development Act of 2004, as amended	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Public Sales	2710			Act of 2006 (Title III, Public Law 109-432).	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Public Sales	2710			Nevada Public Lands Management Act of 1998 (Public Law 105-263). Clark County Conservation of	X	X	X	X	NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Public Sales	2710			high quality development in Lincoln County, pursuant to the Lincoln County Conservation,	X	X	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Public Sales	2710			(Title III, Public Law 109-432), including expenditure of funds pursuant to section 312(3)(B, E, F and	X	X	X	X	NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Interests	2720		43 CFR 2720	Section 209 of the Federal Land Policy and Management Act.	X	1			910, 920, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Recreation and Public Purposes Act	2740			and local Government units, nonprofit associations, and corporations.	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Recreation and Public Purposes Act	2740		43 CFR 2740		X	1	X		NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Townsites	2760				X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Rights-of-Way	2800			(except for reduction or waiver of cost recovery fees for hardship).	X	1	X	X	NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Rights-of-Way	2800		43 CFR 2800 43 CFR	grant because of hardship.	X	1			910, 930	nv/Lists/1203 Delegation of Authority Index NV1196	
Rights-of-Way	2800			(except when multiple jurisdictions are involved).	X	1	X	X	NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Rights-of-Way	2800			multiple jurisdictions are involved.	X	1	X	X	NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Rights-of-Way	2800				X		X		NV	nv/Lists/1203 Delegation of Authority Index NV1196	
Rights-of-Way	2800				X				NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800				1				NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800				1		X		NV	910, DM	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800				*				activity	AK	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800			lead District and the delegation remains at the District Manager level.	X		X		NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800			Manager designates a lead Field Office and the delegation would be assigned to one Field Manager.	X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800		43 CFR 2880	Right-of-Way schedule (except for reduction or waiver of rent for hardship, or decision not to use	X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800		43 CFR 2880	to determine rental charge.	X				NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800			of roads on land owned or controlled by the parties involved and the sharing of construction cost.	X		X		NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800				X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800			for maintenance. Expend these deposited funds for the maintenance of any road or trail under BLM	X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Rights-of-Way	2800			project facilities developed after 1992, located on the BLM administered lands and licensed by	X	1	X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
FLPMA Grant Applications	2804		43 CFR 2804.14-19 4		X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
FLPMA Grant Applications	2804		43 CFR 2804.14-19 4		X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
FLPMA Grant Applications	2804		43 CFR 2804.14-19 4		X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Roads)	2810				X		X	X	to NV	NV	nv/Lists/1203 Delegation of Authority Index NV1196
Airport Leases	2911			Approve and issue Airport Leases. All actions.	X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Recreation and Public Purposes Act	2912			value, rents, and recommendations regarding disputes.	X	1	X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Recreation and Public Purposes Act	2912	2740	43 CFR 2740 45 CFR	Approve Recreation and Public Purpose Act Leases.	X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196
Leases, Permits and Easements	2920				X		X	X	NV	910	nv/Lists/1203 Delegation of Authority Index NV1196

<b>Exhibit D</b>													
	Total Number of Cases Pending & Expiring (except ROW)	% of Pending & Expiring Cases (except ROW)	20% of Base	Adjusted Number of Cases Pending & Expiring (2800&2900)	% of Pending & Expiring Cases (2800 & 2900)	50% of Base	Number of ROW/ Permit Cases by PE (3 years) w/ NJ	% of ROW/ Permit Cases	20% of Base	Number of PE completed past 3 years (All PEs) w/out NJ	% of PE Completed past 3 Years (All PEs)	10% of Base	Total Funding
<b>Battle Mtn District</b>	4	2%	\$5	89	9%	\$47	480	15%	\$30	457	13%	\$13	\$95
Mt Lewis	1	1%	\$1	42	4%	\$22	108	3%	\$7	106	3%	\$3	\$33
Tonopah	3	2%	\$3	47	5%	\$25	372	11%	\$23	351	10%	\$10	\$62
<b>Elko District</b>	6	3%	\$7	70	7%	\$37	166	5%	\$10	172	5%	\$5	\$59
Tuscarora	5	3%	\$6	41	4%	\$22	110	3%	\$7	109	3%	\$3	\$38
Wells	1	1%	\$1	29	3%	\$15	56	2%	\$3	63	2%	\$2	\$22
<b>Carson City District</b>	7	4%	\$8	192	20%	\$102	286	9%	\$18	303	9%	\$9	\$137
Sierra Front	3	2%	\$3	127	14%	\$68	221	7%	\$14	233	7%	\$7	\$91
Stillwater	4	2%	\$5	65	7%	\$35	65	2%	\$4	70	2%	\$2	\$45
<b>Winnemucca District</b>	14	8%	\$16	84	9%	\$45	231	7%	\$14	242	7%	\$7	\$82
Humboldt	13	7%	\$15	72	8%	\$38	198	6%	\$12	203	6%	\$6	\$71
Black Rock	1	1%	\$1	12	1%	\$6	33	1%	\$2	39	1%	\$1	\$11
<b>Ely District</b>	21	12%	\$24	133	14%	\$71	371	11%	\$23	378	11%	\$11	\$129
Caliente	17	10%	\$19	48	5%	\$26	170	5%	\$10	173	5%	\$5	\$61
Egan(Bristlecone)	1	1%	\$1	30	3%	\$16	80	2%	\$5	79	2%	\$2	\$24
Schell(Bristlecone)	3	2%	\$3	55	6%	\$29	121	4%	\$7	126	4%	\$4	\$44
<b>S. Nevada District</b>	123	70%	\$141	371	40%	\$198	1717	53%	\$106	1856	54%	\$54	\$498
Las Vegas	122	70%	\$139	320	34%	\$170	1403	43%	\$86	1536	45%	\$45	\$441
Red Rock/Sloan	1	1%	\$1	35	4%	\$19	233	7%	\$14	236	7%	\$7	\$41
Pahrump	0	0%	\$0	16	2%	\$9	81	2%	\$5	84	2%	\$2	\$16
<b>TOTALS</b>	175		\$200	939		\$500	3251		\$200	3408		\$100	\$1,000

























