



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
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<http://www.blm.gov/nv/st/en/fo/lvfo.1.html>

In Reply Refer To:
2710 (NVS0055)

DECISION MEMORANDUM

To: Southern Nevada Public Land Management Act (SNPLMA) Executive Committee (EC)

Through: SNPLMA Partners Working Group (PWG)

From: Karla Norris Assistant District Manager, SNPLMA Division
/s/ February 3, 2012

Subject: Request Revision to the SNPLMA Implementation Agreement (IA) to Clarify the Special Account Reserve (SAR) Process.

Background:

During each Round, the Secretary may approve a specific amount as a reserve from the special account, the primary purpose of which is to fund unexpected shortfalls between estimated and actual costs for approved projects due to unexpected or unavoidable cost increases. SAR funds may also be requested to respond to safety issues that pose an imminent threat and require immediate remediation, and respond to unique opportunities or unanticipated circumstances that require fast action. SAR funds are expended as directed by the Executive Committee (EC) during the Round in which they were approved.

On August 1, 2011, the EC signed a Decision Memorandum (DM) implementing a new process for the prioritizing, reviewing and approving of SAR requests. The new process was effective immediately and modifies the IA for the funds not yet allocated in Round 11 and for SAR funds in future rounds. The process for SAR requests that meet the two-part test outlined below is quite clear. However, the process for those that only meet the first part of the test is not as clear and needs further definition for the SNPLMA staff and partners.

SAR funding will be made available on a quarterly basis or as directed by the EC. Exceptions for amounts above the quarterly allocation will be considered for high priority projects. The total annual SAR funding may be expended at any point due to the high priority nature of requests.

SAR funding requests must meet the following two part test to be considered a high priority:

- 1) The Agency/Entity has demonstrated it has attempted to down scope the project or complete it within current budget but still requires further funding for completion; and
- 2) Funding need is urgent, such that it is needed to prevent a work stoppage, personnel layoff, award a contract and/or is a safety or emergency situation that needs immediate remediation to complete the project.

Those SAR requests that meet the first part of the above test but not the second will be considered for funding after all high priority requests are funded. SAR requests that do not meet the first part of the test will not be considered. SAR requests now have a target maximum of 10% of the funding currently available for the project, not including contingency funds. Requests for more than 10% of available funds may require a higher degree of justification, explanation, or documentation than is normally expected.

Request:

The SNPLMA Division requests that the IA be revised to indicate the following recommended changes:

1. The EC should divide the SAR allocation approved by the Secretary of the Department of the Interior into funding available for each quarter.
2. SAR requests that meet the two-part test can be submitted for approval at any time during the Fiscal Year. If a SAR request is received that meets the two part test and is approved for funding by the EC, the amount of that SAR request will reduce the total funding available for the year, thus decreasing the SAR funding available for each quarter.
3. SAR requests that only meet the first part of the test will be submitted on a quarterly basis. The quarters would be:

1 st Quarter	October, November, December
2 nd Quarter	January, February, March
3 rd Quarter	April, May, June
4 th Quarter	July, August, September

SAR requests that do not meet the two-part test can be submitted at any time, but in order to be acted upon for the quarter in which submitted, they will be due not later than 30 days prior to the end of the quarter. They will be collated by the SNPLMA Division and forwarded through the regular Decision Memo (DM) process through the PWG and to the EC for funding decisions. The SNPLMA Division will notify partner entities of the submission deadline not later than two weeks prior to the submission date, generally near the mid-point of each quarter.

If the affected agency does not concur with the SNPLMA Division determination on whether or not the project meets the criteria for funding, the SNPLMA Division will prepare a DM, with their recommendation, and forward said DM to the PWG and EC for further consideration.

If requests for SAR funding that do not meet the two-part test exceed the allocation for that quarter, the SNPLMA Division will forward all requests, with a recommendation for action, in a DM through the PWG to the EC for a decision. The options that would be considered are:

1. Ranking and prioritizing the funding for the SAR requests. Some requests would be recommended to receive funding in that quarter, while others would be held until funding is available in the next quarter.

2. Recommending all requests be funded, thus reducing the funds available for SAR requests in the next quarter.
3. If there is insufficient funding for all requests within that fiscal year, recommend that the requests be held until SAR funding becomes available in future rounds.
4. Recommending that the SAR request be denied.

Analysis:

The process and procedures identified in this decision memo supports and clarifies the decision made by the EC in the DM dated August 1, 2011.

Recommendation:

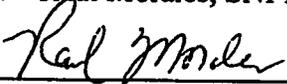
The SNPLMA Division recommends that the EC approve the above requested changes to the IA and allow revision of those changes to the IA.

Action Needed:

PWG members should provide their vote via email and/or voice vote during conference calls or meetings to Raul Morales, Chair of the SNPLMA PWG. Once all votes have been submitted or 14 days have passed the PWG recommendation will be finalized by the PWG Chair.

Partners Working Group Decision: The signature below indicates the decision made by majority vote on the above SNPLMA Division recommendation.

BY: Raul Morales, SNPLMA Partners Working Group Chair

	2/6/12
Approve SNPLMA Division Recommendation	Date

Approve Alternate Recommendation (Refer to rationale provided below)	Date

Disapprove (Refer to rationale provided below.)	Date

If the PWG disagrees with the SNPLMA Division recommendation and/or approves an alternate action, please explain below:

Executive Committee Decision: By signature below, indicate the decision made by majority vote on the above recommendation of the PWG.

BY: Amy Lueders, SNPLMA Executive Committee Chair



Approve PWG Recommendation

Feb 27, 2012

Date

Disapprove PWG Recommendation Date
(Refer to rationale provided below.)

If the Executive Committee disagrees with the PWG recommendation and/or approves an alternate action, please explain below:

The Executive Committee will notify the PWG of its decision and return the original signed document to the SNPLMA Division to be maintained in the administrative record.